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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. FLEISCHMANN).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
April 17, 2012.

I hereby appoint the Honorable CHARLES J. FLEISCHMANN 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.

HUNGER HITS HOME

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

Mr. MCGOVERN. Mr. Speaker, this past Saturday the Food Network premiered their first-ever documentary called ''Hunger Hits Home.'' This powerful program showed the struggle that millions of Americans go through just to put food on their tables. I urge my colleagues, indeed, all Americans, to watch it by going to foodnetwork.com and searching for ''Hunger Hits Home.''

It's fitting that the Food Network, a cable network that focuses on cooking, would choose to highlight the scourge of hunger with its first documentary. That's because food is at the heart of the problem.

While 435 Members of Congress and 100 Senators will never have to worry about going hungry, there are nearly 49 million people who struggle each year to put food on their table; 17 million kids each year go hungry in America, and those numbers are getting worse, not better.

The Food Network aired this documentary because of the hard work of good people at Share Our Strength. Led by my good friend, Billy Shore, Share Our Strength is a leader in the fight to end child hunger, and this effort wouldn't be where it is today without them.

We have more than enough food in America to feed everyone. We also have the delivery systems to ensure that food gets to those people who need it. The problem is politics. We have the means, the food, and the programs to ensure that not one person goes without food in this country.

What we lack, Mr. Speaker, is the political will to actually make it happen. We should remember that while there is a cost to ending hunger, the cost of doing nothing is so much more. According to a report from the Center for American Progress and Brandeis University, hunger costs America more than $261 billion each year. That's billion with a ''b.''

Specifically, hunger costs ''at least $167.5 billion due to the combination of lost economic productivity per year, more expensive public education because of the rising costs of poor education outcomes, avoidable health care costs, and the cost of charity to keep families fed. This $167.5 billion does not include the cost of the Supplemental Nutrition Assistance Program and the other key Federal nutrition programs, which run at about $94 billion a year. We call this $167.5 billion America's hunger bill. In 2010 it cost every citizen $542 due to the far-reaching consequences of hunger in our Nation. At the household level, the hunger bill came to at least $1,410 in 2010. And because our $167.5 billion estimate is based on a cautious methodology, the actual cost of hunger and food insecurity to our Nation is probably higher.''

That's a lot of money—$167.5 billion. It's a staggering amount. Yet, we continue to ignore those costs and allow hunger to grow in America.

We know that hunger would be even worse in this country if it weren't for programs like the Supplemental Nutritional Assistance Program, or SNAP, the school meal programs and other Federal anti-hunger programs. These programs are literally a lifeline for millions of hungry children, parents, and seniors.

I believe that we can end hunger in America if we muster the political will to do so. Fighting hunger has traditionally been a bipartisan effort. Unfortunately, the Republican leadership in this House is pushing an agenda that will actually make hunger worse in America.

Tomorrow the Agriculture Committee will mark up legislation that cuts $33 billion from the most important anti-hunger program we have in this country. SNAP is a program that not only provides food to low-income parents, seniors, and children; it also provides a most effective form of economic stimulus, and it actually reduces poverty.

Yet, the Republican leadership continues to demagogue the program as wasteful, as fraudulent, and as something that is growing out of control. But nothing could be further from the truth. In fact, SNAP is among the most effective and efficient Federal programs. The truth is that the SNAP error rate is around 3 percent. That error rate includes people who do not receive the benefit that they're actually entitled to. I challenge anyone to

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find me a Defense Department program with an error rate as low as 3 percent.

I look forward to the time when the Republican leadership stops using hunger as a wedge issue and lets this become a bipartisan issue once again.

I understand that we need to balance the budget, Mr. Speaker. But must it be on the backs of the poor and the most vulnerable in our country?

''Hunger Hits Home,'' this wonderful film, shows us the problem facing this Nation. The challenge is presented to us. Are we going to end hunger once and for all or not?

So far the answer from the Republican leadership is a resounding ''no,'' and I regret very much that decision.

Mr. Speaker, hunger is a political condition. If we muster the political will, we can end it once and for all.

SECURING OUR BORDERS

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

Mr. KINZINGER of Illinois. Mr. Speaker, I want to just say before I actually get started, we just saw the space shuttle fly over on the back of a 747, and I salute the end of an amazing era in space exploration, and I look forward to the next day of NASA being able to talk about space exploration and how we're going to get out there so we won't have to rely on Russians to get to space to continue to do what I think is a very important role of the Federal Government.

I was in Houston—I actually went through the NASA center there about 3 or 4 days ago—but I was in Houston for military duty. I am a pilot in the Air National Guard. I fly an airplane called a RC–26, which is a reconnaissance plane. I did 9 days of duty. And what we did is we were in Texas flying missions on the border of Mexico in order to help the Border Patrol secure that border, to ensure that those people that want to come in here come in here legally and, just as importantly, if not more importantly, to ensure that the drug trade is not being brought into our country, to reduce the amount of drugs being brought in from Mexico, as well as to ensure that terrorists are not making their way through the border by sneaking in through that border of Mexico.

Now, before I went, I expected to see a border that was basically secure because that's what I've been hearing from the administration, that the border is basically secure. Yeah, there are examples of people coming across outside of that but, for the most part, it's pretty good to go. Well, what I saw was something completely different.

I'm going to tell you just a quick story about somebody who's on the border every day trying to protect this country against drugs and against terrorism coming through that border. This guy is a Border Patrol agent affectionately known as Uzi. Uzi is a former marine. He was a marine for about 5 years, started a small business when he got out of the Marine Corps, and made the decision that, you know what, he wants to go continue to serve and protect his country.

Now, I flew missions with Uzi. He was on board my aircraft as we went down and we assisted Border Patrol. And the one thing Uzi said to me is, Congressman, look, we're out here every day in the heat and the sweltering sun trying to continue to protect this country. Make sure you give us what we need here.

And when you hear the stories about how hamstrung they are from actually enforcing the border, and how there are many tools available to them that they're not allowed to use, it's actually pretty sad.

Now, look. We want to be a Nation of immigration. We want to be a Nation of legal immigration. But one thing we don't want to be is a Nation that wakes up one day and finds out that there was another terrorist attack in a major United States city and that, potentially, that weapon of mass destruction or those terrorists actually came in through an unsecure border with Mexico.

I went down there really believing that there was a fence along the line, and I saw nothing of the kind in southern Texas.

□ 1010

Let's tell the American people the truth. The truth is, we want to be a Nation that respects immigration because most of us here actually are immigrants removed ourselves, but we want to be a Nation that has a legal process to do it. When we have an open border, we're encouraging people to go around that legal process, and we're opening ourselves up to attack.

Let's stand together. Let's say to respect the immigration and the immigrant history of this country, but let's do it in a legal way. My eyes were opened, as I did military duty on the border, to the fact that we have a long way to go. This can be a bipartisan issue—it doesn't need to be Republican versus Democrat—but it needs to be something that we actually finally do, and we stand together and we say we'll be a Nation that is safe once and for all.

TAXES

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

Mr. BLUMENAUER. Mr. Speaker, today is the deadline for filing tax returns. Even though we were given 2 extra days this year, we are running out of time for the Tax Code.

The tax system doesn't generate enough money for what America needs and spends today. It's getting more expensive every year to continue the huge array of tax breaks even as the code itself becomes more unfair, complex, and inefficient. It costs over $160 billion a year for Americans just to comply with the Tax Code.

The path forward should be simple. First, we should stop making the code more complex, which, sadly, the Republican plan working its way forward will do with $50 billion of additional unfocused tax breaks. At least if we're going to borrow another $50 billion from the Chinese, we should use it to fund job-creating infrastructure. For instance, that $50 billion would enable us to fund a multiyear transportation reauthorization.

We should also repeal the pernicious alternative minimum tax. It was once designed as a tax on very rich people who didn't pay taxes. Today, no billionaire hedge fund manager pays the alternative minimum tax. Instead, it falls on upper middle-income families, especially those who pay a lot of taxes.

Every year we find some creative way to avoid the consequence of it not being indexed for inflation. Every year we find some way to have a fix, to have a patch to avoid the alternative minimum tax's full impact. Unless somehow there is a complete breakdown in the political process, which, sadly, is not impossible, as we saw this last year with the FAA reauthorization. If that were to happen, then at least the full fury of 20 to 30 million of upper middle-income and middle-income households who would be forced to pay it—they would force it to be repealed.

We should combine the alternative minimum tax repeal with the imposition of the so-called ''Buffett Rule,'' where millionaires at least pay as much as the people who answer their phones and drive them to work. This will get back to the original intent of the alternative minimum tax but in a way that simplifies the Tax Code rather than further complicating it.

We should stop the dangerous practice of suspending some of the payroll tax in the name of economic stimulus. We are uncomfortably close to destabilizing the long-term funding mechanism for Social Security. Instead of the payroll tax cut, let's target a tax credit for lower and middle-income families that will be fair, affordable, and help nurture our fragile economic recovery without threatening the long-term Social Security stability.

We should target for elimination tax breaks that are out of date, like the subsidy of oil that doesn't reflect current production techniques or the reality of global petroleum markets. We should instead protect subsidies that are key for our future, especially expiring renewable energy tax credits. We should renew the section 1603 Treasury grant program, which reflects current market realities and would actually be less expensive than traditional tax credits.

On this tax day, we should look for some progress towards building momentum for real tax reform. The Romney-Republican House budget refuses to identify any of the massive tax increases that will be necessary to meet

their plan of even more tax cuts for the rich, and not increase the deficit.

With $4 trillion in expiring tax provisions later this year, we should use some of that economic capacity to make the tax system more fair and simple while we reduce the debt.

The time to begin that process is now—not making the Tax Code more complex, not favoring those who need help the least, not risking long-term Social Security funding, and not borrowing for unfocused new tax relief. Instead, let's deal with investments like renewable energy and infrastructure. Let's use some of this budget capacity to reduce the overall corporate tax rate while broadening the base and closing loopholes.

Simpler, fairer, better for business. Let's eliminate the tyranny of the alternative minimum tax, protect our energy future, and support renewables. There is a path forward, and we should start on it now. What better way to honor American taxpayers on filing day than getting serious with an agenda that can actually be achieved, and should be.

IRS HARASSMENT OF TEA PARTY GROUPS

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

Mr. MCCLINTOCK. Mr. Speaker, a defining aspect of the American tradition is that groups of citizens band together for a wide variety of civic purposes. They recruit volunteers, raise funds, and spend those funds to promote whatever project or cause brings them together.

For more than a century, our tax laws have recognized that such voluntary associations—nonprofits as we call them today—should not be taxed because their proceeds are devoted entirely to improve our communities through education, advocacy, and civic action. Section 501 of the Internal Revenue Code recognizes them today, and civic groups as diverse as MoveOn.org, the League of Conservation Voters, the ACLU, the National Rifle Association, and various taxpayer groups have always been included in this definition.

We don't apply a political test to these civic groups. We recognize the fundamental right of Americans to organize and to pool their resources to promote whatever causes they believe in, left or right. Indeed, whatever their political persuasion, these civic groups perform an absolutely indispensable role in our democracy by raising public awareness, defining issues, educating voters, promoting reforms, holding officials accountable, and petitioning their government to redress grievances. Abolition, women's suffrage, the civil rights movement—all would have been impossible without them.

In order to be recognized as nonprofit groups, these organizations must register with the IRS—a purely ministerial function that in the past has been applied evenly and without regard to their political views. At least until now. It seems that Tea Party groups are today being treated very differently than their counterparts on the political left. For the last 2 years, many have been stonewalled by the IRS when they sought to register as nonprofits. Most recently, they have been barraged with increasingly aggressive and threatening demands vastly outside the legal authority of the IRS. Indeed, the only conceivable purpose of some of these demands is to intimidate and harass.

A Tea Party group in my district is typical of the reports that we are now hearing across this country. This group submitted articles of incorporation as a nonprofit to the State of California, and they received approval within a month. But then they tried to register as a nonprofit with the IRS. Despite repeated and numerous inquiries, the IRS stonewalled this group for a year and a half, at which time it demanded thousands of pages of documentation and gave the group less than 3 weeks to produce it.

The IRS demanded the names of every participant at every meeting held over the last 2 years, transcripts of every speech given at those meetings, what positions they had taken on issues, the names of their volunteers and donors, and copies of communications they had with elected officials, and on and on. Perhaps most chilling of all, the organizer of this particular group soon found herself the object of a personal income tax audit by the IRS.

Mr. Speaker, these are groups of volunteers who pass the hat at meetings to pay for renting the hall. They give of their own time to research issues and pay out of their own pockets for printing flyers. The donations made to them aren't tax deductible, so there is no legitimate purpose in asking for the names of their donors, let alone of their volunteers, unless—and this is the fine point of it—unless the purpose is to harass and intimidate.

□ 1020

Ironically, the same tactics we now see used by the United States against tea parties were once used by the most abusive of the Southern States in the 1950s to intimidate civil rights groups like the NAACP.

No such tactics have been reported by similar civic groups on the political left, so the conclusion is inescapable—that this administration is very clearly, very pointedly, and very deliberately attempting to intimidate, harass, and threaten civic-minded groups with which they disagree, using one of the most feared and powerful agencies of the United States Government to do so.

Mr. Speaker, these facts speak for themselves. They need no embellishment or interpretation. They should alarm every American of goodwill regardless of political philosophy, for if this precedent is allowed to stand, no one's freedom is safe. I bring these facts to the attention of the House today and ask that they be rigorously investigated and, if found accurate, that those officials responsible be exposed, disgraced, dismissed, and debarred from any further position of trust or power within our government.

STAFFORD LOAN INTEREST RATES

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

Mr. WELCH. Mr. Speaker, in 74 days, this Congress may well hang a financial albatross around the necks of students and families across this country. That's because, on July 1, student interest rates are scheduled to go from 3.4 percent to 6.8 percent, literally doubling the interest costs that our kids and their parents are going to have to pay on their education.

We have got to find a way, Republicans and Democrats, to work together and avoid this punishing interest rate increase on our students. This is not about Republicans or Democrats. It's not about red States or blue States. It's not about the 2012 elections. It's about the kids that we all represent. It's about the parents that we all represent.

In my case in the State of Vermont, it's about students like Michael McGurk, who is a freshman at the University of Vermont, and he literally doesn't know whether he's going to be able to go on in college if the interest rates double. It's about parents like Ben Truman and Jennifer Wallace Brodeur, who last month were sitting around the table with their son who was about to go to college and are trying to put the pieces together to be able to afford it.

What this is also about is ground zero for the middle class. This country faces a very fundamental question: Are we a country, are we a Congress that is going to remain committed to expanding and broadening the middle class, making it possible for low-income folks to climb their way into the middle class, making it possible for folks in the middle class to stay there? In order to do that, we have to invest in the future, and that means making it possible, making it affordable, for our kids to get the education they need to get that start.

Student debt in this country is at a crisis point. At $900 billion, student debt outpaces that of credit cards, outpaces that of auto loans, and there is no end in sight. In Vermont—and again, this has nothing to do with what their political affiliation is—nearly 70 percent of our college students graduate with a debt of about $30,000. That's real money. That's more than many of those students will make in their first years out of college. It's a tough job market, and entry level jobs don't pay a lot. Students are totally at the mercy of a system that is out of

control. The average tuitions at 4-year public universities rose by over 8 percent last year, so costs are going up even as student aid is going down.

A recent poll found that 75 percent of Americans viewed college as unaffordable. That can't be something that we allow to continue. People need to have confidence that that ticket to the middle class is there and that it's affordable. That's why we, together, have to find a way to avoid this doubling of interest rates. For over 8 million students in this country, Stafford loans are a very critical resource, helping them afford the cost of that college education we all want them to get.

With the Federal Government now borrowing money at close to 2 percent, why are we asking middle class families to pay 6.8 percent? These are not grants. These are loans. They'll be repaid. Let's find a way to help our kids and to help our parents.

AFGHANISTAN

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

Mr. JONES. Mr. Speaker, like my colleagues in the House, I was home for the last 2 weeks on our Easter break. It continues to amaze me why we in Congress do not listen to the American people.

I represent the Third Congressional District of North Carolina—the home of Camp Lejeune Marine Base, Cherry Point Marine Air Station, Seymour Johnson Air Force Base, and over 60,000 retired veterans. Not one person has said to me that we need to stay in Afghanistan. I'm not exaggerating, Mr. Speaker. Everyone I saw and had a conversation with, when the issue of Afghanistan came up, said, Get out. Get out now.

That's why I wanted to be on the floor today, because the administration keeps saying, Well, in 2014, in 2014.

Yesterday, when driving back to D.C., I was listening to C–SPAN, and I heard an interview with Secretary Panetta and General Dempsey. I have a lot of respect for both men, but it was kind of vague when Secretary Panetta said to the reporter who asked him our plans for 2014, Well, you know, we're hoping that we can train the Afghans to stabilize their own country.

Mr. Speaker, I say this respectfully: That's an iffy proposition at best.

In a recent Washington Post-ABC News poll, only 30 percent of the American people say the war has been worth fighting. The citizens of this country are tired of sending their loved ones to die for a country we have not been able to change in a decade. I'll even go further and say this: It has never changed in the history of Afghanistan going back to Alexander the Great. So why are we still there? Again, people say, Well, we've got to stabilize the country.

We can't even stabilize America's economy.

Sometimes it gets a little bit ridiculous when I look at all the money being spent overseas, particularly in a country like Afghanistan, and we say to the people of eastern North Carolina and to the people in the 50 States, We don't have money to fix your infrastructure; but yet, Mr. Karzai, you corrupt leader, we are proud to keep sending you $10 billion a month.

Talking about Mr. Karzai brings me to an editorial written by Eugene Robinson, a syndicated columnist, and it's titled, ''Afghanistan and Indefensible Costs.'' I feel that Mr. Robinson, who wrote this in 2010, could be writing it right now in 2012, and it would have even more meaning. I quote from Mr. Karzai:

> The time has come to reduce military operations. The time has come to reduce the presence of, you know, boots in Afghanistan . . . to reduce the intrusiveness into the daily Afghan life.

This is what President Karzai said to the Washington Post. In his column in 2010 that he could be writing today, in April 2012, this is what Mr. Robinson said in response to Karzai:

> All right then. Let's save American lives and a ton of money. Let's oblige him.

Mr. Robinson, thank you.

I hope and pray that this Congress, when we debate the DOD bill in May—and we have amendments from both sides saying that we must have a more defined end to this involvement in Afghanistan—that we will pass some of these legislative amendments.

Mr. Speaker, I've got so many of these posters. I've brought with me today one of a tragic scene of a soldier, marine, airman, Navy, whatever it might be, in a coffin, going to his or her grave. That brings me to my last point: the ''Body of War,'' which is a production by Phil Donahue and Ellen Spiro. I'm going to be talking more about this, because this young man is paralyzed from his breast down, and about what he has to go through to live. This Congress needs to meet its constitutional responsibility. Any other involvement by our country needs to be a declaration of war.

Mr. Robinson, thank you again.

And I close. God, please, God, please continue to bless our men and women in uniform, the families of our men and women in uniform, the wounded and their families. And God, please continue to bless America.

□ 1030

GOOD NEWS AND BAD NEWS

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 rise this morning with good news and bad news.

This news comes by way of my hometown newspaper, the Houston Chronicle, and I'm proud that they have printed and published the news that I'm about to share with the public. The bad news is that Mr. Yondell Johnson was accosted and beaten on the streets of Houston, Texas, simply because of his race. This is bad news for anyone in our great country, a country that believes in liberty and justice for all.

The good news, however, is they were prosecuted and they were convicted in a Federal court pursuant to the James Byrd hate crime law, and I'm honored to tell you that that law passed here in this Congress in 2009 and was signed into law. It is properly styled as the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act. It was supported by many people and organizations expressing goodwill. The NAACP supported it, the ADL supported it, a good many Members of this Congress supported it, and many others supported this law. This law allowed the prosecution to take place in a Federal court, when these three men would have been charged in a State court, and if convicted, faced misdemeanor charges.

In this, the greatest country in the world, no one should have to fear for life or liberty simply because of who you are, simply because of your race, your ethnicity, your gender, your sexuality. It shouldn't happen in this country.

The truth is that in this case there was some testimony with reference to one of the defendants having dated a person of African ancestry. There was testimony that he did not appear to be the kind of person that would be considered a white supremacist. But here is another truth that we have to deal with. The truth is that there is confusion about the hate crime law. There's a misunderstanding. This law does not allow you to impose dastardly deeds upon persons simply because you are of the same race as the person that you are assaulting.

The truth is that if you assault and target a person because of race, it doesn't matter what your race is, and you are committing a hate crime. The truth is that you can be of the same race and commit a hate crime. The victim and the perpetrator can be of the same race and you will still have a hate crime. We need to rid ourselves of this foolish notion that this law was passed in some way to assault persons who are of an ethnicity or a race that we have traditionally, in this country, found to be engaged in some of these kinds of activities. It's not targeted at any given race; it's targeted at people who commit crimes against other people simply because of who these people are.

I remind you that an injustice against any one of us is a threat to justice for every one of us, and we all have a duty to make sure that we don't send out some silly notion that this law was designed for one race of people. This law was designed for every person who would commit a hate crime against another person.

So I'm saddened to say this morning that the bad news is Mr. Johnson had

to fight off several persons, stood his ground for 10 minutes, but indicated that he thought he was going to die as they assaulted him. That's the bad news. The good news is that the law has worked, that this law is bringing new meaning to the notion of justice for all. This law will not allow those who would commit dastardly deeds and be prosecuted in State courts for misdemeanors to go unchecked. They will now face felony charges in our Federal courts. This is the way it should be in the greatest country in the world.

Mr. Speaker, God bless all listening, and God bless the United States of America.

YUCCA MOUNTAIN

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

Mr. SHIMKUS. Mr. Speaker, I come to the floor again to continue to identify and educate you on the various locations where we store high-level nuclear waste around this country and the various positions that our colleagues in the other Chamber have voted either for or against, in hopes that eventually the public will become well informed and that they will take action through their elected officials to do even what the Blue Ribbon Commission suggested, which is decide and locate a long-term geological storage facility.

This is not new. We've been doing it for decades. The Nuclear Waste Policy Act was established in 1982. The amendments were passed through this Chamber and signed into law in 1987, which identified a long-term geological repository at a place called Yucca Mountain in the desert in Nevada.

What I've been attempting to do throughout this past year and a half—I chair a subcommittee that has direct responsibility for this—is identify different locations. So today we go to a place very close to here. In fact, I think it's only 43 miles from the District of Columbia, and that's a place called Calvert Cliffs. I like to compare and contrast it with where our nuclear waste should be stored, not in a decade or two from now, but at this very moment where it should be.

Calvert Cliffs is in Maryland, and at Calvert Cliffs there are 1,300 metric tons of uranium, of spent fuel, onsite versus Yucca Mountain, which is a mountain in a desert where we have no nuclear waste onsite. At Calvert Cliffs, this spent nuclear fuel is stored above the ground in pools and in casks above the ground. If it were stored at Yucca Mountain, it would be 1,000 feet underground. At Calvert Cliffs, the nuclear waste is stored 85 feet above the groundwater, and at Yucca Mountain, it would be 1,000 feet above the water table. Finally, at Yucca Mountain, the nearest body of water is the Colorado River, about 100 miles. As you can see here in this photo, Calvert Cliffs is right next to Chesapeake Bay.

Yucca Mountain is about 90 miles from Las Vegas, maybe 100 miles from Las Vegas. Calvert Cliffs is a straight line of 43 miles from Washington, D.C. The Senators from the surrounding areas, how did they vote? You would think they wouldn't want high-level nuclear waste next to Chesapeake Bay, 43 miles from the capital city. Well, Senator CARPER voted ''no'' in 2002. Senator COONS, a new Member, we don't know his position. That's part of coming down here. I'm pretty sure that if the majority leader of the Senate would call a vote and this issue was thoroughly debated, it would pass on the floor of the Senate because we have a lot of Senators who have yet to declare their position. Here is Senator CARDIN, a former Member of the House, who voted ''yea'' in 2002 for Yucca Mountain. Senator MIKULSKI, the same; different Chamber, voted ''no.''

How does our national tally go? Currently we have 47 U.S. Senators who have a stated position in support of Yucca Mountain. We have over 16 that have never cast a vote or declared their position on what we do with high-level nuclear waste, either spent fuel or nuclear waste, in the processing of nuclear energy or nuclear weapons.

□ 1040

We have 19 who have had a position of ''no'' at some time in their career. So it's very, very important to continue this debate, Mr. Speaker, to continue to come down on the floor to talk about the Federal law as it is to date.

The Nuclear Waste Policy Act was passed in 1982; the amendment was agreed to in 1987. The amendment identified Yucca Mountain as our long-term geological repository to store high-level nuclear waste. The time is well past since we should be doing this. In fact, we actually pay utilities to hold their nuclear waste since it's our responsibility to take the waste.

YUCCA MOUNTAIN AND BUFFETT RULE

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

Ms. BERKLEY. I'm here to talk about the Buffett bill, but I just cannot allow what Mr. SHIMKUS has just said to go unresponded to because it's such an important issue for the people of the State of Nevada.

The so-called nuclear act that he discussed that was passed in '82 and amended in '87 is known in Nevada as the ''screw Nevada bill,'' and let me tell you what it is. It's a proposal that would ship 77,000 tons of toxic radioactive nuclear waste across 43 States to be buried in a hole in the Nevada desert, which is 90 miles from the major population center of Las Vegas, where we have groundwater issues, seismic activity, and volcanic activity. The EPA cannot come up with any radiation standards that would protect the people of the State of Nevada or anyone else in this country.

Let me tell you, originally, when they came up with this nonsensical plan, which is purely political, that it has nothing to do with science. They said that we could store the rods, the nuclear waste, in Yucca Mountain with no problem, leave it there. Then we realized that that wouldn't work because of the groundwater. So then we decided that they would put their nuclear waste in canisters. But what do you know, there are no canisters that currently exist that can safely store this stuff. Then they came up with shields that would go around the canisters that don't exist to be put into Yucca Mountain.

Then the last Republican Secretary of Energy talked about an army of robots that would walk down Yucca Mountain and be able to check on the nuclear waste while it's leaking and leaching into the groundwater. It's a ridiculous proposal, and it's time to go to Plan B because Plan A isn't going to happen. Seventy-seven percent of the people of the State of Nevada do not want nuclear waste stored at Yucca Mountain. End of that.

Mr. Speaker, I rise today to express my deep disappointment with yesterday's vote in the United States Senate. Once again, Senate Republicans sided with Wall Street millionaires against the interests of struggling middle class families throughout Nevada. The Buffett rule is simple, and it's common sense.

It means if you are a housekeeper, a nurse, a blackjack dealer, or a waitress, or any other middle class professional, you shouldn't pay higher tax rates than multi-millionaires who own yachts and travel in private jets. It means that if you are a Nevadan living paycheck to paycheck, you shouldn't be carrying the burden for Wall Street hedge fund managers and Big Oil company executives.

The Senators who voted against basic tax fairness yesterday need to spend a little more time prioritizing the needs of hardworking Nevadans. They're struggling. These are the people that are struggling to put food on the table, to fill up their cars with gas, and to pay their mortgage or their rent.

The fact that the wealthiest people in this country pay their taxes at a lower tax rate than their secretaries and their chauffeurs doesn't pass the smell test. It stinks, and that's why I'm proud to announce that I'm a cosponsor of the Buffett rule in the House, and I urge all of my colleagues to join me and let's bring some fundamental tax fairness to the people of the United States of America. Seventy-two percent of the American people agree with me that the Buffett rule should be made into law.

STEM EDUCATION

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

Mr. DOLD. Mr. Speaker, just minutes ago I had an opportunity to be outside

and see the space shuttle flying around the United States Capitol on its way to Dulles, which brought back memories. Certainly those who study history realize that back in the '60s it was President Kennedy who said that the United States will take a man, deliver him to the Moon, and bring him safely back to the Earth. Consequently, the space race took off at that point in time and literally hundreds of thousands of people became more engaged in science and technology, engineering and mathematics, something that I think that we need to rekindle today.

Mr. Speaker, I represent one of the largest manufacturing districts in the United States; and when I tour small businesses throughout the 10th District of Illinois, employers continually tell me that they have got job openings available, yet they can't find people, individuals, workers, able to fill those roles, roles that need to be filled by those who have taken science and technology, engineering and mathematics courses, or the STEM fields.

In the depths of this recession that we have been going through, manufacturing associations have statistics that say 600,000 jobs across our Nation went unfilled. They went unfilled because not enough people were trained in the STEM fields. These are not low-paying jobs, Mr. Speaker. These jobs, on average, pay $77,000 annually. We must empower our students and job-seekers to pursue STEM education so that they can fill these good high-paying jobs right here at home.

Certainly one of the pillars of my Main Street Jobs Agenda is that of STEM education. If we can prepare our students and those who are looking for work, we can help empower these people to find good-paying jobs and keep our manufacturing and innovation right here at home.

The College of Lake County, a college in my district, has teamed up with local manufacturers to help provide education, education that is necessary in the STEM fields for those who are unemployed or wanting to pursue a manufacturing career.

I am pleased to say that one of the local manufacturers actually went to the College of Lake County and said we're actually pulling students from Iowa and Ohio, is there any way you might be able to offer courses here at the College of Lake County so that we could start hiring people locally to fill these jobs. They were all too happy to oblige.

I recently held a STEM field trip where I took interested students from high schools all across the 10th District to different high-tech organizations in the region. These students learn how they can apply their education firsthand and pursue advanced careers in this field.

Just last week, I hosted the first-ever Manufacturing and Education Summit to bridge the gap between educators and manufacturers. We had folks from high schools and colleges. We had manufacturers there trying to say what it was that they needed, what were they looking for in students who were going to be graduating from either high school or college. This is exactly what we need to be doing right now.

One of the success stories of bridging the gap between education and manufacturing is that of Wheeling High School principal Dr. Laz Lopez. He has worked with local businesses to find out what the actual needs are in the community and offering students options in pursuing a STEM education.

Today, Dr. Lopez has been recognized as starting one of the most successful STEM high schools in our country. Just this last Friday, I joined him and other STEM students from various high schools around the area while they competed in a STEM competition, focusing on nanotechnology and high-powered computing. These are extraordinarily bright students who are better prepared for the 21st-century workforce.

STEM education is and should be a bipartisan idea. I believe that this is an area of common ground and that we should be promoting local efforts all across our Nation to help manufacturers fill open jobs and better prepare our emerging workforce for 21st-century careers. We must not stand idly by and hope that this happens. Rather, we must be proactive and work to spur our local economy by demonstrating the success of STEM education.

Science, technology, engineering, and mathematics is one way we can help spur our economy to get our country back to work. I would encourage my colleagues to get involved in their local schools and communities, local colleges, to find out more on how they can better prepare students for a career in the 21st century through STEM education.

It was not too long ago that John Kennedy gave us a charge to bring a man to the Moon and safely back to this Earth, spurring on STEM education. We have to do it again today. We have to make sure that we have that pipeline of students to be able to make jobs right here at home.

□ 1050

ISSUES FACING THIS CONGRESS

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

Ms. JACKSON LEE of Texas. I join my colleague that just spoke on the vitality and the importance of STEM education. As a 12-year member of the Science Committee, I also had a sense of emotion as Discovery flew many times over this great democratic institution. That emotion compels me to continue to fight for a place for one of the shuttles in the hometown where it was born, the place where John F. Kennedy spoke at the Rice Hotel and inspired us to go into space, and that is Houston, Texas, NASA-Johnson. I look forward to that continued bipartisan effort to have an appropriate representation of the four shuttles back in Houston, where they belong.

I rise today as well to speak about a number of things. I believe it's important for my colleagues to sort of look at a series of issues. I support the Buffett Rule, not because I believe in any kind of class warfare. I celebrate capitalism and applaud Mr. Buffett and others. But it is a good way to raise revenue and bring down the deficit.

We, of course, will be dealing with a bill proposed by my Republican friends on the other side of the aisle. The only thing that they will do is enhance the pocket money of people who don't need it. There is an unfairness in the Tax Code. I would join in a bipartisan way to look at it. In making the Tax Code fair, I would hope that we would be able to bring down the deficit. But the bill that we will see, as I said, will increase the pocket change of millionaires. It will be a job killer. And, of course, it will cut the Medicare guarantees of those who have worked hard for their children and grandchildren. I cannot support legislation that isn't fair and balanced. I would plead to my colleagues to find the middle ground—a fair Tax Code, bringing down the deficit.

I would encourage them to look at H.R. 3710, an energy bill. I have practiced oil and gas law for 15 years. It addresses the question of the wetlands, it uses exploration dollars to bring down the deficit, and it allows expanded exploration in the gulf region, a process that has been vetted by many energy organizations, energy companies, and they believe that is a bipartisan approach. H.R. 3710 is ready for the combined work of all of us.

I also believe it's important to speak about the value of education in several ways. And I'm here today to join in H.R. 3826, proudly so, that stands with students who now carry the bulk of the debt in America—credit debt. These are students who are simply trying to, as my colleague just said, study science, technology, engineering, and math. In about 74 days, the interest rates on Stafford loans will triple to 6.8 percent. You may have borrowed at 2 percent, and here we are talking about it going up to 6.8 percent. I, with every fiber in my body, stand against that. I'm going to stand with the students and parents who have children in school. We can win this thing. We must have a legislative action to stop that stealing of money from our children, who are simply trying to be in the best colleges, the State colleges, and to be educated.

Parents, wake up. In 74 days, the interest rate on your children's loans is going up to 6.8 percent. Call our offices, get on our Web sites, and beg us to pass H.R. 3826 by my good friend Mr. COURTNEY from Connecticut. Please, I beg of you. And I will be there with you. From Texas Southern University to the University of Houston to Houston Baptist to the Houston Community College, we're going to work on this.

Let me also move very quickly, Mr. Speaker, to the fact that this is the fifth-year commemoration of the terrible killings at Texas Tech. This Congress has been charged with being fearful of dealing with gun legislation. Over the years, I have introduced the Child Gun Safety and Gun Access Prevention bill. I have, in fact, supported bills dealing with gun checks and to close gun loopholes at gun shows. I have supported bills to stop the proliferation of assault weapons. Not bills against the Second Amendment, but bills that would have stopped Mr. Zimmerman from recklessly walking around with a 9 millimeter, and he was only supposed to be the eyes and ears of his neighborhood.

Mr. Speaker, I join in a bipartisan manner, even to the extent of saying we must clean up the Secret Service—I support Mr. SULLIVAN—and even clean up the GSA, because Gilbane, which has received stimulus dollars from the GSA, has refused to be diverse. To the CEO of Gilbane, this Congressperson you need to call. You are an unfair company, and you're using Federal dollars from the GSA in an inappropriate way. No diverse workforce, and no small businesses.

STAFF SERGEANT JOSEPH D'AUGUSTINE

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

Mr. GARRETT. Mr. Speaker, I come to the floor today with heavy heart and sadness as we honor another fallen soldier and the life and legacy of Staff Sergeant Joseph D'Augustine, a young man from Waldwick, New Jersey. Staff Sergeant D'Augustine was killed on March 27, 2012, while conducting combat operations in Afghanistan.

It was just 1 day after graduating from Waldwick High School in 2001 that this young man enlisted in the United States Marine Corps. He was assigned to the 8th Engineer Support Battalion, 2nd Marine Logistics Group, 2nd Marine Expeditionary Force. He served two tours of duty in Iraq, and was just 2 weeks away from completing his second tour of duty in Afghanistan.

Staff Sergeant D'Augustine worked as an explosive ordnance disposal tech. What does that mean? That means that he went ahead of the other soldiers, marines, and airmen and was the one that cleared the way for them so they could go on and do their work. And so it was with this greatest act of sacrifice possible that Staff Sergeant D'Augustine gave his life while protecting his fellow men and women in uniform. He was just 29 years old.

We're never going to know the number of lives that he was able to save in his work. But the tremendous outpouring of love and support that we have seen for his family in the days since his death perhaps provided a glimpse into the number of people that he touched in his short life.

To those people who knew him best—his parents, Anthony and Patricia; his three sisters, Nicole, Jennifer, and Michele; and to his brother-in-law, Len—he will be remembered as a loving son and brother. To his many friends that he grew up with in high school, he will be remembered as a good guy and friend by the nickname ''Daggo.'' To his fellow marines, he will be remembered as a faithful brother in arms. And to all of us here who just may be hearing his name for the first time—to America—he will be remembered as a patriot who loved his country, the Marine Corps, and as a man who gave his life for all of us by protecting our freedoms and our liberties in this country. Let us remember this young man.

The Marine Corps motto is Semper Fidelis—always faithful. Staff Sergeant D'Augustine lived this motto. He was faithful to his country; he was faithful to the mission; he was faithful to the Corps, and he was faithful to his fellow Marines.

In times such as this, words fail to provide adequate comfort to his family and friends. But it is my hope that they know that the prayers and gratitude of a nation are with them.

We will always remember the price of freedom paid by Staff Sergeant D'Augustine, and may we determine to live our lives worthy of his sacrifice.

□ 1100

POVERTY IN AMERICA

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

Ms. LEE of California. As cofounder and cochair of the Congressional Out of Poverty Caucus, I rise today to continue talking about the tide of poverty that impacts every single district all across our country. I rise to call on all of my colleagues to come together to reignite the American Dream for all Americans by helping to create the millions of new jobs that they so desperately need.

Mr. Speaker, Social Security, Medicare and the critical benefits to feed hungry children in America did not cause our deficits. Our Nation's debt is a direct result of the Republicans' two unfunded wars, their failed economic policies, and the totally failed oversight of the financial services sector by the Bush administration regulators. And giving more tax cuts to the superrich and their corporations will only make the deficits worse and will do nothing to grow our economy.

Mr. Speaker, let's not pass another $46 billion loophole for the wealthy 1 percent. Mr. CANTOR's H.R. 9 is yet another tax holiday that would only increase the deficit and will fail to create new jobs. We should be passing laws that protect the health and safety of our Nation's most vulnerable, like our children and our seniors. And we must pass laws that provide some relief for the millions of Americans still struggling to find a good job. Mr. Speaker, any so-called ''jobless recovery'' where you and your family are still out of work is really no recovery at all. That is why we simply cannot seek to balance the budget on the backs of the poor, our seniors, and struggling families across America.

The Republican budget, the Ryan budget, seeks to do just that. Actually, the Republican budget really is not serious about balancing the budget at all. Their budget guts, mind you, guts food stamps for our families in a time of such desperate need, it cripples Medicaid and ends Medicare as we know it today. Their budgets make these draconian cuts not to balance the budget but to create even more tax giveaways to millionaires and to massive corporations.

Mr. Speaker, we can do better than blame the poor and the powerless for the greed and the corruption of the rich and powerful. We can do better, and we must do better for all of the American people. We can protect the most vulnerable Americans, grow our economy, and reduce our deficits. Critical programs like the Supplemental Nutrition Assistance Program, better known as SNAP, not only feeds hungry children and families, but it supports the overall economy. Every dollar of SNAP benefits generates $1.84 in our economic activity. SNAP benefits reduce long-term health care costs, improve the educational performance of children, and help to stabilize and improve the long-term economic outcomes of the families who receive these benefits. All of those positive outcomes help boost the entire economy from top to bottom.

If people are able to buy a little more in the grocery store, someone has to grow it, pack it, and ship it. All of those things lead directly to more jobs. So making cuts on struggling families during hard times is not only heartless, mean and immoral, but it also makes no sense because it doesn't reduce the deficit.

Mr. Speaker, there is a proposal to get our fiscal house in order even while we protect American families and invest in a stronger and more prosperous future. The Congressional Progressive Caucus budget, the Budget for All, would do just that. This budget makes smart and targeted cuts that preserve our national security, protect Social Security and Medicare, and extends and expands critical unemployment benefits for millions of Americans, including those who have hit 99 weeks where they are no longer eligible. These are the people who are still struggling to find a good job.

The Budget for All would ask that the wealthiest 1 percent and the world's biggest corporations pay their fair share so that we can afford to invest in our children's future and grow our economy.

America cannot afford another year of inaction and bills that pander to narrow special interests. Let's pass the President's American Jobs Act and pass a robust transportation bill that

will fund our Nation's critical infrastructure priorities, fund green public transportation projects, and create real jobs. It's time that we all come together to put Americans back to work.

HONORING TOM HEBEL, RECIPIENT OF THE HERITAGE CONSERVANCY'S 2012 BUSINESS LEADER CONSERVATION AWARD

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

Mr. FITZPATRICK. Mr. Speaker, I rise today to honor Tom Hebel, who on April 19 will receive the Heritage Conservancy's 2012 Business Leader Conservation Award. Tom has been a supporter of the Heritage Conservancy's land and historic preservation mission for over 10 years, and all in Bucks County appreciate his efforts.

Upon graduating from Penn State University, Tom worked his way up to become the manager of a small landscaping contracting company called Royer Nurseries in 1981. With hard work and dedication, Tom helped the little Doylestown-based company expand by adding a garden shop, two hoop-style greenhouses, a plant sales yard, and a gravel parking lot. Tom acquired ownership of the business in 1993 and changed the name to Bucks Country Gardens. With innovative craftsmanship, the business rapidly expanded, and many claimed it to be ''the best garden center and landscape design firm in Bucks County.''

Today, the garden center totals approximately 24,000 square feet of enclosed space, and it occupies nearly 7 acres. It is home to a full-service lifestyle center and a landscape design firm. The company has provided top-of-the-line service to its customers and will continue to strive to achieve the best for its employees, all because of the work of Tom Hebel.

For the past 10 years, Tom has managed to use the wealth of his knowledge and resources to better the Bucks County community as a strong supporter and advocate of land preservation. Tom is a distinguished small business owner and a lifelong contributor to the beautification of Bucks County.

I congratulate Tom Hebel today on this well-deserved recognition, and I wish him many years of continued success.

GUN LAWS

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

Mr. JOHNSON of Georgia. Mr. Speaker, all Americans, and I being one of them, hope for justice in the Trayvon Martin case; but I stand here today because we must stop stacking the deck against all innocent Americans.

Over 10,000 Americans died a preventable death by gun violence last year—10,000. And over 2,000 of those, Mr. Speaker, were children. Many of those children were inner-city youth, and many of the victims died at the hands of inner-city perpetrators.

Trayvon Martin's case is a little different, but it is another sad addition to these statistics which are very tragic. But his case caught the attention of the American people and it illuminates problems in our society. This is indeed, ladies and gentlemen, a teachable moment. The Martin family's fight for basic justice has been delayed by Florida's ''shoot first and ask questions later'' law which, incidentally, is misnamed as the ''stand your ground law,'' and it grants criminal and civil immunity regardless of the facts when individuals take the law into their own hands. We call this ''vigilante-ism'' or ''vigilantism.''

Florida's law, like so many similar laws in 25, ladies and gentlemen, of the 50 States, was the result of collusion by some of the Nation's wealthiest corporations in conjunction with the National Rifle Association through a secretive networking organization called the American Legislative Exchange Council, also known as ALEC.

ALEC promotes model legislation written by its corporate members and disseminated to conservative State lawmakers around the country. The public whose votes elect these lawmakers to represent them are kept in the dark about the fact that their Representative is a member of this network of special interest groups and of corporate interest that wine, dine, and support these lawmakers' campaigns with campaign contributions. Any lawmaker who is a member of the group can log on to its Web site—and I would encourage you to do so, too—and if you're a member, you can find hundreds of model bills to copy and introduce in your legislature.

The public, however, is not able to access that information because you must be a member; and in order to be a member, you've got to go through some kind of a screening process so they can make sure that you are of like mind because they don't want any infiltrators in there. They want to keep the business secret.

□ 1110

Membership fees for legislators are very small, $50 a year, whereas the corporate members have to pay tens of thousands of dollars per year for their memberships. These memberships are mostly big-lobby interest groups, big corporate-lobby interest groups, and what they do when they get into these meetings that they hold at exclusive resort locations, luxurious amenities, wining and dining these legislators, they spoon-feed them legislation which supports their, the businesses, interests.

Now, 60 percent of the legislators in the United States of America, on a State level, secretly belong to ALEC. They are members of that network. Thousands of these ALEC bills have been introduced around the country and many of them have passed. This gives the ALEC members secret and persuasive influence over our legislators, whom we elect to represent us.

The Florida Shoot First, or, in other words, Stand Your Ground is what it's called, but it's actually the Shoot First law, was written by an NRA, National Rifle Association, lobbyist in one of those committees that the bought-and-paid-for legislators are members of.

I will have further comment on this as the days go by. But the American public needs to be educated about this, and so we will talk further about it.

RECESS

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

Accordingly (at 11 o'clock and 12 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

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

PRAYER

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

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

We thank You for this proud day for all Americans and for the human race, when the space shuttle Discovery passed through the Capital's restricted air space for so many to appreciate, with awe, the symbol of our Nation's ability to achieve great things when our will is harnessed.

May that national will once again coalesce within the walls of this great Assembly. We are humbled by the enormity of this task and know well the difficulty of its attainment. Bless abundantly the Members of this people's House, with wisdom and grace, and perhaps heroism, that what is most needed by our Nation would emerge in the business of the House, and the energies that divide would be dissipated.

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 gentlewoman from California (Ms. HAHN)

come forward and lead the House in the Pledge of Allegiance.

Ms. HAHN led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

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

HONORING THE MEMORY OF BETTY ROSE STAIR PATCHELL

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

Mr. CRAWFORD. Mr. Speaker, I rise today to honor the memory of Betty Rose Stair Patchell. Betty's memory will continue to live on with her beloved family and friends.

Betty was married to Jack Daves Patchell for over 45 years. Together they had three children: George, Jacque, and Mark. Betty was a devoted mother, grandmother of four, and great-grandmother of 10.

Betty began her 50-year career as organist, at the age of 15, for the First Baptist Church of Heber Springs, Arkansas. She was an accomplished pianist and a member of the National Guild of Piano Teachers. Over the years, Betty served countless organizations as an accompanist.

Betty had a love for the arts, as well, as an oil and water color painter. She also loved to garden. Betty was an avid golfer, and for over 20 years she assisted pro golfers in the annual Shell Open Golf Tournament.

My thoughts and prayers are with Betty's family. While her presence here on Earth will be missed, her example will be a guide for her family and friends.

God bless Betty Rose Stair Patchell, and God bless her family.

TAX DAY

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

Mr. KUCINICH. On tax day, remember the ramifications of waging wars abroad.

In 2011, 39 percent of our income tax dollars went to the Pentagon and war, only 9 percent for trade, commerce, education, and employment programs. The Center for Arms Control and Non-Proliferation estimates the war in Iraq and Afghanistan cost the average American family of four almost $13,000 in 2011 alone.

National unemployment rates continue to be between 9 and 10 percent, while our families struggle to pay their mortgages, send their kids to school, and feed their families. Compared to the approximately $159 billion budgeted in fiscal year 2011 for wars, the $6 billion Congress budgeted for the Workforce Investment Act, primary Federal programs supporting workforce development, is paltry.

We have nearly 23 million Americans either unemployed or underemployed and about 5.5 million who have been unemployed for 27 weeks or more. Wake up, America. Wars are ruining our economy. On tax day, remember our government has a responsibility to use our money wisely, not to waste hard-earned tax dollars on unnecessary wars.

The answer to war and economic decline is peace and prosperity.

DOMESTIC OIL PRODUCTION

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

Mr. BUCSHON. I recently conducted a survey on my Web site regarding gas prices because I wanted to hear directly from my constituents how higher gas prices are affecting their lives, and I received over 880 responses.

Henry, from Odon, Indiana, told me he owned a car wash, and when people are paying $40 extra for gas, they aren't paying for a car wash, affecting his small business and his employees.

Rob, from Lynnville, Indiana, lives in a rural part of the State. He and his wife are forced to drive over 30 miles to get to work. A $1 increase per gallon of gas can cost them up to $2,000 extra per year.

An overwhelming majority of responders believe we should expand our domestic oil production and become more energy independent. After paying $3.91 per gallon in Evansville, Indiana, last week, I agree.

Since President Obama has taken office in January 2009, domestic oil production has decreased by 7 percent on Federal lands. In January 2009, gas was $1.83 per gallon. It's an average of $3.86 per gallon today. Under this administration, they have risen over 100 percent, the highest for any President.

I urge the President and the Senate to act on the nine bills the House has passed to reduce energy costs and help reduce gas prices for all Americans.

BUDGET

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

Ms. HAHN. Mr. Speaker, before we left 2 weeks ago, my Republican friends attempted to enact their budget, a budget that would have ended Medicare as we know it, shifting costs to seniors and raising their health care costs by $6,000 a year; a budget that would cut taxes for the wealthiest Americans and multinational corporations by $4.6 trillion; a budget that would slash Medicaid, food stamps, and Pell Grants for students. Thankfully, the Senate has said ''no.''

Now, instead of reaching across the aisle and instead of working with us to pass bipartisan transportation and jobs legislation, Republicans are pushing legislation to allow the importation of animal remains. Yes, that's how we're spending our valuable time today, considering laws to allow hunters to bring back polar bear heads. Really?

I will vote, again, against this budget, and I ask my Republican friends to let go of their tricks, concentrate on what's important, and work with us to create jobs.

BUFFETT RULE TARGETS SMALL BUSINESSES

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

Mr. WILSON of South Carolina. Mr. Speaker, the President's proposal of the Buffett rule tax increase is just another political gimmick, rejected by the Senate, which is targeted at small business owners. With our Nation's record unemployment rate of over 8 percent throughout the last 3 years, it is clear the President's policies are destroying jobs and chilling economic growth.

In last week's Washington Post, Charles Krauthammer wrote:

The Buffett Rule is nothing but a form of redistributionism that has vanishingly little to do with debt reduction and everything to do with reelection.

The President is using the Buffett rule tax increase as a way to distract Americans from focusing on his failure to implement policies that will create jobs. House Republicans remain focused on reducing barriers that are discouraging job creation.

I urge my colleagues in the Senate and the President to put party politics aside and work with House Republicans to enact policies that will help create jobs for American families.

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

□ 1210

GOP BUDGET AND MEDICARE

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

Mr. BACA. Mr. Speaker, today the House will vote on a rule that once again moves forward the misguided Republican budget. The American people cannot afford this misguided budget which devastates seniors and working families. The Republican budget ends Medicare guarantee, shifting health costs to our seniors. That's a no-no. It turns Medicare into a private voucher system. That's a no-no. It increases prescription drugs for America's seniors.

The American people deserve better than to be left out in the cold with cuts to Medicare, SNAP, and our educational programs. After a long life of service to our Nation, our seniors deserve a strong safety net. Let's stop

and ask ourselves: Who actually benefits from this misguided budget? Millionaires and billionaires and oil companies who would receive $3 trillion in new tax breaks. That should be a no-no.

Let's stop this shameful budget and work together on a plan that does not favor the rich over seniors and the middle class.

COMMONSENSE ENERGY POLICY

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

Mr. PENCE. As I travel across Indiana, it's clear that Hoosier families are hurting: 8.4 percent unemployment and nearly $4 per gallon gasoline at the pump when they go to fill up their cars and trucks. It's time for this Congress to come together in a bipartisan way and adopt an all-of-the-above energy policy that will include more access to America's energy reserves, more alternative energy sources, and greater conservation.

The encouraging news is that this House has passed bipartisan legislation to do just that. We voted to streamline the energy permitting process; lift the administration's ban on new offshore drilling in the gulf and the east coast; rein in the EPA's attempt to impose a national energy tax; and even require the administration to approve and complete the entire Keystone XL natural gas pipeline. Unfortunately, the Senate and the administration have not embraced these bipartisan, commonsense measures to advance our energy independence.

The reality is the price at the pump has more than doubled from the $1.79 a gallon when the President took office to the price it is today. Hoosiers know what all Americans know: we can do better than $4 a gallon, but we must embrace a commonsense, bipartisan, all-of-the-above energy policy to do it.

PASS THE DEMOCRATIC BUDGET

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

Mrs. MALONEY. Instead of being called the ''Road to Prosperity,'' the Ryan Republican budget should have been named the ''Road to Austerity,'' because it is a plan that is most noteworthy for the harsh austerity it demands of the many and the lavish benefits it extends to the few.

Nobel Laureate in Economics Paul Krugman has called this budget proposal the most fraudulent budget in U.S. history, calling its priorities inconceivably cruel. Our recent economic history has shown that while Republican budgets might poll well, they do not perform well. The Bush budgets produced stagnant income growth for the middle class, a jobless recovery, and a huge deficit. The Ryan Republican plan is the Bush budget plan on steroids.

If we look at what actually worked in the past, the single best model for growing jobs, sustaining economic growth, and reducing the deficit can be found in the 8 years of the Clinton administration, which created 22 million jobs, erased the deficit, and left this country with a huge surplus. A more balanced approach to deficit reduction will work for everyone. Let's pass a budget based on facts, not on fictions. Pass the Democratic budget.

HONORING OUR COMMITMENT TO VETERANS WITH SHORT CHANGE

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

Mr. STEARNS. Mr. Speaker, on May 18, 2006, then-Senator Barack Obama gave a speech where he mentioned that a number of our veterans had been apparently ''shortchanged.'' He went on to say:

> When a young man and woman goes off and serves the country in the military, they should be treated with the utmost dignity and respect when they come home.

Unfortunately, the President's budget proposal seeks to further increase the cost for health care for our military retirees and all of our veterans. On October 1, 2011, TRICARE Prime annual enrollment fees were increased dramatically for new family enrollments and dramatically for new individual enrollments. In fiscal year 2013, the administration proposes additional fees and cost-sharing increases, a new annual enrollment fee for TRICARE for Life, increases in pharmacy copayments, and a catastrophic cap of $3,000 per family.

Mr. Speaker, when our President promised our servicemembers change, I'm sure they didn't expect it would be ''shortchanged.''

WHERE'S THE FAIRNESS?

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

Ms. HANABUSA. Many of us were back in our districts for 2 weeks. I had town halls, like I'm sure many of my colleagues did, and I'm sure they probably heard what I heard. We call them kupuna in Hawaii. That means our elderly. They're concerned about their Medicare. They're concerned about their safety nets, which we provide. And the reason is because they've done everything on their part to make us the great Nation that we are today.

Today's space shuttle flying over the Capitol was a great statement. That shows you what an amazing country that we are. So we should ask ourselves, Why can't we keep our word to our elders? Why can't we keep our promises? Why can't we in our greatness ensure that they will be comforted in their senior years? Why? These are fundamental questions. Just show the compassion and fairness. That should make us the greatest country in the world.

WHERE'S OUR SENSE OF JUSTICE?

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

Mr. MORAN. Mr. Speaker, we pick up the Politico today, and the headline is: ''Republicans Ax Aid to the Poor.'' It goes on to explain that there's a $33 billion cut in food stamps in the Romney-Ryan Republican budget that passed the House so that the average family of four gets an 11 percent cut in their monthly benefits after September 1, and it requires that households exhaust most of their liquid assets before qualifying for help. This hits hardest among the long-term unemployed, who will be forced off the rolls until they've spent down their savings to less than $2,000, in many cases.

Then, we read we're going to do another tax cut this week. Majority Leader CANTOR wants to cut taxes by another $46 billion. In fact, the majority of it goes to less than 3 percent of all taxpayers and less than 8 percent of business owners. It's available to highly paid professionals, longtime lobby firms, professional sports teams, and entertainers like Paris Hilton, Kim Kardashian and the like. They all get another tax cut.

Where is our sense of justice? Where are our priorities? Where is our commonsense?

TAX CUTS TO THE WEALTHIEST

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

Mr. PALLONE. Mr. Speaker, I rise today to address the Sportsmen's Heritage Act of 2012 and its provision to deem the reconciliation of the Republican budget. In fact, it was the Republican leadership that stood right here on the House floor and emphatically claimed that they were committed to not using deeming resolutions when they were in the majority. But here we are today, and that's exactly what they're doing.

I guess it's not terribly surprising that they would break their commitments, especially when we consider the budget that they've presented. The GOP budget breaks many of the basic commitments that Congress has to all Americans. The Republican budget is an all-out assault on Medicare and the middle class. Instead of a budget that protects the middle class, the Republican budget creates tax cuts and giveaways to millionaires and the superrich, providing income tax cuts for millionaires averaging at least $187,000 in 2014.

How do the Republicans propose that they'll pay for these savings to the wealthiest Americans and the big corporations? Well, they end Medicare as we know it, and they balance their

budget on the backs of seniors and the middle class.

It's really outrageous what they're doing, Mr. Speaker. I just want to call them to task for saying they were committed to not doing the deeming, and now doing it.

□ 1220

TAX DAY

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

Mr. YODER. Mr. Speaker, I rise to acknowledge everyone's least favorite day of the year, tax day.

In 1935, the 1040 Form was accompanied by a two-page instruction booklet. Today, taxpayers must wade through over 200 pages of instructions and a code that extends 4 million words in length and grows daily like an ever expanding blob entangling itself and attaching its burdens to the hopes and dreams of every American.

Yet as millions of Americans pay their taxes today, some in this town believe that Washington should actually tax and spend even more of the hard-earned dollars of the American people.

Instead, I believe we should first reform the Tax Code and work to control reckless and wasteful spending in the Federal budget. As it's been said: It's not that Washington taxes too little; it's that Washington spends too much.

Mr. Speaker, we must focus on reducing the tax burden on the American people, cutting spending here in Washington and working towards a bipartisan plan to reform the Tax Code and simplify it for the millions of taxpaying Americans that are counting on us.

THE REPUBLICAN BUDGET IS UNFAIR

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

Mr. GEORGE MILLER of California. Mr. Speaker, later today, the House will consider legislation to make it easier to pass the Republican budget and to make it easier to pass a budget that is very unfair in its makeup. It's unfair because it continues to lavish tax breaks on the wealthiest people in this country while asking that the elderly in the Medicare program and that our poorest children in our elementary schools and young people struggling to pay for their college education all pay more to make room for a tax cut for millionaires that averages $187,000 a year in a tax cut to the wealthiest people in this country.

It's not about wanting to tax more; it's about wanting tax fairness. It's about recognizing the economic disparity that exists in this country and how the Tax Code continues to lavish the benefits of the taxes that people do pay back to the richest people in this country. And yet later this week, the Republicans are bringing yet another tax bill that will benefit the top 3 percent of the taxpayers in this country and add $48 billion to the deficit this year and a half a trillion dollars to the deficit over 10 years.

That's not fair, it's not right, it's not equitable, and it needs to be rejected.

CONGRATULATING CENTER ON HALSTED

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

Mr. QUIGLEY. Mr. Speaker, I rise today to congratulate Center on Halsted on its 5-year anniversary of building and strengthening the lesbian, gay, bisexual, and transgender community in Chicago.

On June 1 of 2007, I was proud to join residents from my district and across Illinois on the corner of Halsted and Waveland as Chicago's first permanent LGBT community center opened its doors. Since that time, Center on Halsted has become the Midwest's largest LGBT community center and a model for similar organizations across our Nation.

Patrons of all ages, backgrounds, and economic status participate in the wide assortment of public programs and social services offered at the center. Its youth program provides leadership training and professional development to more than 1,800 young people across Chicago. Social service programs include rapid HIV testing, group and individual psychotherapy, legal help, job training, and the Anti-Violence Project advocating for victims of hate crimes and domestic violence.

Under the leadership of CEO Modesto Tico Valle and the great efforts of so many people, Center on Halsted has grown into the phenomenal organization that it is today, welcoming the LGBT community and making our entire community a better place.

THE HUMPHREY-HAWKINS FULL EMPLOYMENT ACT

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

Mr. CONYERS. Ladies and gentlemen of the House, it's time for a real jobs plan to get our Americans back to work in every district. And since the conservatives have taken over the House more than a year ago, they have refused to move forward with a real plan to create jobs to get our people back to work—a whole year and no comprehensive jobs plan when Americans needed it most.

Now, in my bill, H.R. 870, the Humphrey-Hawkins Full Employment Act, revised, is a way to bring unemployment down to zero percent. There is no reason why everybody that wants a job in America can't be put in a position or trained for a position.

Yet, although most of the people in the country treat jobs as the number one priority, we still haven't got movement in the House. It is a shame, and I think somebody is going to pay for it.

HONESTY ABOUT HEALTH CARE

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

Mr. YARMUTH. Mr. Speaker, my friends across the aisle like to say they support small business owners, but other than keeping fact-checkers employed, Republican leaders are holding back those businesses by continuing to make false claims about the Affordable Care Act.

In my Louisville district, more than 15,000 small businesses could qualify for tax credits to help offset the cost of providing health insurance for their employees. A small business with 24 employees paying average health care costs could receive almost $40,000 a year in tax credits right now under the Affordable Care Act, but only 530 out of those 15,000 businesses have taken advantage of it. The situation is like that across the country.

Why is that? Could it be that the people they elected to represent them in Congress have repeatedly told them that this law is bad for business?

As Members of Congress, I believe it is our responsibility to give our constituents an honest and accurate picture of what Federal laws and policies will do to affect their lives. And yet more than 2 years after the Affordable Care Act became law, Republican leaders continue to make false claims about it.

Mr. Speaker, the small business owners in my district appreciate knowing the truth about how Federal laws can benefit them.

THE RYAN BUDGET IS UNFAIR, UNBALANCED, AND UNWISE

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

Ms. MOORE. Mr. Speaker, I was so happy this week when I learned from our Presidential candidate, Mitt Romney, that the Republicans are now prepared to realize that women are a very important part of the economy. And that is why I'm wondering why Romney has embraced the Republican budget which would fix Medicare by cutting out $30 billion in 10 years when 56 percent of all Medicare beneficiaries are women, and the oldest of old, 85 and older, 70 percent are women. Two-thirds of Medicaid recipients who are adults are women; and of the SNAP program—formerly known as food stamps—cut of $134 billion, of the adult recipients, two-thirds of them are women.

So, in an environment where he claims that 92, 93 percent of all job losses have occurred among women, why would we snatch the safety net out

from under women with this cruel Republican budget?

PROVIDING FOR CONSIDERATION OF H.R. 4089, SPORTSMEN'S HERITAGE ACT OF 2012, AND FOR OTHER PURPOSES

Mr. BISHOP of Utah. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 614 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 624

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. 4089) to protect and enhance opportunities for recreational hunting, fishing and shooting. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112-19. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. (a) Pending the adoption of a concurrent resolution on the budget for fiscal year 2013, the provisions of House Concurrent Resolution 112, as adopted by the House, shall have force and effect in the House as though Congress has adopted such concurrent resolution (with the modifications specified in subsection (b)).

(b) In section 201(b) of House Concurrent Resolution 112, as adopted by the House, the following amounts shall apply:

(1) $7,710,000,000 (in lieu of $8,200,000,000) for the period of fiscal years 2012 and 2013 with respect to the Committee on Agriculture; and

(2) $3,490,000,000 (in lieu of $3,000,000,000) for the period of fiscal years 2012 and 2013 with respect to the Committee on Financial Services.

□ 1230

POINT OF ORDER

Ms. MOORE. Mr. Speaker, I raise a point of order against H. Res. 614 because the resolution violates section 426(a) of the Congressional Budget Act. The resolution contains a waiver of all points of order against consideration of the bill, which includes a waiver of section 425 of the Congressional Budget Act, which causes a violation of section 426(a).

The SPEAKER pro tempore (Mr. WOMACK). The gentlewoman from Wisconsin makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

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

The Chair recognizes the gentlewoman from Wisconsin.

PARLIAMENTARY INQUIRY

Ms. MOORE. Mr. Speaker, I raise this point of order not necessarily out of concern for unfunded mandates, although there are likely some in the underlying bill, H.R. 4089.

But before I begin, Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman will state the inquiry.

Ms. MOORE. The rule clearly states, ''Pending the adoption of a concurrent resolution on the budget for fiscal year 2013, the provisions of House Concurrent Resolution 112, as adopted by the House, shall have the force and effect in the House as though Congress had adopted such concurrent resolution.''

Does this mean that the rule deems that the Senate will have passed H. Con. Res. 112?

The SPEAKER pro tempore. The Chair will not interpret the resolution during its pendency. That is a matter for debate.

Ms. MOORE. Okay. We will have to debate this. The language, as I have construed it, says it shall have force and effect in the House as though Congress, which would include the Senate, had adopted such concurrent resolution. That is subject to debate.

So I want the House to be really clear here that, given this language, there is a real—it seems probable and likely that if we vote ''yes'' for House Concurrent Resolution 112, the Republican budget, which ends Medicare for a voucher system, ends the entitlement under Medicaid, cuts food support, cuts funds by $134 billion over 10 years, that we could be deeming this to be passed.

I am raising again, Mr. Speaker, the question about that use of ''Congress has adopted such concurrent resolution,'' meaning also the Senate.

The SPEAKER pro tempore. The Chair would reiterate that the issue is a matter for debate, and the Chair will not interpret the language of the resolution during its pendency.

Ms. MOORE. Thank you, Mr. Speaker, for your lack of clarity.

I raise this point of order because it's important to uncover whether or not the underlying rule for this Natural Resources bill—it's a Natural Resources bill—also deems the Republican budget plan to end Medicare as we know it, slash funding for SNAP.

When it comes to the Republican budget, my Democratic colleagues are most definitely not asleep at the wheel. And we want to take this moment to shed light on what's going on here.

Mr. Speaker, I'm a member of that prestigious committee, the House Committee on the Budget, and a long-time advocate for sound budgetary policy. I recognize the importance of tackling our deficit and debt head-on, carefully balancing both the spending and revenue-raising sides of our ledger.

But House Republicans, led by my dear colleague from Wisconsin, have put out a budget that is neither sound nor balanced. This budget finds a jaw-dropping 62 percent of its $5.3 trillion in nondefense budget cuts over 10 years from programs that serve the most vulnerable of our society, the poor, and I might add in the most vulnerable, women and children, since we've just recently established in this last week that women were very important in our economy.

In addition to the sheer magnitude of these raw numbers, I want to make it clear that the Republican budget contains major departures from current policy. This budget heralds welfare reform as a vital victory and plots the next chapter of so-called ''reforms'' for other areas of the safety net.

Our core programs are not spared by this budgetary trick. This budget takes an aim at Medicare. We're told that by stripping Medicare of its entitled status, cutting $30 billion out of Medicare, that we're going to save it. We're going to save Medicare by subtracting $30 billion. That's not the kind of math I learned at North Division High.

And we're going to set seniors adrift in the private market. Now, this budget does nothing to cut the cost of health care in the private market. It only passes those costs on to seniors.

The cuts to the SNAP program have not gotten as much attention as the Medicare cuts, even though they are cause for collective alarm. As we know, over half of our citizens in the United States, working people, many of them, found themselves with no other income. They had no job. We played phony baloney with the unemployment insurance. They had nothing except SNAP, formerly known as food stamps.

□ 1240

And so they had no other income other than the food stamp program,

SNAP, but yet we're going to cut $134 million out of this program and convert it again to a block grant and handcuff SNAP's ability to respond to its increased need.

Mr. Speaker, can I ask you how much time I have remaining?

The SPEAKER pro tempore. The gentlewoman has 5½ minutes remaining.

Ms. MOORE. I yield 2 minutes to my good friend and neighbor from the great State of Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I thank the gentlewoman for yielding, and I rise in support of her point of order.

All this talk of ''deeming and passing,'' those words mean nothing to the American people, but the vote we are about to take means a lot.

What Republicans are trying to do is to jam through the Republican budget and pretend that it's the law of the land. They have to play these games because last year the American people rejected this budget the first time around. But instead of doing some soul-searching and offering a bill that reflects the true priorities of this Nation, the Republicans have doubled down, and the results are truly astonishing.

As has been mentioned, this budget ends the Medicare guarantee while raising health costs for seniors who have an average income of just $19,000 a year. It increases defense spending while placing a cap on food assistance and cutting Medicaid. It gives the average multi-millionaire—listen to this—a tax break of $394,000 while raising taxes on the middle class. It protects subsidies for oil companies and corporations that ship jobs overseas while slashing investments that create jobs and rebuild the middle class. The cuts are so severe that if their policies are carried out, by 2050 there is almost nothing left of discretionary spending but defense. As the Center on Budget and Policy Priorities has said, most of the rest of the government will simply ''cease to exist.''

But it doesn't have to be this way. Yesterday, Republicans in the Senate rejected a perfectly reasonable proposal—that millionaires and billionaires shouldn't pay a lower tax rate than a middle class family does. They should have passed the Buffett rule in the Senate, which would have been an important first step toward addressing our fiscal challenges in a fair way—a way that cuts waste, not opportunity; protects Social Security, Medicare, and Medicaid; creates jobs and builds the economy; and asks more from those who can afford it.

This Republican budget is not a serious effort. It's a radical proposal. But I'll give them credit for one thing: at least they're honest in proposing this irresponsible budget.

Ms. MOORE. Mr. Speaker, how much time do I have left?

The SPEAKER pro tempore. The gentlewoman has 3½ minutes remaining.

Ms. MOORE. I reserve the balance of my time. I would love to hear what the opponents to my point of order have to say.

Mr. BISHOP of Utah. Mr. Speaker, I rise to claim time in opposition to the point of order and in favor of consideration of the resolution.

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

Mr. BISHOP of Utah. I am pleased to be down here for this procedural issue that is before us. The question before the House is: Should the House now consider House Resolution 614? While the resolution waives all point of order against consideration of the bill, the committee is not aware of any points of order.

The waiver is prophylactic in nature. The Congressional Budget Office has stated that H.R. 4089 contains no intergovernmental or private sector mandates as defined in the Unfunded Mandate Reform Act and would impose no costs on State, local, or tribal governments. Again, Mr. Speaker, this waiver is prophylactic, and the motion from the gentlelady from Wisconsin is dilatory.

In order for the House to continue our scheduled business for today, we need to continue on with this proposal and dealing with the rule that is before us.

I reserve the balance of my time.

Ms. MOORE. Mr. Speaker, I would ask the gentleman if he would yield to a question.

Mr. BISHOP of Utah. Well, I would be happy to, but I don't control the time.

Ms. MOORE. I would yield my time for the purpose of your answering my question.

The Speaker has declined to answer my parliamentary query and said that that would be settled during the debate. So is it your understanding that passage of this resolution will or will not deem the Republican budget to have been passed in all of the Congress?

I yield to the gentleman.

Mr. BISHOP of Utah. I would not dare to try and supersede my interpretation over the Speaker's interpretation. That is his responsibility. However——

Ms. MOORE. No, no, no. He said it would be determined during debate.

Mr. BISHOP of Utah. Would you allow me to answer the question?

Ms. MOORE. Yes.

Mr. BISHOP of Utah. That is still the Speaker's responsibility. However, what deeming applies to is that these are for procedural considerations allowed to go forward until such time as an actual budget has indeed passed. So the answer to your question is actually both: Temporarily, yes; long term, obviously no.

Ms. MOORE. Reclaiming my time.

Mr. BISHOP of Utah. At some time, the Senate has to do their work. Hopefully, they will do it soon and then this issue would be moot.

Ms. MOORE. Reclaiming my time from the point at which I said I was reclaiming my time. And I ask that he be taxed for that extra time because he already gave me his answer—that, yes, it would be deemed to be passed.

I just want to remind people, in this week when we have learned how important it is to have a stable, good budget for women, that this program slashes funding for Medicaid—two-thirds of adults are women who depend on it. It slashes Medicare—two-thirds of the recipients are women. And 85 percent of Medicare recipients that are older than 85 depend on it.

It cuts support for key programs like childcare, which are important to women, and job training. It cuts core programs like food stamps. Our Presidential candidate said that 93 percent of women lost jobs during the recession. Why would we want to take away the safety net of food stamps when women put food on the table every day trying to feed their babies?

Mr. Speaker, this program—which will be deemed to be passed—needs more review, and I would ask you to find my point of order in order.

Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentlewoman has 1 minute remaining.

Ms. MOORE. I reserve the balance of my time.

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

Ms. MOORE. I want to thank the gentleman for a vigorous debate—at least on my part—and I would ask my colleagues to take a closer look.

This is the Congress of the United States of America. We are supposed to do things very carefully. This is the budget that we're setting out, the moral document for how this country is to be run, and we should not be deeming it as passed, as this resolution calls for.

I would ask all my colleagues to support my point of order and ask them to vote against this resolution.

I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, once again, I wish to remind the body that we are dealing with a procedural issue. We've heard a great deal of policy debate here, but what we are dealing with is a procedural issue.

The policy of the debate has been debated on this floor and will be debated in the future as well under two criteria: one, either allowing our committees to move forward with its authorization, appropriations, and reconciliation efforts, in which case certain procedural techniques must take place; or, two, actually allowing the Senate to do their work and pass a budget, going to a conference, and then moving forward in that manner. One way or the other, the procedure must go forward. This is not policy we're debating here, it's procedure.

There is precedence for what we are doing. Indeed, in the last Congress, H.R. 1500, the opposition party, the minority party, also deemed resolutions and brought them forward—actually, it's happened six times in our history. The only difference between the deeming that we have here and the deeming

that happened in the last session of Congress is that this particular budget—which will be debated again—actually went through a committee and had a vote on the floor. Unfortunately, when the Democrat Party did that a couple years ago, they had not gone through a committee, they did not have a debate on the floor or in committee or a vote on anything. Actually, the numbers that were deemed at that time were less than 1-day's notice before they were actually voted on the floor. And everyone who has spoken against this procedure voted for that particular deeming a couple of years ago in the last Congress.

□ 1250

There is precedence for this, and the precedence is solely a procedural issue. This is not the time to talk about the policy. There was a time before, and there will be time in the future. This is a procedural precedent, and we can only move forward in doing the work of this Congress—and I appreciate the other side for at least admitting that the Republicans are trying to move forward in the work of this Congress—if we have certain procedural issues done in advance. That's what we are attempting to do.

So, in order to allow the House to continue its scheduled business of this day, I urge Members to vote ''yes'' on the question of the consideration of this resolution, and I yield back the balance of my time.

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

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

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 234, nays 175, not voting 22, as follows:

[Roll No. 154]

YEAS—234

Adams
Aderholt
Akin
Alexander
Amash
Amodei
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
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
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
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walden
Walsh (IL)
Webster
West
Westmoreland
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—175

Ackerman
Altmire
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
Carnahan
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Critz
Crowley
Cuellar
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Neal
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, David
Serrano
Sewell
Sherman
Sires
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—22

Andrews
Austria
Burton (IN)
Cardoza
Carney
Cohen
Costello
Cummings
Denham
Doggett
Filner
Fincher
Hirono
Johnson (IL)
Marino
McIntyre
Napolitano
Rangel
Scott (VA)
Slaughter
Walberg
Whitfield

Ms. CHU, Messrs. OLVER and GARAMENDI changed their vote from ''yea'' to ''nay.''

Mr. SHIMKUS and Mrs. MILLER of Michigan changed their vote from ''nay'' to ''yea.''

□ 1317

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 154, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

Mrs. NAPOLITANO. Mr. Speaker, on Tuesday, April 17, 2012, I was absent during rollcall vote No. 154 due to a family health emergency. Had I been present, I would have voted "nay" on the Question of Consideration of H. Res. 614, the resolution providing for consideration of the bill H.R. 4089, to protect and enhance opportunities for recreational hunting, fishing and shooting, and for other purposes.

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

Mr. BISHOP of Utah. Mr. Speaker, to continue on, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), 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. BISHOP of Utah. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

□ 1320

Mr. BISHOP of Utah. The resolution provides for a structured rule for the consideration of H.R. 4089, a bill to protect the traditional rights of American sportsmen to fish and hunt on public lands free from undue and illogical bureaucratic restrictions and unwarranted and irrational limitations, and

provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources.

Mr. Speaker, I am actually pleased to stand before this House today and support this rule, as well as the underlying legislation. Far too often decisions are made to placate certain political special interest groups who are headquartered far away from the locations they seek to dominate and control, and too often the needs of local citizens and local taxpayers who live in those areas in which the impact will occur are ignored. This asks for our consideration.

Too often local and State considerations are not taken into account. Too often there are inconsistencies within the public domain where the BLM, Fish and Wildlife, and the National Park Service will have different rules. And the difficulty, obviously, for a citizen is not knowing where one starts and where one ends. This bill tries to bring some consistency. And though I don't know how much of the debate will occur on this particular issue, it is about hunting and fishing on public lands.

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

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman from Utah (Mr. BISHOP) for yielding me the customary 30 minutes.

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

Mr. MCGOVERN. Mr. Speaker, technically, this rule allows for consideration of H.R. 4089, the Sportsmen's Heritage Act, a patchwork quilt of four different bills that ease restrictions on guns and hunting. This bill, a sop to the gun lobby, deserves to be defeated by the House.

But that's not the most important part or most egregious part of this rule. That's because of the language slipped into this rule at the last minute by the Rules Committee—language that sets the budget numbers for the next fiscal year, and language that, Mr. Speaker, once again ends the Medicare guarantee for America's seniors.

That's right, Mr. Speaker. Last night, the Republicans on the Rules Committee pulled a switcheroo just before our vote on the rule. Now, these weren't just harmless, innocuous provisions. No, Mr. Speaker. These provisions would effectively enact the Ryan budget and require that Congress use it as a framework for the rest of the year.

The irony is that by adopting this language now, the Republican leadership is admitting that their awful budget resolution isn't going anywhere and that this so-called ''deeming resolution'' is the only way forward. It's ironic because they are using parliamentary tricks and sleight-of-hand to pretend that their budget has the force of law. Where are the Tea Party folks who used to be so outraged at this kind of abuse of regular order? Why aren't they yelling and screaming?

There hasn't been a single committee debate or markup on this language. These provisions undercut the bipartisan budget floor negotiated by President Obama and Speaker BOEHNER in the Budget Control Act. And worst of all, these provisions end the Medicare guarantee again.

The American people get it. They said ''no'' to the Ryan budget last year. They don't want Medicare to turn into a voucher program. They don't want to see their health care rationed or cut. They don't want Washington politicians trying to pull the rug out from underneath them after years of contributing to this important program.

We made a promise to America's seniors, Mr. Speaker. And once again, the Republican leadership is breaking their promise.

Mr. Speaker, it's bad enough that the Republican leadership doesn't want to focus on getting Americans back to work. It's bad enough that they're pushing cuts that will make hunger in America worse. That's evidenced by the fact that tomorrow in the Agriculture Committee we're going to be asked to vote on a package to cut $33 billion out of the SNAP program, increasing hunger in America if that would succeed. But their insistence on continuing to push for an end to Medicare is indescribable.

Now, I'm sure my Republican friends will deny that they want to end Medicare for America's seniors. They'll say their idea is bipartisan, even though it's not. They'll say that the detractors are exaggerating. But the truth hurts. This is not bipartisan. Yes, Senator RON WYDEN cosponsored health care legislation with Congressman PAUL RYAN, but Senator WYDEN has also said that he does not support the Medicare provisions in the Ryan budget. Once again, he said he does not support the provisions in the Ryan budget with regard to Medicare. I'm sure someone will, once again, try to twist his words around, but they are very clear to me, Mr. Speaker.

This plan is not bipartisan. This is wholly owned by the Republicans and the Republican leadership, and I know my friends will say that this doesn't change Medicare. That, too, is a misrepresentation of their plan. But don't take my word for it. Let me read directly from the AARP's letter opposing the Ryan budget:

> By creating a ''premium support'' system for future Medicare beneficiaries, the proposal is likely to simply increase costs for beneficiaries while removing Medicare's promise of secure health coverage.

AARP goes on to say:

> The premium support method described in the proposal—unlike private plan options that currently exist in Medicare—would likely ''price out'' traditional Medicare as a viable option, thus rendering the choice of traditional Medicare as a false promise. The proposal also leaves open the possibility for private plans to tailor their plans to healthy beneficiaries—again, putting traditional Medicare at risk.

Finally, AARP says:

> Converting Medicare to a series of private options would undermine the market power of Medicare and could lead to higher costs for seniors.

That's a hard-hitting analysis from a nonpartisan group, and it shatters the myth that the Ryan Medicare plan wouldn't harm current or future seniors.

Mr. Speaker, Democrats oppose the Ryan budget because it's the wrong plan for America, and the deeming language included in this rule would force the Ryan budget on this House without a direct vote. That's right: there's no up-or-down vote on this plan. No, the rule simply ''deems'' that the Ryan budget takes effect, despite the lack of a budget resolution conference report.

Americans want us to focus on jobs and the economy, not on partisan games designed to throw red meat to the right wing of the right wing. Reject this rule and reject the Ryan Medicare plan.

I reserve the balance of my time.

Mr. BISHOP of Utah. As was stated on the point of order, when we talk about deeming—a term that, obviously, most Americans have never heard—a procedural issue, we have had the policy debate, and we will have in the future the policy debate. But this point is about procedure.

So, Mr. Speaker, if you will allow me, I'd actually like to go back to the topic of the debate we have today and the topic of the rule and, indeed, the topic of the bill, which deals with hunting and fishing. That ought to be what we are talking about in here, because that is the issue before us in the underlying bill—hunting and fishing. And it is significant because what this bill asks for those who are sportsmen in America is that hunting and fishing be recognized as a historic and traditional recreation activity and that our bureaucracy back here in Washington will support and protect those hunting and fishing rights, although we do not insist that they prioritize them.

What that means in simple language is if the agencies back here in the bureaucracies of Washington decide that some area of public land should be closed to public recreation, they have to have a darn good reason to do it. In fact, the bill lists some reasons to do it—fire safety, public safety, national security, or compliance with State laws or regulations, and only then and there. Indeed, in addition to having that criteria, unlike other elements when we deal with public-lands issues, there is a specific time limit on when these decisions have to be made; and if, indeed, the agency will not make those decisions in a timely fashion, it reverts back to what it was and these activities may go forward.

Do we need to do this? Of course we do. One Bureau of Land Management official implied that recreational hunting should be eliminated on public

lands because, in his words: The urbanites freak out when they hear the sound of shots being done on public lands.

I suggest to you that is not a logical reason on why hunting and fishing rights should be prohibited; and, therefore, you need this language in here to make sure those hunting and fishing rights are indeed protected.

There will be one amendment that will come forward later on that talks about recreational shooting. I want to remind this body that under the rules that we have, that includes such things as reenactments. If ever the Bureau of Land Management or the National Park Service has a reenactment, if that amendment were to be passed, you couldn't actually shoot a flintlock because it would violate some of the proposed rules here.

□ 1330

It also goes on to say that Congress has, for a long time, banned EPA from making rules or regulations dealing with lead ammunition or flying equipment. And yet, once again, we have a nuisance lawsuit that was filed on March of this particular year petitioning the EPA to make a decision to try and ban this particular process. There is no scientific evidence for that petition.

But we don't know necessarily what some of the agencies in here making bureaucratic regulations—in effect, making a legislative decision within the body of an executive agency—will do. Therefore, this legislation, once again, makes it crystal clear that Congress has spoken on this issue, that Congress has primacy on this issue, and that Congress' decision on this issue should, indeed, be respected.

This bill stops red tape by the bureaucracies that has stopped legal hunting trophies from coming into this country. I emphasize the word ''legal'' hunting trophies.

This bill is supported by every sportsmen's group imaginable.

Some people would say this is a Second Amendment issue. I don't necessarily want to go that far because our Second Amendment is about an individual right to self-defense. Hunting was not the purview of the Second Amendment when it was adopted. But, indeed, the ability of people to bear weapons on public lands to do hunting and fishing when it is allowable is important, and it is important for us to step forward and say that it should be protected.

In essence, what this bill does is say to those who like to recreate on public lands, and that recreation includes hunting and fishing, that is a traditional, that is a historic activity and that should be maintained, and any of those efforts by special interest groups to try and curtail that will be rejected by this Congress. That's why this bill is here, that's why this bill is significant, that's why this bill is important, and that's why this bill should be passed, including the rule to start forward in that process.

With that, Mr. Speaker, we will talk about other elements, I'm sure, that will come up, but we can do that at a later time, and I reserve the balance of my time.

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

Mr. Speaker, I can see why my good friend from Utah is so desperate not to talk about the deem-and-pass language which is included in this rule. I would remind him, and I remind others on the other side, that back in March of 2010, Speaker JOHN BOEHNER said that the deem-and-pass strategy was ''one of the most outrageous things I have seen since I have been in Congress.'' That's what the current Speaker of the House said back in March of 2010. And now, astonishingly, everybody on the other side of the aisle is quiet about that.

Let me just say this, Mr. Speaker. This place is becoming an institution where trivial matters get debated passionately and important ones not at all. My friend from Utah is saying this is all about the guns, the gun issue. Well, that's the least important part of what this rule does.

This rule deems the Ryan budget. It basically says that we're going to operate under those very difficult numbers that Congressman RYAN and the Republicans' Budget Committee have passed. And what it means is that we're going to end Medicare as we know it. That's more important to talk about than guns. What it means is that we're going to force more people into food insecurity and hunger because it's going to result in drastic cuts in food and nutrition programs. That's more important to talk about than guns.

The fact of the matter is this rule undercuts the social safety net in this country. This rule, if it is passed and these numbers become what the House operates under, I think will destroy the middle class and will force more people in the middle into poverty. It undercuts programs in education, and it undercuts programs in environmental protection and investments in our infrastructure and aid to cities and towns helping our police, helping our firefighters.

As I said—I cannot say this enough—this ends Medicare as we know it. If people want to end Medicare, then vote for this rule, because that's exactly what this rule will require. And I think that's outrageous. There are some things worth fighting for; and the protection of Medicare is one of those things, at least on our side of the aisle, we think is worth fighting for.

So please do not be fooled that this is some innocuous rule that would merely bring up a bill dealing with guns. This bill deems the Ryan budget as basically passed, as if it has gone through the House and the Senate, and the numbers that we're going to operate under in all of our committees.

I think that as the American people pay closer attention to what is happening here, they get more and more outraged by the activities of the Republican leadership. This is not what the American people want. They rejected this attempt to undercut Medicare last year, and they're going to reject it again.

I urge my colleagues to vote ''no'' on this rule. Vote ''no'' on this rule, and I reserve the balance of my time.

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

I appreciate the concerns of some people who do not live in areas that have a vast amount of public lands owned and controlled by the Federal Government, who don't see the need for some of those situations to be modified, rectified, and secured.

For those of us who have the joy of the Federal Government as an absentee landlord, this bill is actually of significance. It's not just another gun bill; it's dealing with ways of life and recreation opportunities that should and ought to be maintained at all times.

But, Mr. Speaker, there is the deeming portion of this that happens to be there. Senator Eugene McCarthy of Minnesota, that name that goes back to my childhood, once gave a wonderful article in which he told people that if you were a Senator not to worry about the rules of the Senate because none of the Senators know what they are, so just go ahead and try what you want to. He also said that if you're a House Member, rules of the House are too complex, so just ask the Parliamentarians; don't try to learn them. There's a load of wisdom in that, because what we have in here, in this particular deeming section, is a procedural issue, something that must take place according to our rules if we, indeed, are to go forward with the work of what Congress is supposed to be.

Unlike the rhetoric that we have heard so far, this is not the debate on the policy issue. That has happened in the past. That will come again in the future. This rule is simply about the procedure if we allow Congress to move forward with our work.

I have said there is precedent for this. Six times in the history of the House these kind of deeming provisions have been written into the budget. Is it good? Of course not. No one wants to do it this way. But it has to go forward simply because of the dynamics of the two Houses that we have here right now.

As I said, this has precedent for it.

In 2010, indeed, there was another deeming motion that was made here on the floor in House Resolution 1500 of that particular year. The gentleman from Massachusetts was the sponsor of that on the floor, as well, in which, at that time, under Democratic control, we also deemed. There was a difference, though, in that deeming of that time. Under this time, there has been a budget that has gone through the Budget Committee and that was voted on in the Budget Committee and was debated on the floor and passed on the floor.

In 2010, there was no budget that went through a Budget Committee and did not have a vote. Indeed, the numbers were only given a day before the actual vote took place under martial law. At that time, in 2010, this House resolution was hereby adopted. We're not doing that this time. What we are simply doing is allowing the process to go forward.

Now, there are two ways of doing this: either we can pass this deeming concept for the House so that the appropriation bills and the authorization bills and the reconciliation bills within their committee can go forward with some kind of standard on what they are doing. To do so without that is like playing a baseball game without any umpires where no one is there to say what is a ball and what is a strike and if there is an out or a safe. That's what this concept would do.

There's another way of solving that same problem, and that's asking our good friends on the other side of this Chamber, the Senate, to finally pass a budget so that we can work together and move forward.

Look, the Senate has refused to pass a budget in, now, 1,081 days; 1,081 days the Senate has refused to do a budget on their side. And we should not be paralyzed because of their inaction. In 1,081 days, Henry VIII married, divorced, and beheaded his wife in less time than that.

The Senate should be willing to move forward, and if they did, if they passed the budget and we have this conference committee, we could actually move forward in that time. But without that, we have to do something else procedural so that our committees can actually pass authorization bills, appropriation bills, and reconciliation bills and bring them here to the floor in some kind of order.

We have to have a budget if you don't want to have a government shutdown. You have to have a budget if you want a reconciliation that will solve what Secretary Panetta says is that sequester meat ax that would happen to the defense of this country.

□ 1340

You have to have a budget because the Senate refuses to do a budget. I find it surprising that some on the other side are basically arguing not to do anything, which would actually lead to shutting down the government or draconian cuts, or basically telling us we're not supposed to do our work. That is ridiculous.

This is not a great concept. I'm not happy that we're doing this. It would be much better if the Senate would do their work and let us work together.

Or maybe there's a third option. Congressman Berger of Wisconsin, back in the 1920s, suggested that a constitutional amendment would be passed to dissolve the U.S. Senate and leave only the House. That is a third option that would solve our problems, and perhaps our friends on the other side would like that option better.

Sans that opportunity, we've got to move forward. This is a procedural issue to move us forward with precedents, having been done in the last Congress, precedents. I ask that you consider that.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, let me just say that if this were nothing, my friends on the other side of the aisle would not be hiding this deeming language in a rule dealing with guns. We'd have a straight up-or-down-vote on the floor on the deeming provision.

The fact of the matter is that this rule magically puts the Ryan budget into effect, and what that means is an end to Medicare as we know it. And we're going to fight my friends on the other side of the aisle who want to destroy one of the most important social programs that we have in this country.

At this point, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the Democratic leader.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding and for giving us all this opportunity to speak about what is happening on the floor today. It's happening just as we have returned from 2 weeks with our constituents, listening to them talk about core challenges facing the American people and the key priorities our families, businesses, and workers are facing.

Americans have made it clear over and over again. It is their constant message. We must work together to create jobs and grow our economy. We must preserve the economic security of our seniors, the middle class, and small business owners. This is all the backbone of the middle class, the backbone of our democracy.

We must protect Medicare and not dismantle it. And yet, Mr. Speaker, our Republican colleagues are at it again. Not once, not twice, not three times, but now four times are they voting to cut the Medicare guarantee. We must protect Medicare.

We must enact a budget that reflects our Nation's values of fairness and opportunity and puts the American Dream in reach for every American. Yet, House Republicans simply refuse to listen to what the American people are saying to us. Instead, they have decided to pull a stunt here today and ''deem and pass'' their devastating budget. They know their budget cannot stand the scrutiny of the House, the Senate and the rest, so they want to deem and pass it using a procedural trick to pretend that both the House and the Senate have signed off on their radical agenda.

But the American people know better. They know that the Republican budget ends the Medicare guarantee, making seniors pay more to get less on the way to severing the Medicare guarantee completely; that this budget destroys more than 4 million jobs in the next 2 years, destroys jobs. And three, gives a tax cut of nearly $400,000 to people making more than $1 million per year, protects tax breaks for special interests and Big Oil, and forces the middle class to foot the bill. Ends the Medicare guarantee, is a job killer to the tune of 4 million jobs, gives over $400,000 in tax cuts to people making over $1 million a year. How can that be a statement of our national values?

We also know that the Republican budget will undermine Medicaid for the elderly and people with disabilities, slash critical investments in education—education, where all innovation springs from, education, the source of America's competitiveness internationally, education, the source of people reaching their aspirations in life. Education, jobs, and health care would be slashed.

And we know that cuts have to be made, and important spending decisions must be made. But you just can't say let seniors pay more for Medicare, let's not invest in education and the rest, while we give tax breaks to the wealthiest people in our country.

So this bill, called a budget bill, breaks the deal. It breaks the debt agreement. It makes matters worse for the deficit. It breaks the deal struck last summer, abandoning a firm bipartisan promise to the American people.

Americans already rejected the Republican budget plan last year, and this year is no different, except the Republicans think so—by bringing it up over and over again, and this time by saying we know it can't pass the Senate, so we'll just deem it passed in the House.

Rather than trying to fool the American people, the Republicans are being called upon to join us today in opposing today's previous question and simply allowing the House to vote. And our measure would say, if the Republicans contend—and they do—that their bill does not hurt Medicare, then let the House go on record and say that our measure would prohibit any plan to eliminate Medicare, raise costs, ration care, or reduce the benefits for seniors and people with disabilities.

By supporting our proposal we can keep the bedrock promise to our seniors that, after a lifetime of work, all Americans should be able to retire with dignity and security.

As Members of Congress, we each have a responsibility to protect Medicare for our seniors, to create jobs for our workers, to grow our economy, to build a strong, all-inclusive, and thriving middle class.

As Democrats, we are committed to reigniting the American Dream, to building ladders of opportunity for all who want to work hard, play by the rules, and take responsibility. And we want them all to succeed. We just don't want people that make over $1 million to climb up their ladder, make over $1 million a year, and then pull up the ladder so that no one else can even reach some level of success.

We ask our House Republican friends, please let us work together to reach

our shared goals to strengthen families, to secure a future of prosperity for all people in our country.

I urge my colleagues to vote ''no'' on the previous question to stop the drive to deem and pass a measure that will end the Medicare guarantee.

Mr. BISHOP of Utah. I appreciate the former Speaker's visit to the floor, and I have a comment to make about the verbiage of deem and pass.

But first, before we get there, I'd like to actually have someone talk about the resolution itself. I yield 2 minutes to the gentlewoman from Michigan (Mrs. MILLER) to actually go back to what it's supposed to be about, hunting and fishing.

Mrs. MILLER of Michigan. I thank the gentleman for yielding.

Mr. Speaker, I rise in favor of the legislation and the rule as well.

Our Nation has been blessed with such magnificent natural wonders that provide great enjoyment for those who hunt and fish, and today, our sportsmen continue a wonderful and a great tradition that has defined our Nation.

Unfortunately, far too often sportsmen are stymied in their efforts to build upon this great American tradition and heritage because of overzealous bureaucrats and activists who seem to want to go to almost any means, really, to stop hunting and fishing.

Today, by passing the Sportsmen's Heritage Act of 2012, we will make a statement of support for our Nation's sportsmen and -women. This bill states clearly that fishing and hunting and shooting are important activities that create jobs and must continue on public land, and it requires those that manage the land to make it accessible and holds them accountable.

It takes away the power from the bureaucrats to limit types of ammunition and fishing tackle that they've been trying to limit that can be used on public lands. And it removes red tape that keeps hunters from bringing home a limited number of legally-taken trophies from Canada as well.

□ 1350

And today, Mr. Speaker, we will send a very clear message to American sportsmen and American sportswomen that we are on your side. We value the important role that you play in upholding our national heritage and its great tradition of America, and the jobs that you create through your activities as well.

I would urge all of my colleagues to join me in supporting this very important legislation and this rule as well.

Mr. MCGOVERN. Mr. Speaker, let me just repeat, this rule has very little to do with sportsmen, but it has an awful lot to do with ending the Medicare guarantee as we know it.

At this point, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the opportunity to join in this debate. First of all, I would like to strongly agree with the previous speakers on our side of the aisle that this is trying to shield the public from the full consequences of the Republican budget.

We just left the Budget Committee, where we had an opportunity for people to start looking at what is going to happen were their budget to move forward. And make no mistake, if our friends on the other side of the aisle thought that this ''deem and pass'' was just a little modest procedural thing to do and it was a good idea, we would be having the budget discussion here with trumpets blaring. The reason we're not is what you saw in a moment of candor by the Presidential nominee—evidently—Romney talking about what's going to happen. About Departments like Housing and Education that are going to be shrunk or eliminated, talking about the massive tax increases that are going to be necessary on middle America if they're going to give these additional tax reductions for people who need it least.

There's a reason why this is being shuffled through without a full, honest debate about the consequences. I'm hopeful that this falls short. But make no mistake, this is a sad effort to back away from assertions from the Republicans that they were going to try and open up the process, be inclusive, engage people in a broad discussion. Instead we get legislation like this.

I listened to my good friend from Michigan just sort of passing over, for example, the little item about being able to bring in trophies animals that have been hunted in Canada. Back up and look at what's happening here. This encourages people to hunt for trophies the polar bears, which are threatened and endangered. They know that they're not supposed to import it back into the United States, but now these people go out and kill these animals for trophy, for sport. Now they're going to be able to bring them here to the United States even though for years it's been inappropriate to do so. What sort of incentive is this to respect our efforts to protect threatened and endangered species like the polar bear?

Opening up public lands? We're all in favor of being able to use public lands. I come from the West. I'm one of those States where the Federal stewardship is over half the land. I represent Federal areas in my district, and I represent a lot of people who hunt and fish. I also represent a lot of people who like to hike, people who like the wilderness experience, people who respect efforts to try and manage our forests.

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

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

Mr. BLUMENAUER. This legislation, if it were enacted—and mercifully it won't be—would enable some bureaucrats in Washington, D.C. to trump the decisions of local land managers to try and protect, for example, in condition of high fire hazard. We saw forest fires in Colorado started by recreational target shooting.

Now, of course our friends on the other side of the aisle aren't concerned about increased global warming, increased drought, extreme weather conditions; but for heavens sakes, taking away the ability of the local managers to be good stewards of the land, to take away the authority of the EPA to ever deal with appropriate regulations on things like lead is just silly. It's not appropriate, it's not good policy, and it's part of an effort to obscure the real efforts that are under way, and that has to do with being able to weasel this Republican budget legislation through with as little public scrutiny as possible.

I strongly urge rejection of the rule.

Mr. BISHOP of Utah. I thank the gentleman from Oregon for being here. It was exhilarating to hear someone actually talking about the bill before us. Unfortunately, it was slightly inaccurate as well, so if I could make a couple of corrections.

The trophy concept that is there is not opening it up for new elements. It is simply saying those trophies that were already legally hunted and have been denied access to this country can be accessed into this country. It doesn't expand anything. Indeed, rather than actually taking away State and local control, one of the provisions of this bill is that the rules will be attuned to State and local laws, which means State and local authorities actually have a great deal of authority under this particular bill. They have more authority than a bureaucrat sitting here in Washington.

But let me go back to what the other people wish to talk about, and that is this deeming concept again—even though that is one of the provisions and is still not the basis of the bill.

I taught debate for almost a dozen years, and I had a debate coach when I was younger who used to say when you're totally lost on an issue and you don't know what to do, just find an argument and keep drilling it in over and over again and just maybe the judge will vote for you. You've heard that happening today. No decision is being made on this procedural vote. We did actually have a debate and vote 3 weeks ago. That debate would have been appropriate, was appropriate 3 weeks ago, and will be appropriate in the future, but not necessarily. This is a procedural vote on how we move forward; it is not a policy vote on how we move forward.

Words do have consequences and meaning. The Speaker was kind enough to come in here and talk about how we are deeming and passing something. I have to take umbrage of that slightly. We are not deeming something and passing something. That actually took place in 2010 when Speaker PELOSI presided over House Resolution 1500 that, indeed, deemed and then passed something—passed something that had not

gone through committee, had not been discussed or voted by anybody. And with less than a day of actually looking at the numbers, that was deemed and then passed.

What we are talking about here is passing something which happened 3 weeks ago and now, so that we can go forward with the discussion in our committees, deeming it simply because the Senate, once again, in over 1,000 days has failed to allow us, in a traditional way, to move forward. That's why this is a procedural vote. This is not about policy. This is not an effort where you have to pass something to find out what's in it. This is the procedure in which we will go forward on something we have already passed out of committee, on something which is in the nature of what is going forward, which has been debated here on the floor, and now allow it to be debated further. This is procedural. This is procedural.

Mr. VAN HOLLEN. Would the gentleman yield for a question?

Mr. BISHOP of Utah. I yield to the gentleman from Maryland.

Mr. VAN HOLLEN. Isn't it the case that, in passing this rule, we provide the process by which the budget will be implemented in the House of Representatives? Isn't that the case?

Mr. BISHOP of Utah. I appreciate that. And reclaiming the time very briefly because I know you're the next speaker and you're going to go over this issue one more time, yeah, that's exactly what—there has to be a procedure to go forward. But, once again, unlike what happened in 2010, we're not pulling the numbers out of thin air. You actually had the chance to debate that earlier in your Budget Committee and will have the chance to debate that again on the floor as well as in the committee. That's process; it's a process. If you want to, again, go across the rotunda and talk to your friends over on the other side, maybe we wouldn't have to do that. But until they're willing to do something, we have a procedural problem here.

With that, I reserve the balance of my time and look forward to hearing the gentleman.

Mr. MCGOVERN. Mr. Speaker, before I yield to the ranking member of the Budget Committee, again, I want to make it clear to everybody who's watching this that this rule is about a lot more than a gun bill. This rule is about how we're going to proceed with the appropriations for the various committees. So, again, if this wasn't so controversial, my Republican friends would have brought up this deeming language on its own; but instead, they're hiding it in this gun bill, and they're trying not to talk about what this means. What this means is an end to the Medicare guarantee, among other things. It means an end to the social safety net in this country.

I think this is a horrible, horrible way to proceed. I think the budget that was passed by the House is horrible. But to move forward in this manner I think is very, very disruptive.

People need to understand that this is not just a rule that allows a gun bill to come to the floor and, oh, by the way, there's a few little minor procedural things that are contained in this rule. This is a big deal, this is a huge deal, and my colleagues need to know that.

At this point, I yield 5 minutes to the gentleman from Maryland (Mr. VAN HOLLEN), the distinguished ranking member of the Committee on the Budget.

□ 1400

Mr. VAN HOLLEN. I thank my friend, Mr. MCGOVERN. He is absolutely right. The next vote will be a vote to double down on the Republican budget.

I appreciate the answer from my colleague from Utah (Mr. BISHOP). What the next vote will allow, the vote on the rule, is for the House to proceed with the implementation of the Republican budget. Therefore, if you think that budget is the wrong direction for this country, you should vote against the rule and not give the House the authority to move forward, because that's what the next vote is all about.

Mr. Speaker, let's just remember what that budget does. I would just remind my colleagues that the issue in the debate was not whether or not we reduce the long-term deficit in this country. We've got to do that. The issue was how we do that. The Republican budget did not follow the advice of every bipartisan group that has looked at the challenge of deficit reduction, because those bipartisan groups have said that we need to take a balanced approach—meaning, we've got to make some tough cuts.

We passed some of the Budget Control Act, and we needed to do more. They also said that we needed to deal with the revenue side of the equation, but the Republican budget doesn't ask for one penny—one penny—from millionaires for the purposes of deficit reduction. It doesn't close one single tax loophole for the purposes of deficit reduction—not one. In fact, the overwhelming majority of our Republican colleagues have signed a pledge saying they won't do that, that they won't close one tax loophole for the purpose of deficit reduction. Now, the American people understand the math of the budget. If you say that we're not going to ask the wealthiest to do a little more as part of reducing the deficit, it means you've got to sock it to everybody else even harder.

Just this week, we saw this play out. Yesterday, in the Senate, they had a vote on the Buffett rule. It is a very simple proposition: let's ask millionaires to pay the same effective tax rate as their secretaries. Every Democratic Senator but one voted for it. Every Republican Senator but one voted against it.

Contrast that to what's going to happen in the House on Thursday. Here in the House on Thursday, they're going to do another tax break. Look at the Joint Tax Committee, a nonpartisan group. Where did the bulk of those funds go—to hedge funds? to Washington law firms? There was $50 billion added to the deficit in 1 year, and it would be $500 billion over 10 years. When you give tax cuts like that and if you also want to reduce the deficit, it means you cut into everything else. So what do you cut? You do cut the Medicare guarantee. You hit seniors on Medicare. I'll just show you a chart that shows exactly what they do here.

If you look at this chart, it shows the current support that seniors receive under the Medicare program. That's the blue line. This is the percentage of support they get from the Medicare program. As you can see, if you continue the Medicare program at the current levels of support, it maintains that at that level. This green line is the level of support that Members of Congress get as part of the Federal employees' health benefit plan. Members of Congress get a fixed percentage of the premium costs as part of their plan. When the costs go up, Members of Congress' support for the plan goes up accordingly, and that's why the level of support from Members of Congress—that's the green line—stays constant over time. As for the Medicare voucher plan, huh-uh. Under the Medicare voucher plan, as costs for health care rise, the amount of the vouchers seniors get will not keep pace. That's how they reduce the deficit.

In other words, it's another round of tax cuts for millionaires; but for seniors who have a median income today of under $22,000, they're going to give them a voucher that doesn't keep pace with health care costs. For Members of Congress, your plan keeps pace with rising health care costs; not so for seniors on Medicare. Why? Again, it's not a balanced approach.

What else does it do? We just had a hearing today in the Budget Committee on what it does to Medicaid. It shreds the social safety net. It cuts Medicaid by $800 billion over the next 10 years. According to the nonpartisan Congressional Budget Office, by the year 2022, Medicaid will be cut by 30 percent and, by the year 2050, by 75 percent.

The SPEAKER pro tempore (Mrs. EMERSON). The time of the gentleman has expired.

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

Mr. VAN HOLLEN. I would remind my colleagues that two-thirds of Medicaid funding goes to seniors in nursing homes and to care for disabled individuals, and another 20 percent goes to kids from low-income families. They would whack that in their budgets, in the Republican budget, by $800 billion. At the same time, if you'd just take the portion of the tax cut in the Republican budget that extends the Bush tax cuts for the folks at the very top, that's $961 billion, but they don't want

to ask those Americans to go back to paying the same rates that they were paying during the Clinton administration—the same rates. The economy was booming and 20 million jobs were created—but no, they want to give the folks at the very high end a tax break and cut Medicaid by $810 billion.

Those are the choices that are made in the Republican budget, and that's what this vote on this rule is all about: whether we should allow this body to go forward and implement that budget. It's wrong for the country. It's displaced priorities.

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

My old debate coach is looking down on our actions and is smiling, saying his advice was right. Just keep making the same arguments over and over again, and maybe someone will actually believe those. This, actually, still is about a sportsmen bill and about hunting and fishing rights on public property.

What the gentleman from Maryland just said is 99 percent accurate. There is one slight difference in what he said, and that is that this would be deemed until such time as there is a conference report. If there, indeed, is another avenue to go, ask the Senate to do its work, to do its job, to have a conference committee, and to actually move forward in that manner. Otherwise, we have to either do it in an improvised way, which is this, or you have to simply not do it at all.

Actually, one of the end results of what the other side is telling us to do is to simply not do anything. Do not go forward with any ideas. Do not go forward with reconciliation, and have a defense sequestration go into effect that would devastate the military that Secretary Panetta is begging you not to do. You have to do something procedurally to move forward. This vote does not implement anything. This vote allows our committees to go back and do the work that we were supposed to do. You defeat this, and we go back to a policy of doing nothing.

As I said before, there is precedent for what we are doing. I don't know why we say we are burying this in a hunting bill; but in 2010 when we did this deeming practice over another administration, it was buried in section 4 of House Resolution 1500. Once again, in going through a different process back then because no committee had ever looked at those numbers before, they were deemed and passed. This time, we actually passed a bill. We debated it in committee. We debated it on the floor. Now we are going to deem those numbers until such time as the Senate is responsible enough to do its work and have a conference committee report so that the House at least does what we are charged to do, and that is the work of the American people.

This is a procedural resolution that allows our committees to go forward to find solutions and to do it with some order to it. It doesn't presuppose what the final decision will be. That's the argument that's being made here. It does not presuppose the final decision. It is the procedure to go forward, Madam Speaker, and that is why we so desperately need to do this—so the House can do its work when the Senate refuses to do its work.

I reserve the balance of my time.

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

Let me just remind my colleagues that, by deeming these numbers, what my colleagues will be doing if they vote for this rule will be to give the Republican leadership the green light to go ahead and dismantle Medicare, to end the Medicare guarantee for our senior citizens.

□ 1410

It will be a green light to go after anti-hunger and nutrition programs. It's the green light to go after education programs. As the ranking member on the Budget Committee said very clearly, we all want to balance the budget, we all understand we need to deal with our debt. But the way my friends on the other side of the aisle have outlined their plan, it is so one-sided. The burden is all on middle-income families, all on those who are poor.

Their way of balancing the budget is to lower the quality of life for the middle class in this country. And there are other choices to be made. For example, making sure that Donald Trump pays his fair share or that we close some of these corporate tax loopholes or go after some of these subsidies for the big oil companies. Instead, all of the plans that have been put forward by my Republican friends are all aimed at those in the middle and those struggling to get into the middle. That is why we are so outraged here today. We believe in Medicare. We don't want to end the Medicare guarantee for our senior citizens.

At this point, Madam Speaker, I would like to yield 2 minutes to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. Madam Speaker, our good friend from the State of Utah posed the question: What do the American people want?

I suppose that most of us would like to hunt on public land and fish, and the underlying bill does that. Unfortunately, tacked on to that bill—should this rule actually pass the House—will be something that I'm sure the American people do not want. And that is the crux of this current debate. The debate here is really about what will be added to the hunting and fishing legislation.

Let's consider for a moment exactly what it is. It is the end of Medicare as we know it. It sets up a program that will, as surely as we are here on the floor at this moment, terminate Medicare. It's also a bill that will immediately double the interest rate on every student loan taken out here in the United States. It's also a bill that will put 200,000 students out of school, out of college because the Pell Grants are reduced. It's also a bill that will take $80 billion a year out of Medicaid, some 62 percent, 63 percent of which goes to nursing homes. So seniors will not be able to get into nursing homes and those who are there may not be able to stay.

What is being tacked onto the hunting and fishing bill here is something that the American public does not want. The American public does not want to see students thrown out of school, does not want to see Medicare end for seniors, does not want to see seniors no longer able to go to a nursing home, does not want to see the food stamps terminated as unemployment increases and as we find some 20 percent of American children in poverty unable to get a decent meal 7 days a week. That's what the American public does not want, but what the Republicans are offering with this rule is precisely that.

We ought to vote ''no'' on this rule. If you must deem, put it in a separate bill and let's have an up-and-down vote on that.

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

Mr. MCGOVERN. Madam Speaker, I yield 2 minutes to the gentleman from Massachusetts, the distinguished ranking member from the Committee on Natural Resources, Mr. MARKEY.

Mr. MARKEY. I thank the gentleman.

The Republican budget reads like the legislative version of the ''Hunger Games,'' pitting American families in an unfair and losing battle against billionaires and Big Oil.

One, the Republican budget doles out tax breaks that the wealthiest don't need and we can't afford; two, gives away $4 billion in annual tax breaks for oil companies; three, abandons grandma and grandpa, forcing them to pay more for health care or forgo coverage altogether; four, takes food out of the mouths of hungry children all across our country.

Just yesterday, Senate Republicans refused to fix a broken system that allows CEOs to pay a lower tax rate than their secretaries. Here in the House, the Republican leadership has called the Buffett rule a hoax. The real hoax is the Republican budget. The GOP used to stand for Grand Old Party. Now it stands for Guaranteed Oil Profits; now it stands for Gut and Get Old People; now it stands for Greed Over Principle. One hundred years after the Titanic sank, the Republican budget throws working Americans overboard while saving the lifeboats for the wealthiest.

The ''Hunger Games,'' that's what the Republicans are playing. For the entertainment of the billionaires and the oil companies, we—that is the Republicans—are now going to sacrifice

the programs that help the neediest children in our country. It is a budget that does not deserve the support of any Member of this institution.

Mr. BISHOP of Utah. Madam Speaker, I would urge the gentleman to pay particular attention to some of the amendments that are proposed under this rule, one of which would actually probably prohibit those Hollywood people from making movies on public lands again if any kind of hunting and fishing action were to be required.

Mr. DREIER. Will the gentleman yield?

Mr. BISHOP of Utah. I yield to the gentleman from California.

Mr. DREIER. I would just like to say to my friend that as the lone Republican who represents Hollywood, I don't like aspersions being cast at my very distinguished constituents, as my friend has just chosen to do.

Mr. BISHOP of Utah. With that, Madam Speaker, let me yield 5 minutes to the chairman of the Rules Committee, who is here to clean up the mess I have made so far.

Mr. DREIER. Well, it's going to take more than 5 minutes to clean up that mess.

Madam Speaker, let me just say that while I am here to clean up Mr. BISHOP's mess, I've got to say I never in my wildest dreams believed that the ship that my grandmother almost rode on, but didn't quite get on, the Titanic, would be brought into this debate. I'm very impressed that my friend from Massachusetts has proceeded to do that.

But I will say that another of his lines, Madam Speaker, was just absolutely incredible: taking food from the mouths of hungry children. Come on, give me a break. Madam Speaker, the notion that anyone—Democrat or Republican alike—would in any way embrace the notion of taking food from the mouths of hungry children is one of the most preposterous things imaginable. We want to ensure that every single child in this country has opportunity, as well as food. We want to make sure that we're able to get our fiscal house in order. And frankly, as I listened to all of the complaints being leveled about the action that we will take with passage of this rule, it is simply unhappiness over the fact that our friends on the other side of the aisle have lost the budget debate.

Madam Speaker, what we're doing is very simply doing the work that this body has charged us with doing. The work that we've been charged with doing is to put into place a reconciliation package, getting the authorizing committees to work on the charge of a budget.

One of the words that we regularly hear the American people use to malign all of Washington, D.C., is the word ''gridlock.'' I'm not one of those. I subscribe to the George Will view that sometimes the notion of having a President of one party and a Congress of a different party is not necessarily a bad thing. But we know that the term ''gridlock'' is used as a pejorative.

Madam Speaker, I can think of not much that would exacerbate gridlock more than our saying the House passed its budget and we all know that the Senate has failed in more than 3 years and 100-some-odd days since they've passed a budget, that the Senate has failed to pass a budget. So we have the responsibility, since we have been able to pass a budget here, to do our work.

This notion of calling it deem and pass and somehow likening it to the outrageous proposal that—fortunately the American people stood up and said it was not acceptable, and finally the House responded by not deeming and passing that incredible health care bill, which is potentially unconstitutional. We'll see what the Supreme Court says sometime this summer. But the idea of characterizing that with our doing exactly what Democrats did when it came to the budget in the past and that is that since the work hadn't been done, the reconciliation process had to begin, we had to do the work that follows the passage of a budget. That's exactly what we're doing.

□ 1420

To somehow describe this as extraordinary is, again, a gross mischaracterization of what it is that we have before us.

Madam Speaker, I will say that for us to proceed with this rule and consideration of this very important measure, we have a $15.5 trillion national debt. We have budget deficits as far as the eye can see. The so-called Buffett rule, I mean its author in the Senate acknowledged yesterday that it would do nothing—Senator WHITEHOUSE said it would do nothing to create jobs, and he threw out there, he said, it's not going to solve all the ailments of society. It's not going to cure all the ailments of society.

The fact is we need to focus on job creation, on economic growth, and that's exactly what we're trying to do with this budget. This budget is designed to get our economy growing, and at the same time it's designed to, yes, ensure, with the social safety net, that those who are truly in need are able to benefit from those programs. But it's designed to make sure that those programs will not go into extinction completely. And it's designed to ensure that we create opportunity for every man and women in this country, as many people have been discouraged, as many people are struggling to have the opportunity to find a job. The budget that we have is designed to encourage the kind of government structure which will make it possible for that to happen.

Madam Speaker, let me just say with that, I encourage an ''aye'' vote on this rule. Let's get down to work. That's what the American people want us to do.

And I hope and pray that I have cleaned up for Mr. BISHOP.

Mr. MCGOVERN. Madam Speaker, I just want to respond to something that my distinguished chairman of the Rules Committee said. You know, he implied that when my colleague from Massachusetts said that the Republican budget plans would literally take the food out of the mouths of children, that somehow we were engaged in hyperbole or some kind of empty rhetoric.

I don't know whether my chairman knows that tomorrow in the House Agriculture Committee, under the direction of the Republican leadership, that they are going to cut $33 billion out of the SNAP program.

Mr. DREIER. Will the gentleman yield?

Mr. MCGOVERN. I yield to the gentleman.

Mr. DREIER. I would say to my friend, obviously we have to deal with very, very serious fiscal challenges that exist here, and I know that these State-run programs are designed to ensure that those who are truly in need are able to benefit, and so no one has the desire to take food from the mouths of hungry children.

Mr. MCGOVERN. I thank the gentleman for his comments.

Mr. DREIER. I thank my friend.

Mr. MCGOVERN. But $33 billion in cuts will reduce benefits to people. It will take, literally, food off the table for many families and a lot of working families, too.

Under the Republican leadership's direction, the Agriculture Committee is not going after excessive subsidies and big agri-businesses. It's going after SNAP, food stamps. I am going to have an amendment in the Rules Committee today, when we bring up the transportation bill I think for, like, the 15th time I have offered it, to go after the billions of dollars that we give to oil companies in subsidies. Taxpayers subsidize these programs. We never get an opportunity to vote on the House floor.

But the Republican leadership is not only not allowing me to do that, they are not saying we should go after and trim this corporate welfare. What they are saying is $33 billion in cuts to SNAP. That is outrageous.

Mr. DREIER. Will the gentleman yield on that point?

Mr. MCGOVERN. I will yield to the gentleman in 1 second.

I know these are difficult budgetary times. I mean, you know, to not ask the Donald Trumps of the world to pay a little bit more and rather, instead, to cut $33 billion in SNAP, or to not insist that we pay for these wars that seem to go on forever, and let that add to our debt, but go after poor people who are on SNAP, that's where the outrage is. I can't believe that that's the first place we are turning.

I yield to the gentleman.

Mr. DREIER. I thank my friend for yielding. Let me just say that I agree with part of his statement here, that being that we need to look at overall tax reform. I concur with the notion of

reducing any kind of subsidies. I don't like the idea of engaging in social planning through tax policy, and so I hope in the context of overall tax reform that we will be able to do exactly what my friend is arguing when it comes to the issue of subsidization. I thank my friend for yielding.

Mr. MCGOVERN. May I inquire of the gentleman from Utah how many more speakers he has?

Mr. BISHOP of Utah. How many would you like me to have?

Mr. MCGOVERN. As many as you want.

Mr. BISHOP of Utah. Then we will have that many, but I hope I will be the last.

Mr. MCGOVERN. Madam Speaker, I will close for our side.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for up to 1½ minutes.

Mr. MCGOVERN. Madam Speaker, if we defeat the previous question, I will offer an amendment to the rule to ensure that Republicans can't use so-called reconciliation procedures to force through the elimination of Medicare as we know it or force through cuts to Medicare benefits for seniors or people with disabilities.

Madam Speaker, I ask unanimous consent to insert the text of the amendment into 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 Massachusetts?

There was no objection.

Mr. MCGOVERN. Madam Speaker, we have a choice here. We can either balance our budget and deal with our deficit and our debt in a fair and balanced manner, or we can do it in the way that the Republican leadership has proposed, which is to basically put the burden on middle-income families and those struggling to get into the middle, and to put an added burden on our senior citizens.

Make no mistake about it: if you vote for this rule, you are voting to end the Medicare guarantee. That is their plan, and that is what they have said. There is no question about it.

I think it is outrageous. I think when Warren Buffett pays a lower tax rate than his secretary there is something wrong with our tax system. When corporations get all these special loopholes so they don't have to pay taxes but middle-income families have to, there is something wrong with this system. We need some balance.

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

I urge a ''no'' vote on the rule, and I yield back the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, there is, as I finish this, a couple of areas I want to talk about. There are children who are preparing to go to preschool today who have lived their entire lives without seeing the Senate actually pass a budget. Were that not the case, we would not be here with this particular issue, and if they actually were to pass a budget, we would go forward without this particular issue.

Once again, the merits of the budget notwithstanding, this vote does not implement anything; it allows us the procedure to go forward to implement something. The underlying bill still does talk about the ability of those of us who live in public land States to have hunting and fishing rights guaranteed and protected without the heavy hand of Washington bureaucrats stopping that concept. Indeed, State law will have to be considered before they do any kind of concept.

I also want to put one other concept before you, just in closing, that illustrates the problem we have with the American people on how we waste money and, indeed, that needs to be one of the first things of our consideration.

CBO has scored this bill as potentially costing $12 million. It doesn't make a difference. There is nothing mandated in here that needs to have a review under the NEPA process of these bills. The administration said that we might have to go through this process, therefore, you should score it at $12 million.

Let's make an assumption that you actually had to go through the reprocessing of going through all of the land management plans. And I would ask the people the question: Does it make sense that it would take $12 million for the Park Service and the BLM to decide whether hunting would or would not be allowed? Could that not be done with the Secretary and a cell phone within a week if we actually were decent about what we were attempting to do?

When, indeed, we have bills like this in which the administration and the government is trying to say, well, it will cost $12 million to make the decision of whether hunting is allowed or not, it puts all of our efforts into question. It does not make sense. And it may be one of the reasons why we need to look at what we are doing internally first, and that would be an appropriate thing to take place.

Madam Speaker, in closing, I want to reiterate that this is still a procedural vote on a rule that is extremely fair, and it is appropriate to the underlying legislation of H.R. 4089, which does talk about fishing and hunting rights, preserving that time-honored tradition and, indeed, allowing those of us in the West to make sure that we are not precluded from those traditional areas of activity. It's a good bill and, more importantly, this is a fair rule, and I urge you to adopt it.

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

AN AMENDMENT TO H. RES. 614 OFFERED BY MR. MCGOVERN OF MASSACHUSETTS

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

SEC. 3. PROHIBITING USE OF RECONCILIATION PROCEDURES FOR ELIMINATION OF MEDICARE PROGRAM AND INCREASED COSTS OR REDUCED BENEFITS TO SENIORS AND PEOPLE WITH DISABILITIES.

(a) No measure reported by a committee pursuant to reconciliation directives in House Concurrent Resolution 112 shall be considered a reconciliation bill for purposes of the Congressional Budget Act of 1974 if it contains a provision that, with respect to the Medicare program under title XVIII of the Social Security Act, furthers, promotes, provides for, or implements any of the following:

(1) Eliminating guaranteed health insurance benefits for seniors or people with disabilities under such program.

(2) Establishing a Medicare voucher plan that provides limited payments to seniors or people with disabilities to purchase health care in the private health insurance market or otherwise increasing Medicare beneficiary costs.

(b) No measure reported by a committee pursuant to reconciliation directives in House Concurrent Resolution 112 shall be considered a reconciliation bill for purposes of the Congressional Budget Act of 1974 if it contains a provision that, with respect to seniors or people with disabilities, furthers, promotes, provides for, or implements any of the following:

(1) Rationing health care.

(2) Raising revenues or premiums for seniors or people with disabilities under section 1818 of the Social Security Act, section 1818A of such Act, or section 1839A of such Act.

(3) Increasing cost-sharing (including deductibles, coinsurance, and copayments) under the Medicare program for seniors or people with disabilities.

(4) Otherwise restricting benefits or modifying eligibility criteria under such program for seniors or people with disabilities.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

Because the vote today may look bad for the Republican majority they will say ''the

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

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

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

Mr. BISHOP of Utah. With that, 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. McGOVERN. 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-minutes votes on adopting House Resolution 614, if ordered; and suspending the rules and passing H.R. 1815.

The vote was taken by electronic device, and there were—yeas 235, nays 179, not voting 17, as follows:

[Roll No. 155]

YEAS—235

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
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
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.
Mack
Manzullo
Marchant
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
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
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—179

Ackerman
Altmire
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
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Neal
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
Sires
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—17

Akin
Andrews
Cardoza
Cohen
Costello
Davis (IL)
Filner
Fincher
Gallegly
Lewis (GA)
Marino
McIntyre
Napolitano
Pitts
Rangel
Slaughter
Walsh (IL)

□ 1455

Messrs. SCOTT of Virginia, CLYBURN, and Ms. BERKLEY changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Madam Speaker, on rollcall No. 155, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "nay."

Mrs. NAPOLITANO. Madam Speaker, on Tuesday, April 17, 2012, I was absent during rollcall vote No. 155 due to a family health emergency. Had I been present, I would have voted "nay" on Ordering the Previous Question of H. Res. 614, the resolution providing for consideration of the bill H.R. 4089, to protect and enhance opportunities for recreational hunting, fishing and shooting, and for other purposes.

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. McGOVERN. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 228, noes 184, not voting 19, as follows:

[Roll No. 156]

AYES—228

Adams
Aderholt
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Bartlett
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Calvert
Camp
Campbell
Canseco

Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
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
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
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (FL)
Young (IN)

NOES—184

Ackerman
Altmire
Baca
Baldwin
Barrow
Barton (TX)
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boren
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
Connolly (VA)
Conyers
Cooper
Costa
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
Frank (MA)
Fudge
Garamendi
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Neal
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
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—19

Akin
Andrews
Burton (IN)
Cardoza
Cohen
Costello
Filner
Fincher
Gallegly
Lewis (CA)
Lewis (GA)
Marino
McIntyre
Napolitano
Pitts
Rangel
Slaughter
Terry
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1505

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Madam Speaker, on rollcall 156, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

Mrs. NAPOLITANO. Madam Speaker, on Tuesday, April 17, 2012, I was absent during rollcall vote No. 156 due to a family health emergency. Had I been present, I would have voted "no" on agreeing to the resolution of H. Res. 614, the resolution providing for consideration of the bill H.R. 4089, to protect and enhance opportunities for recreational hunting, fishing and shooting, and for other purposes.

LENA HORNE RECOGNITION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 1815) to posthumously award a Congressional Gold Medal to Lena Horne in recognition of her achievements and contributions to American culture and the civil rights movement, 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 Missouri (Mr. LUETKEMEYER) that the House suspend the rules and pass the bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 410, nays 2, not voting 19, as follows:

[Roll No. 157]

YEAS—410

Ackerman
Adams
Aderholt
Alexander
Altmire
Amodei
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
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
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
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson (IL)
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
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
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
Neal
Neugebauer
Noem
Nugent
Nunes

Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
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
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)

NAYS—2

Amash
Paul

NOT VOTING—19

Akin
Andrews
Cardoza
Cohen
Costello
Duncan (SC)
Filner
Fincher
Gallegly
Gowdy
Latham
Lewis (GA)
Marchant
Marino
McIntyre
Napolitano
Pitts
Rangel
Slaughter

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 1½ minutes remaining.

□ 1512

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. FILNER. Madam Speaker, on rollcall 157, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "yea."

Mr. DUNCAN of South Carolina. Madam Speaker, on rollcall No. 157 I was meeting with students from Clemson University concerning Pell Grant funding during the vote for the Lena Horne Recognition Act. I support recognizing the achievements of Ms. Horne and would have voted in favor of this Act. Had I been present, I would have voted "yea."

Mrs. NAPOLITANO. Madam Speaker, on Tuesday, April 17, 2012, I was absent during rollcall vote No. 157 due to a family health emergency. Had I been present, I would have voted "yea" on the Motion to Suspend the Rules and Pass H.R. 1815, the Lena Horne Recognition Act.

SPORTSMEN'S HERITAGE ACT OF 2012

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill, H.R. 4089.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 614 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. 4089.

The Chair appoints the gentlewoman from Missouri (Mrs. EMERSON) to preside over the Committee of the Whole.

□ 1515

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. 4089) to protect and enhance opportunities for recreational hunting, fishing and shooting, with Mrs. EMERSON in the chair.

The Clerk read the title of the bill.

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

The gentleman from Washington (Mr. HASTINGS) and the gentleman from Arizona (Mr. GRIJALVA) each will control 30 minutes.

The Chair recognizes the gentleman from Washington.

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

I rise in strong support of H.R. 4089, the Sportsmen's Heritage Act of 2012.

This legislation protects the traditional right of American sportsmen to hunt and fish from arbitrary and unjustified bureaucratic restrictions and limitations. It will remove government roadblocks to these activities on certain public lands and guard against new regulations that threaten hunting and fishing.

This is a bipartisan bill, Madam Chairman. It has the bipartisan sponsorship of the Republican and Democrat chairs of the Congressional Sportsmen's Caucus, Mr. MILLER of Florida and Mr. ROSS of Arkansas, as well as the caucus' vice chairs, Mr. LATTA of Ohio and Mr. SHULER of North Carolina. This bill also has the broad support of America's recreational fishing, hunting, shooting, and wildlife conservation community.

At the appropriate time, I will include two letters, one from over 35 sportsmen's organizations and one from the Association of Fish and Wildlife Agencies, for the RECORD.

There are four titles to this legislation, and each reflects stand-alone bills sponsored by individual Members of the House. Mr. BENISHEK of Michigan, Mr. FLAKE of Arizona, Mr. YOUNG of Alaska, and Mr. MILLER of Florida all deserve credit for leadership on these important sportsmen issues. Their four bills were assembled in this package to be among the first pro-sportsmen bills considered and, I hope, passed by the House this year. I expect and anticipate further action on additional legislation in the months ahead.

This legislation is an affirmative declaration that Americans' ability to fish and hunt is not arbitrarily subject to limitation by the whim of Federal bureaucrats. It makes clear that public lands are "open until closed" to such recreational activities, and it makes absolutely clear, Madam Chairman, that the EPA does not have the authority to regulate ammunition and fishing tackle. This bill is not a solution in search of a problem, but regrettably, bureaucratic threats to hunting, fishing, and recreational shooting are very real, thus the need for this legislation.

Title I of this bill protects sportsmen from arbitrary Federal efforts to block hunting and fishing on public lands managed by the U.S. Forest Service and the Bureau of Land Management, or the BLM.

□ 1520

It requires that these activities be supported and facilitated, but—this is very important, Madam Chairman—it does not prioritize hunting and fishing over other multiple uses.

The vast majority of our Nation's public lands are to be open and available for multiple uses, but, regrettably, there are agency personnel and land managers who attempt to control these lands as personal fiefdoms and prevent legitimate uses and activities, including hunting and fishing. In addition, activist groups bring lawsuits to limit these activities; and in the worst situations, bureaucrats willingly roll over to such lawsuits as a convenient way to limit the use of these facilities. This bill will protect against such lawsuits and the ensuing costly paperwork associated with them.

Title II of the bill directly addresses the sudden attempt last year by the Obama administration's Bureau of Land Management to limit target shooting on certain lands. An agency spokesman was cited in a news article saying that their proposed ban was being enacted in response to urbanites who "freak out" when they hear shooting and that the restriction wasn't rooted in public safety but, rather, to reduce "social conflict." This proposed ban echos the Obama administration's attempt to impose a new classification of wildlands on Federal property in an attempt to unilaterally establish de facto wilderness.

Madam Chairman, I want to remind my colleagues once again that only Congress has the authority to establish wilderness areas.

Just as with the wildlands proposal, public outcry against the BLM's attempt to limit target and recreational shooting forced Interior Secretary Salazar to retreat from this effort, and rightfully so. However, at any point—say, right after the November election—the administration could again attempt such a ban on such activities. This is exactly why this legislation is necessary, because it would clearly provide that any closure must be specifically and publicly justified and be for reasons of national security, public safety, or to comply with Federal or State laws.

Title III of the bill would allow for the importation of certain legally taken hunting trophies from Canada that, through no fault of the sportsmen, have become trapped in a bureaucratic limbo. This is focused squarely on resolving existing situations ensnarled in red tape and does not open the door to unlimited future imports.

Finally, title IV of the bill is in response to perhaps the greatest bureaucratic threat posed, and that threat comes in the form of the Environmental Protection Agency, or EPA. In 1976, Congress barred the EPA from regulating firearms and ammunition. However, this has not stopped attempts to try and circumvent the law with the argument that EPA may not be able to regulate ammunition, but it can regulate components of ammunition and components of fishing tackle.

Regulating components of ammunition and fishing tackle would be a massive power grab by the EPA despite a clear lack of legal authority. Has that stopped the EPA under this administration? Sadly, it hasn't.

The EPA is an unfettered agency with an appetite for greater regulations that result in a greater stranglehold of our economy and how Americans are allowed to live their lives. But, unfortunately, the EPA is not without its allies.

In March, over 100 activist antihunting and environmental groups petitioned the EPA to ban the use of lead in hunting and fishing components. This is an overt attempt to end-run a law that has been on the books for nearly 40 years.

This legislation that the House will vote on today reiterates and clarifies existing law, leaving no question that the EPA does not have the authority to regulate ammunition and fishing tackle.

Madam Chairman, hunting, fishing, and recreational shooting are longstanding American traditions that deserve protection, which is exactly what this underlying legislation does, the Sportsmen's Heritage Act of 2012. This is why the bill has received strong bipartisan support and the endorsement of dozens of sporting and wildlife organizations.

I again want to commend the sponsors for their work and encourage all of my colleagues to support and vote for this legislation. I also want to thank Chairman UPTON of the Energy and Commerce Committee and Chairman LUCAS of the Agriculture Committee for their cooperation and assistance in helping to expedite consideration of this bill. At the appropriate time, I will again insert into the RECORD an exchange of letters between me and those chairmen regarding this legislation.

With that, I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, March 8. 2012.

Hon. DOC HASTINGS,
Chairman, Committee on Natural Resources, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN HASTINGS: I am writing concerning H.R. 4089, the ''Sportsmen's Heritage Act of 2012,'' which was ordered reported from your committee on February 29, 2012. I wanted to notify you that, although it received a referral on the bill, the Committee on Energy and Commerce will forgo action on H.R. 4089 so that it may proceed expeditiously to the House floor for consideration.

This is done with the understanding that the Committee on Energy and Commerce is not waiving any of its jurisdiction, and the Committee will not be prejudiced 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. 4089, and ask that a copy of our exchange of letters on this matter be included in the Congressional Record during consideration of the bill on the House floor.

Sincerely,

FRED UPTON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
Washington, DC, March 8, 2012.

Hon. FRED UPTON,
Chairman, Committee on Energy and Commerce, Rayburn HOB, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4089, the Sportsmen's Heritage Act of 2012. As you know, the Committee on Natural Resources reported the bill by a bipartisan vote of 27 to 16 on February 29, 2012. I recognize and appreciate your desire to facilitate the consideration of this legislation by the House of Representatives, and accordingly, understand that the Committee on Energy and Commerce will forgo action on the bill.

The Committee on Natural Resources concurs with the mutual understanding that by forgoing consideration of H.R. 4089 at this time, the Committee on Energy and Commerce does not waive any jurisdiction over Title IV of the bill or similar legislation. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on Energy and Commerce represented on the conference committee. Finally, I would be pleased to include your letter and this response in the bill report filed by the Committee on Natural Resources, as well as in the Congressional Record during floor consideration of H.R. 4089, to memorialize our understanding.

Thank you for your cooperation and support.

Sincerely,

DOC HASTINGS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
Washington, DC, March 8, 2012.

Hon. FRANK LUCAS,
Chairman, Committee on Agriculture, Longworth HOB, Washington, DC.

DEAR MR. CHAIRMAN: On February 29, 2012, the Committee on Natural Resources ordered reported H.R. 4089, the Sportsmen's Heritage Act of 2012, by a bipartisan vote of 27 to 16. The bill was referred primarily to the Committee on Natural Resources, with an additional referral to the Committee on Agriculture and the Committee on Energy and Commerce.

I ask that you allow the Committee on Agriculture to be discharged from further consideration of the bill so that it may be scheduled by the Majority Leader. This discharge in no way affects your jurisdiction over the subject matter of the bill, and it will not serve as precedent for future referrals. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on Agriculture represented on the conference committee. Finally, I would be pleased to include this letter and your response in the bill report filed by the Committee on Natural Resources to memorialize our understanding.

Thank you for your consideration of my request.

Sincerely,

DOC HASTINGS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, April 10, 2012.

Hon. DOC HASTINGS,
Chairman on Natural Resources, Longworth HOB, Washington, DC.

DEAR MR. CHAIRMAN: In response to your letter dated March 8, 2012, I am writing regarding H.R. 4089, the Sportsmen's Heritage Act of 2012, which contains provisions within the jurisdiction of the Committee on Agriculture.

Our two Committees have a history of working cooperatively on matters that generally concern the jurisdiction of both Committees. In order to permit floor consideration of this bill, the Committee on Agriculture will forgo action with the understanding that it does not prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this bill or similar legislation in the future.

I would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during consideration on the House floor.

Sincerely,

FRANK D. LUCAS
Chairman.

ASSOCIATION OF FISH &
WILDLIFE AGENCIES,
Washington, DC, April 16, 2012.

DEAR CHAIRMAN HASTINGS: I write to reflect the support of the Association of Fish and Wildlife Agencies for HR 4089 with the changes as reflected in the Manager's Amendment to the Rules Committee Print from Mr. Hastings of Washington. As you know, the Association represents the collective perspectives of the state fish and wildlife agencies, and all 50 state agencies are members. We appreciate the work of Committee Members and staff in concluding the perfecting language as reflected in the Manager's Amendment. We also appreciate the enhanced opportunities for recreational fishing, hunting and shooting that will be realized as a result of the bill upon enactment.

We respectfully urge you to oppose any potential floor amendments that would threaten either state fish and wildlife agency authority, or jeopardize the Pittman-Robertson

and Dingell-Johnson laws, the most successful conservation funding models of user-pay/public benefits for fish and wildlife conservation and hunting, fishing and shooting sports.

As we celebrate the 75th Anniversary of the Wildlife and Sportfish Restoration Funds (Pittman-Robertson and Dingell-Johnson), it reminds us of the need to recommit ourselves to protecting the integrity of these funds and the conservation decisions using these funds that are best made at the state and local levels with the input of the hunting, angling and shooting community. State/local decision making is one of the foundational tenets of the North American Model of Wildlife Conservation, and the sportsmen's funding of fish and wildlife conservation through license dollars and Pittman-Robertson and Dingell-Johnson excise taxes apportioned to the states is the most successful conservation program in the world.

Thank you for your consideration of the Association's perspectives.

Sincerely,

JONATHAN W. GASSETT, PH.D.,
President, Association of Fish & Wildlife Agencies and Commissioner, Kentucky Department of Fish & Wildlife Resources.

APRIL 12, 2012.

Hon. JOHN BOEHNER,
Speaker of the House, Longworth H.O.B., Washington, DC.
Hon. ERIC CANTOR,
House Majority Leader, Cannon Building, Washington, DC.
Hon. NANCY PELOSI,
House Minority Leader, Cannon H.O.B., Washington, DC.

DEAR SPEAKER BOEHNER, MAJORITY LEADER CANTOR, AND MINORITY LEADER PELOSI: The undersigned organizations from the recreational fishing, hunting, shooting, and wildlife conservation community would like to bring to your attention our support for H.R. 4089, the Sportsmen's Heritage Act of 2012. This legislation is basically comprised of several of the approximately eight sportsmen's priority bills being championed by the bipartisan Congressional Sportsmen's Caucus. Additionally, in these fiscal times, none of the provisions of H.R. 4089 score or contain any authorization for funding. We understand that not all of the eight sportsmen's priority bills are included within this Act; however, we appreciate the need to quickly move this legislation as it currently stands.

H.R. 4089 is essential to recognizing the importance of and facilitating the expansion and enhancement of hunting and recreational fishing and shooting. H.R. 4089 is a compilation of four different bills (H.R. 2834, H.R. 3440, H.R. 991, and H.R. 1558) that promote and advance our hunting and recreational fishing and shooting heritage. Summarily, the bill includes language that:

Requires hunting and recreational shooting and fishing to be recognized activities on all Forest Service and Bureau of Land Management lands;

Protects recreational shooting on National Monuments under the jurisdiction of the Bureau of Land Management;

Amends the Marine Mammal Protection Act to allow hunters who legally harvested polar bears in Canada prior to its listing under the Endangered Species Act to purchase permits in order to transport their trophies into the U.S.; and

Clarifies that the Environmental Protection Agency does not have the jurisdiction to regulate traditional ammunition with lead components and lead fishing tackle.

Specifically, H.R. 4089 is composed of the following titles:

TITLE I—RECREATIONAL FISHING AND HUNTING HERITAGE AND OPPORTUNITIES. After acknowledging that ''recreational anglers and hunters have been and continue to be among the foremost supporters of sound fish and wildlife management and conservation in the United States'' and defining hunting and recreational fishing as ''environmentally acceptable and beneficial activities,'' Title I would require the Bureau of Land Management and Forest Service to keep their lands open to hunting, recreational fishing, and shooting and facilitate the use of and access to Federal public lands and waters for these activities, pursuant to reasonable exceptions. Access to areas to participate in these activities is one of the top reasons cited as to why sportsmen stop participating in their sports. We support and endorse the perfecting language designed to address potential unintended consequences, as reflected in the amended H.R. 2834 as reported out of the House Natural Resources Committee.

TITLE II—RECREATIONAL SHOOTING PROTECTION. This portion of the bill protects the ability of Americans to enjoy recreational shooting on public lands. Specifically, this portion of the bill says, ''Subject to valid existing rights, National Monument land under the jurisdiction of the Bureau of Land Management shall be open to access and use for recreational shooting.'' Therefore, if a Federal land agency needs to close a portion of land to recreational shooting they are required to ''submit to Congress a report detailing the location and extent of, and evidence justifying, such a closure or restriction'' and to meet other criteria designed to keep all available lands open to sportsmen and recreational shooters. This portion of H.R. 4089 also instructs Federal land managers to manage lands ''in a manner that supports, promotes and enhances recreational shooting opportunities. . . .''

TITLE III—POLAR BEAR CONSERVATION AND FAIRNESS. This portion of the legislation permits the importation of polar bear trophies taken legally by hunters in Canada through an amendment to the Marine Mammal Protection Act. If this bill were to be enacted, up to $41,000 would be generated for polar bear conservation and research which would aid in future polar bear conservation efforts.

TITLE IV—HUNTING, FISHING, AND RECREATIONAL SHOOTING PROTECTION. This portion of the legislation amends the Toxic Substances Control Act to exclude traditional ammunition with lead components and lead fishing tackle from regulation by the Environmental Protection Agency. Title IV covers a variety of hunting and fishing components that will be exempt because they are subject to a Federal excise tax which serves as a revenue source for conservation efforts at the state level. There is no scientific evidence to suggest the lead contained in ammunition and fishing tackle is having an adverse impact at the population or ecosystem level, and a ban on lead in sporting equipment would unduly burden both industry and sportsmen alike.

The enactment of H.R. 4089 is an important step in the advancement of America's sporting heritage. We urge you to support H.R. 4089. With your support, we can help overcome the obstacles facing sportsmen and women today and further the sportsmen tradition so that it can be handed down for generations to come.

Thank you for your consideration and we look forward to working with you to enact H.R. 4089.

Sincerely,

American Sportfishing Association, Archery Trade Association, Boone and Crockett Club, Bowhunting Preservation Alliance, Campfire Club of America, Catch-A-Dream Foundation, Center for Coastal Conservation, Coastal Conservation Association, Congressional Sportsmen's Foundation, Conservation Force, Dallas Safari Club, Delta Waterfowl Foundation, Ducks Unlimited, Houston Safari Club, International Game Fish Association, International Hunter Education Association, Masters of Foxhounds Association, Mule Deer Foundation, National Rifle Association.

National Shooting Sports Foundation, National Trappers Association, National Wild Turkey Federation, North American Bear Foundation, North American Grouse Partnership, Pheasants Forever, Pope and Young Club, Quail Forever, Quality Deer Management Association, Rocky Mountain Elk Foundation, Ruffed Grouse Society, Safari Club International, Shimano, Texas Wildlife Association, The Bass Federation, U.S. Sportsmen's Alliance, Wild Sheep Foundation, Wildlife Forever, Wildlife Management Institute.

Mr. GRIJALVA. Madam Chairman, I rise in strong opposition to H.R. 4089 and yield myself such time as I may consume.

This legislation is completely unnecessary. If enacted, it would actually harm hunting and fishing on our public lands.

Today, April 17, 2012, nearly 85 percent of Federal lands are open for hunting, fishing, and recreational shooting. These activities have always been an essential part of Federal land management, and they always will be.

Yes, hunting and shooting are facing ever increasing pressures from development, from pollution and habitat destruction. Areas that were once fertile and open hunting grounds are now condominiums or strip malls.

The reality is that Federal public lands and Federal land managers are the last bastion of a hunting tradition many have enjoyed for generations. While so much private property is closed to hunters, the Federal lands remain open.

But instead of recognizing the value of these lands and the expertise of these dedicated land managers, instead of recognizing the complexity of balancing the competing demands of our public lands, supporters of this bill accuse local land management professionals of opposing hunting and claim that officials here in Washington and we here in the Capitol know best how to manage wildlife thousands and thousands of miles away. The legislation and its supporters are wrong on every count.

As part of the analysis of H.R. 4089 by the Congressional Budget Office, CBO found that hunting, fishing, and recreational shooting are allowed on most Federal lands under current law. The problem this bill claims to solve actually does not exist. What's worse, this

bill is not designed to improve the quality of our public lands or our public recreation, rather, it is another in a string of legislative proposals put forth by the majority intended to devalue and degrade our public resources.

Since the beginning of this Congress, Republicans have pushed for unlimited oil and gas development on Federal lands, even waiving important environmental assessments designed to make sure energy development doesn't destroy wildlife and surrounding communities.

Republicans have rejected efforts to put safeguards on offshore drilling to protect important coastal ecosystems.

Republicans have fought to sell Federal lands on the cheap or just give them away.

Republicans have tried to cut off funding for new habitat through the Land and Water Conservation Fund; they support dams and other development in and along wild and scenic recoveries; they even push for uranium mining near the Grand Canyon in my beloved State of Arizona.

Supporters of this bill will claim to love wildlife, but they attack wildlife habitats every chance they get.

At every turn, we've argued that our parks, forests, and monuments are important for recreation, for wildlife, and for water. We have argued against these development proposals because we believe that these lands provide economic benefits to the surrounding communities.

For supporters of this legislation to come to this floor and claim they have seen the light, that all of a sudden they realize Federal public lands are valuable, is not credible.

This bill is not intended to save Federal lands or to support Federal land managers. This bill is designed to wrap them in red tape, place obstacles in their path, and intimidate them by making them seek permission from agency heads in Washington before they can do their jobs.

This bill is about scoring political points with outside groups, even if it means harming our precious public resources.

Not only is H.R. 4089 bad policy, it is an expensive piece of legislation. Again, according to the nonpartisan Congressional Budget Office, forcing the Federal land management agencies to scrap decades of careful planning and then forcing them to redraft all of these current plans according to the dictates of politicians here in Washington will ultimately cost $12 million.

□ 1530

On a day when the majority has voted to deem the Ryan budget in place, a budget we are told is necessary, even though it will devastate our seniors, our students, our families, our environment, the majority is asking the House to vote for $12 million in new spending that is both unnecessary and harmful.

Hunting and fishing and recreational shooting are commonplace on Federal lands. The only step this Congress could take to endanger these activities is to pass H.R. 4089.

With that, Madam Chairman, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Chairman, I am very pleased to yield 4 minutes to the author of one of those pieces of legislation, the chairman of the Veterans' Affairs Committee, the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. I thank Chairman HASTINGS for yielding, Subcommittee Chairman BISHOP and all the members of the Natural Resources Committee for their help and support in bringing this piece of legislation to the floor.

I also want to take this time to say thank you to the entire sportsmen's community, which has worked very hard to solidify the support here in Congress, including Congressmen BENISHEK, FLAKE, YOUNG, and BROUN, and my counterparts in the Congressional Sportsmen's Caucus leadership, Congressmen ROSS, LATTA, and SHULER.

I would be remiss not to recognize the efforts of the individuals who have diligently worked together with the sportsmen's community to help advance this very bipartisan package of legislation.

I agree with my friends on the other side of the aisle that hunting, fishing, and other wildlife-dependent activities have always and should be continued on our public lands. What this legislation does is protects sportsmen's rights. It protects sportsmen's rights that preserves our Nation's heritage; and among the provisions in this legislation, it prevents the EPA from expanding TSCA to regulate traditional ammunition and fishing tackle.

Those in opposition may suggest it is the majority's belief that lead shot, bullets, and other projectiles, propellants, and primers should not be regulated by anyone at all. But as you heard just a moment ago by the chairman of the full committee, State fish and wildlife agencies are authorized to manage most of the States' fish and wildlife activities and, therefore, closely monitor and address any local concerns about lead-based ammunition.

Some will also falsely claim that there is significant danger to wildlife populations. With very limited exceptions, there is simply no sound evidence that the use of traditional ammunition is causing harm to wildlife or their populations. Others incorrectly claim that traditional ammunition was a threat to human health. In fact, according to the CDC, there has never, never been a case where lead poisoning has been traced to wild-game meat.

Succumbing to the anti-hunting and anti-fishing groups at the expense of the taxpayer and sportsmen, it will be detrimental to the countless manufacturing facilities of sportsmen and recreational industry. It will destroy thousands of jobs and hurt wildlife conservation funding and efforts.

It is the very ammunition, the firearms and the fishing tackle, along with sportsmen and -women that are footing the bill to manage, to protect, and create the habitat for the species that the very anti-hunting and -angling interests claim that they are trying to save. That is why the sportsmen's conservation organizations and the State fish and game agencies have united with industry and Second Amendment interests to get behind this piece of legislation.

While there is still much work to be done to ensure that sportsmen's rights continue to be protected, H.R. 4089 addresses some of the sportsmen's communities' most pressing concerns, and I urge passage of this important piece of legislation.

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

Mr. HASTINGS of Washington. Madam Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. BROUN), who is a member of the Natural Resources Committee.

Mr. BROUN of Georgia. Thank you, Mr. Chairman.

I rise today in support of H.R. 4089, the Sportsmen's Heritage Act of 2012, a bill that will protect hunting and fishing on public lands and preserve the use of traditional ammunition and fishing tackle.

I am an avid hunter and sportsman. In fact, I'm a life member of Safari Club International and my life member number is 17. I began coming to Washington, D.C., as a volunteer advocate for hunting and fishing rights and for gun owners' rights and responsible conservation. I'm also honored to be a life member of the National Rifle Association. I know the importance of ensuring that our hunters' and our anglers' rights are protected, as well as ensuring the sustainability of wildlife.

This legislation is a compilation of four pro-hunting, -shooting, and -fishing bills offered by my friends JEFF MILLER of Florida, DON YOUNG of Alaska, JEFF FLAKE of Arizona, and Dr. DAN BENISHEK of Michigan. I commend all of them for their great work on this issue. I am also pleased to say that I cosponsored all of their legislation.

Of note, I would like to personally thank Dr. BENISHEK for allowing me to amend his portion of the bill, the Recreational Fishing and Hunting Heritage Opportunities Act, that we marked up in our Natural Resources Committee.

In this Congress, as I have done in the past two Congresses, I introduced H.R. 1444, legislation that would require that hunting activities be considered as a land use in all management plans for Federal land. My amendment was complementary to Mr. BENISHEK's legislation, and it is included in this legislation that we are voting on today.

Sportsmen devote their time, their money, and their efforts towards ensuring that our Nation's fish and wildlife are sustainable for all Americans to

enjoy. In return, I urge my colleagues to support the Sportsmen's Heritage Act so that future generations can continue to hunt, fish, and enjoy God-given natural resources.

The CHAIR. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 30 seconds.

Mr. BROUN of Georgia. I urge my colleagues to support the Sportsmen's Heritage Act so that future generations can continue to hunt, fish, and enjoy the God-given natural resources that were bestowed upon this country.

Mr. GRIJALVA. Madam Chair, I continue to reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Chair, I yield 2 minutes to the gentleman from Michigan, Dr. BENISHEK, who is also a sponsor of one of the pieces of legislation that's part of this legislation.

Mr. BENISHEK. Madam Chairman, I come before the House today as a cosponsor and a strong supporter of the Sportsmen's Heritage Act.

I thank my good friend, Chairman MILLER, for introducing it, and I'm particularly pleased that title I of the bill contains the Recreational Fishing and Hunting Heritage Opportunities Act, a bill I introduced last September.

Madam Chairman, my northern Michigan district is blessed with abundant natural resources, including three Federal forests. Like many in the First District, I have enjoyed hunting and fishing since I was a child. These are memories I have cherished for a lifetime, and I want to ensure that northern Michigan's children and grandchildren will be able to enjoy the same.

Today's bipartisan bill is not some sweeping or radical piece of legislation. It simply confirms that sportsmen will be able to access Federal lands to enjoy fishing, hunting, and recreational shooting. These pursuits are part of the tradition of American public land use, but regrettably they are threatened by animal rights and environmental groups that seek to end that tradition.

Like many in this House, I believe these traditions are something to be celebrated and protected. Whether it's trout fishing in May, deer hunting in November, or just shooting clays with some friends, every person in this country has a right to enjoy these lands.

Madam Chairman, let us make clear today that hunting, fishing, and recreational shooting on Federal lands must be protected. Let us make sure that when our grandchildren pick up their fishing rod or firearm for their first time and head out into America's great outdoors, they have the same rights and privileges that we have always known.

I invite all my colleagues to visit northern Michigan this summer for some of the best trout fishing in America or visit this October or November for some grouse and deer hunting.

Mr. GRIJALVA. Madam Chair, just to make sure that the record is clear, as I mentioned, much of our public lands—and CBO mentioned that as well—are open to hunting, fishing, and recreational shooting.

□ 1540

I think it's important to see how that translates into acreage:

BLM lands, 245 million acres, 95 percent open;

Park Service, 84 million acres, 70 percent open;

Fish and Wildlife, 150 million acres, 57 percent open;

Forest Service, 193 million acres, 95 percent open.

The real threat to access to our public lands for hunters, anglers, and recreational shooting is the privatization of these very important public resources, degraded habitat due to lack of funding, and development that disrupts habitat and water quality.

The majority frequently laments that Federal lands dominate the West and are robbing local communities of important resources. They have promoted taking these same lands and giving it to the States, liquidating others, and intensely developing what is left. If that is the pattern of land management that the majority seeks for our public lands, then hunters, anglers, recreational and people that enjoy our open spaces and public lands will be more endangered by that public policy than by a problem that this bill attempts to address that doesn't exist.

I reserve the balance of my time.

Mr. HASTINGS of Washington. I am very pleased to yield 1 minute to the gentleman from Arizona, somebody who has worked on this legislation, Mr. GOSAR.

Mr. GOSAR. Thank you, Mr. Chairman.

Madam Chair, I rise in support of the Sportsmen's Heritage Act of 2012. I have lived in rural America my entire life, where hunting, fishing, and sport shooting are more than just hobbies—they are a way of life.

Unfortunately, in Arizona, where the Federal Government administers nearly 50 percent of our land, recreational activities are being restricted by ill-advised land management decisions. BLM has shut down nearly 72,000 acres in Agua Fria and is targeting 600,000 more at the Sonoran Desert and the Ironwood Forest National Monument.

The bill we are considering today removes government roadblocks to these activities and guards against new regulations that threaten to block or limit access to hunting and fishing. Our way of life should not be infringed upon because of the prejudices of bureaucrats who do not understand the lifestyles of sportsmen in rural America.

I urge my colleagues to protect jobs, economic growth, and the traditional right of American sportsmen to hunt and fish. Vote ''yes'' on H.R. 4089, the Sportsmen's Heritage Act.

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

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

Let me touch a bit on an issue that was brought up as to the cost of this legislation—cost that I acknowledge was scored by the Congressional Budget Office. I have to say, sometimes we have differences with those agencies. I guess that's understandable. But they suggest that there is a cost associated with this bill. Let me kind of walk through some points of this bill that I hope will point out: How can there be a cost associated with it?

Because, first of all, this bill does not create a new program. New programs would be associated with cost. This does not create a new program. It does not authorize any new spending. So because it doesn't authorize spending, how can there be a cost associated with it? It does not authorize any new personnel. So if we don't add any new personnel, how can there be a cost associated with it? Further, the bill restricts the ability of Federal land managers to oppose restrictions. Well, if they do less, one would say, logically, how could there be a cost associated with it?

I think what the reason is—and sometimes we point fingers here too much, but I mentioned in my opening statement that the Department of the Interior had some problems with this legislation, and maybe they had some problems and said that there would be new activities for people that work for them and, therefore, there would be a cost.

Let me reiterate: it doesn't create a new program. It does not authorize new spending, doesn't hire anybody. Under current law, they are required to do what they are required to do. How could that possibly cost more money? But yet that is what the CBO scored, and there's absolutely nothing we can do because that's their score.

But I will tell you, Madam Chairman, for the record, I highly doubt that if one were to walk their way through the restrictions that I have here and apply it to any other legislation, I would have to think that there would be no costs associated with that legislation. And I think that is probably the case, when you really get down to it, on this legislation.

With that, I reserve the balance of my time.

Mr. GRIJALVA. May I inquire as to how much time is remaining?

The CHAIR. The gentleman from Arizona has 23 minutes remaining, and the gentleman from Washington has 11½ minutes remaining.

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

Mr. HASTINGS of Washington. I am very pleased to yield 3 minutes to another gentleman that has authored legislation that is part of the title of this legislation, the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Thank you, Mr. Chairman, for yielding.

I rise in support of H.R. 4089, the Sportsmen's Heritage Act.

I have appreciated the opportunity and have helped with the introduction of legislation that will protect and enhance opportunities for recreational hunting, fishing, and shooting. I am proud that the Recreational Shooting Protection Act, legislation that I introduced earlier this year, is a critical measure towards protecting the rights of recreational shooters and is included in the bill that we're debating today.

As I stand here, the Bureau of Land Management is actively working to ban recreational shooting in both the Sonoran Desert and Ironwood Forest National Monument in Arizona. That's more than 600,000 acres of taxpayer-supported public lands that, if the administration had its druthers, would be closed to recreational shooting in my State of Arizona alone.

Don't be confused; this isn't just an Arizona issue. In 2010 alone, the agency unilaterally closed more than 400,000 acres across three States to recreational shooting. Just as troubling as the closures themselves is the process by which they're coming about. The mechanism for these closures is just bureaucratic fiat.

Too often, the BLM seems quick to point to the action of some bad actors and just as quick to ignore that many recreational shooting enthusiasts responsibly use their Federal lands and the existing laws already on the books that make disreputable actions illegal already. Whether it's closing a million acres of Federal lands to do mining, investigating costly pollution controls for a new power plant, trying to require costly modifications to pools, or locking up recreational shooting areas, you would think that the administration's arms at some point would get tired from overreaching.

As a remedy in the shooting areas, the Recreational Shooting Protection Act portion of the bill would require congressional approval for existing and future recreational shooting restrictions on BLM-managed national monument lands. It would also direct the BLM to manage national monument lands in a manner that enhances recreational shooting opportunities. I should say that that really is the instructions that the agencies are under now, yet they're continuing to carry forward with these actions.

For generations, the Federal Government has recognized recreational shooting as a traditional and legitimate activity on public lands. Nowhere is this more relevant than in the Western States, like Arizona, where communities are often and literally surrounded by Federal lands.

To be clear, all this provision advocates is an additional layer of supervision and oversight of the process. It does not prevent the closure of BLM lands to recreational shooting, it does not unconditionally reverse existing closures, and it does not grant recreational shooters carte blanche on national monument lands. It also does not authorized any new spending.

I believe the Recreational Shooting Protection Act affords Congress the necessary oversight to prevent unnecessary recreational shooting bans, and I urge its adoption.

The CHAIR. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 30 seconds.

Mr. FLAKE. Thank you.

I should mention that as a diverse package of critical natural resource bills, the Sportsmen's Heritage Act is poised to protect and enhance opportunities for sportsmen across the Nation. I urge its passage.

Again, I thank the chairman for bringing this forward, and those who've worked on the broader piece of legislation. It's a good piece of legislation. It ought to be passed.

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Mr. GRIJALVA. Madam Chairman, my State and my colleague's, Congressman FLAKE's, State, and my district are both blessed with Federal lands, both Forest Service Bureau of Land Management areas. The debate over access for shooting has been fierce for many, many years. We've had closures of some areas because shooting activities, in particular, using saguaro cactuses as targets, was impacting the lands, and the ironwood, which is an endangered bosque that is one of the few left in our Nation and certainly in the Southwest.

These processes by which communities go through an arbitrary, cookie-cutter approach at the national level in terms of recreational shooting robs the local community of their ability to impact and their ability to be able to negotiate compromise and draw consensus on appropriate shooting ranges and sites.

I would suggest that here in Washington, D.C., whether it's Congress or the officials here in Washington making those decisions for Arizona, for our respective districts, that the reaction from the public will not be a good one insofar as they have been robbed of the opportunity to find a workable solution for all the parties involved.

With that, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Chairman, I am very pleased to yield 2 minutes to a vice chairman of the bipartisan Sportsmen's Caucus, Mr. LATTA, from Ohio.

Mr. LATTA. I thank the gentleman.

Madam Chairman, I rise today in support of H.R. 4089, the Sportsmen's Heritage Act of 2012. This important legislation for sportsmen and -women protect their rights to hunt and fish while limiting restrictions in regards to these activities. As a lifelong hunter and Ohio hunter education instructor and current vice chairman of the Congressional Sportsmen's Caucus, these issues are not only important to me but to my constituents, as well as individuals across this Nation.

I strongly support H.R. 4089 and will discuss a provision of the bill relating to the importance of having access to public lands for our sportsmen and -women. This portion of the bill would ensure that Federal land management agencies, primarily the Forest Service and the Bureau of Land Management, act to protect and foster hunting, fishing, and shooting traditions on Federal public lands by directing these Federal agencies to exercise their land management discretion to facilitate sportsmen's and -women's activities.

One of my priorities has been to ensure our youth have the opportunities to access to become involved in hunting, fishing, and other shooting sports. One of the main reasons cited as to why sportsmen and -women stop participating in these activities is the limitation and access of land. By having more access to Federal lands, it helps current users and facilitates that next generation of hunters, anglers, and shooters.

In my home State of Ohio, only 3 percent of the land is publicly owned, whereas in some of our Western States, the majority of the land is publicly owned, as just mentioned by my friend. For example, in Nevada, approximately 80 percent of the land is Federal land, and in Wyoming, it's almost 50 percent. Again, if these lands in these States with large tracts of Federal lands are restricted, hunters and recreational fishermen and -women will not be able to participate in those outdoor activities. And, again, it will impede our youth from being able to participate in the future because, again, they rely on those adults to get them out.

I strongly urge my colleagues to support H.R. 4089, and I thank the gentleman.

Mr. GRIJALVA. If I may, if I could inquire from Chairman HASTINGS as to anymore speakers. I am prepared to close.

Mr. HASTINGS of Washington. I thank the gentleman. I am prepared to close, and so if he wishes to close, then I will close on my side.

Mr. GRIJALVA. Thank you, Mr. Chairman.

Dams, derricks, distress sales—that has been the agenda of the majority until today regarding our public lands. Today, an epiphany. We need to protect wildlife habitat, water quality and access for hunters, fishermen, anglers, and recreational shooting. Promoting more hunting and fishing activities on Federal land involves ensuring the habitat is protected, acquiring new lands to expand existing habitats, funding wildlife and habitat management and continuing to ensure that our parks, forests, monuments, and wildlife areas remain in public hands.

So if we're going to have a discussion about access for a very wide and broad issue of hunting and fishing on our public lands, we should do that, have a

serious discussion. I invite the majority to enter into that, a serious discussion about the funding for fish and wildlife habitat, a serious discussion of land acquisition to increase access and availability for hunters and fishermen and clean water programs that would ensure that that habitat is protected.

Hunting and fishing are under attack, but they're under attack from privatization and development, not from Federal land managers.

This bill says that top-down Washington knows best, knows the best management and that that is the way to go. We support letting local land managers and local communities do their job. You can't say you trust CBO when you like the score and don't trust CBO when you don't like the score. A vote for this bill is a vote to spend $12 million. It's that simple. A vote for this bill is to continue the philosophy of dams, derricks, and distress sales of our public lands under the guise—under the guise—of solving a problem for hunters and fishermen in this country that does not exist on the public lands.

Four out of five acres is available for hunting and fishing on our public lands. I would suggest that that is not just a question of being enough; that is about access and opportunity on our public lands for those activities. Let's not jeopardize them.

Vote ''no'' on H.R. 4089, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Madam Chairman, I yield myself the balance of the time.

The CHAIR. The gentleman is recognized for up to 6 minutes.

Mr. HASTINGS of Washington. Let's go back and set the stage for why this legislation is needed, and let's understand that public lands were designated for multiple use which, of course, means recreation and, of course, commercial activity, unless Congress says otherwise. And the most obvious example of where Congress says otherwise is in wilderness designations. But even then, in wilderness designations, there are certain activities. But Federal lands were designed to be multiple use.

The reason for this legislation is because we are finding arbitrary decisions on the ground not for the exceptions that Congress looked at that would restrict land activity. The gentleman from Arizona (Mr. FLAKE) pointed that out very well with his portion of this bill.

Some of the restrictions make perfectly good sense if one were to look at it hopefully logically, and sometimes we miss that point when we debate here on the floor. One of the reasons is for reasons of national security. If there should be restrictions on public lands for national security, nobody, I think, would argue with that. If there should be restrictions on public lands for public health, nobody would argue with that. Forest fires or wildfires come to mind in that situation—or if they are contrary to applicable Federal statutes. All of those things make sense.

But let's not lose the underlying principle of public lands, that they should be for multiple use. And what this legislation simply does is reiterates, reiterates that hunting and fishing have their portion—not higher, not lower—but have their portion on use for public lands. That's what the whole intent of this legislation is.

We hear my friends on the other side of the aisle saying this is becoming top down; and yet when you look at the concerns that Members have had trying to offer amendments where they're trying to get more flexibility, you can't have it both ways. This simply reiterates what are the national standards. It should be multiple use, but particularly in this case as it relates to hunting and fishing.

With that, I urge adoption of the legislation, and I yield back the balance of my time.

Mr. VAN HOLLEN. Madam Chair, this so-called "Sportsmen's Heritage Act" is an amalgam of four separate bills that have more to do with undermining conservation laws than hunting, fishing or recreational shooting.

Like many Americans and most Members of this House, I don't have a problem with hunting, fishing or recreational shooting on federal land where appropriate. As a practical matter, over 75% of all federal lands are already open to hunting and fishing—and more than 85% of all national monuments are open for recreational shooting. But as a matter of common sense, these recreational activities need to be balanced against the health and safety of other park users and uses, as well as the proper management of wildlife and wildfire risk. And at the end of the day, these kinds of decisions are best made by local land managers, not an agency head in Washington, D.C.

This legislation is further encumbered by a regulatory earmark benefitting an estimated 41 trophy hunters at the expense of our endangered species laws, and a provision banning the EPA from doing something it has already publicly said it isn't going to do.

Accordingly, I urge a no vote.

Mr. RYAN of Wisconsin. Madam Chair, as an avid outdoorsman and member of the bipartisan Congressional Sportsmen's Caucus, I am grateful for the opportunity to voice my support for H.R. 4089, the Sportsmen's Heritage Act. This legislation clarifies federal policies for the management of sporting activities on public lands and protects opportunities for recreational hunting, fishing, and shooting. I commend the House Committee on Natural Resources for their commitment to preserving the legacy of conservation and upholding Second Amendment rights, and I urge my colleagues to vote in favor of this important legislation.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute recommended by the Committee on Natural Resources, printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112–19. That amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 4089

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Sportsmen's Heritage Act of 2012''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—RECREATIONAL FISHING AND HUNTING HERITAGE AND OPPORTUNITIES

Sec. 101. Short title.
Sec. 102. Findings.
Sec. 103. Definition.
Sec. 104. Recreational fishing, hunting, and shooting.

TITLE II—RECREATIONAL SHOOTING PROTECTION

Sec. 201. Short title.
Sec. 202. Definitions.
Sec. 203. Recreational shooting.

TITLE III—POLAR BEAR CONSERVATION AND FAIRNESS

Sec. 301. Short title.
Sec. 302. Permits for importation of polar bear trophies taken in sport hunts in Canada.

TITLE IV—HUNTING, FISHING, AND RECREATIONAL SHOOTING PROTECTION

Sec. 401. Short title.
Sec. 402. Modification of definition.

TITLE I—RECREATIONAL FISHING AND HUNTING HERITAGE AND OPPORTUNITIES

SEC. 101. SHORT TITLE.

This title may be cited as the ''Recreational Fishing and Hunting Heritage and Opportunities Act''.

SEC. 102. FINDINGS.

Congress finds that—

(1) recreational fishing and hunting are important and traditional activities in which millions of Americans participate;

(2) recreational anglers and hunters have been and continue to be among the foremost supporters of sound fish and wildlife management and conservation in the United States;

(3) recreational fishing and hunting are environmentally acceptable and beneficial activities that occur and can be provided on Federal public lands and waters without adverse effects on other uses or users;

(4) recreational anglers, hunters, and sporting organizations provide direct assistance to fish and wildlife managers and enforcement officers of the Federal Government as well as State and local governments by investing volunteer time and effort to fish and wildlife conservation;

(5) recreational anglers, hunters, and the associated industries have generated billions of dollars of critical funding for fish and wildlife conservation, research, and management by providing revenues from purchases of fishing and hunting licenses, permits, and stamps, as well as excise taxes on fishing, hunting, and shooting equipment that have generated billions of dollars of critical funding for fish and wildlife conservation, research, and management;

(6) recreational shooting is also an important and traditional activity in which millions of Americans participate, safe recreational shooting is a valid use of Federal public lands, and participation in recreational shooting helps recruit and retain hunters and contributes to wildlife conservation;

(7) opportunities to recreationally fish, hunt, and shoot are declining, which depresses participation in these traditional activities, and depressed participation adversely impacts fish and

wildlife conservation and funding for important conservation efforts; and

(8) the public interest would be served, and our citizens' fish and wildlife resources benefitted, by action to ensure that opportunities are facilitated to engage in fishing and hunting on Federal public land as recognized by Executive Order 12962, relating to recreational fisheries, and Executive Order 13443, relating to facilitation of hunting heritage and wildlife conservation.

SEC. 103. DEFINITION.

In this title:

(1) FEDERAL PUBLIC LAND.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''Federal public land'' means any land or water that is—

(i) owned by the United States; and

(ii) managed by a Federal agency (including the Department of the Interior and the Forest Service) for purposes that include the conservation of natural resources.

(B) EXCLUSION.—The term ''Federal public land'' does not include any land or water held in trust for the benefit of Indians or other Native Americans.

(2) HUNTING.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''hunting'' means use of a firearm, bow, or other authorized means in the lawful—

(i) pursuit, shooting, capture, collection, trapping, or killing of wildlife; or

(ii) attempt to pursue, shoot, capture, collect, trap, or kill wildlife.

(B) EXCLUSION.—The term ''hunting'' does not include the use of skilled volunteers to cull excess animals (as defined by other Federal law, including laws applicable to the National Park System).

(3) RECREATIONAL FISHING.—The term ''recreational fishing'' means the lawful—

(A) pursuit, capture, collection, or killing of fish; or

(B) attempt to capture, collect, or kill fish.

(4) RECREATIONAL SHOOTING.—The term ''recreational shooting'' means any form of sport, training, competition, or pastime, whether formal or informal, that involves the discharge of a rifle, handgun, or shotgun, or the use of a bow and arrow.

SEC. 104. RECREATIONAL FISHING, HUNTING, AND SHOOTING.

(a) IN GENERAL.—Subject to valid existing rights and subsection (g), and cooperation with the respective State and fish and wildlife agency, Federal public land management officials shall exercise their authority under existing law, including provisions regarding land use planning, to facilitate use of and access to Federal public lands and waters for fishing, sport hunting, and recreational shooting except as limited by—

(1) statutory authority that authorizes action or withholding action for reasons of national security, public safety, or resource conservation;

(2) any other Federal statute that specifically precludes recreational fishing, hunting, or shooting on specific Federal public lands, waters, or units thereof; and

(3) discretionary limitations on recreational fishing, hunting, and shooting determined to be necessary and reasonable as supported by the best scientific evidence and advanced through a transparent public process.

(b) MANAGEMENT.—Consistent with subsection (a), the head of each Federal public land management agency shall exercise its land management discretion—

(1) in a manner that supports and facilitates recreational fishing, hunting, and shooting opportunities;

(2) to the extent authorized under applicable State law; and

(3) in accordance with applicable Federal law.

(c) PLANNING.—

(1) EFFECTS OF PLANS AND ACTIVITIES.—

(A) EVALUATION OF EFFECTS ON OPPORTUNITIES TO ENGAGE IN RECREATIONAL FISHING, HUNTING, OR SHOOTING.—Federal public land planning documents, including land resources management plans, resource management plans, travel management plans, general management plans, and comprehensive conservation plans, shall include a specific evaluation of the effects of such plans on opportunities to engage in recreational fishing, hunting, or shooting.

(B) NOT MAJOR FEDERAL ACTION.—No action taken under this title, or under section 4 of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd), either individually or cumulatively with other actions involving Federal public lands, shall be considered to be a major Federal action significantly affecting the quality of the human environment, and no additional identification, analysis, or consideration of environmental effects, including cumulative effects, is necessary or required.

(C) OTHER ACTIVITY NOT CONSIDERED.—The fact that recreational fishing, hunting, or shooting occurs on adjacent or nearby public or private lands shall not be considered in determining which Federal public lands are open for these activities or for setting levels of use for these activities.

(2) USE OF VOLUNTEERS.—If hunting is prohibited by law, all Federal public land planning documents of listed in paragraph (1)(A) of an agency shall, after appropriate coordination with State fish and wildlife agency, allow the participation of skilled volunteers in the culling and other management of wildlife populations on Federal public lands unless the head of the agency demonstrates, based on the best scientific data available or applicable Federal statutes, why skilled volunteers shall not be used to control overpopulations of wildlife on the land that is the subject of the planning documents.

(d) BUREAU OF LAND MANAGEMENT AND FOREST SERVICE LANDS.—

(1) LANDS OPEN.—Lands under the jurisdiction of the Bureau of Land Management and the Forest Service, including lands designated as wilderness or administratively classified as wilderness eligible or suitable and primitive or semi-primitive areas but excluding lands on the Outer Continental Shelf, shall be open to recreational fishing, hunting, and shooting unless the managing Federal agency acts to close lands to such activity. Lands may be subject to closures or restrictions if determined by the head of the agency to be necessary and reasonable and supported by facts and evidence, for purposes including resource conservation, public safety, energy or mineral production, energy generation or transmission infrastructure, water supply facilities, protection of other permittees, protection of private property rights or interests, national security, or compliance with other law. The head of the agency shall publish public notice of such closure or restriction before it is effective, unless the closure or restriction is mandated by other law.

(2) SHOOTING RANGES.—

(A) IN GENERAL.—The head of each Federal agency—

(i) may lease its lands for shooting ranges; and

(ii) may designate specific lands for recreational shooting activities.

(B) LIMITATION ON LIABILITY.—Any designation under subparagraph (A)(ii) shall not subject the United States to any civil action or claim for monetary damages for injury or loss of property or personal injury or death caused by any activity occurring at or on such designated lands.

(e) NECESSITY IN WILDERNESS AREAS.—

(1) The provision of opportunities for hunting, fishing and recreational shooting, and the conservation of fish and wildlife to provide sustainable use recreational opportunities on designated wilderness areas on Federal public lands shall constitute measures necessary to meet the minimum requirements for the administration of the wilderness area.

(2) The ''within and supplemental to'' Wilderness purposes, as provided in Public Law 88–577, section 4(c), means that any requirements imposed by that Act shall be implemented only insofar as they facilitate or enhance the original or primary purpose or purposes for which the Federal public lands or Federal public land unit was established and do not materially interfere with or hinder such purpose or purposes.

(f) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than October 1 of each year, the head of each Federal agency who has authority to manage Federal public land on which fishing, hunting, or recreational shooting occurs shall publish in the Federal Register and submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(A) any Federal public land administered by the agency head that was closed to recreational fishing, sport hunting, or shooting at any time during the preceding year; and

(B) the reason for the closure.

(2) CLOSURES OR SIGNIFICANT RESTRICTIONS OF 640 OR MORE ACRES.—

(A) IN GENERAL.—Other than closures under subsection (c), the withdrawal, any change of classification, or any change of management status that effectively closes or significantly restricts 640 or more contiguous acres of Federal public land or water to access or use for fishing or hunting or activities related to fishing and hunting (or both) shall take effect only if, before the date of withdrawal or change, the head of the Federal agency that has jurisdiction over the Federal public land or water—

(i) publishes notice of the closure, withdrawal, or significant restriction;

(ii) demonstrates that coordination has occurred with a State fish and wildlife agency; and

(iii) submits to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate written notice of the withdrawal, change, or significant restriction.

(B) AGGREGATE OR CUMULATIVE EFFECTS.—If the aggregate or cumulative effect of small closures or significant restrictions affects 640 or more acres, such small closures or significant restrictions shall be subject to these requirements.

(g) AREAS NOT AFFECTED.—Nothing in this title requires the opening of national park or national monuments under the jurisdiction of the National Park Service to hunting or recreational shooting.

(h) NO PRIORITY.—Nothing in this title requires a Federal agency to give preference to recreational fishing, hunting, or shooting over other uses of Federal public land or over land or water management priorities established by Federal law.

(i) CONSULTATION WITH COUNCILS.—In fulfilling the duties set forth in this title, the heads of Federal agencies shall consult with respective advisory councils as established in Executive Orders 12962 and 13443.

(j) AUTHORITY OF THE STATES.—

(1) IN GENERAL.—Nothing in this title shall be construed as interfering with, diminishing, or conflicting with the authority, jurisdiction, or responsibility of any State to manage, control, or regulate fish and wildlife under State law (including regulations) on land or water within the State, including on Federal public land.

(2) FEDERAL LICENSES.—Nothing in this title authorizes the head of a Federal agency head to require a license or permit to fish, hunt, or trap on land or water in a State, including on Federal public land in the States, except that this paragraph shall not affect the Migratory Bird Stamp requirement set forth in the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718 et seq.).

TITLE II—RECREATIONAL SHOOTING PROTECTION

SEC. 201. SHORT TITLE.

This title may be cited as the ''Recreational Shooting Protection Act''.

SEC. 202. DEFINITIONS.

In this title:

(1) DIRECTOR.—The term ''Director'' means the Director of the Bureau of Land Management.

(2) NATIONAL MONUMENT LAND.—The term ''National Monument land'' has the meaning given that term in the Act of June 8, 1908 (commonly known as the ''Antiquities Act''; 16 U.S.C. 431 et seq.).

(3) RECREATIONAL SHOOTING.—The term ''recreational shooting'' includes any form of sport, training, competition, or pastime, whether formal or informal, that involves the discharge of a rifle, handgun, or shotgun, or the use of a bow and arrow.

SEC. 203. RECREATIONAL SHOOTING.

(a) IN GENERAL.—Subject to valid existing rights, National Monument land under the jurisdiction of the Bureau of Land Management shall be open to access and use for recreational shooting, except such closures and restrictions determined by the Director to be necessary and reasonable and supported by facts and evidence for one or more of the following:

(1) Reasons of national security.

(2) Reasons of public safety.

(3) To comply with an applicable Federal statute.

(4) To comply with a law (including regulations) of the State in which the National Monument land is located that is applicable to recreational shooting.

(b) NOTICE; REPORT.—

(1) REQUIREMENT.—Except as set forth in paragraph (2)(B), before a restriction or closure under subsection (a) is made effective, the Director shall—

(A) publish public notice of such closure or restriction in a newspaper of general circulation in the area where the closure or restriction will be carried out; and

(B) submit to Congress a report detailing the location and extent of, and evidence justifying, such a closure or restriction.

(2) TIMING.—The Director shall issue the notice and report required under paragraph (1)—

(A) before the closure if practicable without risking national security or public safety; and

(B) in cases where such issuance is not practicable for reasons of national security or public safety, not later than 30 days after the closure.

(c) CESSATION OF CLOSURE OR RESTRICTION.—A closure or restriction under paragraph (1) or (2) of subsection (a) shall cease to be effective—

(1) effective on the day after the last day of the six-month period beginning on the date on which the Director submitted the report to Congress under subsection (b)(2) regarding the closure or restriction, unless the closure or restriction has been approved by Federal law; and

(2) 30 days after the date of the enactment of a Federal law disapproving the closure or restriction.

(d) MANAGEMENT.—Consistent with subsection (a), the Director shall manage National Monument land under the jurisdiction of the Bureau of Land Management—

(1) in a manner that supports, promotes, and enhances recreational shooting opportunities;

(2) to the extent authorized under State law (including regulations); and

(3) in accordance with applicable Federal law (including regulations).

(e) LIMITATION ON DUPLICATIVE CLOSURES OR RESTRICTIONS.—Unless supported by criteria under subsection (a) as a result of a change in circumstances, the Director may not issue a closure or restriction under subsection (a) that is substantially similar to closure or restriction previously issued that was not approved by Federal law.

(f) EFFECTIVE DATE FOR PRIOR CLOSURES AND RESTRICTIONS.—On the date that is six months after the date of the enactment of this Act, this title shall apply to closures and restrictions in place on the date of the enactment of this title that relate to access and use for recreational shooting on National Monument land under the jurisdiction of the Bureau of Land Management.

(g) ANNUAL REPORT.—Not later than October 1 of each year, the Director shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) any National Monument land under the jurisdiction of the Bureau of Land Management that was closed to recreational shooting or on which recreational shooting was restricted at any time during the preceding year; and

(2) the reason for the closure.

(h) NO PRIORITY.—Nothing in this title requires the Director to give preference to recreational shooting over other uses of Federal public land or over land or water management priorities established by Federal law.

(i) AUTHORITY OF THE STATES.—

(1) SAVINGS.—Nothing in this title affects the authority, jurisdiction, or responsibility of a State to manage, control, or regulate fish and wildlife under State law (including regulations) on land or water in the State, including Federal public land.

(2) FEDERAL LICENSES.—Nothing in this title authorizes the Director to require a license for recreational shooting on land or water in a State, including on Federal public land in the State.

TITLE III—POLAR BEAR CONSERVATION AND FAIRNESS

SEC. 301. SHORT TITLE.

This title may be cited as the ''Polar Bear Conservation and Fairness Act of 2012''.

SEC. 302. PERMITS FOR IMPORTATION OF POLAR BEAR TROPHIES TAKEN IN SPORT HUNTS IN CANADA.

Section 104(c)(5)(D) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(c)(5)(D)) is amended to read as follows:

''(D)(i) The Secretary of the Interior shall, expeditiously after the expiration of the applicable 30-day period under subsection (d)(2), issue a permit for the importation of any polar bear part (other than an internal organ) from a polar bear taken in a sport hunt in Canada to any person—

''(I) who submits, with the permit application, proof that the polar bear was legally harvested by the person before February 18, 1997; or

''(II) who has submitted, in support of a permit application submitted before May 15, 2008, proof that the polar bear was legally harvested by the person before May 15, 2008, from a polar bear population from which a sport-hunted trophy could be imported before that date in accordance with section 18.30(i) of title 50, Code of Federal Regulations.

''(ii) The Secretary shall issue permits under clause (i)(I) without regard to subparagraphs (A) and (C)(ii) of this paragraph, subsection (d)(3), and sections 101 and 102. Sections 101(a)(3)(B) and 102(b)(3) shall not apply to the importation of any polar bear part authorized by a permit issued under clause (i)(I). This clause shall not apply to polar bear parts that were imported before June 12, 1997.

''(iii) The Secretary shall issue permits under clause (i)(II) without regard to subparagraph (C)(ii) of this paragraph or subsection (d)(3). Sections 101(a)(3)(B) and 102(b)(3) shall not apply to the importation of any polar bear part authorized by a permit issued under clause (i)(II). This clause shall not apply to polar bear parts that were imported before the date of enactment of the Polar Bear Conservation and Fairness Act of 2012.''.

TITLE IV—HUNTING, FISHING, AND RECREATIONAL SHOOTING PROTECTION

SEC. 401. SHORT TITLE.

This title may be cited as the ''Hunting, Fishing, and Recreational Shooting Protection Act''.

SEC. 402. MODIFICATION OF DEFINITION.

Section 3(2)(B) of the Toxic Substances Control Act (15 U.S.C. 2602(2)(B)) is amended—

(1) in clause (v), by striking '', and'' and inserting '', or any component of any such article including, without limitation, shot, bullets and other projectiles, propellants, and primers,'';

(2) in clause (vi) by striking the period at the end and inserting '', and''; and

(3) by inserting after clause (vi) the following:

''(vii) any sport fishing equipment (as such term is defined in subsection (a) of section 4162 of the Internal Revenue Code of 1986) the sale of which is subject to the tax imposed by section 4161(a) of such Code (determined without regard to any exemptions from such tax as provided by section 4162 or 4221 or any other provision of such Code), and sport fishing equipment components.''.

The CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in House Report 112–444. Each such amendment may be offered only in the order printed in the report, 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.

□ 1600

AMENDMENT NO. 1 OFFERED BY MR. HASTINGS OF WASHINGTON

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112–444.

Mr. HASTINGS of Washington. Madam Chairman, I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 15, after ''of Federal public lands,'' insert ''including the establishment of safe and convenient shooting ranges on such lands,''.

Page 5, line 4, strike ''; or'' and insert a semicolon.

Page 5, line 6, strike the period and insert ''; or''.

Page 5, after line 6, insert the following:

(iii) the training of hunting dogs, including field trials.

Page 6, line 5, strike ''and waters'' and insert '', including Wilderness Areas, Wilderness Study Areas, or lands administratively classified as wilderness eligible or suitable and primitive or semi-primitive areas,''.

Page 7, line 20, after ''(16 U.S.C. 668dd),'' insert ''as amended by the National Wildlife Refuge System Improvement Act of 1997,''.

Page 8, strike lines 4 through 10 and insert the following:

(C) OTHER ACTIVITY NOT CONSIDERED.—Federal public land management officials are not required to consider the existence or availability of recreational fishing, hunting, or shooting opportunities on adjacent or nearby public or private lands in the planning for or determination of which Federal public lands are open for these activities or in the setting of levels of use for these activities on Federal public lands, unless the

combination or coordination of such opportunities would enhance the recreational fishing, hunting, or shooting opportunities available to the public.

Page 8, line 13, strike ''of'' the first place it appears.

Page 8, line 15, strike ''agency'' and insert ''agencies''

Page 9, line 3, after ''Forest Service, including'' insert ''Wilderness Areas, Wilderness Study Areas,''.

Page 9, beginning at line 18, strike ''The head'' and all that follows through line 21.

Page 9, strike lines 23 through page 10, line 4 and insert the following:

(A) IN GENERAL.—The head of each Federal agency shall use his or her authorities in a manner consistent with this Act and other applicable law, to—

(i) lease or permit use of lands under the jurisdiction of the agency for shooting ranges; and

(ii) designate specific lands under the jurisdiction of the agency for recreational shooting activities.

Page 10, strike line 12 and all that follows through page 11, line 3, and insert the following:

(e) NECESSITY IN WILDERNESS AREAS AND ''WITHIN AND SUPPLEMENTAL TO'' WILDERNESS PURPOSES.—

(1) MINIMUM REQUIREMENTS FOR ADMINISTRATION.—The provision of opportunities for hunting, fishing and recreational shooting, and the conservation of fish and wildlife to provide sustainable use recreational opportunities on designated wilderness areas on Federal public lands shall constitute measures necessary to meet the minimum requirements for the administration of the wilderness area.

(2) The term ''within and supplemental to'' Wilderness purposes in section 4(a) of Public Law 88–577, means that any requirements imposed by that Act shall be implemented only insofar as they do not prevent Federal public land management officials and State fish and wildlife officials from carrying out their wildlife conservation responsibilities or providing recreational opportunities on the Federal public lands subject to a wilderness designation.

(3) Paragraphs (1) and (2) are not intended to authorize or facilitate commodity development, use, or extraction, or motorized recreational access or use.

Page 11, strike line 4 and all that follows through line 6, and insert the following:

(f) REPORT.—Not later than October 1 of every other year, beginning with the second October 1 after the date of the enactment of this Act, the head of each Federal agency who has

Page 11, line 9, strike ''publish in the Federal Register and''.

Page 11, lines 14 through 18, redesignate subparagraphs (A) and (B) as paragraphs (1) and (2), respectively (and conform the margins accordingly).

Page 11, strike line 19 and all that follows through page 12, line 23, and insert the following (and redesignate the subsequent subsections accordingly):

(g) CLOSURES OR SIGNIFICANT RESTRICTIONS OF 640 OR MORE ACRES.—

(1) IN GENERAL.—Other than closures established or prescribed by land planning actions referred to in subsection (d) or emergency closures described in paragraph (3) of this subsection, a permanent or temporary withdrawal, change of classification, or change of management status of Federal public land that effectively closes or significantly restricts 640 or more contiguous acres of Federal public land to access or use for fishing or hunting or activities related to fishing and hunting (or both) shall take effect only if, before the date of withdrawal or change, the head of the Federal agency that has jurisdiction over the Federal public land—

(A) publishes appropriate notice of the withdrawal or change, respectively;

(B) demonstrates that coordination has occurred with a State fish and wildlife agency; and

(C) submits to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate written notice of the withdrawal or change, respectively.

(2) AGGREGATE OR CUMULATIVE EFFECTS.—If the aggregate or cumulative effect of separate withdrawals or changes effectively closes or significantly restricts 1280 or more acres of land or water, such withdrawals and changes shall be treated as a single withdrawal or change for purposes of paragraph (1).

(3) EMERGENCY CLOSURES.—Nothing in this Act prohibits a Federal land management agency from establishing or implementing emergency closures or restrictions of the smallest practicable area to provide for public safety, resource conservation, national security, or other purposes authorized by law. Such an emergency closure shall terminate after a reasonable period of time unless converted to a permanent closure consistent with this Act.

Page 12, after line 23, insert the following:

(3) NATIONAL WILDLIFE REFUGE SYSTEM.—Nothing in this Act is intended to amend or modify the provisions of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), except as expressly provided herein.

Page 13, line 22, after ''license'' insert '', fee,''.

Page 18, after line 18, insert the following:

(j) CONTROLLING PROVISIONS.—In any instance when one or more provisions in title I and in this title may be construed to apply in an inconsistent manner to National Monument land, the provisions in this title shall take precedence and apply.

The Acting CHAIR. Pursuant to House Resolution 614, the gentleman from Washington (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

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

Madam Chairman, this manager's amendment is a noncontroversial amendment to H.R. 4089 that makes several technical, clarifying, and harmonizing changes to the bill. It adds to the bill amendments that were adopted by the Natural Resources Committee when it considered several of the individual bills that are now separate titles of the Sportsmen's Heritage Act.

In addition, although I believe the original bill never allowed extractive commercial activity or motorized travel in wilderness areas, this amendment adds language that will say so explicitly.

Finally, the amendment reduces the administrative tasks faced by the agencies with regard to the format and frequency of public notice and congressional reporting requirements.

I ask for your support for this amendment, and with that, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Chairman, we do not object to this dab of lipstick on H.R. 4089.

Mr. HASTINGS of Washington. I yield back the balance of my time.

The Acting CHAIR (Mr. SIMPSON). The question is on the amendment offered by the gentleman from Washington (Mr. HASTINGS).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. HOLT

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112–444.

Mr. HOLT. 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 12, strike line 24 and all that follows through page 13, line 2 and insert the following:

(g) AREAS NOT AFFECTED.—Nothing in this title requires the opening to hunting or recreational shooting of—

(1) a national park or national monument under the jurisdiction of the National Park Service; or

(2) a unit of the National Park System (that is not a national park or national monument) unless specifically provided by statute that such unit be open to hunting or recreational shooting.

The Acting CHAIR. Pursuant to House Resolution 614, the gentleman from New Jersey (Mr. HOLT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. HOLT. Mr. Chairman, H.R. 4089 deems all Federal land open for hunting and recreational shooting unless a closure is made by the head of the agency here in Washington. The authors of the legislation intended to exempt from the bill lands under the jurisdiction of the National Park Service. I'm sure, I have it on good authority from them, from the authors, that this was their intention. However, as written, the bill only exempts national parks and national monuments. My amendment is a simple, technical correction that ensures all units of the National Park Service are included in the exemption.

The exemption language in title I is, I believe, unintentionally broad and not clear. The National Park System includes units that have a variety of designations—national seashores, national scenic trails, national battle fields, among others. The National Park System has units in urban areas, in rural areas, in suburban communities, in the East, in the West, in the center of our country.

And without this amendment, H.R. 4089 could potentially open for hunting the Paterson, New Jersey, Great Falls National Historic Park in the heart of Paterson, the third-largest city in my State. The bill could, as written, potentially allow hunting within Antietam or Manassas National Battlefields.

All units of the National Park System, like our national battlefields and military parks, are sacred ground and should be reserved for solemn contemplation of the sacrifices of our ancestors. My amendment would ensure

that the policies of the National Park Service involving firearms in areas controlled by the National Park Service stay in place.

Now, some have suggested that the historic battle reenactments constitute recreational shooting, and this, my amendment, would, they say, prevent reenacting on battlefields. Maybe my good friend from Utah doesn't know the National Park Service policy.

It's important to note that current National Park Service policy, right now, prohibits ''battle reenactments and demonstrations of battle tactics that involve exchanges of fire between opposing lines or any other form of simulated warfare.'' I'm not aware of any problems that this sensible policy has caused.

It's important to note that there are National Park System units like Lake Roosevelt National Recreation Area in Washington State, I say to my friend, the chairman, or Craters of the Moon National Preserve in Idaho that allow hunting and recreational shooting. My amendment would not affect those policies. The hunting and recreational shooting could continue in those places.

I just want to emphasize, this is a technical amendment. I'm not getting at the merits for or against the bill overall. But should this bill proceed, it would be a big mistake to say that the hunting, the recreational shooting could take place in Gettysburg and Chincoteague and any number of other places that aren't intended.

Let's ensure that, in the hurry to open all Federal lands to hunting and recreational shooting, we don't carelessly open up to gunfire consecrated grounds like the Civil War battlefields, like the parks and beaches and forests of our national recreation areas.

I urge my colleagues to support this technical correction to the bill, and I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. I yield myself as much time as I may consume.

Mr. Chairman, the Holt amendment uses a blunderbuss and not a rifle to address the complex issue of the programs in national parks that involve shooting. This issue goes beyond sport or subsistence hunting, which are currently allowed in some park units.

In addition to national parks that allow traditional forms of hunting, the National Park Service has a historic weapons program that would be silenced, contrary to what my good friend and the author of this amendment, Mr. HOLT, says.

In 2011, more than 600 national parks participated in some form of historic weapons demonstrations. From cannons to flintlocks, the Park Service says this program is ''undeniably popular with visitors'' and drew just less than a million visitors to various national parks around the country last year.

At Fort Vancouver National Park in Oregon and Washington, for example, both rangers and volunteers regularly fire muskets and cannons to demonstrate the historic role these weapons played in the history of the site.

One of the most popular public participation events in many parks involves the reenactment of historic battles. Thousands of reenactors participate. They use their own historically accurate weapons and costumes to recreate, on location, the great battles that took place at our Civil War sites. For many of those who participate or come to watch, these educational passions are the favorite of the national park events.

It was on this week, 237 years ago, that General Thomas Gage, the Royal Governor in Boston, sent his troops to confiscate the patriot weapons at Lexington and Concord. And at the Minuteman National Historic Park today, a living history event is conducted in which volunteers are permitted to bring reproductions of the flintlock muskets, pistols, and percussion cap weapons their ancestors used during the first battle for our independence.

At a time when the National Park Service is running a multibillion dollar maintenance backlog, the Holt amendment will disarm it of its real draw. So I urge my colleagues to oppose the amendment and to allow the Park Service to continue the tradition of educating visitors about our proud American history.

I reserve the balance of my time.

Mr. HOLT. Mr. Chairman, may I ask the remaining time?

The Acting CHAIR. The gentleman has 1 minute remaining.

Mr. HOLT. My amendment simply ensures that nothing in this act would force hunting in the National Park Service. I really don't understand what the chairman is talking about here, because where it is allowed, it would be allowed. Where it's not allowed, it would not be allowed. It is policy of the National Park Service not to allow reenactment of battles.

□ 1610

The battle reenactments and demonstrations of battle tactics that involve exchanges of fire between opposing lines, the taking of casualties, hand-to-hand combat, et cetera, are prohibited in all parks. Park Service employees can conduct demonstrations as part of their living history program. That's done now. It would be continued under this.

What this says is, under this legislation, were it to become law, a person who wants to hunt in Gettysburg Park can't do that unless the National Park Service policy allows it. That's all this says. It extends it to all facilities of the National Park Service, not just what was specified in the bill parks and monuments.

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

Mr. HASTINGS of Washington. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman has 2½ minutes remaining.

Mr. HASTINGS of Washington. I yield myself the balance of the time.

I beg to differ. I understand where my good friend from New Jersey is coming from. I'm sure that's what his intent is, but that's not what his amendment says. His amendment says that that activity has to be provided by statute at each facility, and that's simply not the case. We haven't done that. We blanket authority give that to the National Park System to carry on what is classified as pastimes, that sort of activity. He prohibits that unless it's provided by statute. He did not offer an amendment to say we should statutize every one of those at every one of the sites. That's the flaw in the amendment. It was brought up in Rules yesterday, and yet the amendment wasn't corrected and so here we are.

Now, I understand what he's trying to do, but the amendment does not say that. So I urge defeat of the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. HOLT. 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.

AMENDMENT NO. 3 OFFERED BY MR. GRIJALVA

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112–444.

Mr. GRIJALVA. 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 14, after line 2, insert the following:

SEC. 105. APPLICABILITY CONDITION.

This title shall be in effect and apply only when less than 75 percent of Federal public land is available for hunting, fishing, or recreation shooting, as determined by the Secretary of the Interior.

Page 18, after line 18, insert the following:

SEC. 204. APPLICABILITY CONDITION.

This title shall be in effect and apply only when less than 75 percent of Federal public land (as defined section 103) is available for hunting, fishing, or recreation shooting, as determined by the Secretary of the Interior.

The Acting CHAIR. Pursuant to House Resolution 614, the gentleman from Arizona (Mr. GRIJALVA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. GRIJALVA. Mr. Chairman, the purpose of my amendment is to emphasize the point that nearly 85 percent of

all public lands are already open for hunting, fishing, and recreational shooting. Whether we are talking about Fish and Wildlife Service, Bureau of Land Management—including national monuments—National Park Service lands, or Forest Service lands, in each and every case the majority are open for hunting, fishing, and recreational shooting.

My amendment would only trigger the provisions in title I and II of this legislation if less than 75 percent of Federal public lands are open for hunting, fishing, and recreational shooting. I can't think of any other use that occurs on 75 percent of our public lands.

I understand that some individuals are upset about some specific court decision or specific local closures, but we need to keep things in perspective. Right now, more than 4 out of 5 acres are open for hunting, fishing, and recreational shooting. Given that, do we really need Federal employees in D.C. making decisions about which lands to close or, worse yet, have Congress make that decision?

My State and my district are both blessed with Federal lands. Debates occur all the time about shooting ranges, and they have been very fierce, as I mentioned earlier. Local land managers have worked with local groups and communities to come up with solutions, including providing access on other Federal lands. Unless we see significant closures across the landscape, I think we should allow local managers to make local decisions based on local input.

The problem this bill claims to solve does not exist, but this amendment would allow the provisions of the bill to kick in if this problem ever actually developed.

I would urge support of my amendment, and I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

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

Mr. Chairman, last year, the Bureau of Land Management decided that it would close a lot of the land it manages to shooting sports. The agency never explained why it wanted to do this, but one BLM official was quoted in a news article as stating, ''It's not a safety issue; it's a social conflict issue.'' He elaborated by saying that urbanites ''freak out'' when they hear shooting.

Now, after a public outcry on this, the Interior Secretary had to send out an order telling BLM to stand down on this regulation, but the question is really: For how long?

There is nothing that prevents the Obama administration from changing its mind—say, immediately after the November election—and again seeking to arbitrarily limit shooting sports. That's why this bill is necessary, to prevent such an arbitrary action by bureaucrats to limit recreational shooting, fishing, and hunting without justification.

The amendment by the ranking member of the Subcommittee on National Parks, Forests and Public Lands is even more arbitrary. While the amendment is drafted to appear reasonable, it is most certainly not. The devil is in the clever details. It appears to permit fishing, hunting, and recreational shooting, but in reality the amendment nullifies the actual purpose of the underlying bill to protect these activities.

First, one needs to understand that you could fit a lot of eastern States in a small fraction of our land that is BLM land. BLM controls 253 million acres of land, more than one-eighth all the land in the United States.

Second, the term ''public land'' used in this amendment has an expansive meeting. Legally, public land means more than national forest and BLM land. It also includes the Outer Continental Shelf. So, under this amendment, as long as fishing is allowed in any part of the ocean, no actual land need to be open to hunting; in other words, the 20 percent requirement could be satisfied in the Outer Continental Shelf.

Who hunts in the Outer Continental Shelf, Mr. Chairman?

Again, the bill we are considering today is about public land open to American people for outdoor recreation. That is a good goal. This amendment tries to hijack the bill by sending it 180 degrees from the intent of the underlying legislation.

So I urge my colleagues to oppose this amendment, and I reserve the balance of my time.

Mr. GRIJALVA. Mr. Chairman, the argument that nothing to do with hunting and shooting has happened yet but there may be a secret plan to do so after the election, that's as preposterous as it is ridiculous. The problem does not exist, and this bill would do real harm.

The example that my good friend, the chairman, used about urban encroachment and development speaks to the point that we have been trying to make in this legislation, that the greatest threat to hunting and fishing and recreational shooting is exactly that—development, privatization, and unregulated extraction—as we were talking about around the Grand Canyon and uranium mining. Those threats to our public lands are the threats and the trends and the public policy that is being promoted by the majority that will limit and deny access to public lands to hunters, fishermen, and recreational shooters.

Right now, as we stand, BLM, 245 million acres, 95 percent open to those activities; Park Service, 84 million acres, 70 percent open to those activities; fish and Wildlife, 150 million acres, 50 percent open to those activities; Forest Service, 193 million acres, 95 percent open to those activities, ''those activities'' being hunting, fishing, and recreational shooting.

If we want to protect access and protect the opportunities for hunters and fishermen in our public lands, I would urge the approval of the amendment.

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

Mr. HASTINGS of Washington. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman has 2½ minutes remaining.

Mr. HASTINGS of Washington. I yield myself the balance of my time.

Mr. Chairman, my good friend from Arizona said that suggesting in my argument that there could be a change in direction after the November election—and I'll paraphrase. He said that's preposterous. It may be. But I would just remind my colleagues that in a situation here several weeks back when it was not supposed to be recorded, our President was talking to the President of Russia.

□ 1620

This was recorded on an open mike when he was talking to the President, and again I'll paraphrase. He said, After the election, I'll have more flexibility on missile defense.

Now, on that issue, keep in mind, he had already given up the missile defense in Eastern Europe. Why would he want to have more flexibility for the defense of our country? The issue there is flexibility. And the issue is, if the President is going to use flexibility in that context, couldn't you apply the same flexibility to something that he has already done this year that has been reversed?

So I don't think it is preposterous. The flexibility issue, I believe, is going to be an issue that is going to be talked about a lot between now and November, and it could apply to a great deal of policies that we could be considering in this House. This is one of them because the administration has already said that these activities should make BLM lands off limits to target shooting. I don't know why that same principle could not be applied if the President has more flexibility after the election.

So I urge the defeat of the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. GRIJALVA).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. GRIJALVA. 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 Arizona will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. PETERS

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 112–444.

Mr. PETERS. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike title III.

The Acting CHAIR. Pursuant to House Resolution 614, the gentleman from Michigan (Mr. PETERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

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

I rise today to support my amendment, which strikes a bailout that was slipped into this bill for 41 wealthy sport hunters who want to import polar bear trophies taken during hunts in Canada.

Polar bears were listed as threatened in May of 2008 by the Bush administration's Fish and Wildlife Service, which prohibited their importation as trophies. This protection was not implemented overnight. Trophy hunters were warned. They were warned by Federal agencies and hunting associations for more than a year that the final listing would cut off imports immediately. The Hunting Report told its readers in 2007:

The bottom line is, no American hunter should be putting hard, non-returnable money down on a polar bear hunt at this point.

These individuals knowingly assumed the risk that their trophies might not be approved for importation, and they decided to hunt and to kill these beautiful, threatened creatures anyway.

While it is too late to save these bears, passing this bill creates a perverse incentive for trophy hunters to rush to hunt any species soon to be protected under the Endangered Species Act because their friends in Congress will simply bail them out after the fact. We cannot allow that, and that's why I encourage my colleagues to support this amendment.

I reserve the balance of my time.

Mr. YOUNG of Alaska. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Alaska. Mr. Chairman, I strongly oppose this amendment.

I am deeply surprised the gentleman from Michigan would, in fact, propose the amendment. He has one of these bears from his State, and a lot of hunters are not wealthy. This is a legal activity in Canada. They hunted these bears prior to 2008 and even prior to 2007. These are dead bears, and they are sitting in Canada. When the hunters hunted legally, the Canadian Government gave them the proper authority to do so, and it helped the native villages. Right now, there are more bears in Canada than there ever has been in history.

Hunting is a vital process of the management of game, and these people included two wounded veterans. They were in Iraq, in that heated area, and the one dream they had when they got back was to be able to go and hunt a polar bear. I can understand that. They shot their trophies legally and with the blessing of the Canadian Government and the local province, and then they expected to be able to return those bears, those hides—and yes, even sometimes the bodies—back home for the proper display of their hunts. To say now you can't import something when a bear was declared threatened by, yes, the Bush administration—and wrongfully so—the bears are not threatened. There are more bears now than there were in 1964. I'm probably the only individual on this floor who had ever shot a polar bear in '64, and I'm certainly not rich.

I am suggesting that this amendment is ill-placed, poorly thought out, and improper. I want those people who did things legally by the nation of our neighbors and blessed by the province to be able to bring those trophies back home, as they have the right to do. Yet the act of a Secretary of the Interior took that away from them arbitrarily.

I reserve the balance of my time.

Mr. PETERS. I yield 2 minutes to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. I rise in strong support of the Peters amendment. Without this amendment, the bill will undermine the protections currently in place for wild species under the Endangered Species Act and under the Marine Mammal Protection Act.

In this case, the hunters who chose to kill these polar bears knew they were taking a risk. They had good information that polar bears would be listed as an endangered, threatened species under the Endangered Species Act, and they acted contrary to it. They were repeatedly warned by Federal agencies and hunting associations that the final listing would cut off imports immediately, and they had well over a year's notice. Despite this knowledge, hunters still chose to shoot and kill polar bears at a time when the species faced severe hardship and when legal protections were imminent.

We should not encourage a small group of people to take conscious risks and then turn around and ask Congress for relief. If we pass this bill without the Peters amendment, we are, in effect, telling hunters that, when species are likely candidates for the endangered or threatened lists, kill them as soon as you can, and then Congress will give you special treatment and exempt you from the law.

I urge my colleagues to vote ''yes'' on the Peters amendment. Don't destroy the long-term conservation efforts for the special interests of a few trophy hunters who are hoping for home decor and bragging rights. I will strongly oppose the underlying bill.

Mr. YOUNG of Alaska. I am surprised by my good friend from California. He has a lot of polar bears in California. It's really amazing to me. He doesn't know squat about the population of polar bears. Then to imply that these are rich people who are going to hunt, now isn't that class warfare? It's exactly a Democrat position, the idea that now this is wrong when they did it legally. These bears weren't all killed in 2008, and they weren't all warned in 2008. I want to see the documentation of that. You know there's no documentation. That's the same propaganda you get out of the same groups of people that are anti-gun and anti-hunting.

Yes, step up to the plate. That's what you are. I know that. Yet to take that right away from an American citizen, especially from a wounded veteran—two of them—is wrong. It is wrong when this is legally taking species arbitrarily by a Secretary of the Interior who is saying now they're threatened. By the way, the administration does not oppose this bill. That's amazing. The Fish and Wildlife Service actually supports this bill now because we made some changes that they wanted, and we gave them, specifically recognizing that it does not encourage hunting.

I reserve the balance of my time.

Mr. PETERS. I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN. Notwithstanding the statement of my very good friend from Alaska, I rise in support of Mr. PETERS's amendment. It would remove a provision that would allow for the importation of polar bears killed in Canada, but the provision only benefits 41 big game hunters who shot bears in Canada prior to their listing as a species threatened with extinction.

□ 1630

These hunters were on notice that the trophies would likely not be allowed into the United States, but rushed to hunt the bears anyway. Now they're asking for Congress to bail them out by creating an exemption in the law so they can bring their trophies into the country.

It's not about the number of polar bears. It is about the underlying principle that decisions related to the protection of threatened and endangered animals should be based upon science and subject to consistent enforcement, not dependent upon the whims of Congress. Polar bears are already threatened, and the last thing they need is more trophy hunters chasing them down and shooting them. But that's exactly what will happen if this Congress demonstrates that it is fully willing to retroactively change the law in this manner to accommodate the wishes of a very small minority. It's only 41 big-game hunters but we're changing the law on their account?

The U.S. Fish and Wildlife Service and a Federal court have rejected previous requests to import trophies after 2008. That should be the final word on the subject.

I encourage my colleagues to vote ''yes'' on the Peters amendment.

The Acting CHAIR. The time of the gentleman from Michigan has expired. The gentleman from Alaska has 1½ minutes remaining.

Mr. YOUNG of Alaska. The gentleman from Virginia has lots of polar bears in Virginia. I know it's springtime, but I don't think there's many polar bears in Virginia.

It's strange that all three of them have said endangered species. This has nothing to do with endangered species. This is about marine mammals. Endangered species, in fact, are still imported to the United States. Hartmann's mountain zebras, yes; the African elephants, yes. We can still import those. This has to do with marine mammals.

I really can't understand because the government warns you—it's not against the law, but they warn you and you better follow it because we're warning you. That's not law. These people may have been notified there's a possibility, but they hunted under existing law, under existing permits and paid for. To take that away from them—I don't care if it's one person or 500 people or 41 people. When the law is followed and we don't follow through with it, then shame on us. These people did what was right, and legally. Now you're trying to take that right away from them.

I urge a strong resounding ''no'' on this amendment and vote for the people of America to have a right under the Constitution as long as they follow the law to do something that's correct and they've done that. They did everything by the law and to say now to have an amendment and say you don't have a right when they followed it correctly is shame on you.

The Acting CHAIR. The gentleman's time has expired.

The question is on the amendment offered by the gentleman from Michigan (Mr. PETERS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. PETERS. 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 Michigan will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. FLEMING

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 112–444.

Mr. FLEMING. Mr. Chairman, I have an amendment that has been made in order.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, insert the following:

TITLE V—HUNTING IN KISATCHIE NATIONAL FOREST

SEC. 501. HUNTING IN KISATCHIE NATIONAL FOREST.

(a) IN GENERAL.—Consistent with the Act of June 4, 1897 (16 U.S.C. 551), the Secretary of Agriculture may not restrict the use of dogs in deer hunting activities in Kisatchie National Forest, unless such restrictions—

(1) apply to the smallest practicable portions of such unit; and

(2) are necessary to reduce or control trespass onto land adjacent to such unit.

(b) PRIOR RESTRICTIONS VOID.—Any restrictions regarding the use of dogs in deer hunting activities in Kisatchie National Forest in force on the date of the enactment of this Act shall be void and have no force or effect.

The Acting CHAIR. Pursuant to House Resolution 614, the gentleman from Louisiana (Mr. FLEMING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. FLEMING. Mr. Chairman, I yield myself such time as I may consume.

My amendment today maintains the State of Louisiana's ability to regulate hunting within its borders. In a decision announced March 1, 2012, the Forest Service Regional Forester located way over in Atlanta, Georgia, went over the heads of the Louisiana Wildlife and Fisheries Commission to forever prohibit the use of dogs to hunt deer in Kisatchie National Forest.

Deer hunting has a long and important cultural history within the State of Louisiana. When French settlers first came to Louisiana in the 18th century, Louisiana was covered by thickets and dense timber. Most of these settlers had companion dogs with them, but the most treasured were the deerhounds. The use of dogs would help the hunter drive the deer out of the forest because deer were so plentiful and provided exciting races that provided sound nourishment.

Hunting in many forms has been for decades, and continues to be, a compatible activity on the 600,000-acre Kisatchie National Forest. Oddly enough, the Regional Forester does not prohibit the use of dogs for hunting raccoon, squirrel, rabbit, and game birds.

In 2011, the Kisatchie dog deer season was only 9 days and only applies to certain ranger districts. According to communication with the Forest Service, seven southern States allow hunting on national forests within their borders. They include Alabama, Arkansas, Florida, Mississippi, North Carolina, South Carolina; but in this case, not Louisiana. However, this is the first time the Forest Service has issued a ban on dog deer hunting, or hunting deer with dogs, within a specific State.

According to the Forest Service itself, they indicate that revenue generated on dog deer hunting, including expenses to care for dogs, contributes to approximately 18 to 29 direct jobs and results in roughly $890,000 to $1.4 million of income. By their own assessment, it is likely that some economic benefits will be lost depending on whether hunting with dogs for deer leave the area to pursue the sport elsewhere. Now this is about to kill even more jobs in Louisiana.

I would also like to emphasize that the State of Louisiana, the NRA, and the Safari Club all support my amendment; and I urge support of this amendment.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. FLEMING. I yield to the gentleman from Washington.

Mr. HASTINGS of Washington. I thank the gentleman for yielding and for his talk and discussion about the long history and strong local support for this traditional form of hunting in his State.

The primary purpose of this legislation is to limit unjustified Federal bureaucratic limitations and restrictions on hunting and fishing in public lands. The circumstances that he has detailed demonstrate that his amendment fits squarely within the spirit of this bill, and I therefore support the amendment.

It is important to recognize that it is the authority of States to regulate hunting and fishing. Individual Federal agency personnel should not be substituting their opinion for the laws of the State.

Mr. Chairman, I commend the gentleman and I urge adoption of the amendment.

Mr. FLEMING. Mr. Chair, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Chairman, I rise in opposition to the Fleming amendment.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. GRIJALVA. Thank you, Mr. Chairman.

There are a few points that I really believe need to be made. The decision to eliminate dog deer hunting in this forest was made only after more than half a dozen public meetings, a comment period that resulted in a 1,000 comments which were thoroughly reviewed. In fact, the policy has been amended in response to those specific local concerns.

The justification for this policy is not only to prevent trespassing, though this is one reason it is necessary. The forest has a checkerboard pattern of non-Federal lands mixed in with Federal lands. Dog deer hunting results in deer running over long distances and hunters pursuing them and at times discharging firearms on the run. In an area with private homes, the Forest Service determined that this was simply too dangerous.

The Forest Service has collected input from local residents and not hunters who fear for their safety during dog deer hunting season. To be clear, while the decision was ultimately approved by the region in Atlanta, the policy was developed by the local Forest Service staff who work on the forest.

Lastly, this amendment is redundant and wasteful because a rule already in place meets the requirements of the proposed amendment. The current rule already covers the smallest portion of forest possible because with the checkerboard lands the rule must cover the entire forest to be effective.

While public safety is the primary justification for this rule, preventing trespass is another reason for the rule and why it was put in place.

□ 1640

The Fleming amendment would throw out the current rule and then require a new rule that meets the exact same requirements. This is redundant, a waste of time and money.

Finally, according to the Forest Service, the State of Louisiana already prohibits dog deer hunting on State lands, so this is simply consistent with State policy. This amendment should be defeated.

I reserve the balance of my time.

The Acting CHAIR. The gentleman from Louisiana has 1¾ minutes remaining.

Mr. FLEMING. Thank you, Mr. Chairman.

I would like to respond to some of the statements that were made.

I received a petition of thousands of hunters from Louisiana and several States who wanted this to continue. The State, not the Federal Government, is in the best position to make this determination. By October 6, 2009, the Forest Service had received 1,237 responses to its 2009 request for comments. Of these, 320 agreed with the proposed prohibition, but 917 were against it. That's a 77 percent majority of these respondents who were actually from central Louisiana where this Kisatchie National Forest exists. During October 2011, the Forest Service received over 1,300 more comments on the original proposal and environmental analysis. All but five letters—all but five letters, Mr. Chairman—were opposed to the proposed prohibition.

I reserve the balance of my time.

Mr. GRIJALVA. Mr. Chairman, with that, I will close. The contradiction is very important.

The majority talks about local control, local control. In this instance, you have the State of Louisiana that has prevented this, that has prohibited this type of hunting on its lands, and that is a local decision to be honored, but it is okay to honor that decision, but on Federal lands we want to make an exception and set a precedent.

I would suggest that the contradiction in this amendment merits its defeat.

I yield back the balance of my time.

The Acting CHAIR. The gentleman from Louisiana has 45 seconds remaining.

Mr. FLEMING. I just want to respond, again, the people of Louisiana, the State of Louisiana has full support of doing away with this prohibition. This was a decision made by somebody in Atlanta, a Federal person, that has to do with what is really a local issue. This is a tradition that goes back 300 years, and I think it's pretty obvious that the people of Louisiana support the continuance of hunting deer with dogs.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. FLEMING).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. BISHOP OF NEW YORK

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 112–444.

Mr. BISHOP of New York. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following new title:

TITLE V—RECREATIONAL FISHING FOR ATLANTIC STRIPED BASS IN THE BLOCK ISLAND SOUND TRANSIT ZONE

SEC. 501. RECREATIONAL FISHING FOR ATLANTIC STRIPED BASS IN THE BLOCK ISLAND SOUND TRANSIT ZONE.

(a) IN GENERAL.—Except as provided in subsection (a), the Secretary shall not prohibit fishing for Atlantic Striped Bass in the Block Island Sound transit zone.

(b) EXCEPTION.—This subsection does not limit the authority of the Secretary to establish seasonal or other temporary limitations on fishing that are specifically necessary for the conservation and management of Atlantic striped bass.

(c) BLOCK ISLAND SOUND TRANSIT ZONE DEFINED.—In this subsection the term ''Block Island Sound transit zone'' means the area of the exclusive economic zone within Block Island Sound, north of a line connecting Montauk Light, Montauk Point, New York, and Block Island Southeast Light, Block Island, Rhode Island; and west of a line connecting Point Judith Light, Point Judith, Rhode Island, and Block Island Southeast Light, Block Island, Rhode Island.

The Acting CHAIR. Pursuant to House Resolution 614, the gentleman from New York (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. BISHOP of New York. Mr. Chairman, I yield myself such time as I may consume.

The purpose of my amendment is straightforward. It opens an area off the coast of my congressional district to recreational striped bass fishing. Striped bass is a popular game fish in New York, and it has long been an important catch for recreational fishermen.

The formation of an exclusive economic zone creates a small area of Federal water in the Block Island Sound between Montauk Point, Block Island, and Point Judith, Rhode Island. In most cases, when you hit the 3-mile point off the coast of the United States, you have nothing but Federal waters in front of you. This is not always the case for New York fishermen. Because of this geographic anomaly, when the ban on striped bass fishing in the EEZ went into effect, it closed off 60 percent of New York's traditional striped bass recreation areas from fishing, according to the Montauk Boatmen and Captains Association in my district.

The National Marine Fisheries Service recognized this unique area by designating it as a transit area where it was permissible for fishermen to possess striped bass on their boats as long as no fishing takes place while in the EEZ and the boat is in continuous transit.

My amendment goes one step further and opens this relatively small area to recreational fishing. Mindful of the need for reasonable conservation, my amendment also provides the ability to take necessary action for conservation purposes.

Fishermen and charter captains on Long Island know these waters better than anybody in Washington, D.C. Our friends on the other side of the aisle talk about government regulation stifling the economic recovery. After all, fishermen are job creators, both directly and indirectly. They hire crews, they have their boats maintained by mechanics, and they sell their catch to restaurants where Americans go out to eat.

I support fisheries management that is designed to promote robust health of fish stocks; but as the representative for the oldest fishing ports in New York State, I also support sensible efforts to ensure our fishermen can fish and earn their livelihood.

Opening this area would once again give recreational fishermen access to fruitful striped bass fishing grounds. Charter boats will benefit, as will the ports they depart from as people come to the east end of Long Island for great fishing. This will promote job growth and tourism, which is the goal of the underlying legislation.

Mr. Chairman, I urge my colleagues to support this amendment.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. BISHOP of New York. I yield to the gentleman.

Mr. HASTINGS of Washington. I thank the gentleman for yielding.

The Atlantic Striped Bass Conservation Act's authorization of appropriations expired at the end of fiscal year 2011. Our Fisheries Subcommittee intends to hold hearings on the reauthorization in this Congress. I think this would be the appropriate time and place to have the discussion which is the subject of your amendment.

I understand the gentleman's concern. Believe me, we have heard other concerns on the Atlantic striped bass. If the gentleman would withdraw his amendment, I can assure him that he will get a full hearing on the content of his amendment in our committee this year.

Mr. BISHOP of New York. I very much appreciate that offer, Mr. Chairman. Based on your assurance that this issue will receive a full hearing in your committee or in the appropriate subcommittee, I will ask unanimous consent to withdraw my amendment.

Mr. HASTINGS of Washington. If the gentleman will yield, I thank you very much, and we will work together on

this. This is a larger issue, and I certainly understand the gentleman's concerns.

Mr. BISHOP of New York. I appreciate that.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 7 OFFERED BY MR. HEINRICH

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 112–444.

Mr. HEINRICH. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following:

TITLE V—ACTIVITIES WITHIN WILDERNESS OR LAND MANAGED AS WILDERNESS

SEC. 501. ACTIVITIES WITHIN WILDERNESS OR LAND MANAGED AS WILDERNESS.

Nothing in this Act shall be construed to allow oil and gas development, mining, logging, or motorized activity on Federal public land (as defined in section 103) designated or managed as wilderness.

The Acting CHAIR. Pursuant to House Resolution 614, the gentleman from New Mexico (Mr. HEINRICH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. HEINRICH. Mr. Chairman, I yield myself such time as I may consume.

As an active sportsman, I am proud to introduce this amendment today. It's likely that you have heard claims from some of my colleagues across the aisle that the manager's amendment will resolve the concerns that I have raised today, thus making this amendment redundant or duplicative.

Mr. Chairman, that is simply not the case. While I appreciate the intent of my colleagues to resolve my concerns, their language is still far too vague and needs additional clarification. As an avid hunter, I strongly support increasing access to public lands for hunting and fishing, but we can achieve that goal without eliminating the very wilderness protections that have protected some of the best wildlife habitat and, I would add, some of the best backcountry hunting opportunities in our Nation.

The bill under consideration today would eliminate long-standing protections against logging, oil and gas drilling, and motor vehicle use in wilderness areas. It would create a loophole in the Wilderness Act for anything that would provide ''opportunities for hunting, fishing, and recreational shooting.''

Under the Wilderness Act, land managers are allowed to act in ways that are otherwise not allowed in wilderness areas if the action is necessary for ''the minimum requirements necessary'' for the administration of the area. In practice, the minimum requirements necessary language and standard means that land managers can use motorized vehicles, chainsaws, even helicopters in extreme emergencies, to fight fires, rescue stranded hikers, or remove downed trees from trails that threaten human safety.

This bill would extend that kind of exemption to any action that would ''provide an opportunity for hunting, fishing, and recreational shooting.'' This means that activities otherwise not allowed in a wilderness area, like motor vehicle use, would now have to be permitted if it could be used to facilitate everyday activities like hunting, fishing, and recreational shooting.

Now, the manager's amendment includes language intended to address these concerns by providing that these provisions ''are not intended to authorize or facilitate commodity development, use, or extraction, or motor recreational access or use.''

□ 1650

Whether or not that's the bill's intention, the language in the bill allows for that possibility, and saying that wasn't the intent doesn't change what the language allows.

In contrast, my amendment provides that nothing in this bill ''shall be construed to allow'' these otherwise prohibited activities in wilderness areas.

''Intended'' versus ''shall''; there's a very powerful legal difference. And sportsmen across the country recognize this difference and support my amendment. In the last few hours, I've heard from countless supporters in my own State, including the New Mexico Wildlife Federation; the New Mexico chapter of Backcountry Hunters and Anglers; Dona Ana County Associated Sportsmen; the High Desert Sportsmen; and the Sportsmen Concerned of Northeast New Mexico, just to name a few. And nationally, we've heard from groups like the Theodore Roosevelt Conservation Partnership and TU.

As the bill's sponsors say that they are not trying to create sweeping exemptions to the Wilderness Act, I have no doubt that they'll support my amendment, as it clearly eliminates these loopholes that were unintentionally included. As a back-country hunter, I know how valuable wilderness is to hunters and anglers, and I hope my colleagues will continue to support protecting wildlife habitat in wilderness areas and vote for my amendment.

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

Mr. HASTINGS of Washington. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

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

Mr. Chairman, the section of the bill that applies to hunting and fishing was derived from the excellent bill offered by the gentleman from Michigan (Mr. BENISHEK).

I have noticed that whenever a new wilderness designation bill is introduced and a subcommittee hearing is held, the sponsor testifies that his or her bill will not reduce hunting because hunting is clearly permitted in wilderness areas. And they are right. Nevertheless, when an anti-hunting group went to court recently to block hunting in the wilderness section of a national forest in Michigan, the Forest Service had to waste a great deal of time and money justifying the hunting permitted there.

Similarly, anti-hunting groups have sought to use the National Environmental Policy Act, or NEPA, to entangle the land management agencies in NEPA's briar patch when the agencies allow hunting activity on public land.

Now I'm certain that many would agree that hunting and fishing on public land is not a new major Federal action that requires a full environmental impact statement. However, to protect sportsmen and to prevent the waste of resources that occurs when conservation dollars are diverted into defending against nuisance lawsuits, Dr. BENISHEK's provision gives clear statutory support to legitimacy of hunting on public land.

I believe from the beginning that the Benishek bill dealt only with hunting and fishing. It never authorized motorized travel or extractive industries, even though some environmental activist groups quickly made that accusation. But to allay any genuine concerns people may have, we worked closely with a wide variety of conservation groups and decided to include in the manager's amendment that was passed a provision that explicitly states that the relevant portions of the bill—and I quote from the amendment—''are not intended to authorize or facilitate commodity development, use, or extraction, or motorized recreational access or use.''

With that very direct language I can honestly say that virtually every major conservation group that is not anti-hunting supports the bill. I don't have time to read the whole list, but it does include the NRA, the Safari Club, the bipartisan Congressional Sportsmen's Caucus, the U.S. Sportsmen's Alliance, Ducks Unlimited, the Theodore Roosevelt Conservation Partnership, and the Association of Fish and Wildlife Agencies.

I think H.R. 4089, as amended, now has the support of the entire range of sportsmen conservation groups, ranging from those considered conservative to those that are quite liberal, and do not believe that the wilderness section needs any additional changes as offered by the gentleman from New Mexico's amendment. Again, the concerns expressed by the gentleman from New Mexico in support of his amendment, in my view, are unfounded. This bill deals squarely with hunting and fishing, and does not authorize motorized travel or mining or other such activities in wilderness areas.

With that, I reserve the balance of my time.

Mr. HEINRICH. Mr. Chairman, at this time I would like to yield 2 minutes to my good friend and colleague and a sportsman from northern New Mexico (Mr. LUJÁN).

Mr. LUJÁN. Mr. Chairman, I rise in support of the Heinrich amendment. I want to thank my friend from New Mexico for offering this amendment to ensure protection of our wilderness areas.

Mr. Chairman, I'm from the western United States. I'm a supporter of the Second Amendment. I'm a hunter and a fisherman. My family raised sheep and cattle on allotments in the area where I was raised. Like many other States in the West, we New Mexicans value our access to public lands for hunting, fishing, shooting, and recreational enjoyment.

I want to make sure that everyone understands that I'm not opposed to everything in this bill, but I do have specific concerns with language that would create a loophole in the Wilderness Act. This loophole would undermine one of the defining laws that protects public lands and enables us to have pristine areas to hunt and fish—critical areas that should be preserved for future generations to enjoy. But this bill, as written, walks a dangerous line.

I had concerns in the committee markup of this bill, and today I reiterate these concerns—specifically, language in section 104(e), which opens up for interpretation to allow motorized vehicles in sensitive areas, completely undermining the effort to protect these lands. Although the majority has indicated that they have clarified this problem in the manager's amendment, a CRS memorandum issued on April 13, 2012, on section 104(e) of H.R. 4089 has confirmed my concern that section 104(e) ''could lead to motorized use and inappropriate commercial activities in congressionally designated wilderness areas.''

If the majority states through the manager's amendment that their intention is not to open up these areas for motorized vehicles, then let's make absolutely sure that this won't happen. I'm glad to see that they see that there's a problem as well, which they've attempted to address. But sadly, the loosely worded amendment won't accomplish that.

Let's work together to support the Heinrich amendment and make sure that we don't combine motorized vehicles with Second Amendment issues in our backyards. I think we can work together, Mr. Chairman.

The Acting CHAIR. The time of the gentleman from New Mexico has expired. The gentleman from Washington has 1½ minutes remaining.

Mr. HASTINGS of Washington. I yield myself the balance of my time.

It appears that the argument here is that this language that we've drafted and passed in the manager's amendment is not strong enough. Let me read the appropriate words. In the gentleman from New Mexico's amendment, he focuses on the word ''shall,'' which, of course, is strong language. But he follows it with ''construed.'' Now that raises the question: Construed by whom?

Our language says very specifically that nothing in here is intended to authorize or facilitate any use regarding extraction. We say that is the intent of the law, very specifically. When you use the word ''construed,'' I dare say, Mr. Chairman, that you are opening this wide open to litigation, and maybe that is exactly what the gentleman intended.

By focusing on ''shall,'' he doesn't focus on the operative word, which is ''construed,'' because ''construed'' can be used by anybody outside in order to sue. We say very specifically, even though we didn't think extraction was part of this underlying legislation, but we say very specifically it's not intended to reinforce it. That was the reason that provision was in the manager's amendment.

So I urge my colleagues to defeat the Heinrich amendment.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Mexico (Mr. HEINRICH).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. HEINRICH. 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 Mexico will be postponed.

AMENDMENT NO. 8 OFFERED BY MS. FOXX

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 112–444.

Ms. FOXX. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following:

TITLE V—DESIGNATION OF AND RESTRICTIONS ON NATIONAL MONUMENTS

SEC. 501. DESIGNATION OF AND RESTRICTIONS ON NATIONAL MONUMENTS.

(a) DESIGNATION.—No national monument designated by presidential proclamation shall be valid until the Governor and the legislature of each State within the boundaries of the proposed national monument have approved of such designation.

(b) RESTRICTIONS.—The Secretary of the Interior shall not implement any restrictions on the public use of a national monument until the expiration of an appropriate review period (determined by the Secretary of the Interior) providing for public input.''.

The Acting CHAIR. Pursuant to House Resolution 614, the gentlewoman from North Carolina (Ms. FOXX) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from North Carolina.

Ms. FOXX. Thank you, Mr. Chairman.

As a supporter of H.R. 4089, I rise today to offer an amendment which would add another positive element to the underlying bill. As we all know, the Antiquities Act of 1906 authorized the President to designate national monuments on Federal lands that contain historical landmark structures or other objects of scientific interest. This authority has been used 129 times by Presidents of both parties to designate such national treasures as the Grand Canyon, Grand Teton, and the Statute of Liberty.

As someone who has enjoyed and appreciated some of the abundance of national and historic treasures throughout this great country, I greatly appreciate the importance of protecting these great blessings.

Currently, a National Monument designation allows for the President to impose unilaterally further restrictions on the use of Federal lands.

□ 1700

Since State authorities are more aware of the local circumstances affecting land restrictions, I've offered a standalone bill, H.R. 302, the Preserve Land Freedom for Americans Act of 2011, which is the model for the amendment I'm now offering. This amendment provides for accountability to the process by requiring the approval of the legislatures and Governors of the States where monuments are proposed to be located.

With the Federal Government currently owning such a large percentage of land throughout the country, particularly in Western States, it's important to respect and allow State policymakers to weigh in on proposed Federal land restrictions within their borders.

With that, Mr. Chairman, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Chairman, I claim time in opposition.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. GRIJALVA. Thank you.

I rise in strong opposition to the Foxx amendment and in strong support of National Monuments and the Antiquities Act.

Following in the footsteps of Teddy Roosevelt, who used the Antiquities Act to protect the Grand Canyon, and Franklin Roosevelt, who used it to protect the Grand Tetons, 16 Presidents—eight Republicans and eight Democrats—have used the Antiquities Act to designate approximately 130 national monuments. In more recent history, President George W. Bush used the Antiquities Act to designate the largest national monument in history. Most recently, President Obama used the act to preserve an enormously popular Fort Monroe in Virginia.

These special places might have been lost to development or destruction had the 59th Congress not authorized Presidents to use the Antiquities Act to

move quickly to protect Federal lands. And that is worth repeating: the Antiquities Act allows designation of national monuments on Federal land only. This land is already owned by the Federal Government, and the claim that there is some kind of land grab going on is totally false.

Our national monuments are valuable, popular tourism designations that serve as powerful economic engines. Headwaters Economics studied 17 large national monuments in 11 Western States and found positive impacts to the local economies and employment.

The Antiquities Act has served present and future generations well for more than a century, and there is no need for this amendment. National monuments do not harm private property rights, and they improve the quality of life in surrounding communities while saving historic, cultural, and scenic resources for our children and our grandchildren.

The Foxx amendment will hobble the Antiquities Act by giving States a veto over Federal designations on Federal land, and it would do so based on criticisms of the act and of national monuments that are patently false. The Foxx amendment should be defeated, and I reserve the balance of my time.

Ms. FOXX. Mr. Chairman, I now yield 40 seconds to the distinguished chairman of the committee, Mr. HASTINGS.

Mr. HASTINGS of Washington. I thank the gentlelady for yielding.

Unfortunately, the Antiquities Act is used more often than not to circumvent Congress' role in setting land-use policy or to foreclose any opportunity for anyone outside the White House to participate in whatever decision they make, including the affected States.

Unlike America in 1906 when the antiquities law was first enacted, we now have an elaborate set of other laws and regulations that require deliberative processes and procedures to be followed before any significant action affecting public lands can be taken.

I think the gentlelady's amendment would improve this process, and with that, I support it.

Mr. GRIJALVA. I yield the balance of my time to the gentleman from New Mexico (Mr. HEINRICH).

The Acting CHAIR. The gentleman from New Mexico is recognized for 2¾ minutes.

Mr. HEINRICH. Mr. Chairman, for more than a century, the Antiquities Act has given American Presidents the authority to protect some of our Nation's most important and threatened places. Across my State of New Mexico, we see the benefit of the Antiquities Act.

Bandelier National Monument, Carlsbad Caverns National Park, White Sands National Monument, and El Morro National Monument were all originally protected through the Antiquities Act.

Research done last year by the New Mexico Green Chamber of Commerce shows that New Mexico's 10 national monuments established through the Antiquities Act account for 1.3 million annual tourist visits and $54 million in annual tourist spending supporting over 1,000 New Mexico jobs. In the last few weeks, countless New Mexicans, including sportsmen like myself, have asked President Obama to designate a new national monument to protect the Organ Mountains outside of Las Cruces, New Mexico.

We are calling on our President to protect our vulnerable natural and cultural resources in southern New Mexico through the Antiquities Act. This amendment offered by my colleague from North Carolina would take that power away from the President and give State legislatures the power to make decisions about public lands that belong to all Americans.

The Antiquities Act was specifically designed to allow Presidents to respond quickly to protect places in the national interest. Had the Antiquities Act been written with the language of this amendment, the Grand Canyon could have been overrun by sprawl, ancient cliff dwellings and the Petrified Forest National Park might have been looted, and the Arches National Park wouldn't even exist.

An additional concern is that several State legislatures only meet for a limited number of days each year and can't respond to urgent threats to public lands. In my State, we only meet for 60 days in odd years and 30 days in even years.

The Foxx amendment would prevent archeological, cultural, and historical sites from receiving the urgent protections they need. It also doesn't recognize that the United States has vast areas of unincorporated territory that is not under the jurisdiction of any State legislature.

President George W. Bush used the Antiquities Act to protect lands and waters in unincorporated Federal areas, including the Marianas Trench Marine and Pacific Remote Islands Marine National Monuments.

National monuments should not be a partisan issue. After being signed into law by President Theodore Roosevelt, 16 Presidents of both parties—eight Republicans and eight Democrats—have used this act to protect federally owned lands and waters to better protect America's treasures for future generations. And by attaching this divisive issue to this bill, the chances of a Presidential veto are greatly increased. I hope that we would refrain from endangering the pro-sportsmen portions of this bill with controversial issues like this one. As an active sportsman, I strongly support the Antiquities Act, and I ask for a ''no'' vote on the amendment.

Ms. FOXX. Mr. Chairman, I yield 2 minutes to my distinguished colleague from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. The Antiquities Act, which allows the President to designate land, is a legislative function that the legislature gave to the executive branch in Teddy Roosevelt's time. Whether it is good or not, it is wrong for Congress to give its authority away to the executive branch. At the time, it was thought it would be okay because there were specific restrictions placed on it. You had to have a specific something geological, historical that you were going to preserve, it was in imminent danger, and it was going be on the smallest area possible in the debate that was going to be over a couple hundred acres.

The unfortunate thing is Presidents since that time have used this monument designation power for political purposes in areas quite bigger than that. The last monument that was created in my State was not a couple of hundred acres. It was bigger than the States of Connecticut, Delaware, and Rhode Island combined. It was done at 9 a.m. after the Governor of the State was told about it at 2 a.m., after having been told earlier that day that nothing was going to happen in this kind of an area.

Earlier this year, the Antiquities Act was used at Fort Monroe when the entire delegation and the local community were in favor of it. When ours was done, as well as many of the other Antiquity Act monuments were done, the local delegation was not in favor of it, and the Governor was not in favor of it. Everyone was not in favor of it. What the Foxx amendment tries to do is simply say, look, if you're going to keep this power with the President, at least get a check-and-balance system somewhere. Let's make sure that the local people, the State people are fine with this designation before the President does something arbitrarily, capriciously and, unfortunately too often, for political reason.

Keep the legislative power where it should be, with the legislature, but at least if you're not going to do that, at least put some kind of logical check and balance on the system.

The Acting CHAIR. The gentlewoman from North Carolina has 45 seconds remaining.

Ms. FOXX. Thank you, Mr. Chairman.

I want to thank my two colleagues who spoke on behalf of my amendment and tell them how much I appreciate their comments. And I want to say to my friends on the other side of the aisle, if designating an area as a national monument would be such a good idea, there shouldn't be any problem with gaining approval from the legislatures and the Governor, and it takes no power away from the President but allows the States to be part of the process.

I encourage my colleagues to support my amendment and yield back the balance of my time.

Mr. FARR. Mr. Chair, I rise in opposition to the Foxx Amendment that seeks to gut the Antiquities Act and add unnecessary bureaucracy.

The Antiquities Act is the best tool in the tool box for saving America's heritage—cultural and natural—to respect what our ancestors set aside for us and to inspire, educate, and enlighten future generations.

The Antiquities Act has a long bipartisan tradition. After being signed into law by President Theodore Roosevelt, sixteen presidents of both parties—8 Republicans and 8 Democrats—have used this Act to protect federally-owned lands and waters to better protect America's treasures for future generations.

The Antiquities Act protects our national heritage. Sites like the Statue of Liberty, the Grand Canyon, and the World War II Valor in the Pacific National Monument and in my Congressional District the Pinnacles National Monument have been protected through the Antiquities Act.

The Foxx Amendment seeks to gut the Antiquities Act. The Antiquities Act was specifically designed to allow presidents to respond quickly to protect places in the national interest.

Had the Antiquities Act been written with Rep. FOXX's language, the Grand Canyon would be overrun by sprawl, ancient cliff dwellings and the Petrified Forest National Park would have been looted, and Arches National Park wouldn't even exist.

The Foxx Amendment is poorly conceived. Several state legislatures only meet every other year and are ill-equipped to respond to urgent threats to public lands.

The Foxx Amendment would prevent archaeological, cultural and historical sites from receiving the urgent protections they need from looting, vandalism or other threats.

The Foxx Amendment also doesn't recognize that the United States has vast areas of unincorporated territory that is not under the jurisdiction of a state legislature.

President George W. Bush used the Antiquities Act to protect lands and waters in unincorporated federal areas including the Marianas Trench Marine and Pacific Remote Islands Marine National Monuments.

Stand up for our National Parks and our national heritage. Vote against the Foxx Amendment to H.R. 4089.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from North Carolina (Ms. FOXX).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. GRIJALVA. 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 North Carolina will be postponed.

Mr. HASTINGS of Washington. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. FOXX) having assumed the chair, Mr. SIMPSON, 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. 4089) to protect and enhance opportunities for recreational hunting, fishing and shooting, had come to no resolution thereon.

RECESS

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

Accordingly (at 5 o'clock and 10 minutes p.m.), the House stood in recess.

□ 1753

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. POE of Texas) at 5 o'clock and 53 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4348, SURFACE TRANSPORTATION EXTENSION ACT OF 2012, PART II

Ms. FOXX, from the Committee on Rules, submitted a privileged report (Rept. No. 112–446) on the resolution (H. Res. 619) providing for consideration of the bill (H.R. 4348) 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, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 9, SMALL BUSINESS TAX CUT ACT

Ms. FOXX, from the Committee on Rules, submitted a privileged report (Rept. No. 112–447) on the resolution (H. Res. 620) providing for consideration of the bill (H.R. 9) to amend the Internal Revenue Code of 1986 to provide a deduction for domestic business income of qualified small businesses, which was referred to the House Calendar and ordered to be printed.

SPORTSMEN'S HERITAGE ACT OF 2012

The SPEAKER pro tempore. Pursuant to House Resolution 614 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 4089.

Will the gentleman from Idaho (Mr. SIMPSON) kindly resume the chair.

□ 1755

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4089) to protect and enhance opportunities for recreational hunting, fishing and shooting, and for other purposes, with Mr. SIMPSON (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 8 printed in House Report 112–444 by the gentlewoman from North Carolina (Ms. FOXX) had been postponed.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 112–444 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. HOLT of New Jersey.

Amendment No. 3 by Mr. GRIJALVA of Arizona.

Amendment No. 4 by Mr. PETERS of Michigan.

Amendment No. 7 by Mr. HEINRICH of New Mexico.

Amendment No. 8 by Ms. FOXX of North Carolina.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. HOLT

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. HOLT) 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 152, noes 260, not voting 19, as follows:

[Roll No. 158]

AYES—152

Ackerman	Dold	Larsen (WA)
Baldwin	Doyle	Larson (CT)
Bass (CA)	Edwards	Lee (CA)
Becerra	Ellison	Levin
Berkley	Engel	Lewis (GA)
Berman	Eshoo	Lipinski
Bishop (NY)	Farr	Loebsack
Bonamici	Fattah	Lofgren, Zoe
Brady (PA)	Fudge	Lowey
Brown (FL)	Gerlach	Luján
Butterfield	Gonzalez	Lynch
Capps	Green, Al	Maloney
Capuano	Grijalva	Markey
Carnahan	Gutierrez	Matsui
Carney	Hahn	McCarthy (NY)
Carson (IN)	Hanabusa	McCollum
Castor (FL)	Hastings (FL)	McDermott
Chu	Heinrich	McNerney
Cicilline	Higgins	Meeks
Clarke (MI)	Himes	Miller (NC)
Clarke (NY)	Hinchey	Miller, George
Clay	Hinojosa	Moran
Cleaver	Hirono	Murphy (CT)
Clyburn	Holt	Nadler
Cohen	Honda	Neal
Connolly (VA)	Hoyer	Olver
Conyers	Israel	Pallone
Cooper	Jackson (IL)	Pascrell
Courtney	Jackson Lee (TX)	Pastor (AZ)
Crowley	Johnson (GA)	Paulsen
Cummings	Johnson (IL)	Pelosi
Davis (CA)	Johnson, E. B.	Peters
Davis (IL)	Kaptur	Pingree (ME)
DeFazio	Keating	Platts
DeLauro	Kildee	Polis
Deutch	Kucinich	Price (NC)
Dingell	Langevin	Quigley
Doggett		Reichert

Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—260

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Baca
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
Kind
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McClintock
McCotter
McHenry
McKeon
McKinley
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pearce
Pence
Perlmutter
Peterson
Petri
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
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 (OH)
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 (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—19

Andrews
Braley (IA)
DeGette
Dicks
Filner
Fincher
Frank (MA)
Garamendi
King (IA)
Marino
McCaul
McGovern
McIntyre
McMorris Rodgers
Napolitano
Paul
Pitts
Rangel
Slaughter

□ 1818

Messrs. PERLMUTTER, BRADY of Texas, GRIMM and WITTMAN changed their vote from ''aye'' to ''no.''

Messrs. CLYBURN, AL GREEN of Texas, LUJÁN and PLATTS changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall No. 158, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

Mr. BRALEY of Iowa. Mr. Chair, on rollcall No. 158, had I been present, I would have voted "aye."

AMENDMENT NO. 3 OFFERED BY MR. GRIJALVA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. GRIJALVA) 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 138, noes 279, not voting 14, as follows:

[Roll No. 159]

AYES—138

Ackerman
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Bonamici
Bono Mack
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Connolly (VA)
Conyers
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hirono
Holt
Honda
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kildee
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Miller (NC)
Moore
Moran
Murphy (CT)
Nadler
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Pelosi
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Reyes
Richardson
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sherman
Sires
Smith (WA)
Speier
Stark
Sutton
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Wilson (FL)
Woolsey
Yarmuth

NOES—279

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Baca
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
DeFazio
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Himes
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Long
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (OH)
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Sewell

Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
Welch
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—14

Andrews
Cohen
Dicks
Filner
Fincher
Hoyer
Marino
McIntyre
Napolitano
Paul
Pitts
Rangel
Slaughter
Sullivan

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 30 seconds remaining.

□ 1822

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 159, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

AMENDMENT NO. 4 OFFERED BY MR. PETERS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. PETERS) 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 155, noes 262, not voting 14, as follows:

[Roll No. 160]

AYES—155

Ackerman
Baldwin
Bartlett
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Bonamici
Bono Mack
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Campbell
Capps
Capuano
Carnahan
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Doggett
Dold
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Fitzpatrick
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gonzalez
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Keating
Kildee
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Platts
Polis
Price (NC)
Quigley
Reichert
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Smith (WA)
Speier
Stark
Sutton
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—262

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Baca
Bachmann
Bachus
Barletta
Barrow
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Cardoza
Carney
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
DeFazio
Denham
Dent
DesJarlais
Diaz-Balart
Dingell
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
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
Owens
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
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 (OH)
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—14

Andrews
Dicks
Filner
Fincher
Kaptur
Lowey
Marino
McIntyre
Napolitano
Paul
Pitts
Rangel
Schweikert
Slaughter

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 30 seconds remaining.

□ 1826

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall No. 160, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

AMENDMENT NO. 7 OFFERED BY MR. HEINRICH

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Mexico (Mr. HEINRICH) 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 176, noes 244, not voting 11, as follows:

[Roll No. 161]

AYES—176

Ackerman
Baca
Baldwin
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Bonamici
Bono Mack
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
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
Dold
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gibson
Gonzalez
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Hayworth
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)

Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Reichert
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
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Turner (NY)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—244

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck
Hensarling
Herger
Herrera Beutler
Hochul
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
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.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
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 (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

Andrews
Filner
Fincher
Landry
Marino
McIntyre
Napolitano
Paul
Pitts
Rangel
Slaughter

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 30 seconds remaining.

□ 1830

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 161, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted ''aye.''

AMENDMENT NO. 8 OFFERED BY MS. FOXX

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from North Carolina (Ms. FOXX) on which further proceedings were postponed and on which the ayes 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 223, noes 198, not voting 10, as follows:

[Roll No. 162]

AYES—223

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Boren
Boswell
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
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Flake
Fleischmann
Fleming
Flores
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Griffin (AR)
Griffith (VA)
Guthrie
Hall
Harper
Harris
Hartzler
Hastings (WA)
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Pearce
Pence
Peterson
Petri
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
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
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—198

Ackerman
Altmire
Baca
Baldwin
Barrow
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Bono Mack
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
Dold
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Fitzpatrick
Fortenberry
Frank (MA)
Fudge
Garamendi
Gerlach
Gibson
Gonzalez
Green, Gene
Grijalva
Grimm
Guinta
Gutierrez
Hahn
Hanabusa
Hanna
Hastings (FL)
Hayworth
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
King (NY)
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
McNerney
Meeks
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pelosi
Perlmutter
Peters
Pingree (ME)
Platts
Polis
Price (NC)
Quigley
Rahall
Reichert
Reyes

Richardson	Scott, David	Towns
Richmond	Serrano	Tsongas
Rothman (NJ)	Sewell	Van Hollen
Roybal-Allard	Sherman	Velázquez
Ruppersberger	Shuler	Visclosky
Rush	Simpson	Walz (MN)
Ryan (OH)	Sires	Wasserman Schultz
Sánchez, Linda T.	Smith (NJ)	Waters
Sanchez, Loretta	Smith (WA)	Watt
Sarbanes	Speier	Waxman
Schakowsky	Stark	Welch
Schiff	Sutton	West
Schrader	Thompson (CA)	Wilson (FL)
Schwartz	Thompson (MS)	Woolsey
Scott (VA)	Tierney	Yarmuth
	Tonko	

NOT VOTING—10

Andrews	McIntyre	Rangel
Filner	Napolitano	Slaughter
Fincher	Paul	
Marino	Pitts	

□ 1835

Messrs. ENGLE, COHEN, Ms. BROWN of Florida, and Ms. LORETTA SANCHEZ of California changed their vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 162, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted ''no.''

The Acting CHAIR. The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. YODER) having assumed the chair, Mr. SIMPSON, 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. 4089) to protect and enhance opportunities for recreational hunting, fishing and shooting, and, pursuant to House Resolution 614, 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 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. TIERNEY. Mr. Speaker, I have a motion to recommit at the desk.

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

Mr. TIERNEY. I am.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve a point of order against the motion.

The SPEAKER pro tempore. A point of order is reserved.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Tierney moves to recommit the bill H.R. 4089 to the Committee on Natural Resources with instructions to report the same to the House forthwith with the following amendment:

At the end of the bill, add the following:

TITLE V—FIGHTING OIL MARKET SPECULATION, MANIPULATION, AND FRAUD

SEC. 501. FIGHTING OIL MARKET SPECULATION, MANIPULATION, AND FRAUD.

There is hereby authorized to be appropriated to the Commodities Futures Trading Commission such sums as may be necessary to carry out enforcement, examinations, market surveillance and analytics, registration, and compliance activities which relate to oil and refined product commodity markets fraud, excessive speculation, and market manipulation.

TITLE VI—PROHIBITION ON HUNTING AND FISHING TRIPS PAID FOR BY REGISTERED LOBBYISTS OR REGISTERED FOREIGN AGENTS

SEC. 601. PROHIBITION ON HUNTING AND FISHING TRIPS PAID FOR BY REGISTERED LOBBYISTS OR REGISTERED FOREIGN AGENTS.

Nothing in this Act shall allow, promote, or facilitate hunting, fishing, or recreational shooting activities on Federal lands that are financed by a registered lobbyist or registered foreign agent for the benefit of a Member of Congress.

□ 1840

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

Mr. TIERNEY. Mr. Speaker, I rise to offer the final amendment to this bill that will give the Commodity Futures Trading Commission the resources that it needs to put an end to the speculation that's contributing to the high gas prices across this country.

I want to be clear, Mr. Speaker. This amendment will not kill the bill, and it will not send it back to committee. If this amendment is adopted, the House will still immediately proceed to a vote on the final passage of the bill, and it should.

Today, estimates are that speculators control about 70 percent of the open interest in commodity markets—70 percent. Ten years ago, that number was 30 percent. These speculators are essentially large banks and hedge funds. They never actually take control of the oil. They just flip the contract, make their quick profit and get out. However, unlike trading in the stocks and bonds of traditional companies, commodities speculation has a real and big-time effect on Americans, driving up the price of gas. It creates undue hardship whether you are a business owner with a small fleet of cars or a large fleet of trucks or are a homeowner who is taking his kids back and forth to school, doing your shopping or running other essential errands. This hurts people who are already struggling to make ends meet.

According to one official at the Commodity Futures Trading Commission, speculation, not the lack of production, has increased the price of gas by at least 22 percent, and today's price is about 56 cents per gallon. This should be unacceptable to every single one of us.

What is needed is for this Congress to make a concerted effort to curb speculation and Wall Street's anticonsumer practices. This amendment will do just that, and it will ensure that the CFTC has the resources it needs to carry out investigations and enforcement activities to stop commodity markets fraud, excessive speculation, and market manipulation. The President has recognized the importance of this issue and, just today, has called on this Congress to support increases in the CFTC's surveillance and enforcement staff for oil futures market trading, among other things. We need to give American families the confidence that illegal manipulation, fraud, and market rigging are not contributing to these high prices of gas. This House can take the first step and approve this amendment.

The amendment also ensures that nothing in the underlying bill allows, promotes, or facilitates lobbyist junkets related to hunting, fishing, or recreational shooting activities on Federal lands. I would hope that we can all agree that this bill should not create any loopholes to lobbying restrictions that are currently in place, and my amendment simply ensures that this is the case. I urge my colleagues to support this amendment.

I yield the balance of my time to the ranking member of the Natural Resources Committee, the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman.

The rise in gas prices is not about Obama. It is about OPEC, oil companies, and Wall Street speculators. Wall Street speculators now control nearly two-thirds of the oil market, up from 11 percent just 10 years ago. Morgan Stanley now controls 15 percent of New England's home heating oil. Experts tell us that as much as 25 percent of the price of oil is the result of excessive speculation, which means American drivers are paying a ''Wall Street speculation tax'' of more than 70 cents on every gallon of gasoline.

Wall Street speculators have turned oil markets into a crude oil casino. Yet the majority actually tried to cut funding for our Wall Street cops, the Commodity Futures Trading Commission, by $30 million. Today, Mitt Romney called the administration's efforts to crack down on speculation a gimmick. But protecting Wall Street consumers, protecting Main Street consumers over Wall Street isn't a gimmick; it should be a given.

This motion will give the CFTC speculation cops the resources and personnel they need to put an end to Wall Street's gasoline gambling. Vote ''aye'' on the Tierney motion to crack down on Wall Street speculation and to protect Main Street consumers. Vote ''aye'' on the Tierney motion to recommit.

Mr. HASTINGS of Washington. Mr. Speaker, I withdraw my reservation.

The SPEAKER pro tempore. The gentleman's point of order is withdrawn.

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

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

Mr. HASTINGS of Washington. Mr. Speaker, a week ago or so, I said history repeats itself, and I said it in the context that we keep hearing the same arguments over and over and over again. History repeats itself, it seems like, every week. So here we are, right back from the district work period, and history is repeating itself all over again. We are talking about energy, but we are talking about the wrong solutions.

The reason we have an energy problem in this country is due to the policies of this administration. It is so simple. We've said it over and over. In fact, last year, we addressed the issue of trying to increase the energy supply, American energy, to create American energy jobs. Unfortunately, only a few on that side voted with us. Now the other side is starting to get it. Energy matters in this country. We need to develop American energy. This is history repeating itself. Vote ''no'' on the motion to recommit.

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. TIERNEY. 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 160, noes 261, not voting 10, as follows:

[Roll No. 163]

AYES—160

Ackerman
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costello
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
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
Meeks
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—261

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Baca
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Hochul
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
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
Owens
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
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)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—10

Andrews
Filner
Fincher
Marino
McIntyre
Napolitano
Paul
Pitts
Rangel
Slaughter

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1904

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 163, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

Mrs. NAPOLITANO. Mr. Speaker, on Tuesday, April 17, 2012, I was absent during rollcall vote No. 163 due to a family health emergency. Had I been present, I would have voted "aye" on the Motion to recommit H.R. 4089—Sportsmen's Heritage Act of 2012.

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

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 274, nays 146, not voting 11, as follows:

[Roll No. 164]

YEAS—274

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Baca
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carson (IN)
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
DeFazio

Denham
Dent
DesJarlais
Diaz-Balart
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
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
Owens
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (OH)
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 (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
Welch
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—146

Ackerman
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Dold
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Fudge
Gonzalez
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kildee
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Reyes
Richardson
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Smith (WA)
Speier
Stark
Sutton
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—11

Andrews
Filner
Fincher
Frank (MA)
Marino
McIntyre
Napolitano
Paul
Pitts
Rangel
Slaughter

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1913

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 164, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "nay."

Mrs. NAPOLITANO. Mr. Speaker, on Tuesday, April 17, 2012, I was absent during rollcall vote No. 164 due to a family health emergency. Had I been present, I would have voted "nay" on Final Passage of H.R. 4089—Sportsmen's Heritage Act of 2012.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3288

Mr. CHAFFETZ. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor to H.R. 3288.

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

There was no objection.

JOBS

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

Ms. FOXX. Mr. Speaker, the March employment report continues to show us that the Federal Government has not been helping to create jobs in our economy. A Wall Street Journal editorial from April 9 highlighted a few examples from the report. Here is one extremely startling statistic:

The labor force participation rate—or the share of civilian population that is working—dropped again to 63.8 percent. In March, 2009, a month after the $800 billion stimulus passed Congress, the labor participation rate was nearly 2 percentage points higher, at 65.6 percent.

This is a prime example that continuously throwing money of hard-working taxpayers that the Federal Government takes from them at the problem will not solve it. We need real solutions that will stimulate our proven economic engine: small businesses. That's why I support the Small Business Tax Cut Act that will help 22 million hardworking small businesses retain and create more jobs.

THE MEDICARE ORTHOTICS AND PROSTHETICS IMPROVEMENT ACT

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to bring attention to H.R. 1959, the Medicare Orthotics and Prosthetics Improvement Act. This legislation has been designed to improve the quality of orthotic and prosthetic care and reduce fraudulent payments for orthotic and prosthetic services under Medicare.

This legislation would require the Centers for Medicare and Medicaid Services to reimburse only those providers who have been accredited or licensed in orthotics and prosthetics. The legislation also would require CMS to report to Congress on its enforcement efforts to reduce fraud and abuse. Fraud and abuse contributes not only to rising costs, but it also harms patients, particularly when medically necessary devices are arbitrarily provided or without qualified providers.

Mr. Speaker, we need to collectively look at ways to create savings by combating waste, fraud, and abuse in the Medicare system. This legislation will enhance patient care and ensure that Medicare fraud is addressed, particularly when the fiscal solvency of the Medicare program is in question.

GSA GONE WILD

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

Mr. POE of Texas. Mr. Speaker, it's party time at the General Services Administration. The good times rolled in Las Vegas, where the GSA spent over $800,000 of tax money on a conference for 300 people. Now we learn that back in 2010, the GSA employees escaped their marble palace in Washington, D.C., and jetted off to Sin City for a taxpayer-funded high-dollar boondoggle. This so-called ''conference'' included a $31,000 reception, fancy awards, food, wine, lavish suites with bubbling hot tubs, clowns, swanky parties, iPod giveaways, and even a mind reader. This kind of lavish spending is exactly why Americans don't trust the government with their money.

But what happened in Vegas just didn't stay in Vegas. A GSA whistleblower snitched off the bureaucrats-gone-wild bunch. Now, GSA officials are folding their cards, cashing in their chips, and resigning. The day of reckoning has come for those who played

poker with the people's money. Public servants should not be public serpents. These government bureaucrats should pay out of their own pockets the taxpayer money they squandered in Las Vegas.

And that's just the way it is.

TROUBLE BETWEEN SUDAN AND SOUTH SUDAN

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

Ms. LEE of California. Mr. Speaker, over the weekend, the situation went from bad to worse in Sudan, with military clashes erupting into a full-blown crisis along the troubled border region between Sudan and South Sudan. President al-Bashir, wanted by the International Criminal Court for crimes against humanity, is directing this new round of bombings that threaten a fragile peace.

It was less than a year ago that the world's youngest nation was born in South Sudan, and already we are witnessing the disturbing return to violence and inhumanity.

Last month, I was joined by 67 Members of my House colleagues on a letter to President Obama expressing our serious concern for the ongoing human calamity in Sudan.

Mr. Speaker, in closing, let me just say half a million lives hang in the balance as the Sudanese Government attacks rebels and civilians alike with a methodical strategy to stop cultivation and block humanitarian aid. We must not idly stand by. So I call on my colleagues to sponsor legislation by our colleagues—Representatives CAPUANO, MCGOVERN, WOLF—and myself who have recently introduced H.R. 4169, the Sudan Peace, Security, and Accountability Act, to update the diplomatic tools in Sudan to reflect the current dangers on the ground.

CONGRESS OF THE UNITED STATES
Washington, DC, March 30, 2012.

Hon. BARACK OBAMA,
President of the United States, The White House, Washington, DC.

CC:
Secretary of State Hillary Clinton
Ambassador to the United Nations Susan Rice

DEAR PRESIDENT OBAMA: We write to express our serious concern for the ongoing human calamity in the Sudanese border areas of South Kordofan, Blue Nile, Abyei, and Darfur, and in Yida and other refugee camps in South Sudan. The Sudanese government continues to target civilian populations through the use of indiscriminate bombing and the denial of humanitarian aid. These actions have left nearly half a million people at risk of starvation in the coming weeks and months. Sudan's impending rainy season, and resulting poor road conditions, will soon make the delivery of any aid extremely difficult, if not impossible.

We applaud your recent actions demonstrating your firm commitment to ending the humanitarian crisis in South Korfodan and the border areas. There are two upcoming opportunities for the United States to further support a humanitarian agenda emphasizing aid delivery and access to these border areas. First, the United States will assume the rotating presidency of the United Nations Security Council in April and secondly, the United States will host the G8 summit at Camp David in May.

We hope that the United States will take advantage of both platforms by demanding full and unimpeded access for international humanitarian organizations to the border regions, while calling on Khartoum to agree to a concrete timeline to implement the United Nations-African Union-League of Arab States Tripartite Proposal. Specifically, we request that the United States ensure that Sudan and South Sudan are placed as a priority on the U.N. Security Council agenda during the U.S. presidency. These efforts will complement and further advance the message on Sudan you delivered this week to Chinese President Hu Jintao during your bilateral meeting in Seoul.

Khartoum's notorious ability to delay and its failure to honor agreements suggest that a more robust, consistent and coordinated approach is needed to protect the lives of vulnerable populations. We have seen such sustained international coordination led by the United States in both negotiating the Comprehensive Peace Agreement signed in 2005, and in helping to implement the successful South Sudan referendum in 2011.

Now is the time to act. Affected areas of South Kordofan and Blue Nile reached emergency levels of food insecurity in March, and the situation has continued to deteriorate. This is one level short of famine. The remaining areas within South Kordofan, as well as much of Blue Nile state, are facing crisis levels of food insecurity.

Recognizing the concrete steps your Administration has taken to spare the lives of vulnerable populations and prevent further conflict, we ask that you use the upcoming opportunities at the United Nations Security Council and the G8 summit in May to leverage multilateral pressure on the Government of Sudan and its supporters. We appreciate your ongoing commitment to that goal.

Respectfully Yours,

Barbara Lee, Michael E. Capuano, James P. McGovern, Al Green, Karen Bass, G.K. Butterfield, Judy Chu, Wm. Lacy Clay, James E. Clyburn, Keith Ellison, Bob Filner, and Howard L. Berman.

André Carson, Yvette D. Clarke, Emanuel Cleaver, Elijah E. Cummings, Chaka Fattah, Marcia L. Fudge, Raúl M. Grijalva, Sheila Jackson Lee, Rick Larsen, John W. Olver, Lucille Roybal-Allard, and Robert C. Scott.

Terri A. Sewell, Michael M. Honda, Hank Johnson, John Lewis, Cedric L. Richmond, Gregorio Sablan, David Scott, Bennie G. Thompson, Edolphus Towns, Frederica S. Wilson, John Conyers Jr., and Laura Richardson.

Corrine Brown, Jackie Speier, Peter A. Defazio, Melvin L. Watt, Lynn C. Woolsey, Donna M. Christensen, Alcee L. Hastings, Maxine Waters, Pete Stark, Carolyn B. Maloney, Aaron Schock, and Donna F. Edwards.

Maurice D. Hinchey, Russ Carnahan, Zoe Lofgren, Lois Capps, Michael H. Michaud, Madeleine Z. Bordallo, Stephen F. Lynch, Sanford D. Bishop Jr., Brad Sherman, Sam Farr, Jesse L. Jackson Jr., and Danny K. Davis.

Steve Cohen, Jan Schakowsky, Chris Van Hollen, Jerrold Nadler, Charles Rangel, Marcy Kaptur, James P. Moran, and Steve Israel.

□ 1920

WE CAN DO BETTER

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

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise because I truly believe we can do better. I join my colleague from Texas to speak and raise the question of: What was the GSA, the General Services Administration, thinking? There are a lot of good workers and we should not attribute to them bad acts, but it was such poor judgment—$800,000 to be spent recklessly on party hearty.

But I also want to raise the question of the contracts that the GSA sends out. In the instance of the stimulus dollars, my Federal building has been rehabbed under the stimulus moneys to create jobs, and we can't get the contractor, Gilbane, to address the question of diversity in the workforce or diversity in contractors. What a terrible shame. There has been some hard work and some attention, but not the hard press that should come about when you seek fairness.

Mr. Speaker, I also want to mention the fact that I'm supporting Mr. COURTNEY's bill, of Connecticut, because it is a shame to double, triple the interest rates on loans that college students need to provide for their education.

Finally, I want to say that NASA has sent the *Discovery* to the Smithsonian. I want a shuttle in Houston, and we're never giving up until we get it. We are the historic home for the shuttle.

HUNGER AND THE RYAN BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from Connecticut (Ms. DELAURO) is recognized for 60 minutes as the designee of the minority leader.

Ms. DELAURO. Mr. Speaker, in tonight's Democratic Special Order, we will be highlighting the severe and immoral cuts made to antihunger and nutrition programs in the House Republican budget.

Right now, millions of American families and children are suffering from food insecurity. As the map here clearly shows, food hardship is a national tragedy. It is present in each and every congressional district. The districts that are highlighted in pink and in red have the most food hardships, while the districts in yellow are not far behind. Districts highlighted in blue have the lowest food hardship, but the national average is that nearly one in five Americans struggles with food hardship. Simply put, they are at risk of going hungry.

According to a study done by the Center for Budget Policy and Priorities, the Republican budget, composed by Chairman PAUL RYAN and endorsed by Presidential candidate Mitt Romney, would ''impose extraordinary cuts in programs that serve as a lifeline for

our Nation's poorest and our most vulnerable citizens.'' Not the least of these are America's critical antihunger initiatives like food stamps and the Women, Infants and Children, or WIC, program, all of which the Ryan Republican budget threatens to slash by as much as 19 percent.

That means, for example, that over 8 million men, women, and children could be cut from food stamps, and 2½ million pregnant and post-partum women, infants and children may be slashed from the WIC program. The Ryan budget slashes these antihunger initiatives while preserving subsidies for Big Oil, tax breaks for the wealthiest Americans. It is a reverse Robin Hood budget that, in the words of Robert Greenstein, the head of the Center on Budget and Policy Priorities, would ''likely produce the largest redistribution of income from the bottom to the top in modern U.S. history, and likely increase poverty and inequality more than any other budget in recent times and possibly in the Nation's history.''

As many religious and ethical observers have noted this week, the decisions made in this budget are antithetical to our basic moral values. Last Friday, 60 Catholic leaders and theologians wrote a letter to Chairman RYAN arguing that his budget was ''morally indefensible and betrays Catholic principles of solidarity, just taxation, and a commitment to the common good. A budget that turns its back on the hungry, the elderly, and the sick while giving more tax breaks to the wealthiest few can't be justified in Christian terms.''

This Ryan Republican budget is particularly cruel when you consider the scale of need in the current economy where 13 million are unemployed and one in six are living below the official poverty line.

As another group of Christian leaders, the Circle of Protection, has urged, Congress should ''give moral priority to programs that protect the life and the dignity of poor and vulnerable people in these difficult times.''

Our antihunger initiatives like food stamps and WIC are just such programs. Tonight, I'm proud to be joined by my colleagues. We will discuss the profound impact the Ryan-Romney Republican budget will have on these programs.

With that, I am so pleased to ask my colleague from California (Mr. FARR), who is the ranking member of the Agriculture Appropriations Subcommittee, to continue our dialogue for this evening.

Mr. FARR. Thank you very much, Madam Chair. I call you Chair because you were chair when I was on the committee, and I always respect your leadership in this field.

As was stated, I am ranking member of the House Appropriations Agriculture Subcommittee, and that is responsible for the U.S. Department of Agriculture and the Food and Drug Administration. The entire budgets of those administrations are bigger than the budget of all of California. It is a very important program, and the U.S. Department of Agriculture is responsible for food policy. Most of our food policy in the United States is about health care. It's about feeding people and assisting those who don't have adequate access to fresh fruits and vegetables through creation of farmers markets and things like that.

I'm here tonight because I'm deeply disturbed by the attention and sort of the media satisfaction that some are getting when they hear about the Ryan budget cut, squeeze, and trim; and I want to talk tonight a little bit not only to the families that receive the benefits but to the farmers who grow the food in this country.

The Ryan budget is one you ought to look at before you leap, because if you look at it in detail, you will find that it has a lot to do with knowing about the price of everything and the cost of everything, but very little about knowing the value of what these programs are all about.

Look, food in America is very important, and we wouldn't be having all these health care debates and issues if it weren't for the issues of health care. Health care begins with food. If you're going to grow healthy people, it has to do with what they eat, and we also know it has to do with the exercise that they participate in.

Of about a $100 billion budget, $65 billion of that is in food and nutrition. It's about feeding people. We feed a lot of people in the government. We certainly feed everybody in the military. We feed people in public institutions. We feed children in schools, and we also give families a choice of what they want to buy with the old food stamp program, now known as the SNAP program, Supplemental Nutrition Assistance Program.

In my district, one out of every five families is receiving this assistance. And what do they do with that? They can buy, because we produce so much fresh fruits and vegetables, a much healthier diet than they would have otherwise. Indeed, if we're going to prevent illness in America, we have to keep people healthy.

Who grows this food? Who produces this food? It's the farmers of America. They don't give it away. We buy it from them.

A huge percentage of the income to farmers in this country comes from the food they produce for our institutional feeding and for our health care programs. The Ryan budget devastates that. He cuts, squeezes, and trims the farmers in this country, the growers, the people that create the food security in America.

So look before you leap. This budget does a lot more harm than good.

□ 1930

And, frankly, the Supplemental Nutritional Assistance Program is a very good program. We even have spouses and children of military families that are receiving this because at some locations the pay isn't great enough to be able to give them all of the nutritional foods that they need.

So if we're going to grow a healthy America, we've got to keep this program, and we've got to avoid falling in love with the Ryan budget which will do everything but create a healthier, safer, sounder and more fiscally capable government. I urge the defeat of that budget and the support of the American farmers.

Ms. DELAURO. I thank the gentleman from California. And as this is, as I said, an issue that is coast to coast, I'd like to recognize our colleague from Massachusetts, someone who has been an unbelievable champion of eliminating hunger in the United States, JIM MCGOVERN from Massachusetts.

Mr. MCGOVERN. I want to thank my colleague from Connecticut for her passion and for her leadership on this issue, and for reminding us all of a terrible truth, and that is, there is not a single community in the United States of America that is hunger-free; that there are millions of our fellow citizens, men, women and children of every age and every background you can imagine, who are hungry or who are food insecure. They don't have enough to eat, can't put a nutritious meal on the table for their families. They go without meals on a regular basis.

This is happening in the United States of America, the richest country on this planet; and every one of us, Democrats and Republicans alike, should be ashamed of that fact.

I tell people all the time that hunger is a political condition. We have the food. We have this incredible natural resource in this country that we're able to produce enough food to be able to feed our population. We have this incredible agriculture community, wonderful farmers from coast to coast who can grow our food. And yet millions of our citizens go without.

We have the food, we have the infrastructure, we know what to do. We have everything but the political will to eradicate hunger in America.

Now, look, we all agree that we have a problem with our debt, and we need to get our budget under control. But it's hard to believe that the first place the Republicans are looking to balance the budget are on the backs of the poor and the most vulnerable in this country, on the backs of people who are hungry, because tomorrow in the Agriculture Committee, following in line with the Ryan budget, the Republican leadership is going to ask that the Agriculture Committee cut $33 billion out of the SNAP program.

That's how they're going to balance the budget. First thing out of the box, going after the SNAP program, a program that has worked to keep millions of people not only out of hunger, but out of poverty.

I will insert an article into the RECORD that appeared in The New York

Times talking about how the SNAP program has prevented millions of Americans from going into poverty.

[From the New York Times, Apr. 9, 2012]

FOOD STAMPS HELPED REDUCE POVERTY RATE, STUDY FINDS

(By Sabrina Tavernise)

WASHINGTON.—A new study by the Agriculture Department has found that food stamps, one of the country's largest social safety net programs, reduced the poverty rate substantially during the recent recession. The food stamp program, formally known as the Supplemental Nutrition Assistance Program, or SNAP, reduced the poverty rate by nearly 8 percent in 2009, the most recent year included in the study, a significant impact for a social program whose effects often go unnoticed by policy makers.

The food stamp program is one of the largest antipoverty efforts in the country, serving more than 46 million people. But the extra income it provides is not counted in the government's formal poverty measure, an omission that makes it difficult for officials to see the effects of the policy and get an accurate figure for the number of people beneath the poverty threshold, which was about $22,000 for a family of four in 2009.

''SNAP plays a crucial, but often underappreciated, role in alleviating poverty,'' said Stacy Dean, an expert on the program with the Center for Budget and Policy Priorities, a Washington-based research group that focuses on social programs and budget policy.

Enrollment in the food stamp program grew substantially during the recession and immediately after, rising by 45 percent from January of 2009 to January of this year, according to monthly figures on the U.S.D.A. Web site. The stimulus package pushed by President Obama and enacted by Congress significantly boosted funding for the program as a temporary relief for families who had fallen on hard times in the recession.

But the steady rise tapered off in January, when enrollment was down slightly from December, a change in direction that Ms. Dean said could signal that the recovery was having an effect even among poor families.

The program's effects have long been known among poverty researchers, and for Ms. Dean, the most interesting aspect of the report was the political context into which it was released.

In a year of elections and rising budget pressures, social programs like food stamps are coming under increased scrutiny from Republican legislators, who argue that they create a kind of entitlement society.

In an e-mail to supporters on Monday, Representative Allen B. West, a Florida Republican, called the increase in food stamp use a ''highly disturbing trend.'' He said that he had noticed a sign outside a gas station in his district over the weekend alerting customers that food stamps were accepted.

''This is not something we should be proud to promote,'' he said.

Kevin W. Concannon, the under secretary of agriculture for food, nutrition and consumer services, argued that since the changes to the welfare system in the 1990s, the food stamp program was one of the few remaining antipoverty programs that provided benefits with few conditions beyond income level and legal residence.

''The numbers of people on SNAP reflect the economic challenges people are facing across the country,'' Mr. Concannon said. ''Folks who have lost their jobs or are getting fewer hours. These people haven't been invented.''

The study, which examined nine years of data, tried to measure the program's effects on people whose incomes remained below the poverty threshold. The program lifted the average poor person's income up about six percent closer to the line over the length of the study, making poverty less severe. When the benefits were included in the income of families with children, the result was that children below the threshold moved about 11 percent closer to the line.

The program had a stronger effect on children because they are more likely to be poor and they make up about half of the program's participants.

''Even if SNAP doesn't have the effect of lifting someone out of poverty, it moves them further up,'' Mr. Concannon said.

Mr. Speaker, I also want to take on a myth that some of my Republican friends have been propagating that somehow the SNAP program is a wasteful program. I've heard over and over and over again that the amount we've spent on SNAP has risen over the last decade. It has, in part, because we've gone through a terrible economic crisis. More and more of our fellow citizens have fallen into poverty, have had to rely on SNAP.

CBO tells us that they expect what we spend on SNAP to go down as the economy gets better. And this is a social safety net. This is a program that provides protection for people when they hit difficult economic times. So that is why spending has increased. It has nothing to do with fraud or waste or abuse.

In fact, the GAO and the USDA have reported time and time again that SNAP is one of the most efficiently run programs in the Federal Government. Less than 3 percent error rate, and that includes people who get underpaid what they're entitled to.

I dare anybody here to find me a program at the Pentagon that has such a low error rate in terms of the utilization of taxpayer money.

Mr. Speaker, the bottom line is this: what we're talking about here is not just a program, is not just numbers. We're talking about people. We're talking about our neighbors. And we're talking about not just people who are unemployed. We're talking about working people. Millions of working families benefit from SNAP. They're out there working trying to make ends meet, but they don't earn enough. So because of that, we have this program called SNAP to help them get by and to put nutritious food on the table for their children.

Mr. Speaker, we can talk all we want about our budgetary problems. I want to close with this. You know, people say to me, well, we can't afford to spend any more on hunger programs because, you know, things are tough and the budget need to be tight.

But I would counter, Mr. Speaker, by saying we can't afford not to. There is a cost to hunger in America and that cost we all pay for: avoidable health care costs, lost productivity in the workplace. Children who go to school without enough to eat can't learn in school. That all adds up. That is a huge cost of billions and billions of dollars that we all have to pay. And that doesn't even count what we invest in programs like SNAP and WIC and other programs designed to provide nutrition and food for our fellow citizens.

So I would say to my colleagues on the other side of the aisle, the battle against hunger has historically been a bipartisan one. We've been able to come together, Republicans and Democrats, and be able to stand together to support programs that provide a circle of protection for our most vulnerable citizens.

And all of a sudden, you know, my Republican colleagues and some of the Presidential candidates are using hunger as a wedge issue, calling President Obama the Food Stamp President. Well, I'm proud that in this country we care about our fellow citizens, especially when they fall on hard times.

I urge my colleagues, especially on the Republican side, to stand up against your leadership and to stand with us and to stand with people who are in need. If government is not there for the neediest, then I'm not sure what good government is.

Mitt Romney doesn't need government. He's a multi-millionaire. Donald Trump doesn't need government. But there are millions of our fellow citizens who, through no fault of their own, find themselves in a difficult economic situation who rely on these programs.

It is beyond comprehension to me that tomorrow the Republicans want to cut $33 billion out of SNAP. With all the places they could look for savings, they're going after programs to help the most vulnerable. That is unacceptable and unconscionable, and I hope that the majority in this House stand up strongly against that.

I thank my colleague for yielding the time.

Ms. DELAURO. I want to thank my colleague. I want to thank him for his eloquence. He makes a comment that these are not just statistics about the people who are being hurt. The fact of the matter is last week in my district during our district break I did an event on hunger in our community. And there I had the head of the Connecticut food bank, the woman who heads up the End Hunger Connecticut organization, and a young woman, her name was Susan Vass from Branford, Connecticut. She stood up and with tears in her eyes talked about her circumstances. Out of a job, that's someone who is a former pension adviser, a human resources director who's now unemployed, cannot find a job. She has three boys 18, 14 and 10 years old. They eat—she stood there crying—one meal a day. If we cut back on food stamps, and because she's now not eligible, she can't get them because her unemployment benefits take her over the mark, so she relies on the Connecticut food bank.

And when the food stamps are cut, the food banks don't get the emergency assistance program funding. So her ability to feed her family will continue to drop.

It's wrong. It's immoral in a land that has plenty and we are bountiful with food in this Nation.

I'm so delighted that our colleague, JACKIE SPEIER from California, has joined us tonight for this conversation.

Ms. SPEIER. I thank my colleague from Connecticut, who says it better than any of us and with such great fervor and passion.

You know, there are times here when I am elated, and there are times here when I'm sick to my stomach. And tonight is one of those times when I am sick to my stomach. I am embarrassed for this body.

I'm embarrassed that the Republicans want to stuff polar bears and bring them back to this country as trophies for their hunters, but they do not want to stuff the bellies of poor kids in our country. There is something fundamentally wrong, and I say that with a great deal of remorse, really.

One in seven Americans now is in poverty and needs to be part of the SNAP program. You know, I think it's really important for us to say it over and over again. This program is not filled with fraud.

□ 1940

This program is one of the best programs that we run in the government, where the error rate and the fraud is less than 3 percent.

Now, I took the Food Stamp Challenge last fall, and I've got to tell you that it was a humbling experience. And for every one of my colleagues who want to cut the food stamp program by $33 billion, I challenge them to live on the equivalent of food stamps for just 5 days. I did it for 5 days, $4.50. There were no lattes in my diet. There were no Big Macs in my diet. There was no sushi in my diet. My diet consisted of canned tuna, eggs, one head of lettuce, and tomatoes for 5 days, and a can of instant coffee from the dollar store. That's how I survived. At the end of 5 days, I thought to myself, I just did this for 5 days. How about the family that needs to do this day in, day out, month after month.

What we don't say often enough on this issue is that you are only eligible for the SNAP program if you are a family of four making less than $22,000 a year. If you make more than $22,000 a year, you are not eligible, and the only place you can go to is the food banks.

So if we really are going to be a country that thinks about the poorest among us, we cannot reduce this program. We cannot say to those who are just making it, who are making less than $22,000 as a family of four, that we're not going to help you put food into the bellies of your kids.

I say to my Republican colleagues: Don't do this. If you are, in fact, going to vote for this budget, then you take that Food Stamp Challenge for 5 days. You see what it's like and then vote for it. I thank my colleague.

Ms. DELAURO. I thank the gentlelady. Your words are poignant. If anybody would like to do this, they really should walk in people's shoes and understand what it's about. When the American people say that they don't believe Congress understands what their lives are about, in this instance you bear it out. Thank you.

Someone whom we are deeply going to miss in the next session of this Congress, there hasn't been a greater champion for women and their families in the House of Representatives than our colleague from California, Congresswoman WOOLSEY.

Ms. WOOLSEY. I thank the Congresswoman from Connecticut for this Special Order and for those kind words. Thank you very much.

So let me see, do I have this right? Am I getting it? My colleagues on the other side of the aisle think it's just fine for the wealthiest Americans to avoid their fair share of the tax burden, that it's fine for a millionaire to pay a lower Federal tax rate than his secretary. So, tell me who they believe should make do with less in order to close the budget deficit. Just who do they want to sacrifice? Oh, of course, those Americans who are barely getting by, who can't afford life's basic necessities without support from the Federal Government.

Mr. Speaker, to convert SNAP into a block grant program and cut nutrition assistance would cut a giant hole in the social safety net. Actually, the SNAP program is a smart investment in Americans who need help the most. It stimulates the economy, it increases worker productivity, it's good for our children's development and academic performance. At this very moment, when a harsh economy is threatening the security of so many families, we should be increasing these investments. We shouldn't be standing here talking about scaling them back.

You know, Mr. Speaker—you probably don't know—I know what it's like to be working and still not earn enough to put food on the table. I was a single mother, it was 45 years ago. I had three small children, they were 1, 3, and 5 years old. Their dad was ill, he abandoned us. I went back to work to support my family. In fact, I had to lie about my marital status and about my childcare arrangements just to get a job—remember, that was 40 years ago. My salary was not enough to provide for the four of us, so to help my paycheck cover the basic needs of my family I went on public assistance—kept on working—and that was how I could make ends meet. But without food stamps, we never could have made ends meet. As I said, my children were 1, 3, and 5 years old. They had needs.

Eventually, we got through the rough patch and my children grew up to be healthy, successful adults—they're amazing, by the way—but I don't know what we would have done or how we would have survived without that help. In fact, isn't that what America is about? When our fellow citizens fall on hard times, don't we pitch in to help them? Well, that's not what the Republican philosophy is. It's quite different than that. I believe that they believe every man and woman is on their own and should be fending for themselves.

Millionaires and billionaires deserve the special breaks that they don't need. And more hardship for Americans who are suffering enough already is just what they have to do when they happen not to be very wealthy, or in need. It's appalling, and it's shameful.

Mr. Speaker, you don't need to have my personal experience; nobody needs to. I didn't have to do the food stamp test for 5 days—I know what it's like to live on food stamps. But we, as Americans, as Members of Congress, have to fight with everything that we have to protect the nutrition programs that we have in this country because families in America depend on it.

Ms. DELAURO. I thank the gentlelady for her words, and for her telling about her personal experience.

I'd like to recognize the vice chair of our Democratic Caucus, the Honorable XAVIER BECERRA of California—which, by the way, has over a 19 percent food hardship rate.

Mr. BECERRA. I thank the gentlelady from Connecticut, my good friend ROSA DELAURO, for not just this evening, but for the years of work that she has done in committee, for her district, and simply in Congress as being one of the champions of not just children and families who are in need, but the fight to make sure that all these families have an opportunity to have access to real nutrition, not just food, but real nutrition. Because there were days when ketchup was called a vegetable. And some people made the fight to make sure that nutrition really meant good food, so that if we were going to help Americans—as we want to, as good Americans, help our fellow Americans—then let's be sure we're doing it so that they end up healthy Americans as well.

So we're here to talk about the Supplemental Nutrition Assistance Program, SNAP. SNAP is the acronym. But really what we're here to talk about is the fact that in America children still go to bed hungry. It's hard to believe, but that's the way it is for too many families in our country.

Now, the numbers are staggering. They're staggering because of the Bush recession which left so many Americans in a place they had never been before. In fact, you had to go back some 70, 80 years to find a situation similar, when we saw the Great Depression in America.

We went from somewhere in the mid-twenties, some 26 million Americans who qualified for SNAP assistance, to over 45 million, around 45 million families during the height of this Great Recession who qualified for benefits. Most of those folks who qualified included families with children, or seniors, or persons with disabilities. It should come as no surprise. But what's really disheartening is to see how many

Americans live in extreme poverty, a life that most of us would not recognize.

□ 1950

When we talk about extreme poverty, we are talking about Americans who are living on less than $2 a day. The number of Americans who were living on less than $2 a day doubled during the Bush recession. The number of poor children who were in extreme poverty doubled during the Bush recession. Most of the people we're talking about, as my colleagues have said earlier, are living on less than $22,000 a year as a family of four. Those in extreme poverty are living on, obviously, far less. With an individual, not a family but just an individual, we're talking about someone who would have to have an income of $11,000 or less to be able to qualify for any assistance with the SNAP program.

What probably makes it the most difficult for many of us here in Congress and for most Americans to really grapple with as to this issue of food insecurity and children in America going to sleep hungry is the fact that this Congress is taking on legislation which would actually provide tax cuts to millionaires and billionaires at this very moment that we speak about food insecurity. So it is difficult to comprehend how we could say to Americans today, who are working hard but earning very little and who are trying to figure out how to keep their kids from going to sleep hungry at night, that we still have the money to provide tax breaks to millionaires and billionaires but that we can't figure out a way to continue a great program called SNAP that relies on our farmers to grow this food and then to make some of it available at a discounted rate to American families who are having a tough time.

This is all about values. This is all about the American family. It's all about whether we believe in the better days still to come for our country.

I happen to be someone who grew up in a very tiny house—about a 600-square-foot home—with my three sisters. My father got about a sixth grade education. My mother came from Guadalajara, Jalisco, Mexico, when she married my father at the age of 18. They came to Sacramento, California, with only the money they had in their pockets. They never once had to ask for assistance. They worked very hard. They were fortunate that they always found a way to make ends meet. I never had the Converse or the Keds or the Levi's jeans. My first bike was a bike that my friend was willing to sell to my father and me because he had just gotten a new one, but I never went to sleep hungry.

So I will tell you right now that it's a different thing to experience something where the thing you want the most before you go to sleep is a bite to eat. Too many of our kids are upset that they didn't get to watch that television program or didn't get to play on the computer very much at night. There are still too many American children who are concerned that, when they go to bed, they wish they'd have something else in their stomachs. I believe America has the moral fiber to say that we're going to deal with this problem.

I thank the gentlelady from Connecticut for, once again, continuing the fight, because the reality is that we could figure out a way to help millionaires and billionaires continue to be successful and create the next wave of wealthy and successful Americans. At the same time, we should be able to figure out a way to make sure that the SNAP program is there for Americans who, through no fault of their own, find themselves without work and who, through no fault of their own, are trying to figure out how they will let their children go to bed with full stomachs. If we do this the right way, we'll get it solved.

I sat on the Bowles-Simpson Commission a year and a half ago, which found a way to save $4 trillion in our budget. It did not touch the SNAP program. I sat on the supercommittee, which was supposed to also fashion a budget deficit reduction deal, and that task force was also going to come up with a deal that would not have touched the SNAP program. We can certainly do far better than what we see in the House Republican budget, which is going after the SNAP program. I encourage all of my colleagues to stand up, not just for the SNAP program but for Americans today, because there are some families who tonight are trying to figure out how they can keep their children from going to bed hungry.

So I thank the gentlelady from Connecticut for all she has done for so long to champion this issue.

Ms. DELAURO. I thank the gentleman.

I think one of the most important things that you commented on tonight was the number of U.S. households living below the World Bank measure of severe poverty in developing nations. That means they're living on less than $2 a day per person. At the start of 2011, we had 1.4 million households, 2.8 million children—that's 800,000 households—who were living on $2 a day, and we have colleagues in this institution who want to take food out of the mouths of those children.

Mr. BECERRA. Some people don't believe that that's the case. That is America.

Ms. DELAURO. That is.

Now I would like to say ''thank you'' to our colleague from New Jersey, Congressman HOLT, and ask him to join our conversation this evening.

Mr. HOLT. I thank my friend from Connecticut. I thank Mr. BECERRA for his heartfelt and very moving remarks, and I thank Ms. SPEIER from California.

Look at this. Look at this map: 46 million Americans rely on SNAP. More than 9 million others rely on WIC, which is the Women, Infants, and Children food assistance. In New Jersey, my home State, more than 1 million residents rely on SNAP benefits to keep food on the tables. Then the budget, the Republican-Ryan budget, endorsed by Mitt Romney, would shred our social safety net while cutting taxes for the wealthy. It would cut food stamps, as these are generally known, by $133 billion over 10 years.

The authors of this or anyone who voted for it should walk a little bit in those shoes. I've walked in the shoes. More specifically, I've walked down the supermarket aisle with beneficiaries, with people who work in the food assistance programs, with food bank representatives. How does it go? Well, you can't buy that. No, you can't afford that. Oh, Mommy, can I have this? No. We're going to have to put that back on the shelf.

$31.50 a week. Nobody is doing this to have a little taste of luxury. Yet we have people come to the floor here in the House and say, before any of these millions of people get this assistance, they should have drug tests or means tests. I call them suspicion tests. Somehow they're trying to rip us off.

No, these are not welfare queens. Look, the average recipient is on these benefits for less than a year. More than half of them go to households where the income is below half the poverty line. The poverty line is low enough, but half of these recipients are at half that rate. Nearly 75 percent of SNAP participants are in families with children, and about half are working. These are working families who are trying to make it.

Is anybody who voted for this budget suggesting that the millionaires who might get an extra $100,000 on average submit to a drug test? submit to a means test? Are we suspicious of them? How about the executives of the oil companies who are getting billions of dollars of benefits in this? Are we going to subject them to drug tests or to means tests in order to show that they're deserving?

My friend from Connecticut (Ms. DELAURO) already mentioned the United States Conference of Catholic Bishops. They wrote:

As pastors and teachers, we remind Congress that these—meaning the budget decisions—are economic, political and moral choices with human consequences.

Please, respectfully, they urge the rejection of any efforts to reduce funds or to restructure programs in ways that harm struggling families and people living in poverty.

I thank my colleague so much for shedding a bright light on this heartbreaking subject.

□ 2000

Ms. DELAURO. It is a heartbreaking subject. And when you think about in that budget when we talk on averages, the number is a $150,000 or a $187,000 tax break to the wealthiest people in

the Nation. They don't worry what they're picking up at the grocery store. They're eating well. Their kids are eating well. Their grandkids are eating well, as ours are in this institution. But it's the people that we represent who are in difficulty, and they need to know to look to us to help them when it is so tough out there economically. This program is working in the way that it should.

I thank the gentleman.

Now someone who knows what is going on really in the heartland of our country where they have suffered severe economic depression, and that is in the State of Ohio. Let me welcome to this conversation, our colleague, Congresswoman FUDGE.

Ms. FUDGE. I thank the gentlelady so much, and I thank you for your passion on this subject.

Mr. Speaker, there is a cold and cruel war being waged on the poor and hungry in America. I stand today with my colleagues as a voice for the more than 46 million Americans who depend on the food stamp program. I cannot and I will not stand by as my Republican colleagues attempt to balance the budget on the backs of these Americans.

Yesterday, the House Agriculture Committee unveiled the Reconciliation Act of 2012. The drafters of this legislation could have proposed cuts to any program within the Agriculture Committee's jurisdiction; yet they decided to satisfy reconciliation targets by cutting only one program: the Supplemental Nutrition Assistance Program, better known as SNAP. The proposal would cut more than $33 billion from SNAP over 10 years.

Some may try to make you believe these cuts only apply to administrative costs, or they will say that the proposal is an attempt to reduce fraud or waste. They are misleading the public, Mr. Speaker. A majority of the cuts will come from benefits. These cuts will take food out of our seniors' refrigerators and food from the mouths of babies.

Nearly half of all SNAP participants are children. The Republican proposal would not only affect children being fed at home. Oh, no. That would probably be bad enough. This proposal goes further. The Congressional Budget Office predicts this proposal would prevent more than 280,000 children from receiving free meals in school. A school lunch is the only meal many poor children have every day. Millions of children already go to school hungry, Mr. Speaker. Now my Republican colleagues want to exacerbate the problem. I wonder, what did children do to deserve these proposed cuts? Of all the programs that could be cut, why attempt to balance the budget on the backs of schoolchildren?

In Ohio, more than 1.5 million people depend on the SNAP program. These are our neighbors and our friends who live in rural, suburban, and urban Ohio. SNAP is a powerful antipoverty program that has helped make our economy stronger. SNAP is the safety net for millions of people who find themselves unemployed for the first time in their lives. Without SNAP benefits, the disabled would suffer. Without SNAP benefits, seniors would be forced to make the choice between food or a roof over their heads. Without SNAP, children would go hungry. The hungry and the poor and the most vulnerable people cannot afford these cuts. Mr. Speaker, they cannot pay all of our bills by themselves.

Ms. DELAURO. I thank the gentlewoman, and I also recognize the gentleman from Ohio who as well understands what the effects of this recent recession have been to his community, his State, and the people that he represents, Mr. RYAN.

Mr. RYAN of Ohio. I thank the gentlelady, and I'm glad I have the opportunity to follow the gentlelady from Cleveland because my district is just south of her district.

As you can see from the map of Ohio, there is severe poverty and food insecurity in the northeastern part of Ohio, but all the way down, as you can see, all the way into the south. And the SNAP program is one program that we're highlighting here tonight.

But I think it's important for us to recognize how this fits into the context of an overall budget that also cuts the Medicaid program by a third. Think about the stress, A, regarding the SNAP program if you're utilizing it. What is that family going to do if a third of the Medicaid budget is cut and early childhood is cut and Pell Grants are cut and student loan rates go up and all the way down the line? We're talking about putting a huge squeeze on the poorest people in our society when we only have 300 million or 400 million people and we're trying to compete with 1.4 billion people in China and 1.3 billion or 1.4 billion people in India. How are we going to be a competitive country? That's the question that we have to ask here if you can't even get enough food in a kid's belly before they go to school.

We need to look at this in the context of what are the investments we need to make in order to be a successful country, period. We've heard a lot of amazing stories here tonight, heartwrenching stories of people who ended up being Members of Congress because of some of these programs. Who is the next generation of leadership? Are we going to invest in them, or are we going to say, You're on your own?

We have now on the other side, Mr. Speaker, the nominee of a major political party in the United States of America saying: ''I'm not concerned about the poor,'' and making light of us asking people with the Buffett rule to maybe pay a little bit more. You know what? They say, oh, that's not that much money. It's only 11 hours of government spending and blah, blah, blah. You know what? That Buffett rule can help put food in people's bellies. For the 175,000 people in my congressional district in northeast Ohio that are living in poverty, that Buffett rule would help pay for the SNAP program. Is it insignificant now?

Ms. DELAURO. I thank the gentleman.

My God, what we could do if we had the will to do it. That's what this is about. It's a question of our values and where our priorities are. Is it about our kids, or is it about the richest 1 percent of the people in this Nation getting $150,000 or $187,000 in a tax break?

The gentlewoman from California has been extraordinary in her fight for the food stamp program, and she hasn't been afraid to take on anyone in any party on this issue of making sure that the food stamp program is secure. I recognize the gentlelady from California (Ms. LEE).

Ms. LEE of California. Thank you very much.

First, let me thank my colleague, Congresswoman DELAURO, for yielding and those kind words. But let me just thank you for not only organizing this Special Order, but for really continuing to beat the drum so that the country can understand how important nutrition programs are to our Nation. This is not just a job for Congresswoman DELAURO. This is about her life's work. So I just have to thank her for her leadership.

Republicans are preparing to attack families on food stamps. They are planning to take an axe to one of the most important protections for the poor, children, seniors, the disabled, which is, of course, the Supplemental Nutrition Assistance Program. They are attempting to cut up to $33 billion from critical, anti-hunger programs even, mind you, as they bring up this bill, H.R. 9, the Small Business Tax Cut Act, which is another $46 billion tax holiday for the very wealthy. They are trying to bring this up at the same time.

When Republicans target programs that protect vulnerable Americans from massive cuts that risk making millions of children suffer hunger and depravation, they are doing so unfortunately in the name of fiscal responsibility and deficit reduction. Yet in the very next breath when they want to give away tax breaks to the already wealthy businesses, then those same deficits don't seem to matter.

Mr. Speaker, making cuts on struggling families during hard times is not only heartless and mean and immoral, but it also makes no sense because it doesn't reduce the deficit, nor create jobs. Critical programs like SNAP and WIC not only feed hungry children and families, but they support the overall economy. Every single dollar of SNAP benefits generates a $1.84 in economic activity, and the Congressional Budget Office rated an increase in SNAP benefits as one of the two most cost-effective of all spending and tax options it examined for boosting growth and jobs in a weak economy.

Let me tell you today I really had the privilege to speak—and, Congresswoman DELAURO, I want to say to you thank you again for this because I know, as I said earlier, this is your life's work. This is not just about your job, okay. This is about you as a human being. This is about us and our values.

But let me tell you, many years ago while I was raising my two small children, two little boys as a single mother, I fell upon some very difficult times like Congresswoman WOOLSEY. She encouraged me to talk about this when I came here because, you know what, I was so embarrassed I never talked about it until LYNN WOOLSEY encouraged me to begin to share my story.

□ 2010

But I had to go on food stamps to help me just feed my kids during that very difficult period in my life, and it was hard. Again, I was very embarrassed. But to this day, mind you, to this day I want to thank my government and the people of the United States for extending this helping hand to me as a bridge over troubled waters.

Even though I was embarrassed and didn't want to be on public assistance, I had to for a while, and it was not that I was a welfare queen, but this was a very difficult time. Most families, 95, 98 percent of the families, don't really want to be on food stamps. They want to trade their book of food stamps for a living-wage paycheck. That's what they want.

Cutting SNAP, it simply doesn't make any sense. There are still four job seekers for every one job in America, and so we can't cut the benefits that help to keep food on their tables and provide that bridge over troubled waters until they can get their job.

For the life of me, it's really hard, it's really hard to understand how people of faith have forgotten what the Scriptures say, that we are our brothers' keepers, we are our sisters' keepers. This is the United States of America. This is not a poor developing country.

What the Republican budget proposes is that we will create a country that we won't even recognize, one that says go for what you know, one that says I got mine, you get yours. This 11 percent cut in food stamps, which the Republicans propose, it says you're on your own, mind you. You're on your own, unless you are very wealthy.

I know the American people aren't going to go for this. Our values as a country won't allow this kind of cut in the SNAP program. Americans care about the common good, and so I am confident that the Republicans, the Tea Party Republicans, they are going to hear from the American people on this.

Congresswoman DELAURO, once again I just thank you for giving us the opportunity to do this. I thank you because it is a privilege to be able to stand up for the 46 million people who need this helping hand, as one who needed a helping hand at a point in my life, and it helped me to live the American Dream for myself and for my family.

Ms. DELAURO. I thank the gentlewoman from California, and I want to make sure that we have the opportunity to hear from three more of our colleagues and our colleague from New York, Congressman TONKO. Thank you for being here tonight. And then we will hear from Congresswoman SCHAKOWSKY and Congressman LARSON.

Mr. TONKO. Thank you, Representative DELAURO, and thank you for leading us in what is a very important hour of discussion as we address some of the critical choices before this House. As my good friend and colleague, ROSA DELAURO, from Connecticut indicated, our budget, our budget outcomes are a sum total of our priorities, what has value in our society. What are those sensitivities that we express? What are those outright requirements, basic foundational requirements of our society?

I would suggest to you that one of those basic needs is to enable people to have the soundness of nutrition, to enable us to feed families that have stumbled across difficult times. What we have at risk as we speak here this evening on this House floor is the Supplemental Nutrition Assistance Program.

The SNAP program touches one in seven Americans. That is a staggering statistic, and for every $5 in new SNAP benefits that we offer, they generate as much as $9 in economic activity, almost a two-time economic factor. In my home district in upstate New York, in the Capital Region, some 23,000 households are utilizing SNAP funds. One in four of those SNAP recipients are 60-years-old and older.

Then we also have situations where three and four have had at least one member of the family out of work in the past 12 months. We have many children; one in two on SNAP are under 18 years of age.

This tells us there's a growing need out there. We have had a tough economy, and people have stumbled across tough times. Why is this so important to discuss right now? Because before the end of this month there will be an effort made through this House—they are asking that the Ag Committee come up with cuts that are brutal.

They are asking for the Ag Committee to come up with a sum total of $33.2 billion. Put right onto the chopping block are SNAP funds. So we are affecting the weakest amongst us, the most hungry amongst us, and we're not recognizing that those dollars invested in these families will recirculate into our regional economies.

This is a sound program that ought to be continued. There needs to be sensitivity shown, there needs to be prioritization of a very important factor here. That is sound nutrition for our American families. I have seen it, I have witnessed it firsthand in our district. It works, it works well. We need to set this as a high priority, and I thank Representative DELAURO for allowing me a few moments of time to share concerns on behalf of the good people that I represent in the 21st District of upstate New York.

Ms. DELAURO. You represent them well. I thank my colleague.

I want to be in a trench with the gentlewoman from Illinois, Congresswoman SCHAKOWSKY. She is a tough fighter, and at the base of that it's about families and their children. Congresswoman SCHAKOWSKY.

Ms. SCHAKOWSKY. I thank you so much for the opportunity to participate in this debate where so many of our colleagues have come down to the floor to talk about it.

This is the richest country in the world, and yet one out of five of our children is considered food insecure, goes hungry. That is such a moral outrage.

You know, the average food stamp benefit is $1.50 a meal. That's what you get when you're lucky enough to be part of the SNAP program. And as this chart shows, this map shows, it's everywhere. I actually live in a district that was considered one of the least hard-hit by food insecurity, but that's all relative.

In the Ninth Congressional District in Illinois, more than 11 percent of the households are experiencing food hardship, the inability to put enough food on the table. And even the least of the hard-hit districts has 7 percent of its families unable to put enough food on the table in the richest country in the world. It's intolerable.

You know, the headline today in Politico, ''Republicans Ax Aid to the Poor'' makes me so sad. Who are we as a country? What are we as a country where a candidate for President, a Republican candidate for President, denigrates Barack Obama by calling him the food stamp president. I'm proud that this President wants to defend, protect, and save a program that feeds so many people.

And here's what the Catholic bishops say:

SNAP, also known as food stamps, helps feed millions of households. At this time of economic turmoil and growing poverty, the committee should oppose cuts in this effective and efficient anti-hunger program that helps people live in dignity.

I just want to say we are asking for dignity for Americans that are struggling. The average food stamp recipient is only on it for 9 months. One of the former recipients called it a trampoline that helps you get past it.

I'm asking for dignity for Americans and saving the nutrition programs, especially the SNAP program, the food stamp program.

Ms. DELAURO. I thank the gentlelady. I am delighted to be joined by my colleague from Connecticut, who is chair of the Democratic Caucus and

whose career, whether it was in the State senate in Connecticut in our legislature there or his work here, has been remarkable. At its core, again, are our children and our families.

I recognize Congressman JOHN LARSON of Connecticut.

Mr. LARSON of Connecticut. I thank the gentlelady from Connecticut and the dean of our delegation, the deaness, I should say, for her tireless work and advocacy on the part of not only the citizens of the Third Congressional District of Connecticut but across this great Nation and, I daresay, this globe.

I never cease to be amazed by the eloquence of our Members, so many of them coming forward and speaking their minds and speaking from their heart about the people that we're sworn to serve and represent. This week in Congress we face, again, legislation, rather ironically, where we are deeming, deeming a budget passed, almost as though we would deem that the hungry be fed.

Franklin Roosevelt, in another time, recognized the great sacrifice that a nation had to endure, and President Obama this past January called upon the shared sacrifice that is required amongst a nation, a nation that needs to pull together in a very difficult recessionary time.

□ 2020

And in this time it's a time where you have to make choices. And those choices have to be based on your values and have to be based, as the President said, on sacrifice. Roosevelt called for the warm courage of national security that comes from a shared sacrifice.

Forty-six million people receive assistance, primarily women and children, who get fed and nourished. We're going to have a debate on a budget that strikes at the core of this at a time when we would give tax breaks of $47 billion, while we're taking away from the neediest amongst us?

Roosevelt said the problem with our colleagues on the other side is they can become frozen in the ice of their indifference towards their fellow citizens, everyday Americans serving and struggling in this recessionary period. And what do we get in return? We get RomneyCare, we get tax breaks for BainCapital. We get tax breaks that are coming to the Nation's wealthiest 1 percent at a time where we ask the middle class, who is struggling, to pay for it.

We're out here today talking about a very important program that provides nutrition to the least amongst us, and we're calling for cuts that are not only going to take from them but are going to take from students that are trying to be able to pay off their educational loans. This has got to stop. We're a better country than this.

I commend the gentlelady from Connecticut for bringing this to our attention and focusing on the needs of a great Nation that in a time of budgetary concerns has to choose the appropriate values for the country, that has to make the appropriate choices. We all agree on the need to sacrifice, but it has to be shared and shouldn't be balanced on the backs of the middle class and the poorest amongst us.

I thank the gentlelady from Connecticut for her leadership.

Ms. DELAURO. I thank the gentleman and I thank my colleagues for joining us tonight.

GOP DOCTORS CAUCUS: HEALTH CARE'S BROKEN PROMISES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Louisiana (Mr. FLEMING) is recognized for 60 minutes as the designee of the majority leader.

Mr. FLEMING. Mr. Speaker, in this hour, I and my colleagues who will be joining me very shortly—other physicians who are from the GOP Doctors Caucus, perhaps nurses, and other health care workers as well—in this next hour we're going to be talking about our favorite subject, and that is health care reform. We're going to be talking about specific aspects, things that have actually come to light to us that I think are important. We're going to have other things that in the coming days we're going to learn about how ObamaCare was passed, what things were done by the other side of the aisle to make that happen, things that maybe some would call sausage-making, others would say it's improper. But we'll certainly spend some time on that as the days come.

I want to continue a theme that we've been discussing, and that is the broken promises of ObamaCare. Remember, to get ObamaCare passed, President Obama made a number of promises.

I'll start with the first one that is relevant to our topic tonight, and that is: Under my plan, no family making less than $250,000 a year will see any form of tax increase. That was candidate Obama, Senator Obama at the time, who talked about all the number of things that were going to be good about ObamaCare; but in fact we see that virtually everything that's come up, with a few possible exceptions, has not been so favorable.

I think that taxes is really a very relevant subject to speak about this evening because here we are and today is the tax deadline for the IRS, and we all have that on our minds. It's interesting, whenever I file my taxes, the first thing I think about doing is projecting into the next year what the issues are going to be for me and my taxes. And so I think it's only proper and the timing is excellent that we talk about that this evening.

Remember, Candidate Obama pledged he would not raise any of your taxes and promised not to tax health benefits. His health care broke those promises at least 10 times. Here's just a lineup of some of the taxes that we're talking about.

Fifty-two billion dollars in fines on employers who do not provide government-approved coverage. Remember that under ObamaCare not only is there a mandate date for individuals to buy health insurance. There's a mandate on the employers, the business owners to buy it as well. And upon both is the burden to buy not health insurance but government-conceived health insurance, that is, health insurance that the government in its wisdom—our Federal Government—decides and deems is proper for us. And so you have to make two fulfillments in that mandate. One is to buy health care insurance and, number two, health care insurance that's approved by the government.

Thirty-two billion dollars in taxes on health insurance plans. The actual health plans are going to be taxed as well. Now, who is going to pay that tax? Do you think the insurance companies are going to pay it? No, it's going to be passed down to you, the subscriber, as taxes on business always make their way down to the consumer.

Five billion dollars in taxes from limits on over-the-counter medication; $15 billion in taxes from limiting the deduction on itemized medical expenses; $13 billion in taxes from new limits on flexible-spending arrangements; $60 billion in taxes on health insurance plans; $27 billion in taxes on pharmaceutical companies; $20 billion in taxes on medical device companies; $3 billion in taxes on tanning services; $3 billion in taxes on self-insured health plans; and $1 billion in new penalties on health savings account distributions. The health care law also includes a high income tax. Because it's not indexed for inflation, it will eventually hit 80 percent of taxpayers.

I draw my colleagues' attention to this slide: ''ObamaCare's Rising Tax Burden.'' You can see that the tax burden in 2012, the year we're in, is $190 for a family of four. That's $15 billion. You see that the burden goes up each year, and that in the out-years, 2022, it makes it above $150 billion. In 2032, the burden goes well above $250 billion. And it finally tops out at $320 billion total, and that's an average of $3,290 for a family of four.

□ 2030

So what am I saying? Remember that when you hear the rhetoric from the other side of the aisle, it talks about how we should be having more sacrifice from the wealthy and more sacrifice from those who make more. Folks, we've been down this road before.

Remember the luxury tax that came out some years ago? What did it do? It killed the companies that made boats and luxury items. It created a lot of job losses. The people who were hurt were the working class people, not the wealthy. They can still buy those things anyplace they want to.

We also came up with this silly idea of an alternative minimum tax to make the wealthy do their fair share.

Well, we have the AMT today, and where has it gotten us? Because that was never indexed for inflation, middle class people are being hit by the alternative minimum tax. So it's no longer a tax on wealthy. It is a tax on the middle class, the people that our colleagues on the other side of the aisle talk so fondly of.

That's an important point, and that is that every time we come up with a tax on the wealthy, it always makes its way to the working class and the middle class.

Now, why is this? Is this by accident or is it by grand design? Well, folks, we all know that inflation occurs every year at an average rate of about 3 percent, but it's been as high as 16 percent in our history. And so any time we have a tax law that affects people in a certain income, we know that automatically, over time, people with lower and lower incomes, because while their absolute dollars in value are going to go up, the truth is, the purchase power of those dollars goes down. So that pushes more and more people of lower and lower income levels into higher and higher tax brackets.

So, again, our colleagues on the other side of the aisle love all of these taxes on the wealthy, but they can never make enough money. We've heard in recent days about the infamous Buffett tax, the Buffett rule that would require superwealthy people to pay some additional tax. And their own side agrees that would only add about $4 billion per year, not even a drop in the bucket, less than 1 percent of the annual deficit.

So why is that important? It's important because if you're going to get more income from taxes—and I would argue that you never really get more income from taxes, but if you think you can, you can only do it when you spread it out among the middle class and the working class. And the way you do that, kind of the silent way, the camel nose under the tent, is to pass it on the wealthy first, and then, through inflation, it's passed down to albeit a lower income level but a much larger group, because you simply can't get enough tax revenue by putting a lot of tax on the wealthy. There just isn't enough wealthy people out there to do it. The way you have to do it is push it down where there's a lot of people, and that's the middle class and the working class.

Another slide here, rhetoric versus reality on premium cost, the average annual cost of family health insurance premiums in the U.S.

Here we are 2012. This is what President Obama in campaigning for ObamaCare said would happen, that you would follow this blue line down, and the costs would go down by 2,500. And what are we hearing from all the actuaries, the CBOs and others? Not only will it go up by $393, but we already have a differential of around $4,000 from where President Obama said we would be today and where we actually are. It hasn't gone down; it's actually gone up.

Let's talk about a couple more taxes, and then I'm going to introduce a colleague here and give him some sharing time as well.

The surtax on investment income, $123 billion, which begins this past January, the creation of a new 3.8 percent surtax on investment income earned in households making at least $250,000 for a couple or $200,000 single. Now this is the homeowner real estate tax that you've heard about. It was, again, passed in the dead of night. Folks, this is a terrible tax, 3.8 percent on investment income.

Now, when you sell your home, it may or may not be classed as investment income, but it can be, it just depends on the situation. But it's not just that. If you own any type of other property, if you own stocks and bonds, mutual funds, whatever, they could be easily subject to this, and it is not indexed to inflation.

Again, let me reemphasize this. Yes, it's a tax on people who make over $200,000 a year, but if you make $50,000 a year, over time, this will affect you, too, because inflation will bring those dollars up in real terms because of inflation, and your buying power will stay at the $50,000 level, but you will show on paper that you're making $200,000, and this tax will affect you.

So the bottom line here is that ObamaCare has many taxes, and certainly they are Trojan horses by any explanation; and, yes, they don't raise a lot of revenue at first, but down the road they raise a lot of revenue, but not on the wealthy folks, on the middle class. That's who's getting hurt by ObamaCare.

A medicine cabinet tax, $5 billion beginning this past January, Americans are no longer able to use their health savings accounts and flexible spending accounts and all those other types of accounts on over-the-counter drugs. So that means if you want to use your health savings account to pay for your cold medicine or medicine you're taking for a headache like Aleve or Motrin or something like that, if you want to pay for it through your health savings account, you're going to have to go get a prescription from your doctor. And the doctor is going to say, Look, I'm overwhelmed with all these people wanting me to do this. We're going to have to charge something for that, so that means more cost. Ultimately, more bureaucracy, more paperwork, more cost, and up until now, prior to ObamaCare, that was not the case. You could write that off or pay for that out of your health savings account.

An HSA withdrawal tax hike, $1.4 billion, that began in January 2011. It increases additional tax on nonmedical early withdrawals from an HSA from 10 to 20 percent, disadvantaging them relative to IRAs and other tax advantage accounts. So, you see, if you have an early withdrawal from your IRA or some other type of retirement plan, you've had a 10 percent penalty, and that was true of HSAs. So that's been doubled. So ObamaCare has limited the use of health savings accounts, but at the same time has made the penalties even steeper for using it.

And I can tell you, in my own case, in my own companies, apart from my own medical practice, we have used health savings accounts to tremendous benefit to our employees because it has lowered their cost and taken a lot of the anxiety and the fear away from their cost in being caught in some sort of illness that would bankrupt them otherwise.

An excise tax on charitable hospitals, that's immediate, $50,000 per hospital if they fail to meet new community health assessment needs. Section 1411 increases the Medicare hospital insurance portion of the payroll tax, so this provision will increase the employees' portion from 1.45 percent to 2.35 percent for families making more than $250,000 a year or individuals making above 200. Combined with the employers' portion, the total rate will increase by 3.8 percent on every dollar of income over $250,000.

And, again, I implore you, I realize, hey, I don't make $250,000, I don't make $200,000, but because of inflation—and trust me, with the monetary easing and the monetary policies that are coming out of this administration in half of the last 3½ years—when inflation gets going again, which it will quite soon, you will be driven up into those income levels, but your buying power will be the same as it is today. So, trust me, you're not getting by with anything. You're going to get hit with this tax just like everybody else.

The reality is—and I'm going to be recognizing my good friend, Dr. GINGREY, here in a moment. The reality is ObamaCare includes tons of new taxes and tax hikes. Heritage has a list of them that shows an increase in revenue of more than $500 billion in 10 years. Two examples that clearly hit consumers are the 10 percent tax on indoor tanning services that will raise $2.7 billion between 2010 and 2019 and, beginning in 2013, the 2.3 percent excise tax on manufacturers and importers of certain medical devices that will raise $20 billion between 2010 and 2019.

And I'm just going to just throw in a couple of more things.

Remember, this discussion began with this being the April 15—April 17 deadline for your taxes and the Internal Revenue Service.

□ 2040

Remember that under ObamaCare as many as 16,000 new IRS agents will be hired. Estimates vary, of course, and that many have not been hired yet. But there's no question about it that the IRS will be beefed up to the tune of billions of dollars in order to make that happen.

So, with that, I've been joined by my colleague, my good friend, Dr. PHIL GINGREY, an obstetrician/gynecologist

from Georgia, someone that I look up to very much, who's been a great mentor to me and a role model; who was here as a physician in days past when there weren't many doctors in the House of Representatives, and has helped facilitate, in fact helped start, the GOP Doctors Caucus, which is speaking here tonight, and helped grow our numbers from just a handful of physicians and health care workers to now over 15 MDs and upwards of around 20 total health care workers that we have in the House of Representatives that I think are making big, big differences in particularly health care policy overall.

I yield to the gentleman, Dr. GINGREY.

Mr. GINGREY of Georgia. Mr. Speaker, I thank the gentleman very much for yielding, and I thank him for his kind words. I'm happy to share the time with him tonight and plan to remain here on the House floor for the rest of this hour.

I'll make some comments now and yield back to the gentleman from Louisiana, Dr. FLEMING, and maybe he'll yield some additional time to me later in the hour.

But, you know, I couldn't help but notice in the previous hour which was allotted to our Democratic colleagues, their leadership hour, they went first tonight, and they chose to talk about the SNAP program within the Department of Agriculture. And of course, SNAP is an acronym for the Supplemental Nutrition Assistance Program, which was formerly known, I think more people would commonly know it as the food stamp program. And they spent the whole hour talking about the unintended consequences of cutting discretionary Federal spending and reducing government bureaucracy and bloatedness and saying that when you do that, of course, you hurt the poor and the nearly poor, that they desperately need these programs. They made some legitimate points, of course.

We're talking about health care in our hour and, specifically, about the passage of ObamaCare almost 2 years ago, indeed, a little more than 2 years ago now to create a whole new entitlement program for people, the uninsured, not the folks that were covered under safety net programs like the program for children, the SCHIP program it's called, the health care program for the poor, Medicaid, certainly not the program for our seniors and our disabled Americans under Medicare, but for folks that were somewhere in the middle that maybe couldn't afford or weren't offered health insurance by their employer.

But they never talked about the unintended consequences of what would happen. I'm sure our colleagues didn't intentionally pass a 2,600-page bill that would deliberately hurt anybody. I don't think anybody on either side of the aisle in any Congress would do that, any administration would do that.

But we physician Members, the gentleman from Louisiana, myself, and others that have worked in the health care industry, all of our—most of our—professional lives before we got to Congress, understood far better and knew exactly what the unintended consequences would be of this legislation.

Mr. Speaker, that's exactly what the gentleman from Louisiana's been talking about and pointing out in the poster presentation, the slide presentation that he has made. I could probably take the rest of the hour talking about the unintended consequences and list them. My good colleague and our friend on the Senate side, the chairman of the Senate Policy Committee, also a physician, orthopedic surgeon from Wyoming, Dr. BARRASSO, just recently came out with a white paper on health care policies dated March 13, so just about a month ago. And Dr. BARRASSO, in that paper, Mr. Speaker, lists 10 different unintended consequences.

The gentleman from Louisiana's already mentioned a couple, gone over a couple; but I'd like to just take a few minutes before yielding back to him, a go over a few of the promises that he has not yet mentioned. One, and this is a quote from President Obama: ''I will protect Medicare.'' In a 2009 address to Congress, President Obama promised that he would ''protect Medicare.''

Well, the President's health care law, however—Dr. FLEMING may have mentioned this—takes more than $500 billion from the Medicare program and uses that money. Now, he said, and the Democrat majority at the time said, well, you know, we're strengthening Medicare. But over $500 billion, more than a 10 percent cut per year in Medicare over a 10-year period of time, it took to create this new entitlement program.

The Medicare actuary has actually written that the Medicare cuts cannot be simultaneously used to finance other Federal outlays such as the coverage expansion under this PPACA and to extend the Medicare trust fund.

You can't pay for two things with the same amount of money. Indeed, I wish we could. Then maybe folks wouldn't have to be on food stamps, as an example.

The Congressional Budget Office, on that same point, wrote, Medicare provisions in the President's health care plan, quote, and, again, this is the CBO, ''would not enhance the ability of the government to pay for future Medicare benefits.''

President Obama actually admitted in an interview, you can't say that you are saving on Medicare and then spending the money twice. That's what the President said. But that's exactly what the law does. It spends the same money twice, undermining, unfortunately, a great Medicare program that needs to be strengthened and protected. That was one of the promises broken, promises made, but not kept, as Dr. BARRASSO, Senator BARRASSO, pointed out.

Let me add one more. This is No. 5 of the 10 that Dr. BARRASSO mentioned in his white paper of last month from the policy committee on the Senate side. Candidate Obama said there was no need for a mandate. This is back in 2008 in that campaign against Senator Hillary Clinton.

Candidate Obama opposed a mandate to buy insurance, and made it one of the hallmarks of his primary campaign. He claimed that penalizing people for not buying health insurance—listen to this, Mr. Speaker—was like, and I quote, ''solving homelessness by mandating everyone buy a house.'' He said, President Obama, Senator Obama at the time, Candidate Obama, solving homelessness by mandating everyone buy a house.

Well, this is like solving the uninsured problem by mandating that all the rest of us pay for health insurance for a lot of people that could afford to buy health insurance but just simply did not want it.

I don't know how many millions of people make more than $50,000 a year or $75,000 a year that really didn't want, don't want, would rather pay as they go. I don't recommend it. Dr. FLEMING doesn't recommend it, Mr. Speaker. We think they ought to have some minimal coverage and certainly catastrophic coverage; but this is their right, their liberty to choose if they want to not have that coverage.

And President Obama's health care law, as we all know now, created an unprecedented Federal requirement for all citizens to purchase a product merely because they exist, because they're living and breathing. And not just a product. Under this bill when it's fully implemented in 2014, the minimal coverage requirement, as the gentleman from Louisiana pointed out, wouldn't allow them to, let's say, have a minimed policy, as many of the franchisees do across this country in the fast-food industry.

□ 2050

They all had to be granted waivers. So here again, another promise made and not kept.

I have a couple more that I'll get to maybe later on in the hour, but just to point that out. And clearly, the Supreme Court, I think, now understands much of that in the testimony they heard a couple weeks ago. So I'll yield back to my colleague and stick with him during the remaining portion of the time.

Mr. FLEMING. Well, I thank my friend and colleague. I'll certainly be returning back to you for some more information that's very valuable information.

I want to get back to and sort of recap some of the things I talked about, and that is that the taxes are tremendously increased under ObamaCare. Well, let's talk about the financing of ObamaCare. I'm just going to stick with the basics. There are a lot of ways it is theoretically financed, but I'm going to tell you maybe the three major ways that it's supposedly paid for.

Well, number one, you heard my friend, Dr. GINGREY, say that ObamaCare actually takes over $500 billion—that is, over a half-trillion dollars—from existing Medicare and uses that to subsidize the middle class health plans for people below a certain income level. We're going to get to that in just a moment—I'm going to draw your attention to this chart and talk about those subsidies. But not only does it do that, but as my good friend says, it's used to extend the life of Medicare.

So this is basically how it works. The idea of the bill is it takes money out of Medicare and theoretically makes Medicare last longer—because it's running out of money—by taking the same money out of the middle and putting it at the end. I don't understand how that can work, but that's the way it works. That would be sort of like taking money out of your paycheck in the middle of the year and somehow living on nothing for about 3 months, and then going back to what you took out and paying at the end. It makes no sense.

Not only that, but it takes the same $500 billion—and we've really honed down on this in our committees, and Secretary Sebelius had to admit that this was true—it takes the same $500 billion that's used to prolong the life of Medicare to subsidize middle class health plans. I don't know—where I come from in Louisiana, we can't spend the same dollar twice. You can spend it place A and place B. If my kids want to go to the movies or they want to do some entertainment, or maybe they need money for their education, I can give it to them, and they can spend it one time. They don't get to use the same dollar twice. And folks, neither can your Federal Government. So that is really smoke-and-mirrors accounting. We've called them out on it, and they've really basically admitted that's true.

But then another way that ObamaCare is paid for is by over $800 billion in taxes in 10 years, which I've gone over a number of these, and I'm going to get back to them. It really is not paid for. And we know, we're getting estimates now showing that as much as 300 to $500 billion is going to be added over the next 10 years in deficits, total debt in that period of time. So it is not paid for. All of these steep taxes, all of these smoke-and-mirror types of accounting are not going to work.

Furthermore, half of the people who are going to get health care coverage cards that they wouldn't otherwise get are going to be on Medicaid. Today, Medicaid pays on average about 60 percent of what Medicare pays to health care providers, which is already too low. So what is the chance that 15 million Americans are going to come newly on the rolls, and they're going to carry a card around that pays less than what the doctor can afford to accept to even cover the cost of that care, or otherwise go out of business, what's the chance they're going to find doctors? So what we'll have is a drop in the number of physicians, a steep rise in the demand in health care. And so these people will all end up in emergency rooms.

To my colleagues, it's one thing to have coverage in health care. It's another thing altogether to have access to health care. All you have to do is look at other countries that have socialized health care—Great Britain, Canada, and many others, and even go to the extreme steps of Cuba and North Korea—they all have coverage, and it's free. The problem is there's no access to it. There are shortages. There are waiting times, as much as 1 year, 2 years to get a CT scan. People are dying as a result of that, and they show up in their statistics.

The death rates, for instance, from breast cancer and prostate cancer in the United States are much lower than they are in Canada and Great Britain. They have access to the same medications and the same quality physicians. The only difference is their health care systems themselves.

So let's get back again. I want to really focus on this topic for a moment before I yield time to my friend. And again, back to this idea that many of the taxes are going to be placed upon wealthy Americans in order to pay for ObamaCare. And I'll just step back through them again. There is a 40 percent excise tax on so-called ''Cadillac'' health plans, which would be health plans valued in excess of $10,200 for individuals, $27,500 for families. Those thresholds will grow annually by an inflation rate of 1 percent, which is about a third or less of what it really is.

So what that means is that, as ObamaCare unfolds, having an expensive gold-plated Cadillac health care plan, you're going to get taxed 40 percent more for having it. Well, maybe that's justified. But remember that after a few years, that will not be an expensive, gold-plated plan; that will be an average plan, and you will again have to pay the same 40 percent excise—bracket creep is what they called it back some years ago, and I think it applies here today.

Now, again, increases in Medicare hospital insurance. That's a payroll tax on people who make $200,000 a year individually, $250,000 as a couple, again, only applying to people who are in that $200,000-plus range. And then, of course, I told you the 3.8 percent tax on your investments that are sold for those who, again, make $200,000 or more.

Again, we go back to it. Remember the alternative minimum tax. Remember the luxury tax. Remember the tax that was placed on oil, the so-called ''windfall'' taxes. Ultimately, those taxes all fell to the middle class and below. Those are the ones who were burdened with them and why most of them have been repealed. We would repeal the alternative minimum tax if we could find a way to actually pay for it now because we're spending at a level that we can't afford to repeal it, unfortunately.

So here is this chart, which is very important in this whole discussion. Under ObamaCare, there is an income threshold for receiving subsidy. So if your income is just below $100,000 for a family, a married couple—and I believe that is a family of four total—if you make less than $100,000, or about $95,000 here, you'll get some kind of subsidy beginning in 2012, 2013. However, that subsidy, that line continues out all the way indefinitely, well past 2062 and before. Now, if you make $90,000 or less than $90,000 today, with inflation in those out-years—5 years, 10 years, 20 years, 30 years—you will break through this threshold. So you will not get the support, the subsidy in your health plan in those out-years. You'll get it early so that you think you're getting something, but ultimately that's going to basically go away, and you will not get that subsidy.

Now, also, if you make $200,000 or $250,000 a year, you will be the one paying in for those who need this subsidy. But you see this line comes down because people who make $200,000 today, in 2022 they will still get a check that will say $250,000, but it will be more like $180,000 in today's dollars. With each year, it ratchets it down until finally you get to about 2042, or 2050, in that range. So a check today that says $200,000 on it will buy equivalent to something like $90,000 in those years because inflation devalues the actual currency that you hold.

So what you get is a crossover point where you see the subsidy threshold gets higher and higher. You've got to make more and more money to get that subsidy. But even though your income is the same, or going down, you actually drop out, and you get a crossover point. Where here, even though you're making $200,000 or $250,000, you're making too much for the subsidy, but you're not making too much to be taxed. And that is the problem.

□ 2100

Ultimately, over time, ObamaCare begins to take the subsidies out for those who are middle class and lower, and it begins to add taxes on those who are middle class and above. That is very destructive, my friends. That's the way you end up with socialized health care and with the kind of system that is working so poorly in many other countries.

We still have time to discuss some of these issues further, so I would ask my good friend from Georgia, Dr. GINGREY, to elaborate on some of his points tonight.

Mr. GINGREY of Georgia. Mr. Speaker, continuing on the line of reasoning that Dr. FLEMING just outlined in talking about not indexing these benefits for inflation, in fact, another thing that needs to be pointed out is that under current law in creating these exchanges and in trying to help people

who are uninsured because it's not affordable to them, we, the taxpayers, are going to subsidize people who purchase health insurance on these State exchanges even if they make up to 400 percent of the Federal poverty level. For a family of four, that's $85,000 to $90,000 a year. If John Q. Public knew that we were forcing them to subsidize the purchase of health insurance for people making up to $90,000 a year, they would be appalled; but that, in fact, is the case.

In just continuing with what my friend from Louisiana was talking about, the other thing is that the law also expands the Medicaid program. Some States in past years, when times were better, were covering people on the Medicaid program at more than 100 percent of the Federal poverty level—indeed, some up to 185 percent or maybe 225 percent of the Federal poverty level when they could afford it. Yet to actually say in times like these that we are going to force the States to cover people up to 133 percent of the Federal poverty level when they can barely afford to cover at the 100 percent level is an unfunded and, probably, unconstitutional mandate.

Mr. Speaker, as you know and as my colleagues know on both sides of the aisle, this was part of the argument before the Supreme Court, as was that more publicized argument against requiring individuals to engage in commerce under the rules of the Commerce Clause. So that's a huge problem. As Dr. FLEMING points out, it will become even more of a problem because it's not indexed for inflation, and you will have more and more people being subsidized.

I want to get back, though, if the gentleman will allow me a little bit more time, to those failed promises that I discussed a little earlier.

In the Republican health care policy report from orthopaedic surgeon and Senator JOHN BARRASSO, which he put out just last month, let me go straight to No. 10. We mentioned a couple. This is broken promise No. 10. Get this, colleagues, and this is a quote from President Obama, our 44th President: These negotiations will be on C–SPAN.

Candidate Obama promised to televise all health care negotiations on C–SPAN. The process that created the President's health care plan was plagued, unfortunately—and it wasn't on C–SPAN—with backroom deals like the Cornhusker kickback, Gator aid and the Louisiana Purchase, cutting special deals with Senators from certain States. You don't have to be a genius to figure out what those three States are.

The President, indeed, even conceded the process—and he said—legitimately raised concerns, not just among my opponents but also among supporters, that we just don't know what's going on; and it's an ugly process, and it looks like there are a bunch of backroom deals.

Mr. Speaker, there were a bunch of backroom deals, and I think our colleagues are aware. We got a memo today from my committee, which is the Energy and Commerce Committee, and particularly from the Subcommittee on Oversight and Investigations. We have been trying for almost 2 years—the committee staff on Energy and Commerce and on the Subcommittee of Oversight and Investigations—to get information from the White House about all of these backroom deals that were cut, negotiated, during the process of getting buy-in from stakeholders that everybody in the country would recognize.

Now, I'm not pointing fingers or saying that anybody necessarily did anything wrong; but there is our own American Medical Association, the American Hospital Association, America's Health Insurance Plans, AARP, which represents 37 to 40 million seniors, and all of these advocacy stakeholder groups in these back rooms. Promises were made, and there were policy changes in the law in exchange for something special for them. Again, Congressman FLEMING talked about sausage-making and the legislative process, but the President promised that all of that would be out in the open. Indeed, he said it would even be televised on C–SPAN. Here again, that's promise No. 10.

That's all we're asking from the White House, from the Office of Health Care Reform—I think Deputy Chief of Staff Nancy-Ann DeParle was a director of that effort in the White House—and they have done nothing for the last 2 years but stonewall. We are going to continue to ask for documents of what went on behind closed doors so that we the people, the American people, can understand how this possibly could happen, what we now know are the unintended consequences.

Dr. FLEMING has pointed out in his presentation and in his slides with regard to the taxation and with regard to people thinking that if they like their health insurance they can keep it, only to find out that they can't. Whether they're on Medicare Advantage or whether they get their health insurance from an employer or whether they're working and paying $15 to $20 a week for a minimal coverage plan that has catastrophic protection without waivers, all of those plans will be taken away from people even though they like them.

So, again, the problem is unbelievable, and the unintended consequences are unbelievable. Unfortunately, you'd better believe it, because it has happened.

Mr. FLEMING. Would you touch a moment, Dr. GINGREY, on the fact that while we're trying to expand coverage and all of those things that there will actually be people who will be pushed off their coverage of the health care they have today, such as by their employers. Would you expound on that.

Mr. GINGREY of Georgia. I thank the gentleman for pointing that out, because the law very specifically says, if you employ 50 or more people, then you are going to be required by the Federal Government to provide for them a health insurance policy. Again, this is not just any health insurance coverage, but the one that the Federal Government, the uncle, demands that you provide.

By the way, we will be voting on a bill, Mr. Speaker, on Thursday on this House floor—we, the Republican majority. It is a bill introduced by House Majority Leader ERIC CANTOR, the gentleman from Virginia, to cut by 20 percent the taxes on those small businesses; and 30 percent of them are probably, in fact, owned and operated by women. To give them the opportunity to hire people and to stimulate the economy, that, in a way, is another subject, but in another way, it's actually the same subject, is it not?

Mr. FLEMING. Yes.

You say that the threshold is 50 employees and that they lose certain subsidies or certainly face more penalties or costs after 50. What is the chance that a small business that has 49 employees will dare hire another employee?

□ 2110

Mr. GINGREY of Georgia. That is exactly the point. They won't. If they've got 49 employees and they really need 53, they'll probably hire eight more—or whatever the math is—as half-time people with no benefits because they can't afford to cover their health insurance. It is a job destroyer. It's not a job creator.

Then the other situation, of course, is for those that employ significantly more than 50. Maybe they've got 1,000 employees. Mr. Speaker, these companies are going to look at the mandated cost of coverage under ObamaCare, and they are going to say, You know what? Our bottom line will be a lot better if we just pay the darn fine.

I think the fine is about $2,000 per year per employee that doesn't have health insurance coverage provided by them. And if they do provide the coverage under ObamaCare, as Dr. FLEMING points out, Mr. Speaker, today that would be $12,000 a year probably for a family policy, but 10 years from now, it could be $18,000 a year. The only groups that are held harmless from that in the taxation of these so-called Cadillac plans are guess who? The unions, organized labor.

These are all good points that people need to understand, the unintended consequences of the Federal Government trying to meddle in the marketplace and treat health care—one-sixth of the economy—just like it's any other business. You can't do that. The American people know it and they hate it.

Mr. FLEMING. I thank the gentleman. Again, great points.

Estimates are as high as 20 million Americans who are on insurance today through their employers, happy and satisfied with the coverage they have,

that will be pushed off. Why? Because the employer, the business will find it at least financially reasonable and perhaps beneficial to just pay the fine, push the employees out into the marketplace, make them go into the exchanges and force them to have to deal with the realities of ObamaCare.

I know that people hearing me say this would say, Well, that's coldhearted. If you really love your employees—and I have a small business and we employ considerably more than 50 employees, and I love my employees and I want them to have the best possible coverage. But look, if I have a competitor out there who can lower his cost by pushing his employees out and paying a penalty and then I go and do the right thing and pay that, then he's going to be able to sell his product at a lower price than me. That puts me out of business. Now not only do my employees not have health insurance, they don't have a job.

Back to this 50 threshold. Any time you have a law in the United States that penalizes an employer for hiring above a certain level, that is a terrible law by itself. It is disincentivizing an employer who is going to say, Well, I'm not going to grow my business. If I can't grow it by leaps and bounds and take tremendous risk and in the process bring in so much money to cover that incremental cost of health care, I'm not even going to try it. In fact, I may just close my business down altogether.

In the remaining moments we have—and I'll be happy to give Dr. GINGREY even further time to add some additional comments—I just wanted to go back again to this broken promise that was mentioned before both by Dr. GINGREY and myself, ''I will protect Medicare,'' President Barack Obama, September 2009. He promised he would protect Medicare.

Where are we today? The Republicans, through the Ryan plan, a very good plan, a very good budget, have a solution that will make Medicare sustainable for an indefinite period of time. The Democrats in the House say, No, we're not in for that. We're not in for anything. We have no ideas.

I'll remind folks in this body that the actuaries, the CBO, and all of the authorities tell us that Medicare runs out of money, becomes insolvent, becomes bankrupt in 4 to 8 years. So it's time that somebody comes up with a plan. We have a plan. We had one this year. We had one last year. We modified it a little bit to make it one that, I think, Democrats could accept, and they still have not signed on to it; although, we have one Democrat in the Senate who has, so it is bipartisan. But the President made the promise and the Republicans in the House are trying to keep it, and Democrats will not go along with that.

Again, to recap: ObamaCare cuts as much as $575 billion from the Medicare program; $200 billion from Medicare Advantage, which is a private form of Medicare that many Americans enjoy and love. It forces over 7 million seniors out of their current Medicare plan. Fifteen percent of hospitals, nursing homes, and home health will close because of Medicare paying less under ObamaCare.

Again, you can't cut out over $500 billion without cutting out reimbursements for something, and that's where it's going to be. It's going to be hospitals, nursing homes, home health agencies, and many other types of services that Medicare provides.

The CBO estimates that Medicare prescription drug coverage premiums will increase by 9 percent as a result of ObamaCare. Mr. Speaker, this is not a tax. It's not an expense just on the wealthy. It hits the middle class and the poor as well.

Finally, the CMS actuary projects the Medicare program could be bankrupt, as I mentioned before, as early as 2016. Medicare costs are projected to grow substantially from approximately 3.6 percent of the size of our economy, the GDP, in 2010, to 5.5 percent by 2035. That's the Medicare trustees.

The physician payment formula in Medicare needs to be fixed or seniors may lose their doctors. It costs $316 billion. We're hearing all over America about physicians who are beginning to back away from seeing Medicare patients. Not because they don't want to, not because they are not willing to sacrifice, but because if they do, they go out of business and they can't make it. Already access is an issue because of money problems. Twelve percent of physicians stopped seeing Medicare patients due to the broken physician formula that we have and that cannot be resolved and our friends on the other side refuse to address.

In our closing moments, I would be happy to yield to the gentleman, if he has any comments.

Mr. GINGREY of Georgia. Mr. Speaker, I thank my colleague.

I did want to make one other point. Actually, our colleague on the other side of the Capitol in the Senate, Senator TOM COBURN, OB/GYN and family practitioner, a great physician from Oklahoma—I hate that he's retiring at the end of this term. He has been a fantastic contributor to this debate. He has pointed out recently, Mr. Speaker, if people think that once the Medicare, the hospital insurance trust fund becomes insolvent, whether it's 2016 or 2020 or 2024, at the very latest, that doctors cannot be paid on their Medicare claims, their hospital part of Medicare, even if the Federal Government wanted to honor those claims because the trust fund is insolvent and pay those claims out of the general treasury as Dr. COBURN correctly points out, they cannot do it. And yet we are whistling past the graveyard, fiddling away while Rome is burning. That's what we're getting out of this administration.

Mr. FLEMING. That's very important, because what I'm understanding you saying is that if the trust fund becomes insolvent and there are checks going out to physicians across America, we can't just connect a line over to the general budget and say we're going to cover the bills. No, they don't get paid. Checks will bounce. This is a problem that must be solved.

So to recap in the final moments that we have—and I want to thank my good friend, Dr. GINGREY, for joining me this evening. We really have a strong group of physicians and nurses and other health care workers in the GOP Doctors Caucus. We hope to be joined by some more next year as a matter of fact. We feel like the physicians are a strong force in the U.S. Congress, not just because they know and understand the health care economy, which is very unique, but also because physicians are unique in a way that we want to make a diagnosis and we want to treat and we want to cure. We're not about kicking the can down the road. We want to cure the disease or solve the problem and move to the next one, and so the more physicians we have here, I think we will.

□ 2120

But again, I want to just reiterate for my colleagues that just because you have a card that says you are entitled to care in the United States does not mean you have access to it. I want to reiterate that. Just because you have a card, just because you have coverage does not mean that the doors will open for you, and this is where our colleagues, I think, are misguided on the other side.

ObamaCare is all about giving coverage, all about giving cards to people, but it does not protect their access to care. Because, in fact, under their system, which is basically based on a socialized model, the only way that the government will be able to afford it, and taxpayers in general, will be to create long lines, create shortages, and say ''no,'' to be traffic cops to people.

And you know what? The parts of our health care system today that are government-run, already before ObamaCare, we are already seeing spot shortages; chemotherapeutic agents, injectable drugs, that are otherwise not expensive, but because of the quirks of this socialized, government-run, highly bureaucratic system, we're finding that the manufacturers can't make them because they don't get enough reimbursement to cover their cost.

So what happens is they slow down, or stop making them altogether, and we have diseases and cancers out there today where physicians are scrounging around looking for the correct chemotherapeutic agent which would cure their disease, and it's very inexpensive and has been around for many years, and we have to even look to other countries to supply that.

With that, I look forward to our next GOP Doctors Caucus. I always enjoy this. I hope that those in this Chamber

who listen to this find it at least somewhat informative.

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

TAXES, ENERGY, AND OTHER ISSUES OF THE DAY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentleman from Texas (Mr. GOHMERT) for 30 minutes.

Mr. GOHMERT. Mr. Speaker, these are interesting times we live in, and I've appreciated my friends, my doctor friends. We have got two physicians who would certainly like to help heal America, but we have people in powerful positions in the Senate, as well as the White House, that don't appear to be interested in their prescriptions. I sure am, and I appreciate their observations. Also, they alluded to some of the energy issues before us in the country right now, and that's certainly worth noting.

First, I want to address something that we are hearing that the President, over and over and over, he is spending millions and millions of tax dollars running around the country telling people that the cure to what ails us and the cure to all unfairness is the Buffett rule. We are told that since Buffett may pay a lower percentage than his secretary, Warren Buffett and the President are saying we need to tax the wealthy more.

We found out the President pays, apparently, a lower tax rate than his secretary, 20 percent compared to a higher percentage that his secretary pays, and it leaves some of us baffled. If somebody really feels that it's fairness or a moral issue for Warren Buffett and the President to pay more taxes than their secretaries, then at least have the morality to do it. Don't come to Congress and say we demand you pass laws to force us to do the morally right thing because we're not going to do the morally right thing unless Congress passes a law making me, Warren Buffett, me, President Obama, do the right thing. We can't control ourselves and make ourselves do the morally proper thing, the fair thing, unless Congress passes a law.

Really? Is that what we have come to—that the leader of the free world just down Pennsylvania Avenue has to have Congress pass a law to get him to do what he says is the moral and fair thing to do? Come on. Are we in that bad a shape now?

I have had one of the smarter economists in the country, Art Laffer, Ronald Reagan's economic adviser—what a great guy. Served us good spaghetti and meatballs at his home in Nashville. I personally got to try them out. Wonderful family, delightful family, a brilliant economist.

I have had him explain to me how anybody who says we're going after the rich, we're going to go after the rich, and we're going to make them pay their fair share, is probably not being honest. They're just probably not being honest, because if they think through their proposal, if they will look at current history, if they will look at immediate past history and long past history, what they find is this. If you're a union worker, if you're a mechanic, if you're working on an oil well somewhere, if you're working as a waitress, you're working in a restaurant, you're working in a pharmacy, you're working in any of millions of businesses across America, and you're not rich, you're part of the working middle class, you cannot move if you get taxed a higher amount because you are reliant on that job.

Taxes, no matter what kind of tax you put in place, it's most likely only going to affect those who are in the middle class, no matter what else you do, because only the wealthy are not tied to a restaurant, to a car company, to an auto manufacturer, to an auto repair place, they are not tied to those. They can own them, and they can live in the next State or the next country, but they don't have to actually live at the place of business they're making money from.

When you go after the wealthiest in America and want to make them do the morally fair thing because, without Congress passing a law, these wealthiest among us can't make themselves do the moral and fair thing, according to their own words—Gee, we can't do it unless Congress makes us—what you do is tell the wealthy, we're going to slap a big old tax on you, and the wealthy can say, no thank you. I look stupid, perhaps, but I'm not that stupid. That's how I have either gained or been able to hold on to my wealth. So I'm moving. I'm voting on where I want to live with my feet, and they pick up and they go to where there are less taxes.

We've seen it in the wealthiest moving from country to another country, or island, or buying an island. We have seen that repeatedly. If the government says, gee, well, we'll outsmart the wealthiest among us. They've moved to another country, so we'll figure out a new way to go after the wealthiest. And every time it fails to work.

So after a while you get the idea, wait, let's look historically, every time a city, state, or nation goes after the wealthiest people in the world to make them pay higher taxes, unless the whole world collaborated at the same time to make it happen, they will simply move.

□ 2130

The middle class cannot do that. The middle class does not have that luxury. If you're very wealthy and gas goes to $4 or $5 a gallon, it's an inconvenience and you can't be tied up with trivial details like gas going up $1 a gallon or $2 a gallon or, like it has under this President, go from $1.80-or-so up to $4. And now we're heading toward $5. And in some places I have seen $5—certainly, over $5 for some time this year in some of the premium gasoline lines.

The wealthiest, they're not really bothered. It's an inconvenience. They can choose to live in an estate out in the country. They can choose to live in a town home worth millions in the middle of town, or they can choose to live on an island. They can choose to live anywhere. Because of the Internet, the telephone, Internet meetings, the wealthiest among us can do their business from anywhere.

So it becomes very clear that the only reason somebody really intelligent that understands what is going on and is willing to look at historical precedent, anybody that's really going to be fair, will realize the only reason they would say we're going after the wealthiest among us is for political gain, because they're going to drive them out of the country otherwise, or drive them out of the State or city where the taxes are going to be raised dramatically.

The thing to do that's fair for those of us who want those making more money to pay more and those who are making less money to pay less, those of us that feel that way, many of us have begun to say, To do that, let's have a flat tax. Some, like Steve Forbes, have been saying it for a long time.

The Heritage Foundation has got a new flat tax proposal that looks to have wonderful merit. There are a number of flat tax proposals. Steve Forbes was at a 17 percent flat tax, it doesn't matter how much you make. In my conversations with Art Laffer, he said you can have a flat tax and actually even be lower than 17 percent—I'm looking forward to getting the full details—and have two deductions, one for home mortgage interest and one for charitable contributions. I'm not talking about when you give underwear to some charity and say, Congratulations, you've now got my undergarments. I'm talking about real charitable contributions.

Make those things deductible, but otherwise eliminate all the loopholes, whether it's 12, 17, and the economy would explode. There would be more jobs available. And at this time when there are so many that are just on the edge of desperation, when they don't know what they're going to do, they can't keep paying $4 a gallon for gas, for those who have been looking so long, the millions that are out of work because they just got tired of looking so they're not counted in the unemployment numbers.

So we realize, gee, the unemployment is probably much, much, much worse than the administration is telling folks. For those folks, I would like to provide a little hope. It won't be under this administration; but if we have a different President and we get a different majority in the Senate, it truly ought to be spring time in America, figuratively, as it is literally right now.

We now know, many of us, we can be energy independent. Seven years ago, when I got to Congress, I didn't think so. The natural gas we've found is extraordinary. And how have we done it? The technology has gotten so good at slanting holes, the technology has gotten so good in sealing the hole and fracking a formation. And for those that understand how it works, if you do not have a sealed formation there, and you frack, then you have lost the formation. There will be no pressure to bring the oil or gas up.

We've also had hearings in Natural Resources—and Chairman DOC HASTINGS has done a great job there—we've had hearings and we've discussed a lot of these things. And we have some Chicken Littles in the Interior Department, Energy Department, and the EPA running around saying, gee, hydraulic fracking keeps polluting drinking water. They've shut wells down. And each time when they've brought in the scientific study to actually analyze—because there has been some drinking water polluted by something—but when they analyze, they find there is not anything that was utilized in the hydraulic fracking process that was able to make its way through the thousands of feet of rock formation to get to the drinking water and that there is nothing in the polluted drinking water that could possibly have come from the fracking.

Yet this President keeps saying, I'm for all of the above. And the best I can figure is when he says I'm for an all-of-the-above energy process, it means: I'm for anything we don't get out of the ground. So we'll give hundreds of millions, actually billions, of dollars to dear friends who have bundled money for the President's reelection and original election and we'll give them those billions of dollars and say, Go try to make solar panels, even though it's not financially feasible. It's not a viable enterprise. Go do it and I will help you by giving billions of dollars—42 percent of which we're having to borrow. We'll give them all that money.

Some day we should be able to use solar energy; but for heaven's sake, we should not be depriving our Social Security funds of money while this President is giving away billions of dollars to cronies for energy ideas that don't work and that are not feasible and that are bankrupting America. And yet that's what's been happening. A 2 percent payroll tax cut for workers to divide Americans.

Seniors have been told, You don't have to worry. This Democratic administration is going to make sure we take care of our seniors. And the very times that's being said, they are gutting the Social Security trust fund. Even though it's IOUs going in there, there's Social Security tax money that has been coming in since the 1930s in enough sufficiency to pay for the outgoing checks. It was not supposed to be for many years that we were supposed to reach that point where there was more Social Security money going out than Social Security tax money coming in.

Well, this President doubled down, and in what is a divisive—I guess, to use his terminology—divisive, dismissive gesture from this administration, we have undercut our seniors. This administration has been pushing to gut the Social Security trust fund. And it has done so.

Now, the friends in the mainstream media, trying to cover for the President, are not talking about the fact last year there was 5 percent of Social Security payments that we didn't have money to pay from the Social Security trust fund payments coming in. So we had to borrow around 42 percent of the rest, and we had to take tax money to make up the rest. And there's projections that though it was a 5 percent shortfall last year, it will likely be 14 or 15 percent this year. That's not a good road to stay on.

□ 2140

It is a road to Greece. It is a road that will so undercut our senior citizens, who deserve better from every administration, including this one. Seniors have been hurt by this administration, 5 percent last year, 15 percent this year, and if we don't get a different administration and a different majority in the Senate, it's going to be worse after that. It will be 45 percent the next year. If it triples in 1 year, it could triple again. We're in trouble if we continue the policies of this administration.

Now, since hydraulic fracking has brought us 100 to 300 years of natural gas, even at vastly expanded rates of usage, we could be energy independent, we could put not merely city buses on natural gas, but move cars to natural gas. At the same time, the Bakken play up in North Dakota has found a huge amount of oil we didn't realize we had. And in northeast Utah, northwest Colorado and southwest Wyoming, we are told there are tremendous amounts of energy. We're told there's clean coal technology.

And what's the answer from this administration? Let's shut down any use of coal. Why? Because this administration has ''all of the above'' as their energy policy, which means they're not going to use coal because it comes from underground.

We in the United States have been blessed beyond measure. We have more natural resources and more energy than any nation in the world. China, Russia, you name it—we've got more natural energy than anywhere. And this administration has continued to put our energy off limits. The second-largest coal deposit in the world is in Utah, we are told, and it was put off-limits by President Clinton.

This administration, of all the campaign promises you would hope the administration would break, you would hope they would break the promise to see energy prices ''necessarily skyrocket.'' I would love to have seen that promise broken, yet that seems to be one of the very few that's been kept. Energy prices have necessarily skyrocketed. And then we find out today, because hydraulic fracking has delivered the ability for this Nation to become energy independent, today, the EPA has declared war on hydraulic fracking.

People are desperate. The rich—we've seen how this works. The President calls the wealthiest among us, the Wall Street folks ''fat cats.'' All they have to endure is a little name calling from the other end of Pennsylvania Avenue, and in return, they get richer than they've ever been. Most people can endure a little name calling by an individual when they know the individual is going to see that they're wealthier than ever. Wall Street has done pretty well under this administration. It's done a lot better than most of America.

Americans deserve better. The President says he's going after Big Oil, declaring war on Big Oil. Well, this is one of the few areas where the President actually does have a substantive plan to go after what he calls ''Big Oil.'' Well, we've learned from the way Wall Street has been handled, call them names but make them richer than ever. Say you're going to war against Big Oil, and what happens? We get this proposal in writing from the President, this is his Jobs Act, and subtitle D of the President's job act is entitled, ''Repeal Oil Subsidies.''

Well, that word is extremely disingenuous. The President uses it all the time, but the word, if you look it up, means a grant or gift of money. There is no grants or gift of money. There are tax deductions for expenses. So he says he's going after Big Oil, but if you look at the specific deductions that he now has in print that he is going after Big Oil with, what do you find? You find out these deductions don't help Big Oil companies. It's so marginal, it's a drop to them. Who it will devastate and put out of business are the independent oil and gas operators who drill 95 percent of all the oil and gas wells in the continental U.S. There is a repeal in here by the President of the deduction for intangible drilling and development costs in the case of oil and gas wells. There is a repeal of the percentage depletion for oil and gas wells, there is a repeal of the deduction for injectants, and there is a repeal of the oil and gas working interest exception to passive activity rules.

Now, if anybody is interested in really finding out the truth, they can go to major oil companies and ask them, would these repeals of these deductions really hurt you as a major oil company in the world? And the answer would be, no, not really. You can go to the accountants, as I have, for independent oil and gas operators and say, if these are repealed, would it affect independent oil and gas operators who drill 95 percent of the oil wells in the continental U.S.? And the answer is, it will

devastate them. Not only is he going after the deductions that keep them afloat, they're going after the investment in oil and gas wells by the mainstream public.

Now, if you're British Petroleum or Exxon, you don't put out a proposal that says, we're drilling a well, and here's the proposal, here's the geology, here's the other wells in the area, here's what we think it will do. And if you invest X amount of dollars, then we will give you X percentage amount of the working interest in this well. That's the kind of proposal independent oil and gas companies have to make to get investments for people to invest in their oil well. If they hit a gusher, hit a huge well, then those who invest and take a percentage of the well will do very well. If they hit a dry hole, then they lose money. And when you invest in a dry hole and it costs you money, you would hope you would be able to deduct your expenses of the investment that failed.

What this President is doing not only is going to destroy the independent oil companies by taking away deductions that keep them afloat and keep them able to keep drilling another well, he is going after their investments.

So once you begin to see these specifics, you realize—and there are some other things in here, repeal marginal well production, repeal of enhanced oil recovery—when you see the specifics, you realize, oh, wow, maybe he doesn't know that he will destroy oil and gas independent operators. Maybe he doesn't know. But it doesn't take a genius to realize if you put oil and gas operators out of business who are the independents, who are not big enough to have all the employees they need to do the drilling, who have so many subcontractors who go out and eat and go to the entertainment places and they go invest in things around town, and they go buy clothes—those people, those subcontractors, their subcontractors, all of those people will be without anything to do because this administration says he's declared war on major oil, but instead, it's really a war against independents.

If he stops 95 percent of the drilling for oil and gas in the continental U.S., then what happens to major oil? You've eliminated all of their competition among the small independents. Well, what does that mean? Well, there are only a small number of massive international oil and gas companies comparatively, and you've wiped out their competition in America. It means they will charge more for gasoline, more for diesel, and there's nothing we can do about it because they're the only ones that have any energy.

□ 2150

Right now, before this President finishes driving or trying to put independents out of business, we've got to stop this train wreck that's coming.

This should be springtime in America. It should be a time of renaissance. People shouldn't have to pay $4 a gallon. And as soon as this President takes substantive actions, just to announce that he's going to take substantive actions, not to declare war on hydraulic fracking as they have now, not to declare war on oil companies in North Dakota because there have been eight mallards that died that had some oil on them and, therefore, they have the Justice Department under the President's thumb who is prosecuting the oil companies for violations of the Migratory Bird Act even though they've got windmills they support that are chopping them up by the thousands and thousands.

No, don't go after the windmills. They're above. So when the President says he's for all of the above, that includes all of the wind being generated here in Washington and other places where there are windmills that are driven by the hot air.

It's time to start saying what we mean, so that when this President tells the leader of Israel, ''I have your back,'' the leader of Israel doesn't realize he's got to put on something that will stop a knife coming from the back. It's time for our allies to know we support our friends, and we're going to stop supporting and trying to buy off our enemies. It's time to bring peace and prosperity back to the continental U.S., all 50 States, all our territories, by truly having an all-of-the-above energy policy. And if we want to pursue renewables, don't be letting the Social Security trust fund or the tax money dry up and leave seniors so vulnerable. Don't take away $500 billion from Medicare and hurt the seniors like that as ObamaCare has done. Don't do those things.

If you want to go spend billions giving it to your friends in solar energy, for heaven's sake, let's start leasing the Federal land like it used to be done, and then use 25 percent royalty, use part of our royalty, to throw away on the President's friends, not be borrowing from China, not be taxing people to give to his buddies, and we can return to springtime in America.

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MARINO (at the request of Mr. CANTOR) for April 16 and today and the balance of the week, on account of medical reasons.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 53 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, April 18, 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:

5658. A letter from the Director, Policy Issuances Division, Office of Policy and Program Development, Department of Agriculture, transmitting the Department's final rule — Changes to the Schedule of Operations Regulations [Docket No.: FSIS-2010-0014] (RIN: 0583-AD35) received March 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5659. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Bacillus pumilus strain GHA 180; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0536; FRL-9343-1] received March 23, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5660. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Private Transfer Fees (RIN: 2590-AA41) received March 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5661. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maine; Regional Haze [EPA-R01-OAR-2010-1043; A-1-FRL-9652-1] received March 23, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5662. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Amendment to HFO-1234yf SNAP Rule for Motor Vehicle Air Conditioning Sector [EPA-HQ-OAR-2011-0776; FRL-9651-3] (RIN: 2060-AR20) received March 23, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5663. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Quality Assurance Requirements for Continuous Opacity Monitoring Systems at Sationary Sources [EPA-HQ-OAR-2010-0873; FRL-9653-3] (RIN: 2060-AH23) received March 23, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5664. A letter from the Assistant Director, Policy Division, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule — Iranian Transactions Regulations received March 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

5665. A letter from the Assistant Attorney General, Civil Rights Division, Department of Justice, transmitting the Department's final rule — Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities; Swimming Pools [CRT Docket No.: 122; AG Order No. 3326-2012] (RIN: 1190-AA68) received March 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5666. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, U.S. Customs and Border Protection, transmitting the Department's final rule — United States-Korea Free Trade Agreement [USCBP-2012-0007] (RIN: 1515-AD86) received March 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5667. A letter from the Chief, Publications and Regulations Branch, Internal Revenue

Service, transmitting the Service's final rule — Modification of Notice 2008-40; Deduction for Energy Efficient Commercial Buildings [Notice 2012-26] received March 30, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROGERS of Michigan: Permanent Select Committee on Intelligence. H.R. 3523. A bill to provide for the sharing of certain cyber threat intelligence and cyber threat information between the intelligence community and cybersecurity entities, and for other purposes; with an amendment (Rept. 112–445). Referred to the Committee of the Whole House on the state of the Union.

Ms. FOXX: Committee on Rules. House Resolution 619. Resolution providing for consideration of the bill (H.R. 4348) 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 preauthorizing such programs, and for other purposes (Rept. 112–446). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 620. Resolution providing for consideration of the bill (H.R. 9) to amend the Internal Revenue Code of 1986 to provide a deduction for domestic business income of qualified small businesses (Rept. 112–447). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 1505. A bill to prohibit the Secretaries of the Interior and Agriculture from taking action on public lands which impede border security on such lands, and for other purposes; with an amendment (Rept. 112–448, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the Committees on Agriculture and Homeland Security discharged from further consideration. H.R. 1505 referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ISSA (for himself, Mr. ROSS of Florida, and Mr. LYNCH):

H.R. 4363. A bill to amend title 5, United States Code, to allow Federal employees to continue their public service while partially retired; to the Committee on Oversight and Government Reform.

By Mr. ISSA (for himself, Mr. LANKFORD, Mr. MICA, Mr. FARENTHOLD, Mr. ROSS of Florida, Mr. MCHENRY, and Mr. MACK):

H.R. 4364. A bill to amend title 5, United States Code, to specify further conditions under which payment for the services of a recess appointee may not be made from the Treasury; to the Committee on Oversight and Government Reform.

By Ms. BUERKLE (for herself and Mr. ROSS of Florida):

H.R. 4365. A bill to amend title 5, United States Code, to make clear that accounts in the Thrift Savings Fund are subject to certain Federal tax levies; to the Committee on Oversight and Government Reform.

By Ms. FUDGE (for herself, Mr. BRADY of Pennsylvania, Mr. GENE GREEN of Texas, Ms. JACKSON LEE of Texas, Ms. BROWN of Florida, Ms. RICHARDSON, Ms. SEWELL, and Mr. FILNER):

H.R. 4366. A bill to amend the Elementary and Secondary Education Act of 1965 to direct the Secretary of Education to award grants for science, technology, engineering, and math education programs; to the Committee on Education and the Workforce.

By Mr. LUETKEMEYER (for himself and Mr. DAVID SCOTT of Georgia):

H.R. 4367. A bill to amend the Electronic Fund Transfer Act to limit the fee disclosure requirement for an automatic teller machine to the screen of that machine; to the Committee on Financial Services.

By Mr. MCDERMOTT (for himself, Mr. LEWIS of Georgia, Mr. STARK, Mr. RANGEL, Mr. NEAL, Mr. LARSON of Connecticut, Mr. BLUMENAUER, and Mr. PASCRELL):

H.R. 4368. A bill to amend the Internal Revenue Code of 1986 to provide for the release of Federal tax levies which cause business hardship; to the Committee on Ways and Means.

By Mr. QUAYLE (for himself, Mr. MATHESON, and Mr. ROSS of Florida):

H.R. 4369. A bill to amend title 11 of the United States Code to require the public disclosure by trusts established under section 524(g) of such title, of quarterly reports that contain detailed information regarding the receipt and disposition of claims for injuries based on exposure to asbestos, and the filing of such reports with the Executive Office for United States Trustees; to the Committee on the Judiciary.

By Mr. TIPTON (for himself, Mr. GRAVES of Missouri, Mrs. ELLMERS, Mr. ROSS of Florida, Mr. HULTGREN, Mr. CHABOT, and Mr. LONG):

H.R. 4370. A bill to require new policies and procedures to address duplication and inefficient spending in the Federal grants process; to the Committee on Oversight and Government Reform.

By Mr. BACA:

H.R. 4371. A bill to amend title 38, United States Code, to improve pensions for surviving spouses of World War II and Korean War veterans; to the Committee on Veterans' Affairs.

By Mrs. BLACK (for herself, Mr. ROE of Tennessee, Mr. DUNCAN of Tennessee, Mr. FLEISCHMANN, Mrs. BLACKBURN, Mr. REED, Mr. ROKITA, and Mrs. ELLMERS):

H.R. 4372. A bill to amend the Internal Revenue Code of 1986 to require the social security number of the student and the employer identification number of the educational institution for purposes of education tax credits, to permanently allow disclosure of return information to prison officials to prevent prisoners from filing false and fraudulent tax returns, and for other purposes; to the Committee on Ways and Means.

By Mr. BRALEY of Iowa:

H.R. 4373. A bill to amend the Internal Revenue Code of 1986 to make permanent the expansion of tax benefits for adoption enacted in 2001 and to permanently reinstate the expansion of tax benefits for adoption enacted in 2010; to the Committee on Ways and Means.

By Mrs. CHRISTENSEN (for herself and Mr. PIERLUISI):

H.R. 4374. A bill to amend the Internal Revenue Code of 1986 to extend the increased limitation on the cover over of the tax on distilled spirits to Puerto Rico and the Virgin Islands; to the Committee on Ways and Means.

By Mr. SAM JOHNSON of Texas:

H.R. 4375. A bill to provide a taxpayer bill of rights for small businesses; to the Committee on Ways and Means.

By Mrs. MALONEY:

H.R. 4376. A bill to amend the Internal Revenue Code of 1986 to deny all deductions for business expenses associated with the use of a club that discriminates on the basis of sex, race, or color; to the Committee on Ways and Means.

By Ms. CHU (for herself, Ms. LORETTA SANCHEZ of California, Ms. RICHARDSON, Mr. CONYERS, Mr. FALEOMAVAEGA, Ms. SPEIER, Ms. LEE of California, Ms. HIRONO, Mr. VAN HOLLEN, Ms. BASS of California, Mr. SCOTT of Virginia, Mr. GRIJALVA, Ms. HAHN, Mr. AL GREEN of Texas, Mr. HONDA, Mr. CONNOLLY of Virginia, Ms. ROYBAL-ALLARD, Mrs. DAVIS of California, Ms. BORDALLO, Mr. FILNER, Mr. BERMAN, Mr. SMITH of Washington, Mr. SABLAN, Ms. HANABUSA, Ms. MATSUI, Mr. CLARKE of Michigan, Mr. BECERRA, Mr. SHERMAN, Ms. ZOE LOFGREN of California, Mr. STARK, Ms. MCCOLLUM, Mr. SCHIFF, Ms. LINDA T. SÁNCHEZ of California, Mrs. NAPOLITANO, Ms. SCHAKOWSKY, Mrs. MALONEY, Mr. CROWLEY, Mr. MCNERNEY, and Ms. WOOLSEY):

H. Res. 621. A resolution recognizing the significance of Asian/Pacific American Heritage Month in May as an important time to celebrate the significant contributions of Asian Americans and Pacific Islanders to the Nation's history; 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 Mr. ISSA:

H.R. 4363.

Congress has the power to enact this legislation pursuant to the following:

Art. I, Sec. 8

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof

By Mr. ISSA:

H.R. 4364.

Congress has the power to enact this legislation pursuant to the following:

Art. I, Sec. 8

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Art. II, Sec. 2

The President . . . shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law.

By Ms. BUERKLE:

H.R. 4365.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

The Congress shall have Power to lay and collect Taxes. . .

By Ms. FUDGE:

H.R. 4366.

Congress has the power to enact this legislation pursuant to the following:

Congress has the authority to act under Article I, §8, clause 3, the Commerce Clause.

By Mr. LUETKEMEYER:

H.R. 4367.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the explicit power of Congress to regulate commerce in and among the states, as enumerate in Article 1, Section 8, Clause 3, the Commerce Clause, of the United States Constitution.

By Mr. MCDERMOTT:

H.R. 4368.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article 1 of the United States Constitution

By Mr. QUAYLE:

H.R. 4369.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4 (To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States)

By Mr. TIPTON:

H.R. 4370.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 9: No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

By Mr. BACA:

H.R. 4371.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 12, 13, 14 and 18

By Mrs. BLACK:

H.R. 4372.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have the Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. BRALEY of Iowa:

H.R. 4373.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 1, 3, and 18 of the United States Constitution.

By Mrs. CHRISTENSEN:

H.R. 4374.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 7, Clause 1 of the Constitution of the United States provides that All Bills for raising Revenue shall originate in the House of Representatives and Section 8, Clause 1 grants Congress the Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States.

By Mr. SAM JOHNSON of Texas:

H.R. 4375.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mrs. MALONEY:

H.R. 4376.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 59: Ms. BUERKLE and Mr. CRAWFORD.

H.R. 139: Ms. LEE of California, Ms. RICHARDSON, Ms. LINDA T. SÁNCHEZ of California, Ms. NORTON, and Mr. CROWLEY.

H.R. 156: Ms. LORETTA SANCHEZ of California.

H.R. 265: Mr. HINCHEY.

H.R. 266: Mr. HINCHEY.

H.R. 267: Mr. HINCHEY.

H.R. 300: Mr. BACA, Mr. BERMAN, Ms. BONAMICI, Mr. FILNER, Mr. HONDA, Mr. JACKSON of Illinois, Ms. JACKSON LEE of Texas, Mr. MORAN, and Ms. WATERS.

H.R. 466: Mr. BARTLETT.

H.R. 576: Mr. HINCHEY.

H.R. 589: Mr. COSTELLO.

H.R. 601: Mr. FILNER.

H.R. 616: Ms. DEGETTE.

H.R. 631: Mr. RANGEL and Mr. BRADY of Pennsylvania.

H.R. 683: Mr. HIGGINS.

H.R. 718: Mr. CASSIDY.

H.R. 719: Ms. HOCHUL, Ms. HERRERA BEUTLER, and Mr. CANSECO.

H.R. 769: Mr. CUMMINGS.

H.R. 777: Mr. BLUMENAUER and Mr. GIBSON.

H.R. 808: Mr. JACKSON of Illinois and Ms. RICHARDSON.

H.R. 831: Mr. CONNOLLY of Virginia.

H.R. 860: Mr. SCHWEIKERT and Mr. PRICE of North Carolina.

H.R. 912: Mrs. NAPOLITANO.

H.R. 933: Mr. TOWNS.

H.R. 941: Mr. PETERSON and Mr. CARNAHAN.

H.R. 1066: Mr. DEUTCH.

H.R. 1131: Mr. BLUMENAUER.

H.R. 1171: Mr. MCNERNEY.

H.R. 1206: Mr. SOUTHERLAND and Mr. CRAWFORD.

H.R. 1321: Mr. WILSON of South Carolina, Mr. CHABOT, Mr. BILIRAKIS, Mr. GRIMM, and Mr. RANGEL.

H.R. 1360: Mr. DOLD, Mr. ROSKAM, and Mr. BOREN.

H.R. 1385: Mrs. BLACK.

H.R. 1404: Mr. SCOTT of Virginia.

H.R. 1418: Ms. HIRONO.

H.R. 1449: Ms. HAHN and Ms. SCHAKOWSKY.

H.R. 1474: Mr. STEARNS and Mr. KLINE.

H.R. 1477: Mr. BLUMENAUER.

H.R. 1479: Mr. BARROW and Mr. MILLER of North Carolina.

H.R. 1519: Mr. SABLAN.

H.R. 1543: Mr. HANABUSA.

H.R. 1564: Mr. RANGEL.

H.R. 1588: Mr. REYES.

H.R. 1639: Mr. FLORES and Mr. AUSTIN SCOTT of Georgia.

H.R. 1653: Mr. SMITH of Nebraska.

H.R. 1666: Mr. CONYERS.

H.R. 1674: Mr. LATHAM.

H.R. 1697: Mr. GRIFFIN of Arkansas.

H.R. 1742: Mr. CONNOLLY of Virginia, Mr. CARSON of Indiana, Mr. DEFAZIO, and Mr. STARK.

H.R. 1756: Mr. RIGELL.

H.R. 1802: Mr. GIBBS and Mr. THOMPSON of Mississippi.

H.R. 1860: Mr. RIVERA, Mr. STEARNS, Ms. BORDALLO, Ms. MOORE, Mr. TURNER of New York, Mr. ALEXANDER, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1862: Mr. ROTHMAN of New Jersey.

H.R. 1876: Ms. VELÁZQUEZ.

H.R. 1909: Mr. REED and Mr. JONES.

H.R. 1955: Ms. SPEIER.

H.R. 1996: Mr. BERG and Mr. GARDNER.

H.R. 2032: Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. CRAWFORD, and Mr. BARLETTA.

H.R. 2033: Mr. HASTINGS of Florida.

H.R. 2051: Ms. HAYWORTH.

H.R. 2088: Mr. WAXMAN.

H.R. 2091: Mr. PRICE of North Carolina.

H.R. 2123: Mr. PRICE of North Carolina.

H.R. 2144: Mr. BACA and Ms. NORTON.

H.R. 2182: Mr. FILNER, Mr. GARY G. MILLER of California, and Mr. BARROW.

H.R. 2206: Mr. MARCHANT.

H.R. 2227: Mr. CHANDLER.

H.R. 2245: Mr. KILDEE.

H.R. 2353: Mr. GIBBS.

H.R. 2364: Mr. REYES, Mr. GUTIERREZ, Ms. BONAMICI, Mr. WAXMAN, and Mr. CLAY.

H.R. 2547: Ms. BONAMICI.

H.R. 2568: Mr. RENACCI.

H.R. 2569: Mr. KING of New York and Mr. ROGERS of Michigan.

H.R. 2705: Ms. WILSON of Florida and Mr. VAN HOLLEN.

H.R. 2721: Mr. RANGEL, Mr. HINOJOSA, Ms. WILSON of Florida, Mr. GRIJALVA, Mr. HONDA, Mr. MORAN, and Mr. KUCINICH.

H.R. 2741: Ms. LEE of California.

H.R. 2827: Mr. COLE and Ms. GRANGER.

H.R. 2886: Mr. GIBSON.

H.R. 2902: Mr. GONZALEZ and Ms. ROYBAL-ALLARD.

H.R. 2921: Ms. HAHN.

H.R. 2962: Mr. RANGEL, Mr. COFFMAN of Colorado, Ms. DELAURO, and Mr. AMODEI.

H.R. 3032: Mr. FILNER.

H.R. 3057: Mr. KISSELL.

H.R. 3065: Mr. MCCOTTER and Mr. LAMBORN.

H.R. 3144: Mr. PETERSON and Mr. GERLACH.

H.R. 3145: Ms. DELAURO.

H.R. 3173: Mr. COHEN.

H.R. 3187: Mr. CUMMINGS, Mr. ROGERS of Kentucky, Mr. DICKS, Ms. HOCHUL, and Mr. CARTER.

H.R. 3236: Mr. OWENS and Mr. SCHRADER.

H.R. 3238: Mr. CONNOLLY of Virginia.

H.R. 3252: Mr. TURNER of New York and Ms. BUERKLE.

H.R. 3307: Ms. BUERKLE.

H.R. 3324: Mr. PRICE of North Carolina.

H.R. 3334: Ms. DELAURO.

H.R. 3359: Ms. LEE of California and Mr. MCGOVERN.

H.R. 3364: Mr. BISHOP of New York and Mr. CHANDLER.

H.R. 3368: Mr. KUCINICH and Mr. FILNER.

H.R. 3395: Mr. WILSON of South Carolina, Mr. STEARNS, Mr. KISSELL, and Mr. BACHUS.

H.R. 3405: Mr. HOLT and Mr. COHEN.

H.R. 3435: Mr. WAXMAN.

H.R. 3486: Mr. STIVERS.

H.R. 3506: Mr. GERLACH, Mr. PETERSON, Mr. PLATTS, Mr. KISSELL, Mr. HANABUSA, and Mr. FARENTHOLD.

H.R. 3523: Mr. MCKEON.

H.R. 3541: Mr. CULBERSON and Mr. PALAZZO.

H.R. 3561: Ms. MOORE and Ms. BALDWIN.

H.R. 3586: Mr. ROE of Tennessee.

H.R. 3591: Mr. HOLT, Mr. SMITH of Washington, Mr. GRIMM, and Mrs. MALONEY.

H.R. 3595: Mr. BLUMENAUER.

H.R. 3596: Mr. THOMPSON of Mississippi, Mr. GARAMENDI, Mr. DEFAZIO, Mr. JOHNSON of Georgia, Ms. BERKLEY, Mr. LANGEVIN, Mr. CONYERS, Mr. ELLISON, Mr. LYNCH, and Mr. PASCRELL.

H.R. 3609: Mr. ROKITA.

H.R. 3658: Mr. DOLD and Mr. STARK.

H.R. 3670: Mr. MICHAUD and Mr. DONNELLY of Indiana.

H.R. 3712: Ms. HIRONO.
H.R. 3728: Mr. HUELSKAMP, Mr. PRICE of Georgia, Mrs. BACHMANN, and Mr. LATHAM.
H.R. 3770: Mr. MARCHANT.
H.R. 3803: Mr. STEARNS, Mr. TIBERI, Mr. CULBERSON, Mrs. MILLER of Michigan, Mr. GARRETT, Mr. HECK, Mr. LATOURETTE, Ms. FOXX, Mr. POE of Texas, and Mr. HALL.
H.R. 3821: Mr. CONNOLLY of Virginia.
H.R. 3826: Ms. JACKSON LEE of Texas, Mr. HIMES, and Mr. KILDEE.
H.R. 3831: Mrs. MYRICK and Mr. PRICE of North Carolina.
H.R. 3875: Mr. BACA.
H.R. 3895: Mr. RIVERA.
H.R. 3900: Mr. SHERMAN and Ms. CHU.
H.R. 3903: Mr. TOWNS, Mr. GEORGE MILLER of California, Mr. LUJÁN, Mr. DOGGETT, Mr. OWENS, Ms. LINDA T. SÁNCHEZ of California, Mr. DEFAZIO, Mr. CARSON of Indiana, Ms. MCCOLLUM, Mr. ROTHMAN of New Jersey, Ms. CLARKE of New York, Mr. GUTIERREZ, Mr. GENE GREEN of Texas, Ms. WOOLSEY, Mr. MCDERMOTT, and Ms. CASTOR of Florida.
H.R. 3914: Ms. SLAUGHTER.
H.R. 3980: Mr. MCKEON.
H.R. 3989: Mr. MEEHAN.
H.R. 3993: Mr. TOWNS, Ms. NORTON, Mr. LOEBSACK, Mr. HINCHEY, Mr. REED, and Mr. GIBSON.
H.R. 3994: Mr. CASSIDY.
H.R. 4005: Ms. BORDALLO.
H.R. 4017: Mr. RIBBLE.
H.R. 4018: Mr. ROSS of Arkansas, Mr. GRIMM, Mr. LATHAM, and Mr. PETERSON.
H.R. 4032: Mr. CICILLINE.
H.R. 4045: Ms. HIRONO.
H.R. 4055: Ms. MCCOLLUM and Ms. WOOLSEY.
H.R. 4063: Mr. STARK.
H.R. 4070: Mr. RYAN of Ohio.
H.R. 4081: Mr. MCKEON.
H.R. 4124: Mr. GIBSON and Mr. PRICE of North Carolina.
H.R. 4128: Mr. ROKITA, Mr. MCCOTTER, and Mr. SCOTT of South Carolina.
H.R. 4132: Mr. ROSKAM.
H.R. 4134: Mr. AUSTIN SCOTT of Georgia.
H.R. 4157: Mr. DEFAZIO, Mr. COSTELLO, Mr. GRAVES of Missouri, Mr. HUIZENGA of Michigan, Mr. HURT, Mr. KISSELL, Mr. NUNES, Mr. RIBBLE, Mr. REHBERG, Mr. COLE, Mr. POMPEO, Mr. MANZULLO, Mr. AUSTIN SCOTT of Georgia, and Mr. OWENS.
H.R. 4169: Mr. DOLD, Ms. WOOLSEY, Ms. HAHN, Mr. ENGEL, and Mr. GEORGE MILLER of California.
H.R. 4170: Mr. MCDERMOTT, Mr. RUSH, Mr. TOWNS, Mr. JOHNSON of Georgia, Ms. CLARKE of New York, Ms. NORTON, and Mr. MORAN.
H.R. 4171: Mr. LANKFORD.
H.R. 4189: Mr. CROWLEY and Mr. JOHNSON of Georgia.
H.R. 4192: Ms. WOOLSEY and Mr. RYAN of Ohio.
H.R. 4201: Mr. YOUNG of Indiana, Mr. SHUSTER, Mr. RYAN of Ohio, Mr. BRADY of Pennsylvania, Mr. LANGEVIN, Mr. CRITZ, Mr. THORNBERRY, Mr. RUNYAN, and Mr. COFFMAN of Colorado.
H.R. 4222: Mr. SCHWEIKERT.
H.R. 4227: Mr. KEATING, Mr. MCGOVERN, Mr. LEWIS of Georgia, Ms. MCCOLLUM, Mr. BACA, Mr. COURTNEY, Ms. WOOLSEY, Ms. LEE of California, and Ms. JACKSON LEE of Texas.
H.R. 4228: Mr. KLINE.
H.R. 4237: Mr. POE of Texas and Mr. CASSIDY.
H.R. 4240: Mr. RANGEL, Mr. BILIRAKIS, and Mr. DANIEL E. LUNGREN of California.
H.R. 4256: Mrs. ELLMERS.
H.R. 4259: Mr. ROTHMAN of New Jersey, Mr. POE of Texas, and Mr. VAN HOLLEN.
H.R. 4269: Mr. WOMACK.
H.R. 4275: Mr. FALEOMAVAEGA, Ms. LEE of California, and Ms. RICHARDSON.
H.R. 4295: Mr. POE of Texas.
H.R. 4297: Mr. BUCSHON, Mr. ROE of Tennessee, and Mr. KLINE.
H.R. 4301: Mr. AUSTIN SCOTT of Georgia.
H.R. 4313: Mr. JONES.
H.R. 4315: Ms. LEE of California.
H.R. 4322: Mr. LANKFORD.
H.R. 4325: Ms. SLAUGHTER, Ms. MATSUI, Mr. HIGGINS, and Ms. HIRONO.
H.R. 4329: Mr. RYAN of Ohio.
H.R. 4336: Mr. HECK.
H.R. 4345: Mrs. MCMORRIS RODGERS.
H.R. 4351: Mr. FILNER and Mr. PETERS.
H.J. Res. 88: Mr. CONYERS.
H.J. Res. 106: Mr. FLAKE.
H.J. Res. 107: Mr. JORDAN, Mr. NUNNELEE, and Mr. ROSS of Florida.
H. Con. Res. 40: Mr. SMITH of Washington and Mr. RANGEL.
H. Con. Res. 111: Mr. BERG.
H. Res. 111: Mr. BARLETTA.
H. Res. 130: Mr. TOWNS.
H. Res. 172: Mr. SHERMAN.
H. Res. 282: Ms. BONAMICI.
H. Res. 521: Mr. CONNOLLY of Virginia.
H. Res. 549: Mr. MCDERMOTT, Mr. SCHOCK, and Mr. RANGEL.
H. Res. 560: Mr. STARK.
H. Res. 564: Ms. WATERS.
H. Res. 568: Mr. CHANDLER, Mr. JORDAN, Mr. YARMUTH, Mrs. BONO MACK, Mr. RYAN of Wisconsin, Mr. KELLY, Mr. MCHENRY, Mr. DUFFY, Mrs. ELLMERS, Mr. CARTER, and Mr. AL GREEN of Texas.
H. Res. 583: Mr. DOLD.
H. Res. 604: Mr. MULVANEY, Mr. CANSECO, Mr. COBLE, Mr. WESTMORELAND, Mr. COLE, Mr. FARENTHOLD, Mr. JONES, Mr. DESJARLAIS, and Mr. NUNNELEE.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3288: Mr. CHAFFETZ.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158 WASHINGTON, TUESDAY, APRIL 17, 2012 No. 55

Senate

The Senate met at 10 a.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord, we know You are mighty and we are weak. But we take heart because Your power makes mountains tremble.

As our Senators rely on Your strength for this day, fill them with renewed faith and love. Give them the security and serenity they need to face today's challenges and to glorify You in their thoughts, words, and deeds. Grip them with the conviction that You will provide them with supernatural strength, vision, and guidance.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS 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, April 17, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. COONS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business until 11:00. Republicans will control the first half and the majority will control the final half. At 11:00 there will be 10 minutes of debate on the motion to invoke cloture on the motion to proceed to the postal reform bill. At 11:10 there will be a cloture vote—or at approximately 11:10—on the motion to proceed to the postal reform bill. The Senate will recess from 12:30 to 2:15 today for our weekly caucus meetings. We have to make progress on the postal reform bill today which is so vitally important to more than half a million workers.

BUFFETT RULE

Mr. REID. Yesterday Senate Republicans once again rejected the idea that millionaires and billionaires should contribute their fair share to help the country prosper. Republicans sent a message to millions of honest hard-working Americans who will file their taxes today: It is fair for Warren Buffett to pay a lower tax rate than his secretary. And that is not fair.

Republicans said that it is fair for Mitt Romney to pay a lower tax rate than his cleaning lady or his chauffeur. That is not fair. My Republican colleagues believe it is fair for hedge fund managers and executives to pay a lower tax rate than schoolteachers and waitresses and busdrivers. But that is something you do not have to take my word for; that is what President Ronald Reagan called a system of unproductive tax loopholes that allows some of the truly wealthy to avoid paying their fair share.

In 1985 Ronald Reagan knocked the web of loopholes that allowed people making hundreds of millions of dollars each year to pay lower tax rates than construction workers or janitors. President Reagan called it crazy, and, to his credit, he worked with a couple of Democrats—Senator Bradley of New Jersey and Congressman Gephardt of Missouri—and came up with the Bradley-Gephardt Tax Fairness Act. It worked well for a long time, but we have allowed other things to get in the way of that good Bradley-Gephardt legislation. Now we are back to what Ronald Reagan was talking about those many years ago.

This broken system made it possible for millionaires to pay nothing while a busdriver was paying 10 percent of his salary. That is what President Reagan said. But the same system is in place today, as I have just explained, and, as that radical liberal Ronald Reagan said, that is just crazy. Those were his words.

Yesterday my Republican colleagues used some strong words to oppose the Democrats' plan to fight the inequality. Republicans called our commonsense proposal to ensure that no one making more than $1 million a year pays a lower tax rate than a truckdriver, a secretary, or a police officer—they called it class warfare. It is not class warfare but class welfare—welfare for the wealthy at the expense of the middle class. It is class welfare, not warfare.

Republicans are pushing a budget that would end Medicare as we know it—just passed the House—slashing nursing home coverage for the elderly, decimating Pell grant funding, and kicking 200,000 children out of the Head Start Program.

They are calling our proposal class warfare. I wish that were the most ridiculous thing they have said about

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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our proposal to bring a measure of fairness to America's tax system, but far from it. One Member of the Senate leadership equated this measure to shooting ourselves in the head. The Paying a Fair Share Act—the Buffett rule—would have ensured that millionaires and billionaires paid at least as much as their secretaries, assistants, and even their nannies. Yet Republicans think asking those lucky millionaires and billionaires to contribute their fair share is just like shooting the country in the head. That is what they said.

Our legislation would have protected 99 percent of small business owners and maintained deductions for charitable giving, and it would have been a small but meaningful step to reduce our deficit at a time when every penny—in this case, every billion—counts.

It does not seem radical to me to ask Warren Buffett, who made almost $63 million in 2010, to pay a higher tax rate than his secretary. The Presiding Office can remember when he came and spoke to a group of assembled Democrats. He carried around with him his tax returns for the last several years. He is the one who told us how much he made in 2010, and he lamented the fact that he was paying the tax rate that he was.

Well, it does not seem radical to me, it did not seem radical to Ronald Reagan, and it does not seem radical to three-quarters of the American people who support our legislation. The wealthiest Americans take home a greater percentage of our Nation's income than anytime in nearly a century. Yet they enjoy the lowest tax rate in more than five decades—the lowest tax rate. So it is no surprise that Americans believe millionaires should shoulder their fair share. Even two-thirds of millionaires and a majority of Republicans around the country agree it is time to fix a system rigged to favor the richest of the rich. Republicans in Congress are the only ones not on board on this issue.

If you need evidence that millionaires and billionaires can afford to contribute a little more, consider this one simple fact: Last year there were 7,000 people who made more than $1 million who did not pay a single penny of Federal income tax—not a penny. Thanks to Republicans, these lucky millionaires and billionaires can keep gaming the system while middle-class workers keep picking up the tab.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

A NEED FOR SOLUTIONS

Mr. MCCONNELL. Mr. President, yesterday I highlighted some of the tremendous challenges we face in our country and this President's refusal to face them with the seriousness they demand.

At a moment when the Federal debt makes us look a lot like Greece, President Obama spends his time running around stumping for a tax hike that he knows will not help and that he knows will not pass. On gas prices, the President's response has been to call for a tax hike on energy manufactures, which, if anything, will drive the price of gas even higher and which he knows will not pass.

Now we hear that the President is announcing some kind of task force on oil speculation today—in other words, the same thing Washington Democrats always call for when gas prices go up. If I were to guess, I would say today's proposal by the President probably polls pretty well, but I guarantee you it will not do a thing to lower the price of gas at the pump. It never has in the past. White House officials admit as much. So why would it now?

The Democrats' favorite policy adviser, Warren Buffett, weighed in on the issue a few years ago. Here is what Warren Buffett had to say about it. Asked about the role speculation in the oil markets plays in determining price, he said, ''It's not speculation, it's supply and demand.'' That is Warren Buffett on speculation relating to the oil markets. ''It's not speculation,'' Warren Buffett said, ''it's supply and demand.'' But, of course, that is not the point for this White House. President Obama only seems to care about Warren Buffett's opinion if it polls well.

The President's goal here is not to do something about the problem, it is to make people think he is doing something about the problem until the next crisis comes along. And that is the larger problem, that we have a President who is more concerned with looking as if he is doing something than in actually doing what is needed to tackle the challenges we face. We have a President who told us that he was a different kind of politician doing the same old things and using the same old talking points politicians in Washington have been peddling for literally years—for years. I mean, weren't these kinds of gimmicks and stale talking points precisely what President Obama campaigned against 4 years ago? I thought he was offering something new, something different.

I think the Associated Press summed up the President's latest proposal pretty well this morning. The White House plan, which Obama was to unveil Tuesday, the AP said, is more likely to draw sharp election-year distinctions with Republicans than to have an immediate effect on prices at the pump. Well, AP pretty well summed it up. They said it is more about drawing a distinction. Look, we do not need new distinctions, we need solutions. Americans need lawmakers who are more concerned with facing up to the problems we face than getting reelected. They need a President who thinks about solving a problem, a President who thinks solving a problem involves more than giving a speech about it and pointing the finger at whatever does not poll well that particular day.

As I said yesterday, the President seems to have forgotten why he was elected in the first place. He seems to have forgotten his own campaign rhetoric: that he was going to be different, that he would bridge differences, that he would bring people together. The reality could not be more different or more disappointing. The sad truth is that it is all politics, all the time in this White House. They are out of ideas. They have nothing new to offer. Today's announcement is all the proof you need of that.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 11 a.m., with Senators permitted in 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.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

IRAN'S NUCLEAR PROGRAM

Mr. MORAN. Mr. President, over the weekend the United States, Britain, France, China, Russia, and Germany returned to the negotiating table with Iran for the first time since January 2011. Reports indicate modest progress was made, and a second round of talks has now been scheduled for May.

While these negotiations represent an opportunity to achieve a peaceful outcome regarding Iran's nuclear program, the United States and our allies must guard against Iranian delays. Iran has a history of using negotiations as a stalling tactic. While our negotiators talk, the centrifuges keep spinning. That is the crux of the problem—Iran's nuclear program continues.

According to the most recent report in February from the International Atomic Energy Agency, Iran has produced more than 5,400 kilograms of low-enriched uranium and more than 100 kilograms of uranium enriched to a level of 20 percent. Enriching uranium to a level of 20 percent represents 85 to 90 percent of the work needed to reach weapons-grade fuel. Iran is also preparing additional cascades used to produce enriched uranium, which will accelerate the speed at which it can stockpile nuclear material. In total, Iran has enriched enough uranium

that, upon further processing, could build three to four nuclear weapons.

In response to Iran's continued nuclear program and its defiance of United Nations' Security Council resolutions, the United States and many of our allies have adopted sanctions on Iran. Sanctions are having a significant impact on the Iranian economy. In March, Iran's oil exports fell nearly 300,000 barrels per day or 12 percent, according to foreign reports. Iran's currency has lost roughly half its value in the past year, and inflation is more than 20 percent. The new European Union sanctions are scheduled to take effect this summer. These would make it even more difficult for Iran to ship oil globally.

Once the EU sanctions go into effect in July, the Congressional Research Service estimates that oil sales could fall by up to 40 percent.

In addition, a major Chinese insurance provider has announced it will no longer insure ships carrying Iranian oil. These are important developments that will increase economic pressure on the Iranian regime. Yet neither sanctions nor past negotiations have stopped Iran's nuclear program and its quest for a nuclear weapon.

Iran's nuclear program threatens American interests. First, Iran's pursuit of nuclear weapons increases the risk of global nuclear proliferation, which would jeopardize the security of the United States. The last two nations to acquire nuclear weapons—Pakistan and North Korea—have presented numerous challenges to American security interests.

North Korea provoked international condemnation last week when it launched its rocket. In Pakistan, a December report in the Atlantic called into question the security of that country's nuclear arsenal, stating that Pakistan regularly transports nuclear weapons through city streets without much security.

If Iran obtains a nuclear weapon other nations in the Middle East may soon follow. Saudi Arabia has already said it will consider seeking nuclear capability if Iran's program is not stopped.

Second, a nuclear Iran could increase its support of terrorism. Iran is already one of the world's leading state sponsors of terrorism, funneling money and weapons and supporting training for terrorist groups, including Hezbollah and Hamas. With a nuclear weapon Iran and its terrorist allies may be emboldened to carry out even more attacks. Furthermore, what would prevent Iran from giving nuclear weapons to one of the terrorist groups it supports, sharing its capabilities with one of the terrorist groups?

Third, a nuclear Iran could exert more influence over world oil markets. A direct link exists between volatile oil prices and Iran's nuclear program. Prices have risen when tensions have increased, and when tensions recede prices typically decline. American consumers and businesses are directly affected by these volatile prices that negatively impact our economic well-being.

Although Saudi Arabia has pledged to boost production to make up for the loss of Iranian oil on the market, this will reduce spare production capacity and leave our country and the global economy vulnerable to any reduction in supplies, whether from conflicts within oil-producing nations or from natural disaster.

Finally, a nuclear Iran would threaten the safety of American troops serving abroad in the Middle East. For years Iran has fought American presence in the Middle East and has supported terrorist groups who have targeted and killed American troops. American officials believe Iran supported the terrorists responsible for the 1996 attack on a U.S. military residence in Saudi Arabia that killed 19 of our servicemen.

Iran also has long-range missiles that could hit U.S. military bases in the region, including ones in Turkey, Afghanistan, Bahrain, and Kuwait. Iran's nuclear program also threatens the existence of our ally, Israel.

The President of Iran has called for Israel to be ''wiped off the map.'' If Iran acquires a nuclear weapon, its leaders would have the capability to do the destructive things of which they speak. Understandably, Israel is worried. Israelis know all too well the price of war because they have witnessed war and destruction. They know what can happen when evil men gain the ability to carry out evil deeds.

While some would have us believe Iran is Israel's problem, we should not be fooled. Iran's pursuit of nuclear weapons threatens all nations that care about global peace and stability. We cannot leave Israel to deal with this crisis alone. American leadership is needed now more than ever to stop Iran. We can begin by passing the Iran Sanctions Accountability and Human Rights Act. This legislation, which came through the Banking Committee, on which I serve, earlier this year strengthens and expands existing sanctions and for the first time makes it official U.S. policy to prevent Iran from obtaining nuclear weapons. The administration and President Obama must also fully enforce U.S. law and penalize those who violate U.S. sanctions.

In addition, the U.S. should use current negotiations to bring about an end to Iran's nuclear program. As a party to the nonproliferation treaty, Iran must adhere to its obligations under that treaty and provide transparency to international inspectors.

The longer Iran's nuclear program continues, the greater the danger grows for the United States and all nations. Last month, Israeli Prime Minister Benjamin Netanyahu spoke in Washington. He is an incredible leader, and his speech to Congress last year was one of the best I have ever heard. While speaking in Washington last month, he laid out very clearly why a nuclear Iran would be such a grave danger. He said for the last 15 years he has been warning the world about a nuclear Iran.

We must not be fooled by negotiations that only stall and continue to create the opportunity for greater disaster down the road. Prime Minister Netanyahu said no one would be happier than he if Iran gave up its nuclear quest. But there are many around the world who would be happy because we all know the world would be a far safer, more peaceful place without a nuclear Iran. While we all desire a peaceful resolution, negotiations must not be a stalling tactic or an excuse for inaction.

Thursday of this week is Holocaust Remembrance Day. As we pause to remember and reflect on this past tragedy, the United States must act to prevent a nuclear Iran and the real possibility of a future tragedy. The world cannot again look the other way.

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. PAUL. 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.

AID TO EGYPT

Mr. PAUL. Mr. President, I rise today to speak to an amendment that would end aid to Egypt until they end the prosecution of our U.S. citizens. I offered this amendment earlier this spring when Egypt was detaining our citizens—these prodemocracy workers—and was not letting them leave the country. Since then, they have let them leave the country but sort of in an insulting fashion in the sense they have let them leave when we paid, basically, ransom. We had to pay about $5 million in ransom—$300,000 per person—to let these people leave Egypt.

So they came home, but Egypt still could only get its aid if the administration certified they were pro democracy. Within days, Secretary Clinton did release the aid and said they were achieving their democratic goals. I wrote a letter to Secretary Clinton asking her not to do this because the prosecutions still go on. These American citizens who were allowed to leave the country had to pay $300,000 in bail but they also had to sign a statement saying they were coming back for the trial.

Everybody said, well, I doubt they are ever going back to Egypt for these show trials. But it gets worse. It turns out in December of last year, President Obama signed an Executive order—this is Order No. 13524—that gives Interpol, the international police organization, immunity in our country. We also have an extradition treaty with Egypt,

meaning if you are accused of a crime in Egypt, we can send you back.

The danger is whether these pro-democracy workers are safe in the United States. We have Interpol agents in the United States who now have immunity and we have an extradition treaty with Egypt. There are definitely problems with allowing this to go on. This is an indication to me that maybe Egypt is not pursuing democratic goals, and that certifying them as a democratic country is perhaps not in our best interest, and maybe sending nearly $2 billion of taxpayer money to Egypt, which continues to prosecute our citizens, is not a good idea.

Let me give an example of what Interpol is doing. Interpol recently took a Saudi journalist from Malaysia and sent him back to Saudi Arabia. Do you know what the crime was? He was accused of blasphemy. He was accused of the religious crime of apostasy. Do you know what the penalty in Saudi Arabia for blasphemy is? The death penalty. So we are now using an international police agency to go into a sovereign nation, where someone is accused of a religious crime and is sent back to a country where they can be put to death. This alarms me.

People say, oh, that could never happen in America. Well, right now, the President has allowed Interpol, through an Executive order, through the President's signature, to have diplomatic immunity in our country. For all I know, Interpol could be at this very moment looking for American citizens in this country and trying to get those people and extradite them to Egypt. This is a problem. This is why you don't want an international police force to operate within your sovereign Nation. There can be cooperation, but you don't want impunity and immunity for an international police force within your borders.

So I will introduce again an amendment to this bill and this amendment will say no aid to Egypt until they end this prosecution; no aid to Egypt until they end these red letter warrants they have asked for on U.S. citizens to be extradited to Egypt. We can't allow U.S. citizens to be sent to a foreign country to be tried in that country where blasphemy is a crime. Those are not American values, those are not American ways, and we cannot allow U.S. citizens to be subject to foreign laws and foreign crimes.

I will ask today for a vote on an amendment that will end Egyptian aid or at least delay Egyptian foreign aid until they relinquish this prosecution of our citizens.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. 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.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

21ST CENTURY POSTAL SERVICE ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the motion to proceed to the motion to reconsider the vote by which cloture was not invoked on the motion to proceed to S. 1789 is agreed to. The motion to reconsider the vote is agreed to, and the Senate will resume consideration of the motion to invoke cloture on the motion to proceed to S. 1789, upon reconsideration. The Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 296, S. 1789, a bill to improve, sustain, and transform the United States Postal Service.

The PRESIDING OFFICER. Under the previous order, there will be 10 minutes of debate equally divided and controlled between the two leaders or their designees.

Mr. LIEBERMAN. Mr. President, I rise to urge all of our colleagues to support the pending cloture motion filed by the leaders so we can begin a debate that will help decide whether the U.S. Postal Service—this iconic American institution created more than two centuries ago, embedded in the Constitution, created in the age of inkwells and quill pens—will survive in the age of e-mail and the Internet.

To me, this cloture vote should be an easy one because if we vote against cloture, we are essentially saying two things: One is we don't want to do anything. If we don't do anything, the Postal Service is going to run out of money and hit its borrowing limit later this year, forcing us to miss payments and unnecessarily begin to shut back or close down operations, which is the last thing the country needs at this point.

Frankly, the other thing we will do if we think we should do nothing is to leave the Postmaster General, the Postal Service, with an unlimited right to take steps that I believe a majority of Members of this body don't want to be taken precipitously without considering the alternative. That alternative is closing thousands of post offices around the country, including small towns in rural areas, and dramatically and quickly cutting back on the number of mail processing facilities, and therefore the standards by which mail is delivered and the speed with which it is delivered in this country. So I hope our colleagues consider this an easy vote, which is simply not to turn away from the crisis the Postal Service is in.

Senator COLLINS and I are joined by Senator CARPER and Senator SCOTT BROWN. We have a substitute that is a bipartisan proposal that I think will help save the post office but also force it to begin to make tough cost-efficient steps to keep itself in fiscal balance.

Let me give a sense of the scope of this matter. The Postal Service today, if it were a private corporation, would be the 35th largest company in the United States based on revenue, putting it just ahead of Apple. It would be the country's second largest employer just behind Walmart. The 32,000 post offices in America represent more domestic retail outlets than Walmart, Starbucks, and McDonald's combined.

These are big numbers, and the post office has a storied history. But today it is a troubled business and, frankly, on the verge of insolvency if we don't act—in part because of the recent economic recession but mostly because of the transformational impact of the Internet. The Postal Service has had a 21-percent drop in mail volume in the past 5 years, and, of course, a corresponding cut in revenue. As more businesses and communication move online, mail volume is inevitably going to continue to decrease.

In fiscal year 2011 the Postal Service took in $65.7 billion but had expenses of $70.6 billion. This $5 billion loss would have actually been twice that if Congress had not delayed the due date for a statutorily required payment to the retiree health plan due at the end of the fiscal year. That followed record losses of $8.5 billion in 2010. This simply cannot continue. As I said earlier, if nothing is done, the Postal Service will not have enough money to pay its bill.

Please vote for cloture. We have a good, solid substitute that is a major reform with some due process that will make the post office leaner and more efficient. It will dramatically reduce the number of employees and the number of facilities the post office maintains, but it will do so in a way that I think is evolutionary and not Draconian either to the Postal Service or the impact it would have on the millions of people who depend on the post office and will continue to every day.

There are a lot of different ideas about how to fix the post office. Some people don't want us to make any changes, and that is the road to bankruptcy. Some people want us to make Draconian changes right away, and I don't think that is appropriate. So I ask for a vote for cloture.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I am very pleased to join with the chairman of the Homeland Security Committee in urging all of our colleagues to cast a vote for cloture on the motion to proceed to this vitally important bill.

There are many different views on how to save the Postal Service, but there can be no doubt that the Postal

Service is in crisis. We are at a critical juncture. Without passing legislation, the Postal Service will simply be unable to meet its payroll, perhaps as soon as this fall. We simply cannot allow that to happen.

The Postal Service is vital to our economy. It is the linchpin of a trillion-dollar mailing industry that employs nearly 8.7 million Americans in fields as diverse as printing, catalog companies, paper manufacturing, and newspaper and magazine publishers. These industries and the jobs they sustain are in jeopardy. If we fail to act, we will deliver a crippling blow to the Postal Service.

As Senator LIEBERMAN has indicated, the Postal Service is in crisis. It has lost more than $13 billion just in the past 2 years. First-class mail volume has dropped by 23 percent over the past 5 years and 12 percent over the past 2 years. The Postal Service has a debt to the U.S. Treasury of $13 billion and will max out its credit limit of $15 billion this year.

We have to address this crisis. It would be irresponsible for Members to simply vote no on the motion to proceed if they have other ideas on how to address this crisis. I have urged a full and open and fair amendment process so that Members can bring forth their alternative plans for saving the Postal Service. We simply cannot allow the Postal Service to fail. The stakes are too high for our economy and for Americans across this country.

Finally, I would remind my colleagues that the Postal Service's roots go back to our Constitution. This is an organization that is vital to our heritage and to our future. I urge a ''yes'' vote for the motion to proceed.

I yield back the remainder of the time on our side.

Mr. LIEBERMAN. I would do the same.

The PRESIDING OFFICER. All time is yielded back.

CLOTURE MOTION

Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

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 Pryor.

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, upon reconsideration, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from Vermont (Mr. LEAHY) are necessarily absent.

I further announce that, if present and voting, the Senator from Vermont (Mr. LEAHY) would vote ''yea.''

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. HATCH) and the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. (Mr. TESTER). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 74, nays 22, as follows:

[Rollcall Vote No. 66 Leg.]

YEAS—74

Alexander	Franken	Murray
Ayotte	Gillibrand	Nelson (NE)
Barrasso	Grassley	Nelson (FL)
Begich	Hagan	Portman
Bennet	Harkin	Pryor
Bingaman	Hoeven	Reed
Blumenthal	Hutchison	Reid
Blunt	Inouye	Roberts
Boozman	Isakson	Rockefeller
Boxer	Johnson (SD)	Sanders
Brown (MA)	Kerry	Schumer
Brown (OH)	Klobuchar	Sessions
Cantwell	Kohl	Shaheen
Carper	Kyl	Snowe
Casey	Landrieu	Stabenow
Coats	Lautenberg	Tester
Cochran	Levin	Thune
Collins	Lieberman	Udall (CO)
Conrad	Lugar	Udall (NM)
Coons	McCaskill	Warner
Corker	McConnell	Webb
Cornyn	Menendez	Whitehouse
Durbin	Merkley	Wicker
Enzi	Moran	Wyden
Feinstein	Murkowski	

NAYS—22

Baucus	Heller	Paul
Burr	Inhofe	Risch
Cardin	Johanns	Rubio
Chambliss	Johnson (WI)	Shelby
Coburn	Lee	Toomey
Crapo	Manchin	Vitter
DeMint	McCain	
Graham	Mikulski	

NOT VOTING—4

Akaka	Kirk
Hatch	Leahy

The PRESIDING OFFICER. On this vote, the yeas are 74, the nays are 22. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, upon reconsideration, the motion is agreed to.

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank the Chair, and I thank our colleagues for a very strong vote which says to me that Members of the Senate, across party lines, understand that the Postal Service is a historic and also important part of America's future. It needs to change. It is in the midst of a real and dangerous fiscal crisis. We may differ about how to react to that crisis, but this strong cloture vote says to me that three-quarters of the Members of the Senate at least are ready and eager to debate and to pass something that will save the Postal Service from bankruptcy and the implications that would have for our economy overall. The billions of dollars or hundreds of billions of dollars of our economy that depend on the mail would be compromised, and our economy and jobs would be further hurt.

I hope that as the day goes on—obviously, with the strong vote for cloture, we now proceed to a 30-hour period of debate on the matter, but I certainly hope that as the day goes on and the members of both caucuses and the leaders talk we can find a mutually agreeable path not to spend the 30 hours on the debate on this motion to proceed but that we go right to the bill.

At that point, Senator COLLINS and I, along with Senator CARPER and Senator SCOTT BROWN, will file a bipartisan substitute amendment which we have worked on which we hope will be the pending matter and then have an opportunity for people who have a different point of view about how to deal with this fiscal crisis of the post office—not to avoid dealing with it—people will have an opportunity to present amendments, and the body will work its will, which is the most important thing.

There are too many great national problems the Congress is not dealing with because of partisanship, because of ideological rigidity, because of an unwillingness to do what has to be done in our system of government, which is to compromise—not to compromise your principles but to understand that in a representative body such as the Senate, representing a country as big and as diverse as ours, you rarely can expect to get 100 percent of what you want. The aim should be to make progress, to get at least 50 percent of what you want and to let the other side get some of what they want as well.

So I would like to deliver now an opening statement and then hope that the ranking member, Senator COLLINS, will do the same on the bill, the substitute, which is S. 1789.

I am convinced that the substitute will help make the Postal Service leaner, nimbler, and more cost efficient, while still maintaining the service we Americans need to live our daily lives and to keep our economy going. But I want to be clear: This bill alone is not going to save the U.S. Postal Service. The changes occurring around it and within it are too deep. It will represent a very significant step forward. It will save the Postal Service, as we will indicate as this debate goes on, save billions and billions of dollars annually, and put the Postal Service back on the road to fiscal balance.

I view this bill as a bipartisan compromise, as the middle way between two different approaches to the fiscal crisis at the Postal Service, one that to a certain extent wants to wish it away, to say that really nothing has to change and we just have to find more ways—a different business model—we

have to find more ways for the Postal Service to make money, and we can just keep on doing business as we are doing. The end result of that is that either the Postal Service will collapse of its own weight or the Federal Government—the taxpayers—will be expected to bail it out, and I don't think that is what the American people want us to do. So one way is to do nothing.

The other way is to impose what I would call kind of an immediate overreaction—close thousands of post offices that people depend on across the country, close hundreds of mail processing facilities, which will mean that people will not be able to get their mail and businesses will not be able to realize the expectation of timely delivery of the mail. And it will have a negative impact on this economy of ours which is still struggling to come out of a recession.

We are offering a middle way here that will provide real and substantial savings from the current operating picture of the post office, which is in severe debt and lost more than $13 billion over the last 2 years, but will do it with due process, will do it in a way that requires the post office to look at every alternative before closing post offices that are so important to people in most every area of our country.

This bill, in other words, is an important beginning, and it will allow the Postal Service more time to continue working with its customers, its employees, Congress, and others to develop a balanced approach to what we need it to do in an age when almost every piece of communications that can be digitized is being digitized and sent over the Internet.

But if I may, I would like to step back and offer just a little bit of history because we are dealing with a current problem, but there is a rich history when you talk about the U.S. Postal Service.

It is kind of an accidental irony, a coincidental irony of the Senate bill numbers that this bill turns out to be S. 1789 because 1789 was the year the first Congress under the Constitution was seated. Among the duties of that founding body was the charge under article I, section 8, and I quote, ''to establish Post Offices and Post Roads.'' In fact, in the list of congressional powers detailed under section 8, creating the postal system comes before the creation of an army, a navy, or Federal courts. That is how important the Founders felt this public function would be to our new government, particularly in a democracy, how important communication was, and, in a country that had ambitious economic and commercial dreams right from the beginning, that the ability to communicate through a post office would be critically important to commerce and job creation.

In the Revolutionary era, it was the post office, under the direction of our first Postmaster General, Benjamin Franklin, that sped communications among the members of the Continental Congress and the American Revolutionary military as well as delivered letters and newspapers from across our fledgling Republic that helped keep the citizens of our new country abreast of events in faraway cities and towns.

If you read some of the histories of the Revolutionary War, some of the great biographies done of the founding generation of Americans, that extraordinary and gifted group, you see the role the post office and postal communications played in their ability to keep in touch with each other. And some of the most important communications occurred, for instance, between the government and the military.

Ever since that early period of American history, the post office has had a tradition of aiding progress and innovation. Maps from the early days of our Republic show that many of the roads we still depend on today—if I may be parochial, I will cite I–95 in Connecticut and a lot of other places along that path—still follow and in some cases are built on top of old post roads.

The job of maintaining Samuel Morse's first telegraph line between Washington and Baltimore was entrusted to the post office. And it was a former Postmaster General who helped Morse expand his transformational network of telegraphs and communications to other cities in our country. But that network grew slowly, so to keep our Nation connected with its frontiers way out in places such as Montana, I might say to the occupant of the chair, the post office helped sponsor the Pony Express. That was a great early example of what we talk about a lot but do not do as much as we should—public-private partnerships. The Pony Express filled a necessary gap in communications until the telegraph finally spanned our Nation coast to coast.

The post office's subsidies for airmail in the early days of aviation helped jump-start the fledgling airlines and air freight industries, which, of course, we all depend on so much today.

I will not repeat what I said in my statement about the scope of the Postal Service today when I spoke earlier in support of the vote for cloture, but I will just repeat and say that if the post office were a private corporation, it would be the 35th largest company in the United States just ahead of Apple; that is, by revenue. It would be the country's second largest employer just behind Walmart. Its 32,000 post offices across America represent more domestic retail outlets than Walmart, Starbucks, and McDonald's combined.

But perhaps because of some of that, certainly notwithstanding it, the post office is today a troubled business. I want to speak honestly and directly. It is on the verge of insolvency if we do not act. Part of the problem more recently, obviously, is the impact of the economic recession we are in, but the big problem is one that is not going to get better; that is, business loss to the Internet has led to a 21-percent drop in mail volume in the past 5 years and a slump in revenue as a result. You have to be unrealistic to say anything other than that this trend is going to continue and that mail volume will continue—first-class mail volume will continue to decrease. As I mentioned, there has been $13 billion in deficit in the last 2 years—running a deficit in the last 2 years at the post office. It would have been $5 billion more if Congress had not come along and delayed the due date for a statutorily required retiree health care prefunding payment that was due at the end of the last fiscal year.

This simply cannot continue. This is one of those bills that come along not because you are excited about doing it but because you have to do it. If we do not act, I repeat, two things are going to happen: Either the Postal Service will become insolvent and have to cut back its operations or the Postmaster will use authorities he has under the current law to close a lot of post offices and mail-processing facilities and cut back service. And I know Members across party lines do not want that to happen precipitously.

Let me now describe some of the major parts of the substitute bipartisan bill that has come out of our committee.

The bill includes the two measures that will relieve some of the immediate financial pressure on the Postal Service. The first is based on an Office of Personnel Management determination that the Postal Service has overpaid its contributions to the Federal retirement system by roughly $11 billion. Call it a misunderstanding, call it a clerical error—it is fortuitous for the Postal Service and the trouble it is in. Our bill directs OPM to refund this money to the Postal Service and then directs the Postal Service to use this money to provide retirement incentives to employees and to pay off some of its debt.

Let me explain what I mean about those incentives. S. 1789, the substitute, would direct the Postal Service to use part of these refunds in the Federal Employee Retirement System to reduce its labor costs, which make up about 80 percent of its budget. There is no way the Postal Service is going to get back in balance without continuing to do what it has been doing, by tens of thousands, reducing the number of employees it has. But the aim here is to do that as a result of a voluntary buyout program.

The fact is that approximately half of the Postal Service's current workforce is eligible for either full or early retirement, and if 100,000 workers took advantage of the program—which is below the full amount eligible—the Postal Service would save $8 billion a year. That is the single most significant saving item in the package that we bring before you today. We set a goal here, which is that the Postal

Service should aim to reduce its workforce with this incentivized retirement program by approximately 100,000 workers or 18 percent of its current workforce.

Our bill also reduces the amount the Postal Service must pay into its retiree health benefits account over the next 40 years. The current formula of scheduled payment was part of postal reform passed some years ago. We conclude that the payments required are larger than necessary to sustain the viability of the retiree health benefits plan, so we mandate an updated amortization schedule to fund postal retirees' health care in the future. It is not just an arbitrary number. We think that means the Postal Service is likely to see a significant cut in its annual $5 billion bill to prefund retiree health care, which, of course, would take further stress off the Postal Service's annual operating budget. We expect, as the debate goes on, to have as close as possible an exact projection of how much that change would save for the Postal Service itself.

Now let me talk about some of the proposals that the Postal Service and Postmaster have made that have been most controversial.

First, Saturday deliveries and canceling most Saturday deliveries. The Postal Service has said it can save $3.1 billion a year by cancelling Saturday deliveries to individual homes and businesses. It is not something you want to do, but if you are looking to get this institution back into balance and keep it alive, it is one of the things we are probably going to have to do. The Postal Rate Commission agrees that ending most Saturday deliveries will save a lot of money, but says their savings estimate is $1.7 billion a year versus the $3.1 billion figure from the Postal Service.

Either way, we are talking about a substantial reduction in costs, and one we may have to face. Our bill recognizes that ultimately it may well be necessary to switch to 5-day delivery. I say it is going to be necessary to switch to 5-day delivery. But we require the Postal Service to follow a certain path over the next few years before that significant step—6 to 5 days—is carried out.

They first have to determine, according to the bill, if the other cost-saving measures in the bill have made canceling Saturday service unnecessary. We can hope that would happen, but I am skeptical that it will.

If a 5-day schedule is deemed necessary, the Postal Service must then submit a plan to Congress, the GAO, and the Postal Rate Commission on how it plans to cushion the negative effect on the businesses and communities it serves.

GAO and the PRC will then submit their own studies to Congress on this matter. If the PRC and the Comptroller General conclude that the change is necessary to allow the Postal Service to achieve long-term financial solvency, then 2 years from adoption the Postal Service will implement a 5-day delivery schedule.

What about the closing of post offices, which has created a lot of concern all across America in response particularly to the Postmaster announcing a list of 3,700 post offices that are possible candidates for closure? One of the things we found in response to this is exactly what I have found over the years in Connecticut. The local post office is not just a place where mail and packages pass through; it becomes a local institution of community significance. It is hard to convince people they should be closed. People are attached to their local post office, not just in small towns and rural areas—especially there—but in a lot of other places, including cities and neighborhoods in a State such as my own State of Connecticut.

The reality is we cannot afford to continue to have as many post offices as we do, operating in the way they do. So our bill would improve the present law covering post office closures. It doesn't prohibit them, but it requires more public participation and due process, and it requires the Postal Service to issue comprehensive retail service standards to ensure that communities throughout the country have access to retail postal services if their current post office needs to be closed—in other words, to look for ways to consolidate retail postal services. Perhaps they can put the retail postal service in a State or local government office building or perhaps put it in a retail establishment or a Wal-Mart or whatever to make sure that the services are maintained in a more cost-effective way, even if the local post office is not.

The bill also requires that the Postal Service take steps before closing a post office that it does not now have to take, including offering a community these other options I have talked about, such as keeping the post office open with more limited hours or permitting private contractors or rural carriers to provide the services the local post office is now providing.

Another one of the controversial proposals the Postmaster made is to close 232 of its current 461 mail processing facilities—not the post offices, but the places the mail goes to be processed so it can get from where it is sent to where it needs to be delivered. The truth is there is excess capacity in this system now, and the Postal Service has to eliminate some of that excess capacity.

However, the bipartisan substitute proposal basically requires that care be taken so this is done in a way that does not compromise the service standards necessary to maintain the current customer base. In other words, we have to reduce expenditures, but if we do it precipitously, as some of our colleagues will propose amendments to do, the net effect is that less people will use the post office, because they will not get the needed service and, as a result, revenues will drop, and probably even greater.

The substitute amendment, therefore, permits the Postal Service to eliminate excess capacity in the mail processing system but again requires the Postal Service to maintain a modified overnight delivery standard—a bit reduced from what it is now, but still there, particularly for the local delivery areas.

The maximum standard delivery time—and most people probably don't know this—the Postal Service accepts a maximum delivery time of 3 days to deliver a letter mailed anywhere in the continental U.S.; it has to be delivered anywhere else in the continental U.S. within 3 days. That will remain unchanged. The Postal Service would be required to maintain a sufficient number of processing facilities to meet these delivery standards but could otherwise close unneeded facilities.

So far, I have talked about the cost side of the ledger. S. 1789, the substitute, also gives the Postal Service tools to bring in fresh revenues by offering new products and services, specifically authorizing contracting with State and local governments to issue State licenses, authorizing for the first time the Postal Service to do what some of the private shippers do—shipping beer, wine, and distilled spirits, and provide notary services or provide specialized Internet services.

Our bill would also create an advisory commission of prominent citizens and charge them, within a set period of time, to reconsider the Postal Service's current business model and provide it with a strategic blueprint for the future that will enable it to both continue to exist and provide the services people want, but to do so in a way that balances its budget.

Finally, it creates a chief innovation officer at the Postal Service whose job is to continue to find ways to innovate and build on not only the constitutional responsibility to maintain the Postal Service and post offices but to do so in a way that is innovative and builds on the irreplaceable assets the Postal Service has, particularly the capacity to deliver to the last mile anywhere in this country.

These reforms are necessary. They will make the post office smaller and more cost efficient. As a result of this bill, there will be fewer employees at the post office and fewer facilities. You have no choice but to bring that about.

But this bill will keep the Postal Service alive. I think it will keep it well and it will put it on a path to surviving forever but in a different way, because the environment in which it is operating, because of the Internet, simply has changed. Despite its shrinking stream of posts and parcels, here is the reality we are dealing with and what would be affected if the Postal Service is to begin cutting back its operation.

The Postal Service still delivers 563 million pieces of mail every day. Only the Postal Service, for the price of a

stamp, will go literally that last mile to ensure delivery to every business and residence in America, using burros in the Grand Canyon and snowshoes in Alaska, doing whatever is necessary to make that happen.

What Federal agency, if I can go to another service the Postal Service gives, could process—think of the unthinkable—6.7 million passport applications a year if the Postal Service weren't there.

These are some examples and suggestions of the fact of what is possible but also proving that the Postal Service is not just a relic of the 18th century; it is a pivotal part of the 21st century.

The computer age poses unique challenges to the Postal Service, and the day may come when we will send and receive mail, get most of our magazines and books, and pay our bills on electronic devices that are reliable and secure. But honestly the day will never come when we can send physical things across the Internet between homes and businesses—such as medicine, clothing, household and business supplies, and even spare parts for those computers we use so much.

The Postal Service is unique, and its network of support facilities and dedicated employees stands ready to deliver to every home, store, business, and factory in America. That is why we have to act to make sure it continues to be able to do that.

Let me go back to the first Postmaster General, Benjamin Franklin, who always had a lot of good things to say that even seem relevant centuries after. Franklin said, ''By failing to prepare, you are preparing to fail.'' This bill offers preparations to succeed, to make sure the Postal Service never fails.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I ask unanimous consent that I be permitted to speak for up to 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Today, the Senate begins debate on reform legislation to save an American institution—the U.S. Postal Service. Our Founding Fathers recognized the importance of having a postal service. Article I, section 8 of the Constitution gives Congress the power to establish post offices. The Postal Service is also required by law to provide the entire population of the United States with adequate and efficient postal services at a fair and reasonable rate. This is called the universal mandate, and it ensures that the Postal Service cannot leave behind rural States and small towns.

The Postal Service, which has delivered news to generation after generation of Americans, is at great risk of not being able to make its payroll by this fall, according to the Postmaster General himself. My point is that this crisis is very real. The Postal Service is in debt to the U.S. Treasury by $13 billion. By the end of the year, it is likely to reach its statutory debt limit of $15 billion. Driving this crisis are many factors, not the least of which is that the volume of its first-class mail has fallen by 26 percent since 2006 and continues to decline as this chart shows. Reflecting that sharp drop in volume, revenue has plummeted from $72.8 billion in 2006 to $65.7 billion in 2011.

The Postal Service is part of our culture and economic fabric. Its failure would deliver a crushing blow to our economy at a time when the economy is already fragile, and it would be particularly harmful to people living and working in rural America. That means we must pass a bill. Doing nothing is only an option if we are willing to let the Postal Service fail. That is the choice we face. Failure would imperil a vital component of our economy, for the Postal Service is the linchpin of a $1 trillion mailing and mail-related industry that employs nearly 8.7 million Americans in fields as diverse as direct mail, printing, catalog companies, magazine and newspaper publishers, and paper manufacturing, to name just a few. In my State, nearly 38,000 Mainers work in jobs related to the mailing industry, including thousands at our pulp and paper mills, such as the one in Bucksport, ME, which manufactures the paper for Time magazine.

The rapid transition from traditional mail to electronic communication has come at an enormous cost to the Postal Service. The loss of so much mail, coupled with unsustainably high labor costs and exacerbated by the worst recession in decades, has left the Postal Service on the brink of collapse. Despite these headwinds, the Postmaster General is inexplicably forging ahead with plans to abandon current mail service standards in favor of reduced access, slower delivery times, and higher prices. His plans, I fear, will force many of the Postal Service's best customers to pursue delivery alternatives. I cannot think of another major business in serious financial trouble that would risk alienating its remaining customers by slashing service and raising prices. That is a recipe for disaster.

We recently learned the Postal Service's own preliminary analysis—submitted secretly to its regulators—reveals that the destructive service reduction plan to slow mail delivery and shut down postal plants will lead to a more than 9-percent decrease in first-class mail and a 7.7-percent reduction in all mail. The Postal Service itself made a preliminary estimate that the first year losses alone would be $5.2 billion. That would consume a major portion of any supposed savings intended by the Postal Service's plan.

Of course, now that these numbers have become public, the Postal Service is backpedaling rapidly and criticizing its own estimates, claiming the survey questions gave the respondents—postal customers—too much information about the drastic nature of the proposed service reductions before asking if these mailers would likely pull out of the system in response to these changes. If the Postal Service is aware of a legitimate methodological flaw in the study, then I would urge a public release of the study and an explanation for why it was submitted to the regulators if, in fact, it is so flawed.

The findings of the survey do not surprise me. They are consistent with what I am hearing from major postal customers. Mailers are all too aware of the destructive course postal leaders are pursuing. Once customers turn to communication options other than the mail system, they will not be coming back, and the Postal Service will be sucked further and further into a death spiral. Companies large and small that rely on the mail tell me if service continues to deteriorate, they will conduct more business online and encourage their customers to switch to online services for bill paying and other transactions.

Let me give an example from Bangor, ME, which illustrates this economic reality. A small business owner from the hometown in which I am living now sent me an e-mail he received from the company that processes his payroll. In the e-mail, the payroll company reminds the small business owner that the Postal Service intends to close a nearby processing center in Hampden, ME. The payroll firm recommends the best option for the small business would be to move to an electronic option outside the mail system. It also offered another option of using nonmail delivery or pickup services.

My point is this example reflects the realities of commerce. Degrade service or raise prices and we don't get more revenue, we get fewer customers and less revenue.

One bright light for me, with respect to the bill we are considering, is that we first should do no harm in the form of hastening the volume decline through ill-conceived policy changes. That is why the downsizing of the labor force and excess capacity the Postmaster General has stated are critical to saving the Postal Service must be carried out in a way that preserves service and does not inflict avoidable harm on dedicated postal workers.

There are naturally strong opinions on what should be done to save the Postal Service, and the bill and the substitute we are bringing to the floor is the product of careful consideration of those competing positions and priorities. As with any bipartisan compromise, this is not the bill each of us alone would have crafted, but we came together because our goal of saving the Postal Service is so important. Senator LIEBERMAN, Senator SCOTT BROWN, Senator CARPER, and I consulted extensively with postal customers, both business and residential, with postal workers, with the Postmaster General, the GAO, the administration, and local communities deeply committed to preserving their postal facilities. We have

deliberated together literally day after day, meeting after meeting on these complex issues. The product of these deliberations—the 21st Century Postal Service Act—provides the right tools to the Postal Service, with the right checks and balances, to set it back on course.

First, let me give our colleagues some background. The first thing we did was analyze the Postal Service's costs. The fact is labor-related expenses are responsible for 80 percent of the Postal Service's costs. It is always painful to recognize that workforce costs are simply too high, especially when the employees are as dedicated as those working at the Postal Service. Avoiding reductions in these expenses is simply not an option as we hope to save as many jobs as possible, both within the Postal Service and within the broader mailing community. But we can do so in a compassionate, fair way.

Our bill would transfer to the Postal Service the nearly $11 billion it has overpaid into the Federal Employees Retirement System. We would direct the Postmaster General to use a portion of this money for retirement and separation incentives in order to reduce the size of the workforce compassionately. Let me emphasize—because there are misunderstandings on this point—the refund from FERS—the Federal Employees Retirement System—is not taxpayer money. It was contributed by the Postal Service using ratepayer dollars. It is an overpayment that was identified and confirmed by the actuaries at OPM and verified by the GAO.

In fact, GAO recently confirmed OPM's assessment that this figure now has risen to nearly $11 billion. We would encourage early separation and retirement incentives, capped at the current Federal limit of $25,000, combined with retirement incentives, such as giving an extra year of service credit if the postal worker is in the CSRS system—the old Civil Service Retirement System—or 2 years if the worker is in the FERS system. That would allow the Postmaster General, by his estimate, to compassionately reduce the workforce by about 100,000 people, a goal he has said in the past was necessary to achieve solvency.

Let me give our colleagues another important fact. More than one-third of all postal workers are already eligible for retirement, so these incentives should be effective and, as the chairman indicated, would save an estimated $8 billion a year.

The bipartisan legislation also includes a new requirement that arbitrators rendering binding decisions in labor disputes consider the financial condition of the Postal Service. I know it may defy belief that an arbitrator would not automatically consider the looming bankruptcy of the Postal Service when ruling on contract disputes, but some previous arbitrators have disregarded this factor in their decisions because the requirement to consider it was not explicitly listed in law. We would remedy this problem.

For the first time in 35 years, the bill also brings sorely needed commonsense reforms to the Federal workers' compensation program—not only at the Postal Service but across the Federal Government. But why is this particularly important to the Postal Service? Forty percent of workers who are on the long-term rolls for Federal workers' comp are postal workers. The Postal Service contributes about $1 billion a year in Federal comp costs.

This program, intended as assistance for injured workers to help them recover and return to work, currently has more than 10,000 postal and Federal employees age 70 or older, 2,000 of whom are postal employees. They receive a higher payment on workers' comp than they would under the standard retirement program, even though it is obvious at that age they would not be returning to work. In fact, 430 of these workers, Federal and postal, are over 90 years of age and 6 workers are 100 years old or older. These employees clearly are never going to return to work, and they should be switched to the normal retirement system.

It is unfair to employees who are working to the normal retirement age. It does not serve injured workers well. It also imposes an enormous financial burden on the Postal Service.

Our bill, I would note, in its workers' comp reforms, is very similar to the reforms proposed by the Obama administration. It would make benefit levels more comparable to what the majority of States are offering their workers. Let me describe just a few more of these issues.

First, for people past retirement age the median annual workers' compensation benefit is 26 percent higher than the median benefit received by Federal and postal workers who retire under the regular retirement system. Thirty-nine of the 50 States pay their workers' comp recipients two-thirds or less of their salary. Yet most Federal beneficiaries receive 75 percent of their salary, and that is tax free.

The program has also been shown to be highly vulnerable to fraud and abuse. That is not good for workers who are truly injured and need the help of this program. Let me mention two flaws. The program relies heavily on self-reported data, and it does not now require the use of independent physicians to assess the initial or continued eligibility of claimants. These vulnerabilities are not hypothetical, but they surely are costly.

The IG of the Department of Labor reports that the removal of a single fraudulent claim saves on average $300,000 to $500,000. When the IG reviewed over 10,000 claimant files a decade ago, there were irregularities in almost 75 percent of the cases. That resulted in benefits being reduced or ended for more than 500 claimants, saving almost $5 million a year in benefits that otherwise would be paid.

I note that the Obama administration has proposed many similar changes and also has recommended that they apply across the board so we do not have two different systems. We agree.

I want to move to another issue about which there has been a lot of discussion. The Postal Service blames some of its financial woes on a 2006 requirement to prefund its retiree health plan—a requirement the Postal Service endorsed at the time, I might add. The Postal Service currently owes $46.2 billion to cover the costs of the promises it has made to provide health care to future retirees. That unfunded liability is not going away. Nevertheless, the payments for retirement health benefits could be eased by coming up with a new amortization schedule that stretches out the payments. That is what we have done.

We have established a 40-year amortization schedule for the unfunded liability, and we would also reduce the requirement that the fund reach 100 percent of the liability. We have changed that to 80 percent, which is more consistent with what is done by the private sector.

I note this would reduce the annual payment by approximately $2 to $3 billion while still keeping promises to workers and avoiding a taxpayer bailout. Our bill gives authority to the Postal Service to save money through greater efficiency in its operations. We do so in a way that ensures that rural America will not be left behind. As the Presiding Officer is well aware, across America communities are up in arms over the Postal Service's plans to close about 3,200 post offices. It has become clear to me, in looking at the specifics, that common sense often is not applied in these decisions.

We do not mandate that every single post office remains open nor do we dictate that an arbitrary number should close. Instead, our bill requires the Postal Service to work with the Postal Regulatory Commission to establish for the first time clear standards for what constitutes reasonable access to postal services for communities and for customers. These would be developed by considering important factors, including distance, travel time, access to transportation, weather, and geography.

That means if the Postal Service tries to close a post office and that closure would result in this new service standard being violated, the community, under our bill, could appeal the closure to the Commission. If the Commission agrees, its binding decision would require the service to be preserved.

The Presiding Officer, Senator TESTER, and Senator MORAN from Kansas have worked very hard on the language in this provision. I thank them for that. What is more, the bill requires the Postmaster General to work with communities to offer cost-saving alternatives to full-time, full-service post

offices in lieu of totally shuttering a beloved post office in the heart of town.

There are so many options the Postal Service could use. For example, moving the post office into a retail store, providing hours part time—say at 7 to 9 in the morning, when people are going to work, or 5 to 7 in the evening when they are coming home. We need to be creative. In recent months we have seen the Postal Service announce a number of Draconian measures, including the closing of hundreds of processing plants and implementing disastrous service standards changes, including a proposal to do away with overnight delivery, one of the real advantages the Postal Service has.

Our bill takes a better approach that helps the Postal Service rightsize its excess capacity while still maintaining what is one of its most valuable assets: its ability to deliver mail overnight to many areas.

Let me give another example. The Postal Service has proposed closing one of two processing plants in the State of Maine, the one that is located in Hampden, ME, in the central eastern part of our State. That means for northern Maine communities that are sending mail between those communities, the letter would have to take a roundtrip of more than 600 miles to be processed and returned. That makes no sense at all. It clearly will lead to a marked slowness in delivery, a deterioration in service, and, I would argue, probably to more costs. That plant could be downsized, but it should never be closed.

There are so many options that need to be pursued by the Postal Service in order to prevent service from deteriorating and delivery times from lengthening because, once again, that will drive more mail out of the system, and that is the last thing the Postal Service needs.

I would say that many postal employees have pointed out to me, as has the inspector general, that there are excessive bureaucratic costs at the Postal Service. For example, the Postal Service—even though it is insisting on closing all these facilities—already has over 67 million square feet of excess property that it has yet to dispose of. The bill requires the Postal Service to devise a plan to close and consolidate these administrative offices around the country and to start implementing that plan within the year.

We have also encouraged collocation of postal facilities with other Federal agencies, an idea that Senator CARPER had to minimize excess capacity. We also authorized the Postal Service to convert delivery from front door to the curb where it is practical and cost effective. The Postal Service inspector general has estimated this could save as much as $4.5 billion a year.

Another controversial issue that we tackle in this bill is the Postmaster General's proposal to eliminate Saturday delivery. I have said repeatedly that I believe abandoning Saturday delivery will once again drive mail out of the system and do more harm than good. Our compromise prohibits eliminating Saturday delivery for at least 2 years so that cost-cutting reforms can be implemented. If at that point to achieve solvency the Postal Service needs to go to 5-day delivery, it can do so if it proves it has done everything else to cut its excessive costs. Again, reducing service should be the last resort, not the first option. Our hope is that the cost-cutting tools we provide the Postal Service in this bill will allow this service reduction to be avoided.

There is much more in this bill which we will discuss as the debate goes on. Today is just the first step in what I know is going to be a long journey. But the point is we must pass a postal reform bill. The House also has a bill that awaits floor consideration, and more compromises will have to be made along the way. But we cannot forget the urgency of this task.

I ask my colleagues to work with us during the upcoming floor debate, and I urge their support for final passage. The fact is it is up to us to preserve this vital American institution, the U.S. Postal Service.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:45 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

21ST CENTURY POSTAL SERVICE ACT MOTION TO PROCEED—Continued

Mr. LIEBERMAN. Mr. President, I know the Senator from Maryland, Mr. CARDIN, is on his way to the floor to make a statement. Pending that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

RACIAL PROFILING

Mr. CARDIN. Mr. President, I take this time to inform my colleagues of a hearing that took place this morning before the Subcommittee on the Constitution, Civil Rights and Human Rights of the Senate Judiciary Committee, chaired by Senator DURBIN. Senator DURBIN has been a leader in this body on making sure we have a committee that focuses on the issues of human rights. Today's hearing on racial profiling, ending racial profiling in America, was the first hearing we have had in Congress on racial profiling since the attack on our country on September 11. I congratulate Senator DURBIN for holding this hearing. I thought the hearing was very informative as to a problem we have in America on the use of racial profiling.

I know the Nation has been focused on the tragedy that took place in Sanford, FL, in which 17-year-old Travon Martin was killed, a clearly avoidable death, by Mr. Zimmerman. We first and foremost want to make sure justice prevails in this case. I know there is a case pending in Florida. We are all going to be watching that very carefully. There is a Federal investigation underway by the Department of Justice to look into circumstances concerning Travon Martin's death, to see what role race played in regard to that tragedy, not only as it related to Travon Martin's death but also as to the investigation that ensued.

A few weeks ago, I spoke about this issue at the Center for Urban Families in Baltimore. That is a group that is interested in urban family life. We came together shortly after Travon Martin's tragic death to talk about what had happened.

I was very much moved by so many people who came forward at that meeting and explained how they had been victims of racial profiling. A young woman talked about the time she went to a basketball game with her father and her father was pulled over and stopped by police for no apparent reason other than the color of his skin and how that impacted this girl, seeing her father held, unable to go to the basketball game. These types of victimization occur too frequently in our community, where people are picked out solely because of their race, their religion, their ethnic background.

We have a problem in this country, and we need to do something about that. The question that needs to be answered in regard to Travon Martin is was he initially pursued because of the color of his skin. Would Mr. Zimmerman have done the same if it was a White child rather than an African American?

In October of 2011, I introduced S. 1670, the End Racial Profiling Act. I am proud to have many colleagues as cosponsors, including Senator BLUMENTHAL, Senator BOXER, Senator DURBIN, Senator GILLIBRAND, Senator JOHN KERRY, Senator LAUTENBERG, Senator LEVIN, Senator MENENDEZ, Senator MIKULSKI, Senator HARRY REID, Senator STABENOW, and Senator MARK UDALL. I thank my cosponsors for joining me in this legislation.

This legislation would make it clear that racial profiling will not be allowed in this country. Racial profiling is un-American. It is against the values of our Nation. It is contrary to the 14th amendment of the Constitution, which

provides for equal protection under the law. It is counterproductive, and it doesn't keep us safe. We are using valuable police resources in a way that is wasting those resources. It is sloppy police work if you try to identify a problem by race rather than looking for good police work to identify the real perpetrator of a crime. It also creates a mistrust in the community they are trying to protect, a community that they need to help and to cooperate with as far as keeping the community safe. For all of those reasons, racial profiling should have no place in modern law enforcement. We need a national law.

I was impressed that in the hearing today there was general consensus that we have a problem in this country, that there is a problem of law enforcement using racial profiling, which should not be done. The bill, S. 1670, would prohibit the use of racial profiling. By making a decision based upon race, ethnicity, national origin, or religion, basically what you are doing is subjecting an individual to a spontaneous investigation. That should have no place. What we are talking about is someone being stopped for a routine traffic stop, subjected to a search, interrogated, or investigated based on that person's race or the scope and substance of law enforcement activities following an initial investigative proceeding are determined because of race. That should have no place in America.

My legislation would apply to all levels of government, not just Federal but State and local law enforcement. It requires mandatory training. And here is an issue on which I think we should all agree. Perhaps the tragedy that happened with Trayvon Martin would not have happened if Mr. Zimmerman had been trained on the issues of what is good police work and what is not good police work and how racial profiling needs to be eliminated. We feel very strongly about the need for mandatory training.

The legislation requires data collection by local and State law enforcement. State and local law enforcement must maintain adequate policies and procedures designated to eliminate profiling, and they must eliminate any existing practices that present or encourage racial profiling.

The Department of Justice has granted authority to make grants to promote best practices, so one jurisdiction can learn from another as to what the best practices are in order to make sure that this practice is not being used and that we are doing everything possible to keep communities safe by good police work, not by sloppy police work.

I wish to point out that the overwhelming majority of people who are in law enforcement do it the right way. We have dedicated men and women who work every day to keep us safe—our first responders. We owe them a debt of gratitude, we owe them our support, and we cannot say enough complimentary things about what they do every day by putting their lives on the line to keep us safe. So for the sake of what is right for America and for the sake of the overwhelming majority of the people who are professionals in law enforcement, we need to make it clear that racial profiling has no role in American law enforcement.

I am proud of the many groups that are supporting this legislation, including the NAACP, the ACLU, the Leadership Conference of Civil and Human Rights, and numerous other organizations.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the list of organizations that are supporting the legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CARDIN. Let me conclude by quoting our former colleague Senator Kennedy, who said that civil rights is the great unfinished business of America. Let's continue to fight to make sure we have equal justice under the law for all Americans. That is what the legislation I have introduced will do. The End Racial Profiling Act will continue us on that journey to provide equal justice in the law to all Americans.

EXHIBIT 1

GROUP ENDORSEMENTS OF END RACIAL PROFILING ACT

NATIONAL ORGANIZATIONS

A. Philip Randolph Institute; African American Ministers in Action; American Civil Liberties Union; American Humanist Association; American-Arab Anti-Discrimination Committee; American Probation and Parole Association; Asian & Pacific Islander American Health Forum; Asian American Justice Center; Asian Law Caucus; Asian Pacific American Labor Alliance; Bill of Rights Defense Committee; Blacks in Law Enforcement in America; Break the Cycle; Brennan Center for Justice at New York University School of Law; Campaign for Community Change; Campaign for Youth Justice; Center for National Security Studies; Charles Hamilton Houston Institute for Race and Justice at Harvard Law School; Council on American-Islamic Relations; Council on Illicit Drugs of the National Association for Public Health Policy.

Disciples Justice Action Network; Drug Policy Alliance; Equal Justice Society; Fair Immigration Reform Movement; Fellowship of Reconciliation; Human Rights Watch; Indo-American Center; Institute Justice Team, Sisters of Mercy of the Americas; Japanese American Citizens League; Jewish Labor Committee; Jewish Reconstructionist Federation; Lawyers' Committee for Civil Rights Under Law; The Leadership Conference on Civil and Human Rights; League of United Latin American Citizens; Lutheran Immigration and Refugee Service; Muslim Advocates; Muslim Legal Fund of America; Muslim Public Affairs Council; NAACP; NAACP Legal Defense and Educational Fund, Inc.; National Advocacy Center of the Sisters of the Good Shepherd.

National African American Drug Policy Coalition, Inc.; National Alliance for Medication Assisted Recovery; National Alliance of Faith and Justice; National Asian American Pacific Islander Mental Health Association; National Asian Pacific American Bar Association; National Asian Pacific American Women's Forum; National Association of Criminal Defense Lawyers; National Association of Social Workers; National Black Justice Coalition; National Black Law Students Association; National Black Police Association; National Congress of American Indians; National Council of La Raza; National Education Association; National Gay and Lesbian Task Force Action Fund; National Korean American Service and Education Consortium; National Latina Institute for Reproductive Health; National Lawyers Guild Drug Policy Committee; National Legal Aid and Defender Association; National Organization of Black Women in Law Enforcement; National Organization of Sisters of Color Ending Sexual Assault; National Urban League Policy Institute.

NETWORK, A National Catholic Social Justice Lobby; 9to5, National Association of Working Women; North American South Asian Bar Association; Open Society Policy Center; Organization of Chinese Americans; Pax Christi USA: National Catholic Peace Movement; Prison Policy Initiative; Rights Working Group; Sentencing Project; Sikh American Legal Defense and Education Fund; Sikh Coalition; SOJOURNERS; South Asian Americans Leading Together; South Asian Network; South Asian Resource Action Center; StoptheDrugWar.org; The Real Cost of Prisons Project; Treatment Communities of America; U.S. Human Rights Network; Union for Reform Judaism; United Methodist Church, General Board of Church and Society; UNITED SIKHS; Women's Alliance for Theology, Ethics and Ritual.

STATE AND LOCAL ORGANIZATIONS

A New PATH (Parents for Addiction Treatment & Healing) (California); Adhikaar (New York); Advocare, Inc. (Ohio); Arab American Action Network (Illinois); Arab-American Family Support Center (New York); CASA de Maryland (Maryland); Casa Esperanza (New Jersey); CAUSA—Oregon's Immigrant Rights Organization (Oregon); Center for NuLeadership on Urban Solutions (New York); Counselors Helping (South) Asians/Indians, Inc. (Maryland); Desis Rising Up and Moving (New York); Drug Policy Forum of Hawaii (Hawaii); Drug Policy Forum of Texas (Texas); Florida Immigrant Coalition (Florida); Healing Communities Prison Ministry and Reentry Project (Pennsylvania); Korean American Resource and Cultural Center (Illinois); Korean Resource Center (California); Legal Services for Prisoners with Children (California); Legal Voice (Washington).

Maryland CURE—Citizens United for the Rehabilitation of Errants (Maryland); National Alliance for Medication Assisted Recovery, Delaware Chapter (Delaware); 9to5 Atlanta Working Women (Georgia); 9to5 Bay Area (California); 9to5 Colorado (Colorado); 9to5 Los Angeles (California); 9to5 Milwaukee (Wisconsin); Perspectives, Inc. (Minnesota); Pineros y Campesinos Unidos del Noroeste; Northwest Treeplanters and Farmworkers United (Oregon); Public Justice Center (Maryland); Rights for All People (Colorado); Safe Streets Arts Foundation (Washington, DC); Sahara of South Florida, Inc. (Florida); Satrang (California); Sneha, Inc. (Connecticut); South Asian Bar Association of Northern California (California); St. Leonard's Ministries (Illinois).

Mr. CARDIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. 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. SANDERS. Mr. President, the issue we are debating right now is an issue of enormous consequence for the American people, for our economy, for rural America, and for the hundreds of thousands of workers in the U.S. Postal Service. I thank Senators LIEBERMAN, CARPER, COLLINS, and BROWN for the important work they have done in moving this legislation forward.

Let me begin by saying the debate we are having is not whether the Postal Service in the digital age should change. Everybody agrees the Postal Service should change. The question is what kind of change do we want, what kind of change is good for the American economy, and what kind of change is good for our country.

Last year—I think about 9 or 10 months ago—the Postmaster General gave us his view of change. There was concern about some of the financial problems facing the Post Office. He came up with a proposal that would do the following: What he said is we should close more than 3,600 mostly rural post offices. In my State, I think the number of rural post offices is about 15. All over this country post offices, in so many ways, serve a function beyond delivering mail or selling stamps. In many ways, post offices become the center of a small town. The Postmaster General's proposal was to shut down more than 3,600 mostly rural post offices.

Furthermore, he wanted to shut down about half of the mail processing facilities in America—somewhere around 250 of them—and when we do that, by definition we slow overnight delivery standards for first class mail. So at a moment when the Postal Service is being challenged by e-mail in the digital age—instantaneous communication—he was proposing to slow down mail delivery.

He also proposed to end Saturday mail service and reduce the postal workforce in the midst of a horrendous recession by some 220,000 workers, going from 550,000 down to about 330,000.

I find it a bit ironic that a couple of months ago we had a great debate here—and I think bipartisan support—to make sure veterans get the jobs they need. Many of the people who work in the Postal Service are, in fact, veterans. They are doing a good job. When we downsize the Postal Service, as the Postmaster General proposed, by 220,000 workers, we are downsizing many of our veterans.

Many of my colleagues in the Senate and the House and I are strongly opposed to what the Postmaster General brought forth and we have been working with him and his staff to improve this plan. Frankly, I think we are making some progress. Obviously, the key danger of what the Postmaster General has proposed is that if we slow down mail delivery standards, what ends up happening is that individuals and businesses will be rethinking whether they want to use the Postal Service and whether they want to go elsewhere. So what we could very well begin is what we call a death spiral: slow down mail delivery service, businesses stop using the Postal Service, less revenue comes in, more cuts are made, more delays, more slowdowns. We think that is a bad idea.

Again, I believe, and I think everybody in this Senate believes, we need a new business model for the Postal Service in the digital age. Some of us believe we can bring forth a new business model which does not necessitate hundreds of thousands of job losses and cuts, cuts, and cuts.

Among other things, I wish to point out that a recently disclosed study by Opinion Research Corporation, commissioned by the Postal Service itself, found the Postal Service would lose nearly $2 billion by eliminating overnight delivery standards. Let me repeat: A study commissioned by the Postal Service found that ending overnight delivery standards and shutting down half of the mail processing plants in America would cost the Postal Service nearly $2 billion. The answer is a lot to do with what I said: If we slow down service, fewer and fewer people are going to be using the Postal Service.

For the last several months I have been working with several dozen of my colleagues in the Senate to oppose those cuts. I thank Senator LIEBERMAN and Senator CARPER for their support, as well as Senator COLLINS and Senator BROWN. We have been working with them, and what we basically did is come up with a good bill that is much better than the Postmaster General had originally proposed, and we think we can do better. In fact, we have been working, and I think it is fair to say we have made some significant improvements which have been incorporated in the substitute amendment that is before us. Let me begin by touching on some of the improvements that I think we have brought about.

The managers' amendment brings more protection for rural post offices. I come from a rural State. I know how important rural post offices are, and the managers' amendment provides more protection for these rural post offices.

No. 1: The substitute amendment would prevent the Postal Service from closing any post offices until it has established a set of service standards that would guarantee all postal customers regular and effective access to retail postal services nationwide on a reasonable basis. The Postal Service is required to establish the standards within 6 months. The service standards would be required to take into account certain factors. In other words, what we are talking about here is that before a rural post office can be shut down, certain standards are going to have to be addressed. They are:

A, a consideration of the reasonable maximum time a postal customer should expect to travel to access a postal retail location. In other words, if we shut down a post office and somebody has to go 20 miles and spend money on gasoline, and an enormous amount of time, it doesn't make sense to shut down that rural post office;

B, furthermore, we want to look at the age and disability status of individuals in the area. If there are elderly people, if there are a large number of disabled people and we shut down that postal service, those folks are going to be, for all intents and purposes, isolated. Don't shut down that postal service;

C, there would be a requirement that the Postal Service serve remote areas and communities which have transportation challenges. If I live in a community and I don't have a car, how do I get to a post office that is 5 miles away?

D, the effects of inclement weather or other natural conditions that might impede access to postal services. In other words, if people live in a climate where they have a whole lot of snow, how are they going to get to another post office?

I see the majority leader standing. Does the leader wish to address the Senate?

Mr. REID. I have some procedural matters to do, if the Senator from Vermont wishes to finish his statement.

Mr. SANDERS. I will be another 5 or 10 minutes. I will yield to the majority leader.

Mr. REID. Mr. President, I ask unanimous consent that when I finish my procedural matters, the Senator from Vermont be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that all postcloture time be yielded back and the motion to proceed to S. 1789 be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. I now ask unanimous consent that the only amendments in order to S. 1789 or the Lieberman-Collins substitute amendment No. 2000 be those that are relevant to the bill or the substitute amendment.

The PRESIDING OFFICER. Is there objection?

The Senator from Kentucky.

Mr. PAUL. Mr. President, reserving the right to object, Egypt currently gets $2 billion from our country from the U.S. taxpayer. My question is, should we be sending $2 billion a year to Egypt when they seek to continue to prosecute American citizens.

Recently, President Obama's administration freed up that money and said Egypt is pursuing democratic aims, so

we freed up the $2 billion. How did Egypt respond to this? Egypt basically thumbed their nose at us. Egypt said we are now issuing international warrants to get American citizens, extradite them, take them back to Egypt for a political show trial. So we give money to a country that insults us.

I think this should end. I think this deserves 15 minutes of Senate time to discuss whether America has money to be sending to Egypt when we have 12 million people unemployed in this country, and whether we have needs here at home that need to be met before we send $2 billion to Egypt which turns around and insults us by prosecuting American citizens.

I respectfully object and seek a vote on this amendment that would end their aid if they do not end the prosecution of American citizens.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. REID. Mr. President, as we speak, there are 8 million Americans who are dependent on the Post Office. These are people who have jobs as a result of the Postal Service. We need to do a postal reform bill. Doing nothing is not an option.

I ask unanimous consent that we set up a procedure to allow the Senate to consider amendments relevant to the postal reform bill.

The PRESIDING OFFICER. Is there objection?

Mr. PAUL. Reserving the right to object, the Post Office is losing $4 billion a year, and I sympathize. But at the same time we are losing $4 billion, we are sending $2 billion to Egypt. We have problems in our country and we don't have the money to send to Egypt, so I would say it is relevant. It is relevant whether, when we have limited resources, we send $2 billion to Egypt, or whether we try to fix the problems we have at home. I would say bring some of that money home and that might help us fix the Post Office.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. PAUL. I continue my objection.

21ST CENTURY POSTAL SERVICE ACT

Mr. REID. Would the Chair report the bill, please.

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant bill clerk read as follows:

A bill (S. 1789) to improve, sustain, and transform the United States Postal Service.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''21st Century Postal Service Act of 2012''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.

TITLE I—POSTAL WORKFORCE MATTERS

Sec. 101. Treatment of postal funding surplus for Federal Employees Retirement System.
Sec. 102. Additional service credit.
Sec. 103. Restructuring of payments for retiree health benefits.
Sec. 104. Postal Service Health Benefits Program.
Sec. 105. Arbitration; labor disputes.

TITLE II—POSTAL SERVICES AND OPERATIONS

Sec. 201. Postal facilities.
Sec. 202. Additional Postal Service planning.
Sec. 203. Area and district office structure.
Sec. 204. Post offices; retail service standards.
Sec. 205. Conversion of door delivery points.
Sec. 206. Limitations on changes to mail delivery schedule.
Sec. 207. Time limits for consideration of service changes.
Sec. 208. Public procedures for significant changes to mailing specifications.
Sec. 209. Nonpostal products and services.

TITLE III—FEDERAL EMPLOYEES' COMPENSATION ACT

Sec. 301. Short title; references.
Sec. 302. Federal workers compensation reforms for retirement-age employees.
Sec. 303. Augmented compensation for dependents.
Sec. 304. Schedule compensation payments.
Sec. 305. Vocational rehabilitation.
Sec. 306. Reporting requirements.
Sec. 307. Disability management review; independent medical examinations.
Sec. 308. Waiting period.
Sec. 309. Election of benefits.
Sec. 310. Sanction for noncooperation with field nurses.
Sec. 311. Subrogation of continuation of pay.
Sec. 312. Integrity and compliance.
Sec. 313. Amount of compensation.
Sec. 314. Technical and conforming amendments.
Sec. 315. Regulations.

TITLE IV—OTHER MATTERS

Sec. 401. Profitability plan.
Sec. 402. Postal rates.
Sec. 403. Cooperation with State and local governments; intra-Service agreements.
Sec. 404. Shipping of wine and beer.
Sec. 405. Annual report on United States mailing industry.
Sec. 406. Use of negotiated service agreements.
Sec. 407. Contract disputes.
Sec. 408. Contracting provisions.

SEC. 3. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) COMMISSION.—The term ''Commission'' means the Postal Regulatory Commission.

(2) POSTAL SERVICE.—The term ''Postal Service'' means the United States Postal Service.

TITLE I—POSTAL WORKFORCE MATTERS

SEC. 101. TREATMENT OF POSTAL FUNDING SURPLUS FOR FEDERAL EMPLOYEES RETIREMENT SYSTEM.

Section 8423(b) of title 5, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following:

''(5)(A) In this paragraph, the term 'postal funding surplus' means the amount by which the amount computed under paragraph (1)(B) is less than zero.

''(B)(i) Beginning with fiscal year 2011, for each fiscal year in which the amount computed under paragraph (1)(B) is less than zero, upon request of the Postmaster General, the Director shall transfer to the United States Postal Service from the Fund an amount equal to the postal funding surplus for that fiscal year for use in accordance with this paragraph.

''(ii) The Office shall calculate the amount under paragraph (1)(B) for a fiscal year by not later than June 15 after the close of the fiscal year, and shall transfer any postal funding surplus to the United States Postal Service within 10 days after a request by the Postmaster General.

''(C) For each of fiscal years 2011, 2012, and 2013, if the amount computed under paragraph (1)(B) is less than zero, a portion of the postal funding surplus for the fiscal year shall be used by the United States Postal Service for the cost of providing to employees of the United States Postal Service who voluntarily separate from service before October 1, 2014—

''(i) voluntary separation incentive payments (including payments to employees who retire under section 8336(d)(2) or 8414(b)(1)(B) before October 1, 2014) that may not exceed the maximum amount provided under section 3523(b)(3)(B) for any employee; and

''(ii) retirement service credits, as authorized under section 8332(p) or 8411(m).

''(D) Any postal funding surplus for a fiscal year not expended under subparagraph (C) may be used by the United States Postal Service for the purposes of—

''(i) repaying any obligation issued under section 2005 of title 39; or

''(ii) making required payments to—

''(I) the Employees' Compensation Fund established under section 8147;

''(II) the Postal Service Retiree Health Benefits Fund established under section 8909a;

''(III) the Employees Health Benefits Fund established under section 8909; or

''(IV) the Civil Service Retirement and Disability Fund.''.

SEC. 102. ADDITIONAL SERVICE CREDIT.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8332 of title 5, United States Code, is amended by adding at the end the following:

''(p)(1)(A) For an employee of the United States Postal Service who is covered under this subchapter and voluntarily separates from service before October 1, 2014, at the direction of the United States Postal Service, the Office shall add not more than 1 year (as specified by the United States Postal Service) to the total creditable service of the employee for purposes of determining entitlement to and computing the amount of an annuity under this subchapter (except for a disability annuity under section 8337).

''(B) An employee who receives additional creditable service under this paragraph may not receive a voluntary separation incentive payment from the United States Postal Service.

''(2)(A) Subject to subparagraph (B), and notwithstanding any other provision of law, no deduction, deposit, or contribution shall be required for service credited under this subsection.

''(B) The actuarial present value of the additional liability of the United States Postal Service to the Fund resulting from this subsection shall be included in the amount calculated under section 8348(h)(1)(A).''.

(b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—Section 8411 of title 5, United States Code, is amended by adding at the end the following:

''(m)(1)(A) For an employee of the United States Postal Service who is covered under this chapter and voluntarily separates from service before October 1, 2014, at the direction of the United States Postal Service, the Office shall add not more than 2 years (as specified by the United States Postal Service) to the total creditable service of the employee for purposes of determining entitlement to and computing the amount of an annuity under this chapter (except for a disability annuity under subchapter V of that chapter).

''(B) An employee who receives additional creditable service under this paragraph may not receive a voluntary separation incentive payment from the United States Postal Service.

''(2)(A) Subject to subparagraph (B), and notwithstanding any other provision of law, no deduction, deposit, or contribution shall be required for service credited under this subsection.

''(B) The actuarial present value of the additional liability of the United States Postal Service to the Fund resulting from this subsection shall be included in the amount calculated under section 8423(b)(1)(B).''.

SEC. 103. RESTRUCTURING OF PAYMENTS FOR RETIREE HEALTH BENEFITS.

(a) CONTRIBUTIONS.—Section 8906(g)(2)(A) of title 5, United States Code, is amended by striking ''through September 30, 2016, be paid by the United States Postal Service, and thereafter shall'' and inserting ''after the date of enactment of the 21st Century Postal Service Act of 2012''.

(b) POSTAL SERVICE RETIREE HEALTH BENEFITS FUND.—Section 8909a of title 5, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (2)(B)—

(i) by striking ''2017'' and inserting ''2012''; and

(ii) by inserting after ''later, of'' the following: ''80 percent of''; and

(B) in paragraph (3)—

(i) in subparagraph (A)—

(I) in clause (iii), by adding ''and'' at the end;

(II) in clause (iv), by striking the semicolon at the end and inserting a period; and

(III) by striking clauses (v) through (x); and

(ii) in subparagraph (B), by striking ''2017'' and inserting ''2012''; and

(2) by adding at the end the following:

''(e) Subsections (a) through (d) shall be subject to section 104 of the 21st Century Postal Service Act of 2012.''.

SEC. 104. POSTAL SERVICE HEALTH BENEFITS PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term ''covered employee'' means an employee of the Postal Service who is represented by a bargaining representative recognized under section 1203 of title 39, United States Code;

(2) the term ''Federal Employee Health Benefits Program'' means the health benefits program under chapter 89 of title 5, United States Code; and

(3) the term ''Postal Service Health Benefits Program'' means the health benefits program that may be agreed to under subsection (b)(1).

(b) COLLECTIVE BARGAINING.—

(1) IN GENERAL.—Consistent with section 1005(f) of title 39, United States Code, the Postal Service may negotiate jointly with all bargaining representatives recognized under section 1203 of title 39, United States Code, and enter into a joint collective bargaining agreement with those bargaining representatives to establish the Postal Service Health Benefits Program that satisfies the conditions under subsection (c). The Postal Service and the bargaining representatives shall negotiate in consultation with the Director of the Office of Personnel Management.

(2) CONSULTATION WITH SUPERVISORY AND MANAGERIAL PERSONNEL.—In the course of negotiations under paragraph (1), the Postal Service shall consult with each of the organizations of supervisory and other managerial personnel that are recognized under section 1004 of title 39, United States Code, concerning the views of the personnel represented by each of those organizations.

(3) ARBITRATION LIMITATION.—Notwithstanding chapter 12 of title 39, United States Code, there shall not be arbitration of any dispute in the negotiations under this subsection.

(4) TIME LIMITATION.—The authority under this subsection shall extend until September 30, 2012.

(c) POSTAL SERVICE HEALTH BENEFITS PROGRAM.—The Postal Service Health Benefits Program—

(1) shall—

(A) be available for participation by all covered employees;

(B) be available for participation by any officer or employee of the Postal Service who is not a covered employee, at the option solely of that officer or employee;

(C) provide adequate and appropriate health benefits;

(D) be administered in a manner determined in a joint agreement reached under subsection (b); and

(E) provide for transition of coverage under the Federal Employee Health Benefits Program of covered employees to coverage under the Postal Service Health Benefits Program on January 1, 2013;

(2) may provide dental benefits; and

(3) may provide vision benefits.

(d) AGREEMENT AND IMPLEMENTATION.—If a joint agreement is reached under subsection (b)—

(1) the Postal Service shall implement the Postal Service Health Benefits Program;

(2) the Postal Service Health Benefits Program shall constitute an agreement between the collective bargaining representatives and the Postal Service for purposes of section 1005(f) of title 39, United States Code; and

(3) covered employees may not participate as employees in the Federal Employees Health Benefits Program.

(e) GOVERNMENT PLAN.—The Postal Service Health Benefits Program shall be a government plan as that term is defined under section 3(32) of Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(32)).

(f) REPORT.—Not later than June 30, 2013, the Postal Service shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives that—

(1) reports on the implementation of this section; and

(2) requests any additional statutory authority that the Postal Service determines is necessary to carry out the purposes of this section.

SEC. 105. ARBITRATION; LABOR DISPUTES.

Section 1207(c)(2) of title 39, United States Code, is amended—

(1) by inserting ''(A)'' after ''(2)'';

(2) by striking the last sentence and inserting ''The arbitration board shall render a decision not later than 45 days after the date of its appointment.''; and

(3) by adding at the end the following:

''(B) In rendering a decision under this paragraph, the arbitration board shall consider such relevant factors as—

''(i) the financial condition of the Postal Service;

''(ii) the requirements relating to pay and compensation comparability under section 1003(a); and

''(iii) the policies of this title.''.

TITLE II—POSTAL SERVICES AND OPERATIONS

SEC. 201. POSTAL FACILITIES.

Section 404 of title 39, United States Code, is amended by adding after subsection (e) the following:

''(f) CLOSING OR CONSOLIDATION OF CERTAIN POSTAL FACILITIES.—

''(1) POSTAL FACILITY.—In this subsection, the term 'postal facility'—

''(A) means any Postal Service facility that is primarily involved in the preparation, dispatch, or other physical processing of mail; and

''(B) does not include—

''(i) any post office, station, or branch; or

''(ii) any facility used only for administrative functions.

''(2) AREA MAIL PROCESSING STUDY.—

''(A) NEW AREA MAIL PROCESSING STUDIES.—After the date of enactment of this subsection, before making a determination under subsection (a)(3) as to the necessity for the closing or consolidation of any postal facility, the Postal Service shall—

''(i) conduct an area mail processing study relating to that postal facility that includes a plan to reduce the capacity of the postal facility, but not close the postal facility;

''(ii) publish the study on the Postal Service website; and

''(iii) publish a notice that the study is complete and available to the public, including on the Postal Service website.

''(B) COMPLETED OR ONGOING AREA MAIL PROCESSING STUDIES.—

''(i) IN GENERAL.—In the case of a postal facility described in clause (ii), the Postal Service shall—

''(I) consider a plan to reduce the capacity of the postal facility, but not close the postal facility; and

''(II) publish the results of the consideration under subclause (I) with or as an amendment to the area mail processing study relating to the postal facility.

''(ii) POSTAL FACILITIES.—A postal facility described in this clause is a postal facility for which, on or before the date of enactment of this subsection—

''(I) an area mail processing study that does not include a plan to reduce the capacity of the postal facility, but not close the facility, has been completed or is in progress; and

''(II) a determination as to the necessity for the closing or consolidation of the postal facility has not been made.

''(3) NOTICE, PUBLIC COMMENT, AND PUBLIC HEARING.—If the Postal Service makes a determination under subsection (a)(3) to close or consolidate a postal facility, the Postal Service shall—

''(A) provide notice of the determination to—

''(i) Congress; and

''(ii) the Postal Regulatory Commission;

''(B) provide adequate public notice of the intention of the Postal Service to close or consolidate the postal facility;

''(C) ensure that interested persons have an opportunity to submit public comments during a 45-day period after the notice of intention is provided under subparagraph (B);

''(D) before the 45-day period described in subparagraph (C), provide for public notice of that opportunity by—

''(i) publication on the Postal Service website;

''(ii) posting at the affected postal facility; and

''(iii) advertising the date and location of the public community meeting under subparagraph (E); and

''(E) during the 45-day period described in subparagraph (C), conduct a public community meeting that provides an opportunity for public comments to be submitted verbally or in writing.

''(4) FURTHER CONSIDERATIONS.—Not earlier than 30 days after the end of the 45-day period for public comment under paragraph (3), the Postal Service, in making a determination whether or not to close or consolidate a postal facility, shall consider—

''(A) the views presented by interested persons solicited under paragraph (3);

''(B) the effect of the closing or consolidation on the affected community, including any disproportionate impact the closure or consolidation may have on a State, region, or locality;

''(C) the effect of the closing or consolidation on the travel times and distances for affected customers to access services under the proposed closing or consolidation;

''(D) the effect of the closing or consolidation on delivery times for all classes of mail;

''(E) any characteristics of certain geographical areas, such as remoteness, broadband internet availability, and weather-related obstacles to using alternative facilities, that may result in the closing or consolidation having a unique effect; and

''(F) any other factor the Postal Service determines is necessary.

''(5) JUSTIFICATION STATEMENT.—Before the date on which the Postal Service closes or consolidates a postal facility, the Postal Service shall post on the Postal Service website a closure or consolidation justification statement that includes—

''(A) a response to all public comments received with respect to the considerations described under paragraph (4);

''(B) a description of the considerations made by the Postal Service under paragraph (4); and

''(C) the actions that will be taken by the Postal Service to mitigate any negative effects identified under paragraph (4).

''(6) CLOSING OR CONSOLIDATION OF POSTAL FACILITIES.—

''(A) IN GENERAL.—Not earlier than the 15 days after posting and publishing the final determination and the justification statement under paragraph (6) with respect to a postal facility, the Postal Service may close or consolidate the postal facility.

''(B) ALTERNATIVE INTAKE OF MAIL.—If the Postal Service closes or consolidates a postal facility under subparagraph (A), the Postal Service shall make reasonable efforts to ensure continued mail receipt from customers of the closed or consolidated postal facility at the same location or at another appropriate location in close geographic proximity to the closed or consolidated postal facility.

''(7) POSTAL SERVICE WEBSITE.—For purposes of any notice required to be published on the Postal Service website under this subsection, the Postal Service shall ensure that the Postal Service website—

''(A) is updated routinely; and

''(B) provides any person, at the option of the person, the opportunity to receive relevant updates by electronic mail.

''(8) PROTECTION OF CERTAIN INFORMATION.—Nothing in this subsection may be construed to require the Postal Service to disclose—

''(A) any proprietary data, including any reference or citation to proprietary data; and

''(B) any information relating to the security of a postal facility.''.

SEC. 202. ADDITIONAL POSTAL SERVICE PLANNING.

Section 302(d) of the Postal Accountability and Enhancement Act of 2006 (39 U.S.C. 3691 note) is amended—

(1) in paragraph (8), by striking the period at the end and inserting ''; and'';

(2) by redesignating paragraphs (1) through (8) as subparagraphs (A) through (H), respectively, and adjusting the margins accordingly;

(3) in the matter preceding subparagraph (A), as so redesignated, by striking ''shall include'' and inserting the following: ''shall—

''(1) include''; and

(4) by adding at the end the following:

''(2) where possible, provide for an improvement in customer access to postal services;

''(3) consider the impact of any decisions by the Postal Service relating to the implementation of the plan on small communities and rural areas; and

''(4) ensure that—

''(A) small communities and rural areas continue to receive regular and effective access to retail postal services after implementation of the plan; and

''(B) the Postal Service solicits community input in accordance with applicable provisions of Federal law.''.

SEC. 203. AREA AND DISTRICT OFFICE STRUCTURE.

(a) PLAN REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Postal Service shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Governmental Reform of the House of Representatives—

(1) a comprehensive strategic plan to govern decisions relating to area and district office structure that considers efficiency, costs, redundancies, mail volume, technological advancements, operational considerations, and other issues that may be relevant to establishing an effective area and district office structure; and

(2) a 10-year plan, including a timetable, that provides for consolidation of area and district offices wherever the Postal Service determines a consolidation would—

(A) be cost effective; and

(B) not substantially and adversely affect the operations of the Postal Service.

(b) CONSOLIDATION.—Beginning not later than 1 year after the date of enactment of this Act, the Postal Service shall, consistent with the plans required under and the criteria described in subsection (a)—

(1) consolidate district offices that are located within 50 miles of each other;

(2) consolidate area and district offices that have less than the mean mail volume and number of work hours for all area and district offices; and

(3) relocate area offices to headquarters.

(c) UPDATES.—The Postal Service shall update the plans required under subsection (a) not less frequently than once every 5 years.

SEC. 204. POST OFFICES; RETAIL SERVICE STANDARDS.

(a) CLOSING POST OFFICES.—Section 404 of title 39, United States Code, is amended—

(1) by striking ''(d)(1)'' and all that follows through ''present their views.'' and inserting the following:

''(d)(1) The Postal Service, prior to making a determination under subsection (a)(3) of this section as to the necessity for the closing or consolidation of any post office, shall—

''(A) consider whether—

''(i) to close the post office or consolidate the post office and another post office located within a reasonable distance;

''(ii) instead of closing or consolidating the post office—

''(I) to reduce the number of hours a day that the post office operates; or

''(II) to continue operating the post office for the same number of hours a day;

''(iii) to procure a contract providing full, or less than full, retail services in the community served by the post office; or

''(iv) to provide postal services to the community served by the post office through a rural carrier;

''(B) provide postal customers served by the post office an opportunity to participate in a nonbinding survey conducted by mail on a preference for an option described in subparagraph (A); and

''(C) if the Postal Service determines to close or consolidate the post office, provide adequate notice of its intention to close or consolidate such post office at least 60 days prior to the proposed date of such closing or consolidation to persons served by such post office to ensure that such persons will have an opportunity to present their views.''; and

(2) in subsection (d)(5), in the first sentence—

(A) by inserting '', station, or branch'' after ''post office'';

(B) by inserting '', station, or branch'' after ''such office''; and

(C) by striking ''under paragraph (3)''.

(b) RETAIL SERVICE STANDARDS.—

(1) DEFINITION.—In this subsection, the term ''retail postal service'' means service that allows a postal customer to—

(A) purchase postage;

(B) enter packages into the mail; and

(C) procure other services offered by the Postal Service.

(2) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, the Postal Service shall exercise its authority under section 3691 of title 39, United States Code, to establish service standards for market-dominant products in order to guarantee customers of the Postal Service regular and effective access to retail postal services nationwide (including in territories and possessions of the United States) on a reasonable basis.

(3) CONTENTS.—The service standards established under paragraph (2) shall—

(A) be consistent with—

(i) the obligations of the Postal Service under section 101(b) of title 39, United States Code; and

(ii) the contents of the plan developed under section 302 of the Postal Accountability and Enhancement Act of 2006 (39 U.S.C. 3691 note), as amended by section 202 of this Act; and

(B) take into account factors including—

(i) geography, including the establishment of standards for the proximity of retail postal services to postal customers, including a consideration of the reasonable maximum time a postal customer should expect to travel to access a postal retail location;

(ii) population, including population density, demographic factors such as the age and disability status of individuals in the area to be served by a location providing postal retail services, and other factors that may impact the ability of postal customers, including businesses, to travel to a postal retail location;

(iii) the feasibility of offering retail access to postal services in addition to post offices, as described in section 302(d) of the Postal Accountability and Enhancement Act of 2006 (39 U.S.C. 3691 note);

(iv) the requirement that the Postal Service serve remote areas and communities with transportation challenges, including communities in which the effects of inclement weather or other natural conditions might obstruct or otherwise impede access to retail postal services; and

(v) the ability of postal customers to access retail postal services in areas that were served by a post office that was closed or consolidated during the 1 year period ending on the date of enactment of this Act.

(c) PROHIBITION ON CLOSING POST OFFICES.—Notwithstanding section 404(d) of title 39, United States Code, during the period beginning on the date of enactment of this Act and ending on the date on which the Postal Service establishes the service standards under subsection (b), the Postal Service may not close a post office, except as required for the immediate protection of health and safety.

SEC. 205. CONVERSION OF DOOR DELIVERY POINTS.

(a) IN GENERAL.—Subchapter VII of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

''§ 3692. Conversion of door delivery points

''(a) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) CENTRALIZED DELIVERY POINT.—The term 'centralized delivery point' means a group or cluster of mail receptacles at 1 delivery point that is within reasonable proximity of the street address associated with the delivery point.

''(2) CURBLINE DELIVERY POINT.—The term 'curbline delivery point' means a delivery point that is—

''(A) adjacent to the street address associated with the delivery point; and

''(B) accessible by vehicle on a street that is not a private driveway.

''(3) DOOR DELIVERY POINT.—The term 'door delivery point' means a delivery point at a door of the structure at a street address.

''(4) SIDEWALK DELIVERY POINT.—The term 'sidewalk delivery point' means a delivery point on a sidewalk adjacent to the street address associated with the delivery point.

''(b) CONVERSION.—Except as provided in subsection (c), and in accordance with the profitability plan required under section 401 and standards established by the Postal Service, the Postal Service is authorized to, to the maximum extent feasible, convert door delivery points to—

''(1) curbline delivery points;

''(2) sidewalk delivery points; or

''(3) centralized delivery points.

''(c) EXCEPTIONS.—

''(1) CONTINUED DOOR DELIVERY.—The Postal Service may allow for the continuation of door delivery due to—

''(A) a physical hardship of a customer;

''(B) weather, in a geographic area where snow removal efforts could obstruct access to mailboxes near a road;

''(C) circumstances in an urban area that preclude efficient use of curbline delivery points;

''(D) other exceptional circumstances, as determined in accordance with regulations issued by the Postal Service; or

''(E) other circumstances in which the Postal Service determines that alternatives to door delivery would not be practical or cost effective.

''(2) NEW DOOR DELIVERY POINTS.—The Postal Service may provide door delivery to a new delivery point in a delivery area that received door delivery on the day before the date of enactment of this section, if the delivery point is established before the delivery area is converted from door delivery under subsection (b).

''(d) SOLICITATION OF COMMENTS.—The Postal Service shall establish procedures to solicit, consider, and respond to input from individuals affected by a conversion under this section.

''(e) REVIEW.—Subchapter V of this chapter shall not apply with respect to any action taken by the Postal Service under this section.

''(f) REPORT.—Not later than 60 days after the end of each fiscal year through fiscal year 2015, the Postal Service shall submit to Congress and the Inspector General of the Postal Service a report on the implementation of this section during the preceding fiscal year that—

''(1) includes the number of door delivery points—

''(A) that existed at the end of the fiscal year preceding the preceding fiscal year;

''(B) that existed at the end of the preceding fiscal year;

''(C) that, during the preceding fiscal year, converted to—

''(i) curbline delivery points or sidewalk delivery points;

''(ii) centralized delivery points; and

''(iii) any other type of delivery point; and

''(D) for which door delivery was continued under subsection (c)(1);

''(2) estimates any cost savings, revenue loss, or decline in the value of mail resulting from the conversions from door delivery that occurred during the preceding fiscal year;

''(3) describes the progress of the Postal Service toward achieving the conversions authorized under subsection (b); and

''(4) provides such additional information as the Postal Service considers appropriate.''.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter VII of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

''3692. Conversion of door delivery points.''.

SEC. 206. LIMITATIONS ON CHANGES TO MAIL DELIVERY SCHEDULE.

(a) LIMITATION ON CHANGE IN SCHEDULE.—Notwithstanding any other provision of law—

(1) the Postal Service may not establish a general, nationwide delivery schedule of 5 or fewer days per week to street addresses under the authority of the Postal Service under title 39, United States Code, earlier than the date that is 24 months after the date of enactment of this Act; and

(2) on or after the date that is 24 months after the date of enactment of this Act, the Postal Service may establish a general, nationwide 5-day-per-week delivery schedule to street addresses under the authority of the Postal Service under section 3691 of title 39, United States Code, only in accordance with the requirements and limitations under this section.

(b) PRECONDITIONS.—If the Postal Service intends to establish a change in delivery schedule under subsection (a)(2), the Postal Service shall—

(1) identify customers and communities for whom the change may have a disproportionate, negative impact, including the customers identified as ''particularly affected'' in the Advisory Opinion on Elimination of Saturday Delivery issued by the Commission on March 24, 2011;

(2) develop, to the maximum extent possible, measures to ameliorate any disproportionate, negative impact the change would have on customers and communities identified under paragraph (1), including, where appropriate, providing or expanding access to mailboxes for periodical mailers on days on which the Postal Service does not provide delivery;

(3) implement measures to increase revenue and reduce costs, including the measures authorized under the amendments made by sections 101, 102, 103, 205, and 209 of this Act;

(4) evaluate whether any increase in revenue or reduction in costs resulting from the measures implemented under paragraph (3) are sufficient to allow the Postal Service, without implementing a change in delivery schedule under subsection (a), to—

(A) become profitable by fiscal year 2015; and

(B) achieve long-term financial solvency; and

(5) not earlier than 15 months after the date of enactment of this Act and not later than 9 months before the effective date proposed by the Postal Service for the change, submit a report on the steps the Postal Service has taken to carry out this subsection to—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives;

(B) the Comptroller General of the United States; and

(C) the Commission.

(c) REVIEW.—

(1) GOVERNMENT ACCOUNTABILITY OFFICE.—Not later than 3 months after the date on which the Postal Service submits a report under subsection (b)(5), the Comptroller General shall submit to the Commission and to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report that contains findings relating to each of the following:

(A) Whether the Postal Service has adequately complied with subsection (b)(3), taking into consideration the statutory authority of and limitations on the Postal Service.

(B) The accuracy of any statement by the Postal Service that the measures implemented under subsection (b)(3) have increased revenues or reduced costs, and the accuracy of any projection by the Postal Service relating to increased revenue or reduced costs resulting from the measures implemented under subsection (b)(3).

(C) The adequacy and methodological soundness of any evaluation conducted by the Postal Service under subsection (b)(4) that led the Postal Service to assert the necessity of a change in delivery schedule under subsection (a)(2).

(D) Whether, based on an analysis of the measures implemented by the Postal Service to increase revenues and reduce costs, projections of increased revenue and cost savings, and the details of the profitability plan required under section 401, a change in delivery schedule is necessary to allow the Postal Service to—

(i) become profitable by fiscal year 2015; and

(ii) achieve long-term financial solvency.

(2) POSTAL REGULATORY COMMISSION.—

(A) REQUEST.—Not later than 6 months before the proposed effective date of a change in delivery schedule under subsection (a), the Postal Service shall submit to the Commission a request for an advisory opinion relating to the change.

(B) ADVISORY OPINION.—

(i) IN GENERAL.—The Commission shall—

(I) issue an advisory opinion with respect to a request under subparagraph (A), in accordance with the time limits for the issuance of advisory opinions under section 3661(b)(2) of title 39, United States Code, as amended by this Act; and

(II) submit the advisory opinion to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

(ii) REQUIRED DETERMINATIONS.—An advisory opinion under clause (i) shall determine—

(I) whether the measures developed under subsection (b)(2) ameliorate any disproportionate, negative impact that a change in schedule may have on customers and communities identified under subsection (b)(1); and

(II) based on the report submitted by the Comptroller General under paragraph (1)—

(aa) whether the Postal Service has implemented measures to reduce operating losses as required under subsection (b)(3);

(bb) whether the implementation of the measures described in item (aa) has increased revenues or reduced costs, or is projected to further increase revenues or reduce costs in the future; and

(cc) whether a change in schedule under subsection (a)(2) is necessary to allow the Postal Service to—

(AA) become profitable by fiscal year 2015; and

(BB) achieve long-term financial solvency.

(3) PROHIBITION ON IMPLEMENTATION OF CHANGE IN SCHEDULE.—The Postal Service may not implement a change in delivery schedule under subsection (a)(2)—

(A) before the date on which the Comptroller General submits the report required under paragraph (1); and

(B) unless the Commission determines under paragraph (2)(B)(ii)(II)(cc) that the Comptroller General has concluded that the change is necessary to allow the Postal Service to become profitable by fiscal year 2015 and to achieve long-term financial solvency, without regard to whether the Commission determines that the change is advisable.

(d) ADDITIONAL LIMITATIONS.—

(1) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

(A) authorize the reduction, or require an increase, in delivery frequency for any route for which the Postal Service provided delivery on fewer than 6 days per week on the date of enactment of this Act;

(B) authorize any change in—

(i) the days and times that postal retail service or any mail acceptance is available at postal retail facilities or processing facilities; or

(ii) the locations at which postal retail service or mail acceptance occurs at postal retail facilities or processing facilities;

(C) authorize any change in the frequency of delivery to a post office box;

(D) prohibit the collection or delivery of a competitive mail product on a weekend, a recognized Federal holiday, or any other specific day of the week; or

(E) prohibit the Postal Service from exercising its authority to make changes to processing or retail networks.

(2) PROHIBITION ON CONSECUTIVE DAYS WITHOUT MAIL DELIVERY.—The Postal Service shall ensure that, under any change in schedule under subsection (a)(2), at no time shall there be more than 2 consecutive days without mail delivery to street addresses, including recognized Federal holidays.

SEC. 207. TIME LIMITS FOR CONSIDERATION OF SERVICE CHANGES.

Section 3661 of title 39, United States Code, is amended by striking subsections (b) and (c) and inserting the following:

''(b) PROPOSED CHANGES FOR MARKET-DOMINANT PRODUCTS.—

''(1) SUBMISSION OF PROPOSAL.—If the Postal Service determines that there should be a change in the nature of postal services relating

to market-dominant products that will generally affect service on a nationwide or substantially nationwide basis, the Postal Service shall submit a proposal to the Postal Regulatory Commission requesting an advisory opinion on the change.

''(2) ADVISORY OPINION.—Upon receipt of a proposal under paragraph (1), the Postal Regulatory Commission shall—

''(A) provide an opportunity for public comment on the proposal; and

''(B) issue an advisory opinion not later than—

''(i) 90 days after the date on which the Postal Regulatory Commission receives the proposal; or

''(ii) a date that the Postal Regulatory Commission and the Postal Service may, not later than 1 week after the date on which the Postal Regulatory Commission receives the proposal, determine jointly.

''(3) RESPONSE TO OPINION.—The Postal Service shall submit to the President and to Congress a response to an advisory opinion issued under paragraph (2) that includes—

''(A) a statement of whether the Postal Service plans to modify the proposal to address any concerns or implement any recommendations made by the Commission; and

''(B) for any concern that the Postal Service determines not to address and any recommendation that the Postal Service determines not to implement, the reasons for the determination.

''(4) ACTION ON PROPOSAL.—The Postal Service may take action regarding a proposal submitted under paragraph (1)—

''(A) on or after the date that is 30 days after the date on which the Postal Service submits the response required under paragraph (3);

''(B) on or after a date that the Postal Regulatory Commission and the Postal Service may, not later than 1 week after the date on which the Postal Regulatory Commission receives a proposal under paragraph (2), determine jointly; or

''(C) after the date described in paragraph (2)(B), if—

''(i) the Postal Regulatory Commission fails to issue an advisory opinion on or before the date described in paragraph (2)(B); and

''(ii) the action is not otherwise prohibited under Federal law.

''(5) MODIFICATION OF TIMELINE.—At any time, the Postal Service and the Postal Regulatory Commission may jointly redetermine a date determined under paragraph (2)(B)(ii) or (4)(B).''.

SEC. 208. PUBLIC PROCEDURES FOR SIGNIFICANT CHANGES TO MAILING SPECIFICATIONS.

(a) NOTICE AND OPPORTUNITY FOR COMMENT REQUIRED.—Effective on the date on which the Postal Service issues a final rule under subsection (c), before making a change to mailing specifications that could pose a significant burden to the customers of the Postal Service and that is not reviewed by the Commission, the Postal Service shall—

(1) publish a notice of the proposed change to the specification in the Federal Register;

(2) provide an opportunity for the submission of written comments concerning the proposed change for a period of not less than 30 days;

(3) after considering any comments submitted under paragraph (2) and making any modifications to the proposed change that the Postal Service determines are necessary, publish—

(A) the final change to the specification in the Federal Register;

(B) responses to any comments submitted under paragraph (2); and

(C) an analysis of the financial impact that the proposed change would have on—

(i) the Postal Service; and

(ii) the customers of the Postal Service that would be affected by the proposed change; and

(4) establish an effective date for the change to mailing specifications that is not earlier than 30 days after the date on which the Postal Service publishes the final change under paragraph (3).

(b) EXCEPTION FOR GOOD CAUSE.—If the Postal Service determines that there is an urgent and compelling need for a change to a mailing specification described in subsection (a) in order to avoid demonstrable harm to the operations of the Postal Service or to the public interest, the Postal Service may—

(1) change the mailing specifications by—

(A) issuing an interim final rule that—

(i) includes a finding by the Postal Service that there is good cause for the interim final rule;

(ii) provides an opportunity for the submission of written comments on the interim final rule for a period of not less than 30 days; and

(iii) establishes an effective date for the interim final rule that is not earlier than 30 days after the date on which the interim final rule is issued; and

(B) publishing in the Federal Register a response to any comments submitted under subparagraph (A)(ii); and

(2) waive the requirement under paragraph (1)(A)(iii) or subsection (a)(4).

(c) RULES RELATING TO NOTICE AND COMMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Postal Service shall issue rules governing the provision of notice and opportunity for comment for changes in mailing specifications under subsection (a).

(2) RULES.—In issuing the rules required under paragraph (1), the Postal Service shall—

(A) publish a notice of proposed rulemaking in the Federal Register that includes proposed definitions of the terms ''mailing specifications'' and ''significant burden'';

(B) provide an opportunity for the submission of written comments concerning the proposed change for a period of not less than 30 days; and

(C) publish—

(i) the rule in final form in the Federal Register; and

(ii) responses to the comments submitted under subparagraph (B).

SEC. 209. NONPOSTAL PRODUCTS AND SERVICES.

(a) IN GENERAL.—Section 404 of title 39, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (6) through (8) as paragraphs (7) through (9), respectively; and

(B) by inserting after paragraph (5) the following:

''(6) after the date of enactment of the 21st Century Postal Service Act of 2012, and except as provided in subsection (e), to provide other services that are not postal services, after the Postal Regulatory Commission—

''(A) makes a determination that the provision of such services—

''(i) uses the processing, transportation, delivery, retail network, or technology of the Postal Service;

''(ii) is consistent with the public interest and a demonstrated or potential public demand for—

''(I) the Postal Service to provide the services instead of another entity providing the services; or

''(II) the Postal Service to provide the services in addition to another entity providing the services;

''(iii) would not create unfair competition with the private sector; and

''(iv) has the potential to improve the net financial position of the Postal Service, based on a market analysis provided to the Postal Regulatory Commission by the Postal Service; and

''(B) for services that the Postal Regulatory Commission determines meet the criteria under subparagraph (A), classifies each such service as a market-dominant product, competitive product, or experimental product, as required under chapter 36 of title 39, United States Code;''; and

(2) in subsection (e)(2), by striking ''Nothing'' and all that follows through ''except that the'' and inserting ''The''.

(b) MARKET ANALYSIS.—During the 5-year period beginning on the date of enactment of this Act, the Postal Service shall submit a copy of any market analysis provided to the Commission under section 404(a)(6)(A)(iv) of title 39, United States Code, as amended by this section, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

TITLE III—FEDERAL EMPLOYEES' COMPENSATION ACT

SEC. 301. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This title may be cited as the ''Workers' Compensation Reform Act of 2012''.

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 5, United States Code.

SEC. 302. FEDERAL WORKERS COMPENSATION REFORMS FOR RETIREMENT-AGE EMPLOYEES.

(a) CONVERSION OF ENTITLEMENT AT RETIREMENT AGE.—

(1) DEFINITIONS.—Section 8101 is amended

(A) in paragraph (18), by striking ''and'' at the end;

(B) in paragraph (19), by striking ''and'' at the end;

(C) in paragraph (20), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(21) 'retirement age' has the meaning given that term under section 216(l)(1) of the Social Security Act (42 U.S.C. 416(l)(1));

''(22) 'covered claim for total disability' means a claim for a period of total disability that commenced before the date of enactment of the Workers' Compensation Reform Act of 2012;

''(23) 'covered claim for partial disability' means a claim for a period of partial disability that commenced before the date of enactment of the Workers' Compensation Reform Act of 2012; and

''(24) 'individual who has an exempt disability condition' means an individual—

''(A) who—

''(i) is eligible to receive continuous periodic compensation for total disability under section 8105 on the date of enactment of the Workers' Compensation Reform Act of 2012; and

''(ii) meets the criteria under section 8105(c);

''(B) who, on the date of enactment of the Workers' Compensation Reform Act of 2012—

''(i) is eligible to receive continuous periodic compensation for total disability under section 8105; and

''(ii) has sustained a currently irreversible severe mental or physical disability for which the Secretary of Labor has authorized, for at least the 1-year period ending on the date of enactment of the Workers' Compensation Reform Act of 2012, constant in-home care or custodial care, such as placement in a nursing home; or

''(C) who is eligible to receive continuous periodic compensation for total disability under section 8105—

''(i) for not less than the 3-year period ending on the date of enactment of the Workers' Compensation Reform Act of 2012; or

''(ii) if the individual became eligible to receive continuous periodic compensation for total disability under section 8105 during the period beginning on the date that is 3 years before the date of enactment of the Workers' Compensation Reform Act of 2012 and ending on such date of enactment, for not less than the 3-year period beginning on the date on which the individual became eligible.''.

(2) TOTAL DISABILITY.—Section 8105 is amended—

(A) in subsection (a), by striking ''If'' and inserting ''IN GENERAL.—Subject to subsection (b), if'';

(B) by redesignating subsection (b) as subsection (c); and

(C) by inserting after subsection (a) the following:

''(b) CONVERSION OF ENTITLEMENT AT RETIREMENT AGE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the basic compensation for total disability for an employee who has attained retirement age shall be 50 percent of the monthly pay of the employee.

''(2) EXCEPTIONS.—

''(A) COVERED RECIPIENTS WHO ARE RETIREMENT AGE OR HAVE AN EXEMPT DISABILITY CONDITION.—Paragraph (1) shall not apply to a covered claim for total disability by an employee if the employee—

''(i) on the date of enactment of the Workers' Compensation Reform Act of 2012, has attained retirement age; or

''(ii) is an individual who has an exempt disability condition.

''(B) TRANSITION PERIOD FOR CERTAIN EMPLOYEES.—For a covered claim for total disability by an employee who is not an employee described in subparagraph (A), the employee shall receive the basic compensation for total disability provided under subsection (a) until the later of—

''(i) the date on which the employee attains retirement age; and

''(ii) the date that is 3 years after the date of enactment of the Workers' Compensation Reform Act of 2012.''.

(3) PARTIAL DISABILITY.—Section 8106 is amended—

(A) in subsection (a), by striking ''If'' and inserting ''IN GENERAL.—Subject to subsection (b), if'';

(B) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(C) by inserting after subsection (a) the following:

''(b) CONVERSION OF ENTITLEMENT AT RETIREMENT AGE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the basic compensation for partial disability for an employee who has attained retirement age shall be 50 percent of the difference between the monthly pay of the employee and the monthly wage-earning capacity of the employee after the beginning of the partial disability.

''(2) EXCEPTIONS.—

''(A) COVERED RECIPIENTS WHO ARE RETIREMENT AGE.—Paragraph (1) shall not apply to a covered claim for partial disability by an employee if, on the date of enactment of the Workers' Compensation Reform Act of 2012, the employee has attained retirement age.

''(B) TRANSITION PERIOD FOR CERTAIN EMPLOYEES.—For a covered claim for partial disability by an employee who is not an employee described in subparagraph (A), the employee shall receive basic compensation for partial disability in accordance with subsection (a) until the later of—

''(i) the date on which the employee attains retirement age; and

''(ii) the date that is 3 years after the date of enactment of the Workers' Compensation Reform Act of 2012.''.

SEC. 303. AUGMENTED COMPENSATION FOR DEPENDENTS.

(a) IN GENERAL.—Section 8110 is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

''(b) TERMINATION OF AUGMENTED COMPENSATION.—

''(1) IN GENERAL.—Subject to paragraph (2), augmented compensation for dependants under subsection (c) shall not be provided.

''(2) EXCEPTIONS.—

''(A) TOTAL DISABILITY.—For a covered claim for total disability by an employee—

''(i) the employee shall receive augmented compensation under subsection (c) if the employee is an individual who has an exempt disability condition; and

''(ii) the employee shall receive augmented compensation under subsection (c) until the date that is 3 years after the date of enactment of the Workers' Compensation Reform Act of 2012 if the employee is not an employee described in clause (i).

''(B) PARTIAL DISABILITY.—For a covered claim for partial disability by an employee, the employee shall receive augmented compensation under subsection (c) until the date that is 3 years after the date of enactment of the Workers' Compensation Reform Act of 2012.

''(C) PERMANENT DISABILITY COMPENSATED BY A SCHEDULE.—For a claim for a permanent disability described in section 8107(a) by an employee that commenced before the date of enactment of the Workers' Compensation Reform Act of 2012, the employee shall receive augmented compensation under subsection (c).''.

(b) MAXIMUM AND MINIMUM MONTHLY PAYMENTS.—Section 8112 is amended—

(1) in subsection (a)—

(A) by inserting ''subsections (b) and (c) and'' before ''section 8138'';

(B) by striking ''including augmented compensation under section 8110 of this title but''; and

(C) by striking ''75 percent'' each place it appears and inserting ''66⅔ percent'';

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following:

''(b) EXCEPTIONS.—

''(1) COVERED DISABILITY CONDITION.—For a covered claim for total disability by an employee, if the employee is an individual who has an exempt disability condition—

''(A) the monthly rate of compensation for disability that is subject to the maximum and minimum monthly amounts under subsection (a) shall include any augmented compensation under section 8110; and

''(B) subsection (a) shall be applied by substituting '75 percent' for '66⅔ percent' each place it appears.

''(2) PARTIAL DISABILITY.—For a covered claim for partial disability by an employee, until the date that is 3 years after the date of enactment of the Workers' Compensation Reform Act of 2012—

''(A) the monthly rate of compensation for disability that is subject to the maximum and minimum monthly amounts under subsection (a) shall include any augmented compensation under section 8110; and

''(B) subsection (a) shall be applied by substituting '75 percent' for '66⅔ percent' each place it appears.''; and

(4) in subsection (c), as redesignated by paragraph (2), by striking ''subsection (a)'' and inserting ''subsections (a) and (b)''.

(c) DEATH BENEFITS GENERALLY.—Section 8133 is amended—

(1) in subsections (a) and (e), by striking ''75 percent'' each place it appears and inserting ''66⅔ percent (except as provided in subsection (g))''; and

(2) by adding at the end the following:

''(g) If the death occurred before the date of enactment of the Workers' Compensation Reform Act of 2012, subsections (a) and (e) shall be applied by substituting '75 percent' for '66⅔ percent' each place it appears.''.

(d) DEATH BENEFITS FOR CIVIL AIR PATROL VOLUNTEERS.—Section 8141 is amended—

(1) in subsection (b)(2)(B) by striking ''75 percent'' and inserting ''66⅔ percent (except as provided in subsection (c))'';

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

''(c) If the death occurred before the date of enactment of the Workers' Compensation Reform Act of 2012, subsection (b)(2)(B) shall be applied by substituting '75 percent' for '66⅔ percent'.''.

SEC. 304. SCHEDULE COMPENSATION PAYMENTS.

Section 8107 is amended—

(1) in subsection (a), by striking ''at the rate of 66⅔ percent of his monthly pay'' and inserting ''at the rate specified under subsection (d)''; and

(2) by adding at the end the following:

''(d) RATE FOR COMPENSATION.—

''(1) ANNUAL SALARY.—

''(A) IN GENERAL.—Except as provided in paragraph (2), the rate under subsection (a) shall be the rate of 66⅔ percent of the annual salary level established under subparagraph (B), in a lump sum equal to the present value (as calculated under subparagraph (C)) of the amount of compensation payable under the schedule.

''(B) ESTABLISHMENT.—

''(i) IN GENERAL.—The Secretary of Labor shall establish an annual salary for purposes of subparagraph (A) in the amount the Secretary determines will result in the aggregate cost of payments made under this section being equal to what would have been the aggregate cost of payments under this section if the amendments made by section 304(a) of the Workers' Compensation Reform Act of 2012 had not been enacted.

''(ii) COST OF LIVING ADJUSTMENT.—The annual salary established under clause (i) shall be increased on March 1 of each year by the amount determined by the Secretary of Labor to represent the percent change in the price index published for December of the preceding year over the price index published for the December of the year prior to the preceding year, adjusted to the nearest one-tenth of 1 percent.

''(C) PRESENT VALUE.—The Secretary of Labor shall calculate the present value for purposes of subparagraph (A) using a rate of interest equal to the average market yield for outstanding marketable obligations of the United States with a maturity of 2 years on the first business day of the month in which the compensation is paid or, in the event that such marketable obligations are not being issued on such date, at an equivalent rate selected by the Secretary of Labor, true discount compounded annually.

''(2) CERTAIN INJURIES.—For an injury that occurred before the date of enactment of the Workers' Compensation Reform Act of 2012, the rate under subsection (a) shall be 66⅔ percent of the employee's monthly pay.

''(e) SIMULTANEOUS RECEIPT.—

''(1) TOTAL DISABILITY.—An employee who receives compensation for total disability under section 8105 may only receive the lump sum of schedule compensation under this section in addition to and simultaneously with the benefits for total disability after the earlier of—

''(A) the date on which the basic compensation for total disability of the employee becomes 50 percent of the monthly pay of the employee under section 8105(b); or

''(B) the date on which augmented compensation of the employee terminates under section 8110(b)(2)(A)(ii), if the employee receives such compensation.

''(2) PARTIAL DISABILITY.—An employee who receives benefits for partial disability under section 8106 may only receive the lump sum of schedule compensation under this section in addition to and simultaneously with the benefits for partial disability after the earlier of—

''(A) the date on which the basic compensation for partial disability of the employee becomes 50 percent of the difference between the monthly pay of the employee and the monthly wage-earning capacity of the employee after the beginning of the partial disability under section 8106(b); or

''(B) the date on which augmented compensation of the employee terminates under section

8110(b)(2)(B), if the employee receives such compensation.''.

SEC. 305. VOCATIONAL REHABILITATION.

(a) IN GENERAL.—Section 8104 is amended—

(1) in subsection (a)—

(A) by striking ''(a) The Secretary of Labor may'' and all that follows through ''undergo vocational rehabilitation.'' and inserting the following:

''(a) IN GENERAL.—

''(1) DIRECTION.—Except as provided in paragraph (2), not earlier than the date that is 6 months after the date on which an individual eligible for wage-loss compensation under section 8105 or 8106 is injured, or by such other date as the Secretary of Labor determines it would be reasonable under the circumstances for the individual to begin vocational rehabilitation, and if vocational rehabilitation may enable the individual to become capable of more gainful employment, the Secretary of Labor shall direct the individual to participate in developing a comprehensive return to work plan and to undergo vocational rehabilitation at a location a reasonable distance from the residence of the individual.'';

(B) by striking ''the Secretary of Health, Education, and Welfare in carrying out the purposes of chapter 4 of title 29'' and inserting ''the Secretary of Education in carrying out the purposes of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.)'';

(C) by striking ''under section 32(b)(1) of title 29'' and inserting ''under section 5 of the Rehabilitation Act of 1973 (29 U.S.C. 704)''; and

(D) by adding at the end the following:

''(2) EXCEPTION.—The Secretary of Labor may not direct an individual who has attained retirement age to participate in developing a comprehensive return to work plan or to undergo vocational rehabilitation.'';

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following:

''(b) CONTENTS OF RETURN TO WORK PLAN.—A return to work plan developed under subsection (a)—

''(1) shall—

''(A) set forth specific measures designed to increase the wage-earning capacity of an individual;

''(B) take into account the prior training and education of the individual and the training, educational, and employment opportunities reasonably available to the individual; and

''(C) provide that any employment undertaken by the individual under the return to work plan be at a location a reasonable distance from the residence of the individual;

''(2) may provide that the Secretary will pay out of amounts in the Employees' Compensation Fund reasonable expenses of vocational rehabilitation (which may include tuition, books, training fees, supplies, equipment, and child or dependent care) during the course of the plan; and

''(3) may not be for a period of more than 2 years, unless the Secretary finds good cause to grant an extension, which may be for not more than 2 years.'';

(4) in subsection (c), as so redesignated—

(A) by inserting ''COMPENSATION.—'' before ''Notwithstanding''; and

(B) by striking '', other than employment undertaken pursuant to such rehabilitation''; and

(5) by adding at the end the following:

''(d) ASSISTED REEMPLOYMENT AGREEMENTS.—

''(1) IN GENERAL.—The Secretary may enter into an assisted reemployment agreement with an agency or instrumentality of any branch of the Federal Government or a State or local government or a private employer that employs an individual eligible for wage-loss compensation under section 8105 or 8106 to enable the individual to return to productive employment.

''(2) CONTENTS.—An assisted reemployment agreement under paragraph (1)—

''(A) may provide that the Secretary will use amounts in the Employees' Compensation Fund to reimburse an employer in an amount equal to not more than 100 percent of the compensation the individual would otherwise receive under section 8105 or 8106; and

''(B) may not be for a period of more than 3 years.

''(e) LIST.—To facilitate the hiring of individuals eligible for wage-loss compensation under section 8105 or 8106, the Secretary shall provide a list of such individuals to the Office of Personnel Management, which the Office of Personnel Management shall provide to all agencies and instrumentalities of the Federal Government.''.

(b) EMPLOYEES' COMPENSATION FUND.—Section 8147 is amended by adding at the end:

''(d) Notwithstanding subsection (b), any benefits or other payments paid to or on behalf of an employee under this subchapter or any extension or application thereof for a recurrence of injury, consequential injury, aggravation of injury, or increase in percentage of impairment to a member for which compensation is provided under the schedule under section 8107 suffered in a permanent position with an agency or instrumentality of the United States while the employment with the agency or instrumentality is covered under an assisted reemployment agreement entered into under section 8104(d) shall not be included in total cost of benefits and other payments in the statement provided to the agency or instrumentality under subsection (b) if the injury was originally incurred in a position not covered by an assisted reemployment agreement.''.

(c) TERMINATION OF VOCATIONAL REHABILITATION REQUIREMENT AFTER RETIREMENT AGE.—Section 8113(b) is amended by adding at the end the following: ''An individual who has attained retirement age may not be required to undergo vocational rehabilitation.''.

(d) MANDATORY BENEFIT REDUCTION FOR NONCOMPLIANCE.—Section 8113(b) is amended by striking ''may reduce'' and inserting ''shall reduce''.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Subchapter III of chapter 15 of title 31, United States Code, is amended by adding at the end the following:

''§ 1538. Authorization for assisted reemployment

''Funds may be transferred from the Employees' Compensation Fund established under section 8147 of title 5 to the applicable appropriations account for an agency or instrumentality of any branch of the Federal Government for the purposes of reimbursing the agency or instrumentality in accordance with an assisted reemployment agreement entered into under section 8104 of title 5.''.

(2) TABLE OF SECTIONS.—The table of sections for chapter 15 of title 31, United States Code, is amended by inserting after the item relating to section 1537 the following:

''1538. Authorization for assisted reemployment.''.

SEC. 306. REPORTING REQUIREMENTS.

(a) IN GENERAL.—Chapter 81 is amended by inserting after section 8106 the following:

''§ 8106a. Reporting requirements

''(a) DEFINITION.—In this section, the term 'employee receiving compensation' means an employee who—

''(1) is paid compensation under section 8105 or 8106; and

''(2) has not attained retirement age.

''(b) AUTHORITY.—The Secretary of Labor shall require an employee receiving compensation to report the earnings of the employee receiving compensation from employment or self-employment, by affidavit or otherwise, in the manner and at the times the Secretary specifies.

''(c) CONTENTS.—An employee receiving compensation shall include in a report required under subsection (a) the value of housing, board, lodging, and other advantages which are part of the earnings of the employee receiving compensation in employment or self-employment and the value of which can be estimated.

''(d) FAILURE TO REPORT AND FALSE REPORTS.—

''(1) IN GENERAL.—An employee receiving compensation who fails to make an affidavit or other report required under subsection (b) or who knowingly omits or understates any part of the earnings of the employee in such an affidavit or other report shall forfeit the right to compensation with respect to any period for which the report was required.

''(2) FORFEITED COMPENSATION.—Compensation forfeited under this subsection, if already paid to the employee receiving compensation, shall be recovered by a deduction from the compensation payable to the employee or otherwise recovered under section 8129, unless recovery is waived under that section.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 81 is amended by inserting after the item relating to section 8106 the following:

''8106a. Reporting requirements.''.

SEC. 307. DISABILITY MANAGEMENT REVIEW; INDEPENDENT MEDICAL EXAMINATIONS.

Section 8123 is amended by adding at the end the following:

''(e) DISABILITY MANAGEMENT REVIEW.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'covered employee' means an employee who is in continuous receipt of compensation for total disability under section 8105 for a period of not less than 6 months; and

''(B) the term 'disability management review process' means the disability management review process established under paragraph (2)(A).

''(2) ESTABLISHMENT.—The Secretary of Labor shall—

''(A) establish a disability management review process for the purpose of certifying and monitoring the disability status and extent of injury of each covered employee; and

''(B) promulgate regulations for the administration of the disability management review process.

''(3) PHYSICAL EXAMINATIONS REQUIRED.—Under the disability management review process, the Secretary of Labor shall periodically require covered employees to submit to physical examinations under subsection (a) by physicians selected by the Secretary. A physician conducting a physical examination of a covered employee shall submit to the Secretary a report regarding the nature and extent of the injury to and disability of the covered employee.

''(4) FREQUENCY.—

''(A) IN GENERAL.—The regulations promulgated under paragraph (2)(B) shall specify the process and criteria for determining when and how frequently a physical examination should be conducted for a covered employee.

''(B) MINIMUM FREQUENCY.—

''(i) INITIAL.—An initial physical examination shall be conducted not more than a brief period after the date on which a covered employee has been in continuous receipt of compensation for total disability under section 8015 for 6 months.

''(ii) SUBSEQUENT EXAMINATIONS.—After the initial physical examination, physical examinations of a covered employee shall be conducted not less than once every 3 years.

''(5) EMPLOYING AGENCY OR INSTRUMENTALITY REQUESTS.—

''(A) IN GENERAL.—The agency or instrumentality employing an employee who has made a claim for compensation for total disability under section 8105 may at any time submit a request for the Secretary of Labor to promptly require the employee to submit to a physical examination under this subsection.

''(B) REQUESTING OFFICER.—A request under subparagraph (A) shall be made on behalf of an agency or instrumentality by—

''(i) the head of the agency or instrumentality;

''(ii) the Chief Human Capital Officer of the agency or instrumentality; or

''(iii) if the agency or instrumentality does not have a Chief Human Capital Officer, an officer with responsibilities similar to those of a Chief Human Capital Officer designated by the head of the agency or instrumentality to make requests under this paragraph.

''(C) INFORMATION.—A request under subparagraph (A) shall be in writing and accompanied by—

''(i) a certification by the officer making the request that the officer has reviewed the relevant material in the employee's file;

''(ii) an explanation of why the officer has determined, based on the materials in the file and other information known to the officer, that requiring a physical examination of the employee under this subsection is necessary; and

''(iii) copies of the materials relating to the employee that are relevant to the officer's determination and request, unless the agency or instrumentality has a reasonable basis for not providing the materials.

''(D) EXAMINATION.—If the Secretary of Labor receives a request under this paragraph before an employee has undergone an initial physical examination under paragraph (4)(B)(i), the Secretary shall promptly require the physical examination of the employee. A physical examination under this subparagraph shall satisfy the requirement under paragraph (4)(B)(i) that an initial physical examination be conducted.

''(E) AFTER INITIAL EXAMINATION.—

''(i) IN GENERAL.—If the Secretary of Labor receives a request under this paragraph after an employee has undergone an initial physical examination under paragraph (4)(B)(i), the Secretary shall—

''(I) review the request and the information, explanation, and other materials submitted with the request; and

''(II) determine whether to require the physical examination of the employee who is the subject of the request.

''(ii) NOT GRANTED.—If the Secretary determines not to grant a request described in clause (i), the Secretary shall promptly notify the officer who made the request and provide an explanation of the reasons why the request was denied.''.

SEC. 308. WAITING PERIOD.

(a) IN GENERAL.—Section 8117 is amended—

(1) in the section heading, by striking ''**Time of accrual of right**'' and inserting ''**Waiting period**'';

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''An employee'' and all that follows through ''is not entitled'' and inserting ''IN GENERAL.—An employee is not entitled to continuation of pay within the meaning of section 8118 for the first 3 days of temporary disability or, if section 8118 does not apply, is not entitled'';

(B) in paragraph (1), by adding ''or'' at the end;

(C) by striking paragraph (2); and

(D) by redesignating paragraph (3) as paragraph (2); and

(3) in subsection (b)—

(A) by striking ''A Postal Service'' the first place it appears and all that follows through ''A Postal Service'' the second place it appears and inserting ''USE OF LEAVE.—An'';

(B) by striking ''that 3-day period'' and inserting ''the first 3 days of temporary disability''; and

(C) by striking ''or is followed by permanent disability''.

(b) CONTINUATION OF PAY.—Section 8118 is amended—

(1) in the section heading, by striking ''**; election to use annual or sick leave**'';

(2) in subsection (b)(1), by striking ''section 8117(b)'' and inserting ''section 8117'';

(3) by striking subsection (c); and

(4) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 81 is amended by striking the items relating to sections 8117 and 8118 and inserting the following:

''8117. Waiting period.

''8118. Continuation of pay.''.

SEC. 309. ELECTION OF BENEFITS.

(a) IN GENERAL.—Section 8116 is amended by adding at the end the following:

''(e) RETIREMENT BENEFITS.—

''(1) IN GENERAL.—An individual entitled to compensation benefits payable under this subchapter and under chapter 83 or 84 or any other retirement system for employees of the Government, for the same period, shall elect which benefits the individual will receive.

''(2) ELECTION.—

''(A) DEADLINE.—An individual shall make an election under paragraph (1) in accordance with such deadlines as the Secretary of Labor shall establish, which shall be a reasonable period after the individual has received notice of a final determination that the individual is entitled to compensation benefits payable under this subchapter.

''(B) REVOCABILITY.—An election under paragraph (1) shall be revocable, notwithstanding any other provision of law, except for any period during which an individual—

''(i) was qualified for benefits payable under both this subchapter and under a retirement system described in paragraph (1); and

''(ii) was paid benefits under the retirement system after having been notified of eligibility for benefits under this subchapter.

''(3) INFORMED CHOICE.—The Secretary of Labor shall provide information, and shall ensure that information is provided, to an individual described in paragraph (1) about the benefits available to the individual under this subchapter or under chapter 83 or 84 or any other retirement system referred to in paragraph (1) the individual may elect to receive.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Sections 8337(f)(3) and 8464a(a)(3) are each amended by striking ''Paragraphs'' and inserting ''Except as provided under chapter 81, paragraphs''.

SEC. 310. SANCTION FOR NONCOOPERATION WITH FIELD NURSES.

Section 8123, as amended by section 307, is amended by adding at the end the following:

''(f) FIELD NURSES.—

''(1) DEFINITION.—In this subsection, the term 'field nurse' means a registered nurse that assists the Secretary in the medical management of disability claims under this subchapter and provides claimants with assistance in coordinating medical care.

''(2) AUTHORIZATION.—The Secretary may use field nurses to coordinate medical services and vocational rehabilitation programs for injured employees under this subchapter. If an employee refuses to cooperate with a field nurse or obstructs a field nurse in the performance of duties under this subchapter, the right to compensation under this subchapter shall be suspended until the refusal or obstruction stops.''.

SEC. 311. SUBROGATION OF CONTINUATION OF PAY.

(a) IN GENERAL.—Section 8131 is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting ''continuation of pay or'' before ''compensation'';

(2) in subsection (b), by inserting ''continuation of pay or'' before ''compensation''; and

(3) in subsection (c)—

(A) by inserting ''continuation of pay or'' before ''compensation already paid''; and

(B) by inserting ''continuation of pay or'' before ''compensation payable''.

(b) ADJUSTMENT AFTER RECOVERY FROM A THIRD PERSON.—Section 8132 is amended—

(1) in the first sentence—

(A) by inserting ''continuation of pay or'' before ''compensation is payable'';

(B) by inserting ''continuation of pay or'' before ''compensation from the United States'';

(C) by striking ''by him or in his behalf'' and inserting ''by the beneficiary or on behalf of the beneficiary'';

(D) by inserting ''continuation of pay and'' before ''compensation paid by the United States''; and

(E) by striking ''compensation payable to him'' and inserting ''continuation of pay or compensation payable to the beneficiary'';

(2) in the second sentence, by striking ''his designee'' and inserting ''the designee of the beneficiary''; and

(3) in the fourth sentence, by striking ''If compensation'' and all that follows through ''payable to him by the United States'' and inserting ''If continuation of pay or compensation has not been paid to the beneficiary, the money or property shall be credited against continuation of pay or compensation payable to the beneficiary by the United States''.

SEC. 312. INTEGRITY AND COMPLIANCE.

(a) IN GENERAL.—Subchapter I of chapter 81 is amended by adding at the end the following:

''§ 8153. Integrity and Compliance Program

''(a) DEFINITIONS.—In this section—

''(1) the term 'FECA program' means the Federal Employees Compensation Program administered under this subchapter;

''(2) the term 'Integrity and Compliance Program' means the Integrity and Compliance Program established under subsection (b);

''(3) the term 'provider' means a provider of medical or other services under the FECA program; and

''(4) the term 'Secretary' means the Secretary of Labor.

''(b) INTEGRITY AND COMPLIANCE PROGRAM.—Not later than 270 days after the date of enactment of this section, the Secretary shall establish an Integrity and Compliance Program for the purpose of preventing, identifying, and recovering improper payments (including improper payments obtained by fraud) for the FECA program, which shall include—

''(1) procedures for identifying potentially improper payments (including improper payments obtained by fraud) before payment is made to claimants and providers, including, where appropriate, predictive analytics;

''(2) reviews after payment is made to identify potentially improper payments (including improper payments obtained by fraud) to claimants and providers;

''(3) on-going screening and verification procedures to ensure the continued eligibility of medical providers to provide services under the FECA program, including licensure, Federal disbarment, and the existence of relevant criminal convictions;

''(4) provision of appropriate information, education, and training to claimants and providers on requirements to ensure the integrity of the FECA program, including payments under the FECA program;

''(5) appropriate controls and audits to ensure that providers adopt internal controls and procedures for compliance with requirements under the FECA program;

''(6) procedures to ensure—

''(A) initial and continuing eligibility of claimants for compensation, benefits, or services under the FECA program; and

''(B) ongoing verification of databases of information relating to claimants to ensure accuracy and completeness; and

''(7) appropriately sharing and accessing data and information with other agencies and instrumentalities of the United States, including the United States Postal Service.

''(c) INTERAGENCY COOPERATION ON ANTI-FRAUD EFFORTS.—

''(1) IN GENERAL.—In administering the FECA program, including the Integrity and Compliance Program, the Secretary shall cooperate

with other agencies and instrumentalities of the United States (including the United States Postal Service) and the Inspectors General of such agencies and instrumentalities to prevent, identify, and recover improper payments (including improper payments obtained by fraud) under the FECA program.

''(2) TASK FORCE.—

''(A) IN GENERAL.—There is established a task force, which shall be known as the FECA Integrity and Compliance Task Force (in this paragraph referred to as the 'Task Force').

''(B) MEMBERSHIP.—The members of the Task Force shall be—

''(i) the Secretary, who shall serve as the Chairperson of the Task Force;

''(ii) the Postmaster General, who shall serve as the Vice Chairperson of the Task Force;

''(iii) the Attorney General;

''(iv) the Director of the Office of Management and Budget;

''(v) the Inspector General of the Department of Labor;

''(vi) the Inspector General of the United States Postal Service;

''(vii) the Inspectors General of other appropriate agencies and instrumentalities of the United States that employ a significant number of individuals receiving compensation, benefits, or services under the FECA program, as determined by the Chairperson and Vice Chairperson of the Task Force; and

''(viii) other appropriate Federal officials, as determined by the Chairperson and Vice Chairperson of the Task Force.

''(C) DUTIES.—The Task Force shall—

''(i) set forth, in writing, a description of the respective roles and responsibilities in preventing, identifying, recovering, and prosecuting fraud under, and otherwise ensuring integrity and compliance of, the FECA program of—

''(I) the Secretary (including subordinate officials such as the Director of the Office of Workers' Compensation Programs);

''(II) the Inspector General of the Department of Labor;

''(III) the Inspectors General of agencies and instrumentalities of the United States that employ claimants under the FECA program;

''(IV) the Attorney General; and

''(V) any other relevant officials;

''(ii) develop procedures for sharing information of possible fraud under the FECA program or other intentional misstatements by claimants or providers under the FECA program, including procedures addressing—

''(I) notification of appropriate officials of the Department of Labor of potential fraud or intentional misstatements, including provision of supporting information;

''(II) timely and appropriate response by officials of the Department of Labor to notifications described in subclause (I);

''(III) the inclusion of information and evidence relating to fraud and other intentional misstatements in criminal, civil, and administrative proceedings relating to the provision of compensation, benefits, or medical services (including payments to providers) under the FECA program;

''(IV) the coordination of criminal investigations with the administration of the FECA program; and

''(V) the protection of information relating to an investigation of possible fraud under the FECA program from potential disclosure, including requirements that enable investigative files to be appropriately separated from case management files;

''(iii) not later than 1 year after the date of enactment of this section, submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform and the Committee on Education and the Workforce of the House of Representatives a report that includes the description and procedures required under clauses (i) and (ii).

''(d) IMPROVEMENTS TO ACCESS OF FEDERAL DATABASES.—

''(1) IN GENERAL.—The Secretary, the Postmaster General, the Inspector General of the United States Postal Service, and the Inspector General of the Department of Labor shall have access to and make use of the agency databases described in this subsection in order to improve compliance with the requirements under and the integrity of the FECA program.

''(2) SOCIAL SECURITY EARNINGS INFORMATION.—

''(A) IN GENERAL.—Notwithstanding section 552a or any other provision of Federal or State law, upon written request, the Commissioner of Social Security shall make available to the Secretary, the Inspector General of the Department of Labor, the Postmaster General, and the Inspector General of the United States Postal Service the Social Security earnings information of a living or deceased employee required by the Secretary to carry out this subchapter.

''(B) PROCEDURES.—The Secretary shall establish procedures for correlating the identity and status of recipients of compensation, benefits, or services under this subchapter with Social Security earnings information described in subparagraph (A).

''(3) OFFICE OF PERSONNEL MANAGEMENT FEDERAL RETIREE DATABASE.—Notwithstanding section 552a or any other provision of Federal or State law, upon written request, the Director of the Office of Personnel Management shall make available to the Secretary, the Inspector General of the Department of Labor, the Postmaster General, and the Inspector General of the United States Postal Service the information in the databases of Federal employees and retirees maintained by the Director.

''(4) DEPARTMENT OF VETERANS AFFAIRS BENEFICIARIES DATABASE.—Notwithstanding section 552a or any other provision of Federal or State law, upon written request, the Secretary of Veterans Affairs shall make available to the Secretary, the Inspector General of the Department of Labor, the Postmaster General, and the Inspector General of the United States Postal Service the information in the database of disabled individuals maintained by the Secretary of Veterans Affairs.

''(5) NATIONAL DIRECTORY OF NEW HIRES.—Notwithstanding section 552a, section 453(j) of the Social Security Act (42 U.S.C. 653(j)), or any other provision of Federal or State law, upon written request, the Secretary of Health and Human Services shall make available to the Secretary, the Inspector General of the Department of Labor, the Postmaster General, the Inspector General of the United States Postal Service, and the Comptroller General of the United States the information in the National Directory of New Hires. The Comptroller General may obtain information from the National Directory of New Hires under this paragraph for any audit, evaluation, or investigation, including any audit, evaluation, or investigation relating to program integrity.

''(6) PROVISION.—Information requested under this subsection shall be provided—

''(A) in a timely manner;

''(B) at a reasonable cost to the Secretary, the Inspector General of the Department of Labor, the Postmaster General, the Inspector General of the United States Postal Service, or the Comptroller General of the United States; and

''(C) in the manner, frequency, and form reasonably specified by the officer making the request, which, upon request, shall include electronic form.

''(7) ASSESSMENT OF DATA COST-EFFECTIVENESS.—

''(A) IN GENERAL.—The Secretary shall consider and assess procedures for correlating the identity and status of recipients of compensation, benefits, or services under this subchapter with information relating to employees, retirees, and individuals described in paragraphs (3), (4), and (5).

''(B) REPORT.—Not later than 1 year after the date of enactment of this section, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform and the Committee on Education and the Workforce of the House of Representatives a report on the cost-effectiveness of the use of the databases described in paragraphs (3), (4), and (5) for program compliance and integrity. The report required under this subparagraph may be included as part of the report required under subsection (f).

''(8) UNITED STATES POSTAL SERVICE FECA ENROLLEE DATABASE.—Not later than 180 days after the date of enactment of this section, in order to track, verify, and communicate with the Secretary and other relevant entities, the Postmaster General shall establish an electronic database of information relating to employees of the United States Postal Service who have applied for or are receiving compensation, benefits, or services under this subchapter.

''(e) GENERAL PROTOCOLS AND SECURITY.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—In order to ensure strong information security and privacy standards, the Secretary, the Postmaster General, the Inspector General of the Department of Labor, and the Inspector General of the United States Postal Service shall establish protocols for the secure transfer and storage of any information provided to an individual or entity under this section.

''(B) CONSIDERATIONS.—In establishing protocols under subparagraph (A), the Secretary, the Postmaster General, the Inspector General of the Department of Labor, and the Inspector General of the United States Postal Service shall consider any recommendations submitted to the Secretary by the Inspector General of the Department of Health and Human Services with respect to the secure transfer and storage of information, and to comply with privacy laws and best practices.

''(C) FRAUD CASE PROTECTION.—The Secretary, the Postmaster General, the Inspector General of the Department of Labor, and the Inspector General of the United States Postal Service shall establish protocols and procedures to enable information and materials relating to an active investigation of possible fraud relating to the FECA program to be appropriately kept separate from the files for employees relating to the provision of compensation, benefits, or services under the FECA program.

''(2) COMPLIANCE.—The Secretary, the Postmaster General, the Inspector General of the Department of Labor, and the Inspector General of the United States Postal Service shall ensure that any information provided to an individual or entity under this section is provided in accordance with protocols established under paragraph (1).

''(f) REPORT.—Not later than 1 year after the date of enactment of this section, and annually thereafter for 5 years, the Secretary shall submit a report on the activities of the Secretary under this section, including implementation of the Integrity and Compliance Program, to—

''(1) the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(2) the Committee on Oversight and Government Reform and the Committee on Education and the Workforce of the House of Representatives.

''(g) GAO REVIEW.—The Comptroller General of the United States shall—

''(1) conduct periodic reviews of the Integrity and Compliance Program; and

''(2) submit reports on the results of the reviews under paragraph (1) to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform and the Committee on Education and the Workforce of the House of Representatives not later than—

''(A) 2 years after the date of enactment of this section; and

''(B) 3 years after submission of the report under subparagraph (A).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 81 is amended by inserting after the item relating to section 8152 the following:

''8153. Integrity and Compliance Program.''.

SEC. 313. AMOUNT OF COMPENSATION.

(a) INJURIES TO FACE, HEAD, AND NECK.—Section 8107(c)(21) is amended—

(1) by striking ''not to exceed $3,500'' and inserting ''in proportion to the severity of the disfigurement, not to exceed $50,000,''; and

(2) by adding at the end the following: ''The maximum amount of compensation under this paragraph shall be increased on March 1 of each year by the amount determined by the Secretary of Labor to represent the percent change in the price index published for December of the preceding year over the price index published for the December of the year prior to the preceding year, adjusted to the nearest one-tenth of 1 percent.''.

(b) FUNERAL EXPENSES.—Section 8134(a) is amended—

(1) by striking ''$800'' and inserting ''$6,000''; and

(2) by adding at the end the following: ''The maximum amount of compensation under this subsection shall be increased on March 1 of each year by the amount determined by the Secretary of Labor to represent the percent change in the price index published for December of the preceding year over the price index published for the December of the year prior to the preceding year, adjusted to the nearest one-tenth of 1 percent.''.

(c) APPLICATION.—The amendments made by this section shall apply to injuries or deaths, respectively, occurring on or after the date of enactment of this Act.

SEC. 314. TECHNICAL AND CONFORMING AMENDMENTS.

Chapter 81 is amended—

(1) in section 8101(1)(D), by inserting ''for an injury that occurred before the effective date of section 204(e) of the District of Columbia Self-Government and Governmental Reorganization Act (Public Law 93–198; 87 Stat. 783; 5 U.S.C. 8101 note)'' before the semicolon;

(2) in section 8139, by inserting ''under this subchapter'' after ''Compensation awarded'';

(3) in section 8148(a), by striking ''section 8106'' and inserting ''section 8106a'';

SEC. 315. REGULATIONS.

(a) IN GENERAL.—As soon as possible after the date of enactment of this Act, the Secretary of Labor shall promulgate regulations (which may include interim final regulations) to carry out this title.

(b) CONTENTS.—The regulations promulgated under subsection (a) shall include, for purposes of the amendments made by sections 302 and 303, clarification of—

(1) what is a claim; and

(2) what is the date on which a period of disability, for which a claim is made, commences.

TITLE IV—OTHER MATTERS

SEC. 401. PROFITABILITY PLAN.

(a) PLAN REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Postal Service shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, the Comptroller General of the United States, and the Commission a plan describing, in detail, the actions the Postal Service will take to—

(1) become profitable by fiscal year 2015; and

(2) achieve long-term financial solvency.

(b) CONSIDERATIONS.—The plan required under subsection (a) shall take into consideration—

(1) the legal authority of the Postal Service;

(2) the changes in the legal authority and responsibilities of the Postal Service under this Act;

(3) any cost savings that the Postal Service anticipates will be achieved through negotiations with employees of the Postal Service; and

(4) projected changes in mail volume.

(c) UPDATES.—The Postal Service shall update the plan required under subsection (a) not less frequently than quarterly, until the last quarter of fiscal year 2015.

SEC. 402. POSTAL RATES.

(a) COMMISSION STUDY.—

(1) IN GENERAL.—Not earlier than 2 years after the date of enactment of this Act, the Commission shall commence a study to determine—

(A) whether and to what extent any market-dominant classes, products, or types of mail services do not bear the direct and indirect costs attributable to those classes, products, or types of mail service; and

(B) the impact of any excess mail processing, transportation, or delivery capacity of the Postal Service on the direct and indirect costs attributable to any class, product, or type of mail service that bears less than 100 percent of the costs attributable to the class, product, or type of mail service, as determined under subparagraph (A).

(2) REQUIREMENTS.—The Commission shall conduct the study under paragraph (1) in a manner that protects confidential and proprietary business information.

(3) HEARING.—Before completing the study under paragraph (1), the Commission shall hold a public hearing, on the record, in order to better inform the conclusions of the study. The Postal Service, postal customers, and other interested persons may participate in the hearing under this paragraph.

(4) COMPLETION.—Not later than 6 months after the date on which the Commission commences the study under subsection (a), the Commission shall complete the study.

(b) ANNUAL UPDATES REQUIRED.—Not later than 1 year after the date of completion of the study under subsection (a), and annually thereafter, the Commission shall—

(1) determine whether any class of mail bears less than 100 percent of the direct and indirect costs attributable to the class, product, or type of mail service, in the same manner as under subsection (a)(1)(A);

(2) for any class of mail for which the Commission makes a determination under paragraph (1), update the study under subsection (a); and

(3) include the study updated under paragraph (2) in the annual written determination of the Commission under section 3653 of title 39, United States Code.

(c) POSTAL RATES.—

(1) DEFINITION.—In this subsection, the term ''loss-making'', as used with respect to a class of mail, means a class of mail that bears less than 100 percent of the costs attributable to the class of mail, according to the most recent annual determination of the Commission under subsection (a)(1) or (b)(1), adjusted to account for the quantitative effect of excess mail processing, transportation, or delivery capacity of the Postal Service on the costs attributable to the class of mail.

(2) IN GENERAL.—Not later than 1 year after the date on which the study under subsection (a) is completed, and annually thereafter, the Postal Service shall establish postal rates for each loss-making class of mail.

(3) CONSIDERATIONS.—The Postal Service may establish postal rates under paragraph (2) in a manner that ensures, to the extent practicable, that a class of mail described in paragraph (2) is not loss-making by—

(A) using the authority to increase rates under section 3622(d)(1)(A) of title 39, United States Code;

(B) exhausting any unused rate adjustment authority, as defined in section 3622(d)(2)(C) of title 39, United States Code, subject to paragraph (4); and

(C) maximizing incentives to reduce costs and increase efficiency with regard to the processing, transportation, and delivery of such mail by the Postal Service.

(4) UNUSED RATE ADJUSTMENT AUTHORITY.—Section 3622(d)(2)(C) of title 39, United States Code, shall be applied by annually increasing by 2 percentage points any unused rate adjustment authority for a class of mail that bears less than 90 percent of the costs attributable to the class of mail, according to the most recent annual determination of the Commission under subsection (a)(1) or (b)(1), adjusted to account for the quantitative effect of excess mail processing, transportation, or delivery capacity of the Postal Service on the costs attributable to the class of mail.

SEC. 403. COOPERATION WITH STATE AND LOCAL GOVERNMENTS; INTRA-SERVICE AGREEMENTS.

(a) COOPERATION WITH STATE AND LOCAL GOVERNMENTS.—Section 411 of title 39, United States Code, is amended, in the first sentence, by striking ''and the Government Printing Office'' inserting '', the Government Printing Office, and agencies and other units of State and local governments''.

(b) INTRA-SERVICE AGREEMENTS.—Section 411 of title 39, United States Code, as amended by subsection (a), is amended—

(1) in the section heading, by adding at the end the following: ''**and within the Postal Service**'';

(2) in the second sentence, by striking ''section'' and inserting ''subsection'';

(3) by striking ''Executive agencies'' and inserting the following:

''(a) COOPERATION WITH STATE AND LOCAL GOVERNMENTS.—Executive agencies''; and

(4) by adding at the end the following:

''(b) COOPERATION WITHIN THE POSTAL SERVICE.—The Office of the Inspector General and other components of the Postal Service may enter into agreements to furnish to each other property, both real and personal, and personal and nonpersonal services. The furnishing of property and services under this subsection shall be under such terms and conditions, including reimbursability, as the Inspector General and the head of the component concerned shall deem appropriate.''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 4 of title 39, United States Code, is amended by striking the item relating to section 411 and inserting the following:

''411. Cooperation with other Government agencies and within the Postal Service.''.

SEC. 404. SHIPPING OF WINE AND BEER.

(a) MAILABILITY.—

(1) NONMAILABLE ARTICLES.—Section 1716(f) of title 18, United States Code, is amended by striking ''mails'' and inserting ''mails, except to the extent that the mailing is allowable under section 3001(p) of title 39''.

(2) APPLICATION OF LAWS.—Section 1161 of title 18, United States Code, is amended, by inserting '', and, with respect to the mailing of wine or malt beverages (as those terms are defined in section 117 of the Federal Alcohol Administration Act (27 U.S.C. 211)), is in conformity with section 3001(p) of title 39'' after ''Register''.

(b) REGULATIONS.—Section 3001 of title 39, United States Code, is amended by adding at the end the following:

''(p)(1) In this subsection, the terms 'wine' and 'malt beverage' have the same meanings as in section 117 of the Federal Alcohol Administration Act (27 U.S.C. 211).

''(2) Wine or malt beverages shall be considered mailable if mailed—

''(A) by a licensed winery or brewery, in accordance with applicable regulations under paragraph (3); and

''(B) in accordance with the laws of—

''(i) the State, territory, or district of the United States where the sender or duly authorized agent initiates the mailing; and

''(ii) the State, territory, or district of the United States where the addressee or duly authorized agent takes delivery.

''(3) The Postal Service shall prescribe such regulations as may be necessary to carry out this subsection, including regulations providing that—

''(A) the mailing shall be by a means established by the Postal Service to ensure direct delivery to the addressee or a duly authorized agent;

''(B) the addressee (and any duly authorized agent) shall be an individual at least 21 years of age;

''(C) the individual who takes delivery, whether the addressee or a duly authorized agent, shall present a valid, government-issued photo identification at the time of delivery;

''(D) the wine or malt beverages may not be for resale or other commercial purpose; and

''(E) the winery or brewery involved shall—

''(i) certify in writing to the satisfaction of the Postal Service, through a registration process administered by the Postal Service, that the mailing is not in violation of any provision of this subsection or regulation prescribed under this subsection; and

''(ii) provide any other information or affirmation that the Postal Service may require, including with respect to the prepayment of State alcohol beverage taxes.

''(4) For purposes of this subsection—

''(A) a winery shall be considered to be licensed if it holds an appropriate basic permit issued—

''(i) under the Federal Alcohol Administration Act; and

''(ii) under the law of the State in which the winery is located; and

''(B) a brewery shall be considered to be licensed if—

''(i) it possesses a notice of registration and bond approved by the Alcohol and Tobacco Tax and Trade Bureau of the Department of the Treasury; and

''(ii) it is licensed to manufacture and sell malt beverages in the State in which the brewery is located.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the earlier of—

(1) the date on which the Postal Service issues regulations under section 3001(p) of title 39, United States Code, as amended by this section; and

(2) 120 days after the date of enactment of this Act.

SEC. 405. ANNUAL REPORT ON UNITED STATES MAILING INDUSTRY.

(a) IN GENERAL.—Chapter 24 of title 39, United States Code, is amended by adding at the end the following:

''§ 2403. Annual report on the fiscal stability of the United States mailing industry

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Postal Regulatory Commission shall submit a report on the fiscal stability of the United States mailing industry with respect to the preceding fiscal year to—

''(1) the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(2) the Committee on Oversight and Government Reform of the House of Representatives.

''(b) ASSISTANCE.—The United States Postal Service and any Federal agency involved in oversight or data collection regarding industry sectors relevant to the report under subsection (a) shall provide any assistance to the Postal Regulatory Commission that the Postal Regulatory Commission determines is necessary in the preparation of a report under subsection (a).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 24 of title 39, United States Code, is amended by adding at the end the following:

''2403. Annual report on the fiscal stability of the United States mailing industry.''.

SEC. 406. USE OF NEGOTIATED SERVICE AGREEMENTS.

Section 3622 of title 39, United States Code, is amended—

(1) in subsection (c)(10)(A)—

(A) in the matter preceding clause (i), by striking ''either'' and inserting ''will'';

(B) in clause (i), by striking ''or'' at the end;

(C) in clause (ii), by striking ''and'' at the end and inserting ''or''; and

(D) by adding at the end the following:

''(iii) preserve mail volume and revenue; and''; and

(2) by adding at the end the following:

''(g) COORDINATION.—The Postal Service and the Postal Regulatory Commission shall coordinate actions to identify methods to increase the use of negotiated service agreements for market-dominant products by the Postal Service consistent with subsection (c)(10).''.

SEC. 407. CONTRACT DISPUTES.

Section 7101(8) of title 41, United States Code, is amended—

(1) in subparagraph (C), by striking ''and'' at the end;

(2) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(E) the United States Postal Service and the Postal Regulatory Commission.''.

SEC. 408. CONTRACTING PROVISIONS.

(a) IN GENERAL.—Part I of title 39, United States Code, is amended by adding at the end the following:

''CHAPTER 7—CONTRACTING PROVISIONS

''Sec.
''701. Definitions.
''702. Advocate for competition.
''703. Delegation of contracting authority.
''704. Posting of noncompetitive purchase requests for noncompetitive contracts.
''705. Review of ethical issues.
''706. Ethical restrictions on participation in certain contracting activity.
''707. Congressional oversight authority.

''§ 701. Definitions

''In this chapter—

''(1) the term 'contracting officer' means an employee of a covered postal entity who has authority to enter into a postal contract;

''(2) the term 'covered postal entity' means—

''(A) the Postal Service; or

''(B) the Postal Regulatory Commission;

''(3) the term 'head of a covered postal entity' means—

''(A) in the case of the Postal Service, the Postmaster General; or

''(B) in the case of the Postal Regulatory Commission, the Chairman of the Postal Regulatory Commission;

''(4) the term 'postal contract' means any contract (including any agreement or memorandum of understanding) entered into by a covered postal entity for the procurement of goods or services; and

''(5) the term 'senior procurement executive' means the senior procurement executive of a covered postal entity.

''§ 702. Advocate for competition

''(a) ESTABLISHMENT AND DESIGNATION.—

''(1) ESTABLISHMENT.—There is established in each covered postal entity an advocate for competition.

''(2) DESIGNATION.—The head of each covered postal entity shall designate for the covered postal entity 1 or more officers or employees (other than the senior procurement executive) to serve as the advocate for competition.

''(b) RESPONSIBILITIES.—The advocate for competition of each covered postal entity shall—

''(1) be responsible for promoting competition to the maximum extent practicable consistent with obtaining best value by promoting the acquisition of commercial items and challenging barriers to competition;

''(2) review the procurement activities of the covered postal entity; and

''(3) prepare and transmit to the head of each covered postal entity, the senior procurement executive of each covered postal entity, the Board of Governors, and Congress, an annual report describing—

''(A) the activities of the advocate under this section;

''(B) initiatives required to promote competition;

''(C) barriers to competition that remain; and

''(D) the number of waivers made by each covered postal entity under section 704(c).

''§ 703. Delegation of contracting authority

''(a) IN GENERAL.—

''(1) POLICY.—Not later than 60 days after the date of enactment of the 21st Century Postal Service Act of 2012, the head of each covered postal entity shall issue a policy on contracting officer delegations of authority for the covered postal entity.

''(2) CONTENTS.—The policy issued under paragraph (1) shall require that—

''(A) notwithstanding any delegation of authority with respect to postal contracts, the ultimate responsibility and accountability for the award and administration of postal contracts resides with the senior procurement executive; and

''(B) a contracting officer shall maintain an awareness of and engagement in the activities being performed on postal contracts of which that officer has cognizance, notwithstanding any delegation of authority that may have been executed.

''(b) POSTING OF DELEGATIONS.—

''(1) IN GENERAL.—The head of each covered postal entity shall make any delegation of authority for postal contracts outside the functional contracting unit readily available and accessible on the website of the covered postal entity.

''(2) EFFECTIVE DATE.—This paragraph shall apply to any delegation of authority made on or after 30 days after the date of enactment of the 21st Century Postal Service Act of 2012.

''§ 704. Posting of noncompetitive purchase requests for noncompetitive contracts

''(a) POSTING REQUIRED.—

''(1) POSTAL REGULATORY COMMISSION.—The Postal Regulatory Commission shall make the noncompetitive purchase request for any noncompetitive award, including the rationale supporting the noncompetitive award, publicly available on the website of the Postal Regulatory Commission—

''(A) not later than 14 days after the date of the award of the noncompetitive contract; or

''(B) not later than 30 days after the date of the award of the noncompetitive contract, if the basis for the award was a compelling business interest.

''(2) POSTAL SERVICE.—The Postal Service shall make the noncompetitive purchase request for any noncompetitive award of a postal contract valued at $250,000 or more, including the rationale supporting the noncompetitive award, publicly available on the website of the Postal Service—

''(A) not later than 14 days after the date of the award; or

''(B) not later than 30 days after the date of the award, if the basis for the award was a compelling business interest.

''(3) ADJUSTMENTS TO THE POSTING THRESHOLD FOR THE POSTAL SERVICE.—

''(A) REVIEW AND DETERMINATION.—Not later than January 31 of each year, the Postal Service shall—

''(i) review the $250,000 threshold established under paragraph (2); and

''(ii) based on any change in the Consumer Price Index for all-urban consumers of the Department of Labor, determine whether an adjustment to the threshold shall be made.

''(B) AMOUNT OF ADJUSTMENTS.—An adjustment under subparagraph (A) shall be made in increments of $5,000. If the Postal Service determines that a change in the Consumer Price Index for a year would require an adjustment in an amount that is less than $5,000, the Postal Service may not make an adjustment to the threshold for the year.

''(4) EFFECTIVE DATE.—This subsection shall apply to any noncompetitive contract awarded on or after the date that is 90 days after the date of enactment of the 21st Century Postal Service Act of 2012.

''(b) PUBLIC AVAILABILITY.—

''(1) IN GENERAL.—Subject to paragraph (2), the information required to be made publicly available by a covered postal entity under subsection (a) shall be readily accessible on the website of the covered postal entity.

''(2) PROTECTION OF PROPRIETARY INFORMATION.—A covered postal entity shall—

''(A) carefully screen any description of the rationale supporting a noncompetitive award required to be made publicly available under subsection (a) to determine whether the description includes proprietary data (including any reference or citation to the proprietary data) or security-related information; and

''(B) remove any proprietary data or security-related information before making publicly available a description of the rational supporting a noncompetitive award.

''(c) WAIVERS.—

''(1) WAIVER PERMITTED.—If a covered postal entity determines that making a noncompetitive purchase request publicly available would risk placing the Postal Service at a competitive disadvantage relative to a private sector competitor, the senior procurement executive, in consultation with the advocate for competition of the covered postal entity, may waive the requirements under subsection (a).

''(2) FORM AND CONTENT OF WAIVER.—

''(A) FORM.—A waiver under paragraph (1) shall be in the form of a written determination placed in the file of the contract to which the noncompetitive purchase agreement relates.

''(B) CONTENT.—A waiver under paragraph (1) shall include—

''(i) a description of the risk associated with making the noncompetitive purchase request publicly available; and

''(ii) a statement that redaction of sensitive information in the noncompetitive purchase request would not be sufficient to protect the Postal Service from being placed at a competitive disadvantage relative to a private sector competitor.

''(3) DELEGATION OF WAIVER AUTHORITY.—A covered postal entity may not delegate the authority to approve a waiver under paragraph (1) to any employee having less authority than the senior procurement executive.

''§ 705. Review of ethical issues

''If a contracting officer identifies any ethical issues relating to a proposed contract and submits those issues and that proposed contract to the designated ethics official for the covered postal entity before the awarding of that contract, that ethics official shall—

''(1) review the proposed contract; and

''(2) advise the contracting officer on the appropriate resolution of ethical issues.

''§ 706. Ethical restrictions on participation in certain contracting activity

''(a) DEFINITIONS.—In this section—

''(1) the term 'covered employee' means—

''(A) a contracting officer; or

''(B) any employee of a covered postal entity whose decisionmaking affects a postal contract as determined by regulations prescribed by the head of a covered postal entity;

''(2) the term 'covered relationship' means a covered relationship described in section 2635.502(b)(1) of title 5, Code of Federal Regulations, or any successor thereto; and

''(3) the term 'final conviction' means a conviction, whether entered on a verdict or plea, including a plea of nolo contendere, for which a sentence has been imposed.

''(b) IN GENERAL.—

''(1) REGULATIONS.—The head of each covered postal entity shall prescribe regulations that—

''(A) require a covered employee to include in the file of any noncompetitive purchase request for a noncompetitive postal contract a written certification that—

''(i) discloses any covered relationship of the covered employee; and

''(ii) the covered employee will not take any action with respect to the noncompetitive purchase request that affects the financial interests of a friend, relative, or person with whom the covered employee is affiliated in a nongovernmental capacity, or otherwise gives rise to an appearance of the use of public office for private gain, as described in section 2635.702 of title 5, Code of Federal Regulations, or any successor thereto;

''(B) require a contracting officer to consult with the ethics counsel for the covered postal entity regarding any disclosure made by a covered employee under subparagraph (A)(i), to determine whether participation by the covered employee in the noncompetitive purchase request would give rise to a violation of part 2635 of title 5, Code of Federal Regulations (commonly referred to as the 'Standards of Ethical Conduct for Employees of the Executive Branch');

''(C) require the ethics counsel for a covered postal entity to review any disclosure made by a contracting officer under subparagraph (A)(i) to determine whether participation by the contracting officer in the noncompetitive purchase request would give rise to a violation of part 2635 of title 5, Code of Federal Regulations (commonly referred to as the 'Standards of Ethical Conduct for Employees of the Executive Branch'), or any successor thereto;

''(D) under subsections (d) and (e) of section 2635.50 of title 5, Code of Federal Regulations, or any successor thereto, require the ethics counsel for a covered postal entity to—

''(i) authorize a covered employee that makes a disclosure under subparagraph (A)(i) to participate in the noncompetitive postal contract; or

''(ii) disqualify a covered employee that makes a disclosure under subparagraph (A)(i) from participating in the noncompetitive postal contract;

''(E) require a contractor to timely disclose to the contracting officer in a bid, solicitation, award, or performance of a postal contract any conflict of interest with a covered employee; and

''(F) include authority for the head of the covered postal entity to a grant a waiver or otherwise mitigate any organizational or personal conflict of interest, if the head of the covered postal entity determines that the waiver or mitigation is in the best interests of the Postal Service.

''(2) POSTING OF WAIVERS.—Not later than 30 days after the head of a covered postal entity grants a waiver described in paragraph (1)(F), the head of the covered postal entity shall make the waiver publicly available on the website of the covered postal entity.

''(c) CONTRACT VOIDANCE AND RECOVERY.—

''(1) UNLAWFUL CONDUCT.—In any case in which there is a final conviction for a violation of any provision of chapter 11 of title 18 relating to a postal contract, the head of a covered postal entity may—

''(A) void that contract; and

''(B) recover the amounts expended and property transferred by the covered postal entity under that contract.

''(2) OBTAINING OR DISCLOSING PROCUREMENT INFORMATION.—

''(A) IN GENERAL.—In any case where a contractor under a postal contract fails to timely disclose a conflict of interest to the appropriate contracting officer as required under the regulations promulgated under subsection (b)(1)(D), the head of a covered postal entity may—

''(i) void that contract; and

''(ii) recover the amounts expended and property transferred by the covered postal entity under that contract.

''(B) CONVICTION OR ADMINISTRATIVE DETERMINATION.—A case described under subparagraph (A) is any case in which—

''(i) there is a final conviction for an offense punishable under section 27(e) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(e)); or

''(ii) the head of a covered postal entity determines, based upon a preponderance of the evidence, that the contractor or someone acting for the contractor has engaged in conduct constituting an offense punishable under section 27(e) of that Act.

''§ 707. Congressional oversight authority

''The Postal Service may not enter into any contract that restricts the ability of Congress to exercise oversight authority.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part I of title 39, United States Code, is amended by adding at the end the following:

''7. Contracting Provisions ..... 701''.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, relevance is a fair standard. A lot of amendments can be offered. Very few couldn't be offered unless it were something dealing with foreign policy on the Postal Service bill. A lot of people want to offer amendments dealing with situations all over the world. That is why we struggled, for example, to get the Iran sanctions bill moving. A standard of relevance merely asks that we stay on the subject—a subject this morning to which 74 Senators agreed to proceed to.

I regret my friend has objected to this request. But I hope my friend from Kentucky will go home and explain to the people who are dependent on those small post offices around the State of Kentucky and those processing centers that this bill has not been resolved because of him.

If we do nothing, there will be the wide-range closing of post offices. We have more than 30,000 post offices in America. Many of them will be closed. We have hundreds and hundreds of processing centers. They will be closed. The Postal Service, as we have known it, is a fleeting moment in the eyes of Americans when they cannot get their medicine they want, they cannot get the mail they want. The volume is down a lot. But that is what this bill is about: to address some of the problems we have with what we need to have happen as a new Postal Service.

The chairman of the committee, Senator LIEBERMAN, has worked extremely hard. Senator COLLINS has spent lots and lots of time on this issue. Of course, TOM CARPER, who has a tremendous interest in this, has been working on this issue for a long time.

It is a shame we have had this objection. It leaves me with absolutely no alternative but to fill the amendment tree and make sure we stick on the subject of postal reform. I remain hopeful we will be able to work together to get an agreement for consideration of amendments related to this most important task: saving the Postal Service.

COMMITTEE-REPORTED SUBSTITUTE AMENDMENT WITHDRAWN

Mr. President, I have been authorized by the chairman of the Senate Homeland Security and Governmental Affairs Committee to withdraw the committee-reported substitute amendment.

The PRESIDING OFFICER (Mr. FRANKEN). The amendment is withdrawn.

AMENDMENT NO. 2000

(Purpose: In the nature of a substitute)

Mr. REID. Mr. President, on behalf of Senators LIEBERMAN, COLLINS, and others, I call up amendment No. 2000, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. LIEBERMAN, for himself, Ms. COLLINS, Mr. CARPER, and Mr. BROWN of Massachusetts, proposes an amendment numbered 2000.

(The amendment is printed in the RECORD of Monday, April 16, 2012, under ''Text of Amendments.'')

Mr. REID. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2013 TO AMENDMENT NO. 2000

Mr. REID. Mr. President, I have a first-degree perfecting amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2013 to amendment No. 2000.

The amendment is as follows:

At the end, add the following new section:

SEC. ___

This Act shall become effective 7 days after enactment.

Mr. REID. Mr. President, 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. 2014 TO AMENDMENT NO. 2013

Mr. REID. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2014 to amendment No. 2013.

The amendment is as follows:

In the amendment, strike ''7 days'' and insert ''6 days''.

CLOTURE MOTION

Mr. REID. Mr. President, 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 the Lieberman-Collins substitute amendment No. 2000 to S. 1789, the 21st Century Postal Service Act.

Harry Reid, Joseph I. Lieberman, Sherrod Brown, Debbie Stabenow, Thomas R. Carper, Bernard Sanders, Jeanne Shaheen, Bill Nelson, Christopher A. Coons, Sheldon Whitehouse, Kirsten E. Gillibrand, Charles E. Schumer, Jack Reed, John F. Kerry, Daniel K. Inouye, Richard Blumenthal.

AMENDMENT NO. 2015

Mr. REID. Mr. President, I have an amendment at the desk to the language proposed to be stricken.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2015 to the language proposed to be stricken (by amendment No. 2000).

The amendment is as follows:

At the end, add the following new section:

SEC. ___

This Act shall become effective 5 days after enactment.

Mr. REID. Mr. President, 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. 2016 TO AMENDMENT NO. 2015

Mr. REID. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2016 to amendment No. 2015.

The amendment is as follows:

In the amendment, strike ''5 days'' and insert ''4 days''.

CLOTURE MOTION

Mr. REID. Mr. President, 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. 1789, the 21st Century Postal Service Act.

Harry Reid, Joseph I. Lieberman, Sherrod Brown, Debbie Stabenow, Thomas R. Carper, Bernard Sanders, Jeanne Shaheen, Bill Nelson, Christopher A. Coons, Sheldon Whitehouse, Kirsten E. Gillibrand, Charles E. Schumer, Jack Reed, John F. Kerry, Daniel K. Inouye, Richard Blumenthal.

Mr. REID. I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. The yeas and nays are not necessary.

Mr. REID. Mr. President, I got ahead of myself. Reading was one of my better subjects, but I skipped a line.

MOTION TO RECOMMIT WITH AMENDMENT NO. 2017

Mr. President, I have a motion to recommit the bill with instructions, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to recommit the bill, S. 1789, to the Committee on Homeland Security and Governmental Affairs with instructions to report back forthwith with an amendment numbered 2017.

The amendment is as follows:

At the end, add the following new section:

SEC. ___

This Act shall become effective 3 days after enactment.

Mr. REID. Mr. President, 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. 2018

Mr. REID. Mr. President, I have an amendment to the instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2018 to the instructions (amendment No. 2017) of the motion to recommit S. 1789.

The amendment is as follows:

In the amendment, strike ''3 days'' and insert ''2 days''.

Mr. REID. Mr. President, 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. 2019 TO AMENDMENT NO. 2018

Mr. REID. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2019 to amendment No. 2018.

The amendment is as follows:

In the amendment, strike ''2 days'' and insert ''1 day''.

Mr. REID. Mr. President, I have another matter of business, but I wish to say to all Senators here, not just the Senator from Kentucky who objected to a reasonable manner to proceed on this measure—all States are going to be dramatically impacted by virtue of his objection. Post offices in Nevada will be closed and in Minnesota, Massachusetts, Tennessee, unnecessarily.

We need to be able to work through this. I do not know how anyone could object to a standard as we have had, as I have proposed: relevant amendments. It is too bad. Eight million people depend on the Postal Service. That is 8 million people who work as a result of the Postal Service. Mr. President, 500,000 people work for the Postal Service directly. So we have an obligation to do something about this legislation.

Even though my friend, who is one of the leaders of the tea party movement around the country, has thrown a monkey wrench into what we are doing on a postal bill—moving to some foreign relations matter—it is too bad. It cheapens what we are trying to do, and it is unfortunate for millions of people in America.

VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2011—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 312, S. 1925, a bill to reauthorize the Violence Against Women Act.

The PRESIDING OFFICER. The motion is pending.

Mr. LEVIN. Mr. President, will the Senator from Vermont yield for 2 minutes?

Mr. SANDERS. Yes.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, what we have just witnessed is an example of why the Senate is too often tied into knots. We have a bill that is critical to every one of our States that is pending, the postal reform bill. The leader tried to move this bill forward by saying: Let's stick to amendments relevant to the bill, which is a pretty broad standard, a lot broader than a germaneness standard. Then there is an objection to that because there is another matter which the Senator from Kentucky rightfully has an interest in. We all have an interest in various matters around here, many of which are $2 billion or more in terms of cost. But that amendment by the Senator from Kentucky is not relevant to this bill, and unless, he says, he gets his way and has a 15-minute debate on a $2 billion subject, he is going to object to us addressing a subject which involves every one of our States.

This is why we have so many difficulties, at times at least, moving forward in the Senate. Because any one of us at any time can object to moving legislation that is relevant and amendments that are relevant in order to get his or her way on a totally unrelated amendment.

Mr. PAUL. Mr. President, since I have been referred to, may I interject with a question?

Mr. LEVIN. I asked to be yielded 2 minutes. That would be up to the Senator from Vermont.

Mr. PAUL. Could I interject with a——

Mr. LEVIN. I just wish to simply say that then what happens is that then the majority leader is forced to fill the tree. That creates problems on the other side because the tree is filled. But that is in response to an unwillingness on the part of the Senator to let us proceed on a bill which is important to every one of us with relevant amendments. So we have a response from that Senator to the determination of the majority leader to move forward with a bill that affects all of us. Objecting to a UC, the majority leader is forced to fill the tree, and we are off and running.

So for 2 days around here—for 2 days around here now—we are going to go through the same thing we go through almost every single week. We will have amendments which will be sought to be offered. We have to set aside amendments. We get to a cloture vote. We end up with a far more restrictive standard than if we were allowed to proceed with relevant amendments. We end up with a germaneness standard, a lot narrower than the relevance standard which was proposed by the majority leader.

This was a self-defeating action, I believe, in objecting to a unanimous consent proposal which would allow us to proceed with relevant amendments. It does not accomplish the aim of the Senator from Kentucky because we are not going to get to that subject, and all it does is restrict the rest of us who are trying to offer relevant amendments in the next few days. It is a real example of what the problem is around this Senate.

Mr. PAUL. Will the Senator yield for a question? Since I am being characterized, I would think I would be allowed a response.

Mr. REID. Mr. President, regular order. Under the order that was entered, the Senator from Vermont is to be recognized.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Thank you, Mr. President.

The Senator from Tennessee has requested 2 or 3 minutes to make a point, and I am happy to yield some of my time, after which I would get the floor back.

The PRESIDING OFFICER. Is there objection?

Mr. BROWN of Massachusetts. Mr. President, I object in order to ask a question as well.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Vermont?

Mr. BROWN of Massachusetts. Yes.

The PRESIDING OFFICER. That the Senator from Tennessee be recognized and then that the Senator——

Mr. BROWN of Massachusetts. I wish to ask a question, Mr. President.

Mr. REID. Regular order, Mr. President.

Mr. SANDERS. I apologize to the Senator from Tennessee.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Vermont?

Mr. BROWN of Massachusetts. Yes.

The PRESIDING OFFICER. Objection is heard.

The Senator from Vermont has the floor.

Mr. SANDERS. I do apologize to my friend from Tennessee.

POSTAL SERVICE REFORM

I want to just continue and talk about what the managers' amendment does. I went over a number of criteria by which it strengthens our ability to protect rural post offices, and that is something I think many of us from rural America want to see happen. We understand how important rural post offices are to the heart and soul of small communities.

The Lieberman-Collins bill took us a good way forward. This amendment goes further.

I should say that while I think the managers' amendment is a step forward in almost every instance, I believe that through the amendment process we can strengthen the bill even further. I intend to be working with many of my colleagues to do just that.

So we talked a little bit about strengthening the ability of rural post offices to continue to exist.

Second issue: The managers' amendment protects regional overnight delivery standards. The managers' amendment requires that the Postal Service retain a modified overnight delivery standard for 3 years, ensuring that communities across the country continue to receive overnight delivery of first-class mail—a very significant step forward for small businesses and for people throughout our country.

A maximum delivery standard of 3 days would also be maintained for first-class mail sent anywhere in the continental United States. Originally, the Postmaster General had suggested maybe we could lengthen the time from 3 days to 5 days. We keep it at 3 days.

The retention of—and this is important for every Member of the Senate concerned about the employment situation—the retention of a modified overnight delivery standard would result in at least 100 mail processing facilities remaining open that are now scheduled to be closed.

No. 3, the managers' amendment makes it harder to eliminate 6-day delivery. The substitute amendment would prohibit the Postal Service from implementing any plan to eliminate Saturday delivery for at least 2 years. After 2 years, Saturday delivery could only be eliminated if the Postal Service has first attempted to increase revenue and cut costs through other means and the GAO and the Postal Regulatory Commission conclude that eliminating Saturday delivery is necessary for the long-term solvency of the Postal Service.

Fourth, and very important—something I and many other Members feel strongly about—the Postal Service needs a new business model. Let me—and I know the Presiding Officer, the Senator from Minnesota, has been very interested in all these postal issues. Right now, if one walks into a post office and they say to a postal clerk: Hi. I would like to give you $2 to notarize this letter, the postal clerk would say: It is against the law for me to do that. I can't take your $2.

Mr. SANDERS. Postal Clerk, can you make 10 copies of this letter?

Nope; it is against the law for me to do that.

Rural Postal Clerk, I would like a fishing license or a hunting license. Can you help me with that?

I cannot do that. It is against the law.

I want to mail this box of wine and beer.

I cannot do that. It is against the law.

So what we want to do is take away many of the restrictions that have been imposed on the Postal Service by Congress and give them the flexibility to be more entrepreneurial to bring in more revenue. In addition to that, this managers' amendment creates a blue ribbon entrepreneurial commission. What that is about is that today we have, as the majority leader indicated, some 32,000 post offices in America. Today letter carriers are delivering mail to about 150 million doors in America. That is a huge infrastructure.

If we have some pretty smart entrepreneurial types telling us what we can do in addition to what we are doing now—what the letter carriers can do, what the post offices could do, what the Postal Service can do in terms of new products and services—can we bring in more revenue? I think we can. That is what the commission is going to be looking at.

Let me say a few words about the financial condition of the Postal Service. No one debates first-class mail is down. A lot of people now use e-mail and the Internet rather than first-class mail. There is no debate about that. But what many people, including many Members of Congress, do not fully understand is the major crisis. The major financial crisis facing the Postal Service is the fact that they have an onerous burden of having to provide $5.5 billion every single year in future retiree health benefits—$5.5 billion every year—which was imposed upon them in 2006.

According to the inspector general of the Postal Service, the $44 billion in that account right now is all that it needs because when that $44 billion accrues interest over a 20-year or so period, it will have enough money to pay out all of the future retiree health benefits that it has to do. Furthermore, there is, in general, no disagreement that the Postal Service has overpaid into the Federal Employees Retirement System by about $11 billion and to the Civil Service Retirement Service about $2 billion. In other words, the Postal Service is owed about $13 billion.

So to conclude, let me say this: The Postal Service performs an enormously important function for millions of individuals and for our economy as a whole. As the majority leader indicated, there are some 8 million jobs in a variety of industries dependent upon a strong Postal Service.

I believe if the Senate is prepared to be bold, to do the right thing, we can save jobs. We do not need to lay off or to downsize the Postal Service by over 200,000 workers. We do not need to shut down over 3,000 rural post offices. We do not need to shut down half of the processing plants in America and slow down mail delivery service leading to an eventual death cycle for the Postal Service.

So the task before us is a huge one. To tell you the truth—and I speak as an Independent, the longest serving Independent in congressional history—this is not a Democratic issue; this is not a Republican issue. Republicans and Democrats have rural post offices. All know how important they are. All want to save jobs in the middle of a recession. All want the Postal Service to be strong.

So I would hope we can work together. We had a good vote a few hours ago—74 votes. I would hope we could work together to save the Postal Service, make it strong, and make sure it is there for our kids and our grandchildren.

At this point, if the Senator from Tennessee would like some time, I am happy to yield to him 3 minutes.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. I thank the Senator from Vermont. This is a body that operates by unanimous consent, which is a hard thing to get accustomed to until you have ever been a part of it. That means any one of us can stop the Senate from opening or having a prayer or saying the Pledge of Allegiance or going to a bill.

What I am about to say, I do not want in any way to diminish the rights of any Senator, such as the Senator from Kentucky, to have an opportunity to object to a unanimous consent request. But when everyone has a lot of rights, unless we have some agreement, it is hard to get much done.

I have been sometimes critical of the majority leader, but I have also tried to support and praise him for things he has done when I can because I know that either being the Democratic or the Republican leader is not an easy job. So I want to commend the majority leader for offering to accept all relevant amendments, which is a broad category, and this bill seems particularly appropriate for that because we have competing visions for what to do about the post office.

It has gone through committee, the regular order, and the bill is bipartisan. There are not a lot of partisan differences. There are a lot of differences, and they need to be worked out. We have probably 2 weeks to do it. So this is a ripe situation for that if we can get consent to do it.

I am disappointed the majority leader felt he had to go on and offer cloture to move on because he already had control of the situation with the right to fill the tree. So I would hope we could respect the right of the Senator from Kentucky and that of other Senators to offer unanimous consent—to object to unanimous consent agreements but see if we cannot find some way to move ahead with an agreement on relevant amendments.

That means the majority leader does not pick the amendments; we all get to offer them if they are relevant. The majority leader has a difficult job. So I hope as he reflects on this matter he will consider that it is much easier to get an agreement for relevant amendments in our caucus—I do not know what it is like in the Democratic caucus—if we are able to talk it through a little bit and secure consent for that before it is offered.

That would be the job of Senator MCCONNELL, the Republican leader. So here we are. We were on the postal bill for 5 full minutes, and now we are off on a wrong track. We can move back very easily. The majority leader has the ability to control any amendment through his filling the tree and does not need the cloture amendment. Hopefully, the Senators on this side will carefully consider the offer of all relevant amendments. That would give us a chance to offer many amendments.

It is the right of any Senator to object. But as one Senator, I appreciate the gesture, and I hope the majority leader will give Senator MCCONNELL an opportunity, if he wants it—I am just speaking for myself—if he wants it, to work through our caucus and see if we can get a relevant amendment agreement.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. BROWN of Massachusetts. Mr. President, I would yield to the Senator from Michigan for 15 seconds.

Mr. LEVIN. Mr. President, I wish to thank the Senator from Tennessee for his constructive comments. He and I have spoken about trying to work on a relevant standard at the beginning of a bill as a way of moving a bill forward with the greatest possible leniency, without getting into totally nonrelevant subjects.

I thought his comments were constructive. I wanted to thank him for it. I hope we can continue to work together on this relevance course, which is perhaps the best way to get us out of the kind of knots that we are frequently tied in. I want to thank my friend from Massachusetts.

Mr. BROWN of Massachusetts. Mr. President, I concur with the Senator from Tennessee. Listen, we need to step back and move back a little bit. This is a bill of which I am a cosponsor. I work very hard. I note in the majority leader's comments he referenced Senators CARPER, LIEBERMAN, and COLLINS. But I spent an equal amount of time working on this bill and I am a cosponsor. I care very deeply about our postal workers and the security and the viability of the post office itself.

I am hopeful also that the majority leader will step back because before we left we had 2 great weeks of working on relevant issues. We had the insider trading bill, which passed 96 to 3. The leader allowed us to have a couple of days to get our Members in order, not 4 hours.

We should have the ability, when we have amendments or issues that involve our Members—they should have the right to bring them forward in any form they want, and we should have the ability to get together with them before we move on to another totally different, very important issue, such as the Violence Against Women Act, of which I am also a cosponsor. So I do not care which one we go to.

But this one is relevant. It is time sensitive. It needs to be addressed right away. I have been honored to work with Senator CARPER once again and Senator LIEBERMAN once again and Senator COLLINS once again, working on something that can be very important and will be very important for our country.

We are here today because the post office is clearly at a crossroads. They are in deep trouble. For more than two centuries it has played a key role in both our economy and our communities, and for decades communities large and small and citizens far and wide have come to depend on the regular and dependable mail service 6 days a week for a reasonable price.

It is plain and simple that in the past a steady volume of mail has provided that adequate revenue. But things have changed. Yet in the face of the technological changes and difficult economic conditions, first-class mail volume, as we know, has dropped by over one-quarter in the last 5 years. It is forecasted to do the same thing over the next 5 years, and the business model that proved successful for generations is now sinking the Postal Service in a pool of red ink.

As we all know, they have lost over $13 billion—billion dollars—in the last 2 years. They are almost on the verge of bankruptcy. As we know, the workforce is too big, costs are too high, and operations are being maintained that are unequal to the revenue that is actually coming in. We need to stop that right away. The number of delivery addresses increases every day, and the Postal Service's liability to its employees grows each and every day. The longer we wait, the more difficult it becomes. We are up against a deadline. We do need to work together in a bipartisan, bicameral manner.

This is not about Democrats and Republicans or Independents. It is about us as a body showing once again—trying to reestablish that trust with the American people—that, my goodness, the Senate can do things together, as we did with the crowdfunding jobs bill, as we did with the Arlington Cemetery bill, as we have done with the 3-percent withholding, and as we have done most recently with the insider trading. We can do these things. This is a no-brainer.

Everybody here agrees we need to save the post office, and we all have some very real concerns: rural concerns, city concerns, everybody has concerns. We should have the ability to have these aired, and we need to do it right now.

I would once again encourage the majority leader to step back from the path he has chosen to move on to another bill because one Member had a deep concern about what is happening in Egypt, as many of us do. Would it hurt to give him his 15 minutes and then move on? I just do not get it. It is such a disservice to the American people.

We need to put the Postal Service on the path to solvency right away—right away. The bill that has been brought here has been worked on between our four offices probably 300 or 400 hours easy. Throw in the office hours for all our staff, it is probably upwards of 1,000 hours we have been working on this bill.

This is something I speak to our constituents of, working with Congressman LYNCH in Massachusetts and others, to try to make sure we can have a plan, a good base, a good starting point. We may not agree on everything. But I will tell you, we all agree we need to save the U.S. Postal Service. We need to give them the tools and the resources to do their job and be viable and competitive into the new century. We all agree on that.

So we have a little hiccup, then we are going to move on to another bill. Once again, it is just as important, and I am happy to move on to it. I am a cosponsor. But come on. We deserve to give the American people better. We should be doing better. We need to recognize and address right away the serious financial condition of the post office and provide it with the flexibility to cut costs but do so in a way that is responsible to its employees and considerate of the customers who are continuing to use their service, to grant them the ability to find ways to increase revenue and innovate without competing with private industry or giving them an unfair advantage over private industry. That is a good thing.

We also want to make sure rates do not rise abruptly. That is also a good thing. We need to ensure that the Postal Service maintains a certain standard of service so it will have business and individuals who want to continue to use that service.

It is a delicate balancing act, with little disagreement on that. There is also little disagreement that the current size in both workforce and postal operations is neither sustainable nor required for the long term. We must reduce costs and we need to have greater efficiencies, and they must be found if the Postal Service is to survive and thrive in the future. The Postal Service still plays a significant role in our economy; we all know it. There is a standard they have to hit, and we all demand it.

I fear that if we don't pass this bill, the Postal Service will continue to advocate for a more aggressive approach. We are up against a deadline. If we fail to address this, the Postmaster General will have the ability to do things that I think will not be in the best interests of everybody in this Chamber and the American citizens. We can provide different tools that he would be able to use, and we would be able to have input on that.

In Massachusetts, the Postal Service has made plans to close four main processing facilities and dozens of post offices. Yet there has been a lack of detailed explanation provided to government leaders—me and others—and employees or the surrounding communities to fully justify these changes as both necessary and prudent. We can do better and should do better.

Eliminating the overnight delivery standard or days of delivery will be transformational shifts in service. We don't know whether those are appropriate. Little is known about the combined impact these major changes will have on the postal customers or future revenues.

Mr. President, as we know, volume declines means decreased revenue for some and driving costs up and getting those costs under control are driving users away at alarming rates. These plans require a thoughtful consideration of alternative solutions, public input, and cautious implementation. We have, in fact, done that with our bill. We have sat down, as I said, for more hours than I can tell you trying to work through every issue. We have met with the players ad nauseam to try to make sure we address each and every consideration, including Members of this Chamber. There are Members on the other side who have their own ideas how to fix this. We have amendments here, also, and people want to address their issues.

Since when do we bring up a bill and do it in a day—especially something like this, which is so massive and affects so many people and an entire industry. We are going to do it in a day or 2 days. Even when we did insider trading, we did it in 4 or 5 days. This bill, I figure, is a good 6 to 8 days of hard-core debating, letting people come up with ideas for trying to rescue this important industry.

I and others in this Chamber want the postal employees to be treated fairly. We recognize their dedication and their service in this bill. We have over 100,000 employees eligible for retirement today. Rather than advocating for layoff authority, our bill provides a means for the Postal Service to increase attrition rates through buyouts and separation incentives to leave the post office voluntarily and with dignity. That is deeply important to me.

Additional provisions in the bill include long-overdue improvements to the Federal Workers' Compensation Program, a more affordable schedule of prefunding the retiree health benefit trust fund, and encouraging eligible retirees to join the Medicare rolls.

These are no doubt difficult times for the Postal Service, and some very tough choices are going to be made. So far in this legislative session, the Senate has shown that there are issues, as

I said in my presentation, on which we can find bipartisan solutions. In closing, I am confident this is one of them, and I look forward to having our bill heard and we get back on track, have the leader step back and allow us to come up with an agreement of relevant amendments and do the people's business.

I am grateful for the leadership Senators LIEBERMAN, COLLINS, and CARPER have shown on this issue over the years. I look forward to working on this bill with them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. MCCAIN. Mr. President, before the Senator speaks, I ask unanimous consent that I be allowed to follow the remarks of the Senator from Rhode Island.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island.

STUDENT LOAN AFFORDABILITY ACT

Mr. REED. Mr. President, we are engaged in a very important debate while the clock is ticking on literally the future of the postal service.

I want to alert my colleagues to another issue that is rapidly approaching. On July 1, if we do not act, the interest rate on subsidized student loans will be doubling from 3.4 percent to 6.8 percent, impacting more than 7 million students, including more than 36,000 in Rhode Island.

I have introduced legislation—the Student Loan Affordability Act—to stop the doubling of student loan interest rates as of July 1 of this year. Many of my colleagues have already joined me, including Senators BEGICH, SHERROD BROWN, DURBIN, FRANKEN, TIM JOHNSON, KLOBUCHAR, LEAHY, MURRAY, SANDERS, SCHUMER, STABENOW, WHITEHOUSE, and WYDEN, as cosponsors of the legislation. I thank them and urge all of my colleagues to join us in supporting this legislation.

If we don't act, the average borrower will have to pay approximately $2,800 more in interest on their loans. Students who take out the maximum $23,000 in subsidized student loans could owe approximately $5,000 more over the 10-year repayment period. Students and families simply cannot absorb these costs in this tough economy and in the face of rising tuition and dwindling State support for higher education.

This particular measure will hit middle-income families very hard because they are the ones who rely significantly on these subsidized student loans. The subsidized student loan program is a need-based financial aid program. To get the low rate and the in-school interest subsidy, students must demonstrate economic need. Nearly 60 percent of the dependent students who qualify for these loans come from families with incomes of less than $60,000. That is literally the middle class and the working poor of this country.

This is an issue of fairness. At a time, ironically, of historically low interest rates, when the Federal Reserve has set the target interest rate for Federal funds between 0 and .25 percent—the Fed is lending money to banks at near zero percent. We, at the same time, are asking middle-income families to pay twice as much, 6.8 percent—a huge discrepancy—in the loans they pay for education.

We also recognize—all of us—that the key to our future is an educated America. It seems that given the interest rate environment, where banks can get money overnight at near zero percent interest and we are telling students they have to pay 6.8, not 3.4, it doesn't make sense. It is in our national interest to ensure that students not only get educated but don't leave school with a mountain of debt.

We need more students graduating from our colleges, universities, and professional schools because that will power our economy in the future. We won't be globally competitive if we don't do this.

In 1980 the gap between the lifetime earnings of a college graduate and high school graduate was 40 percent. In 2010 it was 74 percent. By 2025 it is projected to be 96 percent. The message is clear: If you cannot get postsecondary education, you are virtually going to be condemned to being far behind in terms of income and ability to support your family. Researchers have found that since at least the 1980s, we haven't been producing a sufficient number of college-educated workers to meet the demand of industry. If you go to businesses throughout Rhode Island and the Nation, they will tell you they have jobs for which they cannot find the people with the high-level skills needed to fill them. So every available criterion argues strenuously for this legislation.

In Rhode Island, we have 41 percent of our working adults who have college degrees. By 2018 it is estimated that 61 percent of the jobs there will require some postsecondary education. We have a 20-percent gap that has already opened in the next 4 years, and we have to fill it. The wrong way to fill it is to make college more expensive.

I recently had a roundtable with all of the presidents of my universities and colleges in Rhode Island. They said that keeping this interest rate relatively low is absolutely critical. They are all worried about the fact that by July 1, unless we act, we will see a doubling of this interest rate.

Frankly, this is an issue that has had bipartisan support. In 2007, on a very strong, bipartisan basis, we enacted the College Cost Reduction and Access Act, cutting the interest rate from 6.8 to 3.4 percent. In the Senate, the legislation passed on a 79-to-12 vote, with more than two-thirds of Republican Senators—34 out of 49—supporting it. President George W. Bush signed it into law.

We have to revive, before July 1, that bipartisan spirit that motivated the initial legislation so that we can avoid doubling the interest rate college students will pay for these loans. It is a matter of major priorities for us—not just for a short time but for the future of the country. We have 75 days. The clock is ticking. We have to move. If we don't, millions of middle-class students and families will be denied the opportunity to effectively get a higher education.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

POSTAL SERVICE REFORM

Mr. MCCAIN. Mr. President, I rise to comment on our failure to move forward with debate and discussion and amendments on this very important bill. The sponsors of the legislation and I may have very different proposals to address this compelling issue, but neither the sponsors nor I believe we should not have debate, discussion, and amendment.

Unfortunately, again, because of a requirement by Members that their amendment be voted on, apparently, the majority leader will now move on, fill the tree, amendments will not be allowed, and we will move on to other legislation. This affects 500-some-thousand American employees. We are talking about tens of billions of dollars. We are talking about an urgent need to restructure and reform the postal system in America. So now, because of demands of Senators to have votes on nongermane amendments, we will now move on to other legislation. I wonder when we will address the issue. May 15 is a very critical date in this whole scenario.

I would like to talk a bit about my proposal, and that basically is modeled after the bill that is pending in the other body, the House of Representatives.

Yesterday the Washington Post editorial said, ''The time for real postal reform is now.'' It begins:

> For anyone who still does not quite grasp the technologically obsolescent U.S. Postal Service's calamitous financial situation, here are a few facts from Thursday's Government Accountability Office report.

Before I go through that, I will quote from a Washington Post article from November 18. It specifically refers to the pending legislation. It says:

> The 21st Century Postal Service Act of 2011, proposed by Senators Joseph I. Lieberman and Susan Collins and passed last week by the Senate Committee on Homeland Security and Governmental Affairs, is not a bill to save the U.S. Postal Service. It is a bill to postpone saving the Postal Service.
>
> The service's announcement that it lost $5.1 billion in the most recent fiscal year was billed as good news, which suggests how dire its situation is. The only reason the loss was not greater is that Congress postponed the USPS's payment of $5.5 billion to prefund retiree health benefits. According to the Government Accountability Office, even $50 billion would not be enough to repay all of the Postal Service's debt and address current and future operating deficits that are caused by its inability to cut costs quickly enough to match declining mail volume and revenue.
>
> The Collins-Lieberman bill, which transfers $7 billion from the Federal Employee

Retirement System to the USPS—to be used for offering buyouts to its workers and paying down debts—can stave off collapse for a short time at best.

I point out that this is the Washington Post's view and the GAO's view, not necessarily that of this Senator.

Nor do the other measures in the bill offer much hope. The bill extends the payment schedule for the Postal Service to prefund its employee retirement benefits from 10 to 40 years. Yes, the funding requirement is onerous, but if the USPS cannot afford to pay for these benefits now, what makes it likely they will be able to pay later when mail volumes most likely will have plummeted further?

The article goes on to talk about one of the favorite tactics around here—more studies.

The bill also requires two more years of studies to determine whether a switch to five-day delivery would be viable.

I have to repeat that for my colleagues. We need to study for 2 years as to whether we need to reduce mail delivery from 6 days to 5 days. Isn't that marvelous. Isn't that marvelous—2 years to study. What it is is delaying what is absolutely necessary; that is, to have 5-day-a-week delivery.

One of my colleagues said it might keep someone from getting a newspaper in the mail. We are talking about $50 billion short, and we can't even reduce the number of days which has been recommended by the Postmaster General himself, so we are going to have 2 years to study whether we should switch to 5-day-a-week and whether that would be viable.

Continuing to quote from the Washington Post article:

These studies would be performed by a regulatory body that has already completed a laborious inquiry into the subject, a process that required almost a year.

So it will actually take 3 years.

This seems a pointless delay, especially given that a majority of Americans support the switch to five-day delivery.

We are sympathetic to Congress's wish to avoid killing jobs. And the bill does include provisions we have supported—such as requiring arbitrators to take the Postal Service's financial situation into account during collective bargaining and demanding a plan for providing mail services at retail outlets.

But this plan hits the snooze button on many of the postal service's underlying problems. Eighty percent of the USPS's budget goes towards its workforce; many of its workers are protected by no-layoff clauses.

Our Postal Service has no-layoff clauses in its contracts. I wonder if most Americans know that.

Seven billion dollars' worth of buyouts may help to shrink the workforce, but this so-called overpayment will come from taxpayers' pockets, and it is a hefty price to pay for further delay.

There is an alternative—a bill proposed by Representative Darrell Issa, (Republican-California) that would create a supervisory body to oversee the Postal Service's finances and, if necessary, negotiate new labor contracts. The bill, which just emerged from committee, is not perfect, but it offers a serious solution that does not leave taxpayers on the hook.

I wish to read from the April 14 Washington Post editorial, which I think sums up the situation.

For better or worse, our children's children will marvel at the fact that anyone ever used to send the paper thing called ''a letter.'' They'll be amazed to learn that we unnecessarily spent billions of dollars propping up a huge, inefficient system for moving these things around. But what would really astound future generations is that we borrowed that money and left it to them to pay it back.

There is no better description of what this bill is all about. My friends, I will be glad to go into a number of details, but it is very clear Congress and the Postal Service cannot make decisions, so what we need is the only thing we found that worked to reduce our bases in America, which was a BRAC. So what we need is a BRAC-like commission to identify those post offices and other facilities that need to be closed.

I wish to go back to what the article said about future generations. My friends, we now communicate with these. We communicate by e-mail and we communicate by tweeting and we communicate electronically in the ways we used to do with pen and paper or a typewriter. That is a fact. So we have seen a dramatic reduction in regular mail. We have seen it go down in a very dramatic fashion, which will accelerate over time. Listen, when guys my age are doing this, everybody is doing it. The fact is, everybody will be doing it, and they will not have to put a 30- or 40- or 50-cent or 60-cent stamp on a letter in order to get a message to their friends, families, business associates, et cetera.

Instead of doing as some did when the Pony Express was replaced by the railroad—trying to prop up a failing industry—let's find a graceful exit and, at the same time, preserve those functions of the Postal Service that will be around for a long time. There are functions that could stay around for a long time. But this is a dramatically changed world. We now have instant communications. We have instant news cycles, and we have today a proliferation, thank God, of information and knowledge that was unknown in previous years or in history. There are upsides and downsides to that, but the Postal Service delivering letters does not play any role in the future of information being shared and made available to citizens all over the world.

First-class mail makes up more than half of postal revenues. It is down by more than 25 percent since 2001. In the last 11 years, it is down 25 percent, and I promise that will accelerate. It continues on a downward spiral with no sign of recovery. This, combined with unsustainable 80-percent labor costs and labor contracts that contain no-layoff clauses, points to the hard reality the Postal Service is broken.

By the way, that is also the conclusion of the Government Accountability Office, which just recently issued a report entitled ''Challenges Related to Restructuring the Postal Service's Retail Network.'' Let me quote from that report.

In 2011, the American Postal Workers Union . . . and USPS management negotiated a 4-year agreement that limits transferring employees of an installation or craft to no more than 50 miles away.

How in the world did they negotiate an agreement that they would not transfer anybody farther than 50 miles away?

If USPS management cannot place employees within 50 miles, the parties are to jointly determine what steps may be taken, which includes putting postal employees on ''stand by'' which occurs when workers are idled but paid their full salary due to reassignments and reorganization efforts.

I am not making that up. If someone is a postal service worker and they want to be reassigned more than 50 miles away, they cannot do it. And if they can't do it, they put employees on stand-by, and they are idled but paid their full salary due to reassignments and reorganization efforts. My friends, it helps us to understand why 80 percent of their costs are in personnel.

The GAO, in its report, makes an argument basically for a BRAC. They call it the Commission on Postal Reorganization. Quoting the GAO once again:

The proposed Commission on Postal Reorganization could broaden the current focus on individual facility closures—which are often contentious, time consuming and inefficient—to a broader network-wide restructuring, similar to the BRAC approach. In other restructuring efforts where this approach has been used, expert panels have successfully informed and permitted difficult restructuring decisions, helping to provide consensus on intractable decisions. As previously noted, the 2003 report of the President's Commission on the USPS also recommended such an approach relating to the consolidation and rationalization of USPS's mail processing and distribution infrastructure. We also reported in 2010 that Congress may want to consider this approach to assist in restructuring organizations that are facing key financial challenges.

GAO has testified that USPS cannot continue providing services at current levels without dramatic changes in its cost structure. Optimizing the USPS's mail processing network would help USPS by bringing down costs related to excess and inefficient resources.

Continuing to read from the GAO report:

Lack of flexibility to consolidate its workforce: USPS stated it must be able to reduce the size of its workforce in order to ensure its costs are less than revenue. Action in this area is important since USPS's workforce accounts for about 80 percent of its costs.

We are faced with a very difficult decision, and the amendment and substitute I have has a number of provisions. I see my friend from Connecticut is on the floor, and I know he wants to discuss this issue as well, but the fact is we are looking at a Postal Service that once upon a time was so important to the United States of America it was even mentioned in the Constitution. Since those days, and in the intervening years, the Postal Service performed an incredibly outstanding job in delivering mail and communications to our citizens all over America—

in all settings, in all parts of our country—and they deserve great credit for doing so. But now we face a technological change.

As I understand it, a huge portion of their mail now is made up of so-called junk mail, which is advertising mail. Americans in greater and greater numbers are making use of this new technology, as I pointed out, and it is time we understood that and we stopped this incredible hemorrhaging of money. According to the Postal Service itself, by 2020, they are expecting to face up to a $238 billion shortfall. They are expecting a $238 billion shortfall in just the next 8 years—$238 billion. The Postal Service has reached its borrowing limit of $15 billion. Even with dramatic cost savings of $12 billion and workforce reduction of 110,000 postal employees in the past 4 years, the Postal Service is still losing money. In fact, the Postal Service has said it could lose as much as $18 billion annually by 2015 if not given the necessary flexibility it needs to cut costs and transform.

What does the legislation before us do? It delays by 2 years for a study—a study—to figure out whether we should go from 6 days a week to 5 days a week. I wonder how long it would take some smart people to figure out whether we should go from a 5-day delivery versus 6 days. According to the sponsors of the bill, it takes them 2 years, after they have already studied it for 1 year. Remarkable. Remarkable.

What we need—and this is, unfortunately, testimony to the lack of political courage of Members of Congress and members of the administration—a BRAC process. We need a BRAC process, where we can appoint a number of men and women who are knowledgeable and who are willing to make these decisions for us and then those decisions would be made and it would come back for an up-or-down vote in the Congress of the United States.

I point out again, this bill before us locks in the current service standards for 3 years. It will make it impossible to go forward with the vast bulk of the Postal Service's planned network consolidation for at least 3 years. It puts in place significant new steps, including public notice and comment, before a processing plant can be closed. It gives appeal rights to the PRC for processing plant closures and gives binding authority to this PRC to keep a plant open to protect service standards.

The bill adds a number of new regulations designed to make it more difficult to close post offices. It includes a post office closure moratorium until retail service standards are created. It gives the PRC the ability to enforce a ''retail service standard'' which would enable the PRC to not only require appealed post offices stay open but even require new post offices to be open if a complaint is lodged.

It continues the 2-year delay before USPS can go to 5-day delivery, as I mentioned, and it removes a provision in the reported text that required arbitrators to take into account pay comparability in any decision. It replaces it with vague language that says ''nothing in this section may be construed to limit the relevant factors that the arbitration board may take into consideration.''

If that isn't vague language I don't know what is. Let me repeat it. They want the board to do nothing in this section of the legislation that could be construed to limit the relevant factors that the arbitration board may take into consideration. That is pretty good guidance, isn't it?

I could go on and on, but in summary I would just go back to the Washington Post's final paragraph of their article and repeat—and this is what this is all about, my friends.

> For better or worse, our children's children will marvel at the fact that anyone ever used to send the paper thing called ''a letter.'' They'll be amazed to learn that we unnecessarily spent billions of dollars propping up a huge, inefficient system for moving these things around. But what would really astound future generations is that we borrowed that money and left it to them to pay it back.

I thank the sponsors of this bill for the great effort they made. I think we have open and honest disagreements that deserve debate and discussion and amendments. They deserve amendments and they deserve honest debate. We are talking about the future of the Postal Service in America and we are talking about literally, over time, hundreds of billions of dollars of taxpayers' money.

I hope the majority leader will reconsider and allow amendments to be proposed. I hope my colleagues will not insist on a vote on a nonrelevant amendment as a condition to moving forward with legislation. That is not right either.

I have said time after time, because I have been around here for a long time, we should have people sit down, both majority and Republican leaders, and say, okay, how many amendments do you want? Which amendments do you want voted on? Give them a reasonable handful, which we did not that long ago, and then you have those votes and move forward.

This is important legislation. The Senator from Connecticut will point out that May 15 is a critical day. This issue cannot be strung out forever.

I hope we can sit down with the majority and Republican leader and come up with some amendments that would be allowed and then move forward. I don't know if my amendment will be agreed to, but I think it deserves a vote. I think it deserves debate and consideration.

Again, I thank the sponsors, three of the four of whom are on the floor, for their hard work. I look forward to the opportunity to have honest and open debate and discussion on this very important legislation. I know they and their staffs have put in hundreds and hundreds of hours of work on this legislation to bring it to the floor.

I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Madam President, I agree with the statements of the Senator from Arizona about the majority leader and allowing us to actually work on relevant amendments that are important to each and every person in this Chamber, to make sure we can address those very real issues, to move not only this issue forward but to try to attempt to rescue the Post Office.

I also agree with him in his commenting on some of the deals that were cut by the Postmaster General in dealing with contracting. We actually have spoken about this many times. I asked the Postmaster General personally what was the thought process associated with entering into a contract? Did you want us to be the bad guys? What was the thought process there? Our hands are somewhat tied in dealing with some of these legislative issues.

There is nobody I respect more than the Senator who just walked out of this Chamber but I have to respectfully disagree. During our many long hours of deliberation between staff and cosponsors we wrestled with many things that were brought up in his presentation. With all due respect, I read many other articles that comment we are moving boldly to try to rescue the Post Office, taking into consideration everybody—not only the union workers but obviously the Postmaster General, the citizens—i.e., the users of the Postal Service, and everybody in this Chamber.

The impending financial crisis at the Post Office I can tell you is foremost in our minds. It was the only consideration we had, was trying to make the Post Office viable for future generations to use. That is the only consideration we had. The fact that we are here today, and I guess are not going to be able to move forward on this, is mind-boggling. But any legitimate reform of the Postal Service has to recognize we need to cut costs and streamline an organization that is too big, especially in light of the future mail volumes and the decreasing of future mail volumes. Our bill recognizes this, but where it differs from the approach of the Senator from Arizona is in our recognition of the full impact that major service changes will have on postal customers and future revenues.

The Saturday delivery service of the Post Office is one of the strongest benefits it has. When you are competing with the other entities delivering mail or delivering packages and the like, that is the leg up that the Postal Service has. We want to deliver that.

As a matter of fact, I want to address two other things. It is not the taxpayers who are paying this money. It is the ratepayers who have already paid into the system and have in fact overpaid into the Postal Service in some of their retirement issues, the retirement

program that we have. We are merely giving them that money back to allow them to get their financial house in order in order to offer some buyouts, to get these 100,000 people retired so we can reduce the cost of the Postal Service.

Once we make these changes, the Senator from Arizona also referenced that it is going to take a 2-year study? No, it is not a 2-year study to see if we are going to cut down Saturday service. They want to cut it right off. If we do all these other changes, the consideration we did in a joint and bipartisan manner was to determine whether, in fact, if we had done these, do we still need to cut the Saturday service? Which, by the way, is the benefit the Postal Service has over everybody else. Are we going to contribute to that downward spiral or are we actually going to work together and give them the little bit of flexibility, to say we have done all these changes, we don't need to cut Saturday delivery?

We still do it. We may need to streamline it. We may need to do curbside instead of going to the door. We may need to do clusters, shift it in some rural areas. But we have cut retirees. We have cut, consolidated—we have done everything. That is what the 2-year study is: If it doesn't work, we will do it. But to cut off your nose to spite your face makes no sense to me.

As the Postal Regulatory Commission has pointed out time and time again, the assumptions on customer and revenue impact as a result of these proposals have been weak at best and nonexistent at worst. We need to make sure when and if we give the Postmaster General the ability to do these certain things, he is going to do them. There are no two ways about it. He needs to draw a line in the sand and, more importantly, get everybody in the same room. I cannot imagine that our postal employees, whatever union they are from, want to have the Post Office go bankrupt and go out of business. I can't imagine there are people listening who don't want to get their cards from their grandchildren, get their checks, magazines, these things they are accustomed to.

I am listening to the Senator and I am signing letters I am going to be putting in the mail. How ironic is that. I am sitting here signing letters and the Senator, for whom I have great respect, says we communicate by this cell phone—yes, but the personal touch and that feeling of how you feel I think is best expressed right here. That is why I take the time and effort to respond, not only to my constituents, to my family and friends. Call me old fashioned. I think there is something worth saving here and that is what I am working on.

Let me say, by the way, about the Senator from Connecticut, what a legacy he is going to leave. We just did the insider trading bill. Without Senator COLLINS' and Senator LIEBERMAN's help that never would have come to fruition, had they not actually had the guts to move that forward. What a legacy to leave.

Then to actually have another legacy, to save the United States Post Office? They may actually name it after the Senator. I will make that effort, the Joe Lieberman Post Office. That will be great.

Mr. LIEBERMAN. In Massachusetts?

Mr. BROWN of Massachusetts. And I will put it in Massachusetts. How about that?

You need to have a sense of humor around here. Trust me, sometimes you have to laugh at some of the things that happen here.

But in all seriousness, we need to take these drastic steps in order to provide for the economic viability of the Postal Service. In our bill, S. 1789, we will have a better way. The likelihood of the House bill passing is, I am understanding, quite remote. But there is a good likelihood that we can actually get this out first if the majority leader lets us move forward and get it out the door and put the pressure on the House to join with us in a bicameral way.

I want to say I was honored to be part of this effort to rescue the Post Office, as I have been honored to work on everything in our committee. We are going to miss the Senator very much. I said that before and I am not kidding. I know Senator COLLINS feels the same way. To do these two major pieces of legislation, I am excited to see what else we can do before the Senator leaves.

With that in mind, I will yield the floor and note I am excited to continue to work on this very important initiative. I encourage the majority leader to allow us to move forward and get this done and then we will move on to the Violence Against Women Act. As I said before, I am a cosponsor of both. As I said before, I am a cosponsor of both, so flip a coin—either way I win. It is ''heads'' on both sides. This is time sensitive. But it is until May 15, if I am not mistaken, in order for us to do it and have some control over these cuts; otherwise, you could see Draconian cuts, willy-nilly, with no input from us at all and no protection for our constituents.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, first I thank my friend, the Senator from Massachusetts, for his kind words about me. It has been a pleasure to work with him. He has been a great and devoted member on our committee. He introduced, along with Senator GILLIBRAND, the two bills that became the anti-insider trading bill and worked as a ranking member on the subcommittee that Senator CARPER chairs that has been working, focused on saving the United States Postal Service.

I appreciate his kind words and the stated intention, to name a post office for me. I hope he names one that is not then closed shortly thereafter. I also thank him for doing his part personally for the Post Office by continuing to write letters and sign them.

If we all personally—I am using e-mail as much as anyone else. I am going to wander a bit here in preparing for this my last year in the Senate and how you wind things down. They actually keep our e-mails on disks. They can be stored in libraries, as you would normal memos. We do reserve the right to edit somewhat. We are privileged in that way. But so much of the communication that goes on between people on e-mail is effectively lost in the ether of cyberspace.

When you think about the richness of history, how much of history comes from letters that were written or typed over time, I think—though the trend here is clear, more and more will be done on the Internet, on e-mail—I think people are going to still want to write and receive letters. That is just one of the reasons why the Post Office should stay what it is—not what it is now but remain a viable institution which is not only important for the slightly sentimental reasons I have mentioned but because millions of jobs in our society and our country depend on the Postal Service. Although e-mail and the Internet are changing the reality of communications in our world, there are some things, in addition to mail, that will always best be done through the services of the U.S. Postal Service and not through the Internet. Some of that is the catalogs and magazines we get through the mail, but some of it is the packages, medicine, products that people buy over the Internet, that have to be delivered. Most of that is actually delivered, the last mile, by the United States Postal Service.

I thank my friend from Massachusetts for responding to Senator MCCAIN's statement. It described where we are simplistically on this. I know there are some people who believe the bipartisan bill that came out of our committee—Senator COLLINS, Senator CARPER, Senator BROWN, and I—does too much. It is too tough on the Post Office. So they are concerned about it.

Senator MCCAIN is on the other side. He doesn't think—and I am sure there are others—that we have gone far enough quickly enough. I think we found the right spot. I think this is a balanced, middle-way proposal. But make no mistake about it, the substitute bill that has been filed is not a status quo bill. It authorizes and facilitates exactly the kind of significant change in the U.S. Postal Service that the reality of its declining business demands we propose. So in most of the cases, with the exception of the 6- to 5-day delivery, which I will come back to, to change the 6- to 5-day delivery requires legislative authorization. I hope somebody puts an amendment in that would authorize the Post Office to go immediately from 6- to 5-day delivery because I wish to see what the sentiment is in the Senate. My guess is—

for the reasons that the Senator from Massachusetts stated very eloquently—people are not ready for that precipitous change from 6 to 5 days; that if we do some of the things Senator MCCAIN is proposing, it would make such rapid and dramatic changes in the Postal Service that it will have the contrary effect to what people intend and it will diminish its services so rapidly that it will accelerate its downfall by decreasing its revenues.

This perhaps is not the right parallel, but I remember years ago when I was in the State Senate in Connecticut we had a real problem with the publicly supported bus transportation running a deficit, and one of the inevitable proposals was to raise the cost of the bus fare. Well, of course, one of the logical and sensible reactions to that—which happened—is that fewer people rode the bus because it cost more and it got into more trouble, and that is exactly the kind of downward cycle that the sensible change we are facilitating in this bill will make possible. Post offices and mail processing facilities will be closed under this bill. A lot of employees will leave the Post Office. This will all be done according to standards and in a methodical way that I think ultimately will not only save a lot of money for the Post Office—and I expect we will have an official estimate in the next day or two on that savings derived from our bill from the U.S. Post Office—but it will do so in a way that doesn't break people away from the Postal Service and put it into a more rapid spiral downward.

As a matter of process, I want to say in response to my friend from Arizona, Senator MCCAIN—first, I want to say that I appreciate what he said about the amendment from the Senator from Kentucky, it is not relevant to this bill. I am sure there will be another occasion that his proposal to terminate financial assistance to Egypt will be relevant and should be brought up, but it should not be brought up on this bill because it is not relevant and it is exactly those kinds of irrelevant amendments that often get the Senate into a gridlock situation which means we won't get our job done, and makes the public even more dissatisfied with us. So I thank Senator MCCAIN for speaking to that.

Senator MCCAIN has introduced an amendment, which I oppose, but it is relevant and it ought to be debated. I know the majority leader is very open to working out a process by which amendments from both caucuses will be introduced and introduced in a timely way. There are several colleagues on the Democratic side who have amendments they want to offer as well. So I hope Senator COLLINS, Senator REID, Senator MCCONNELL, and I can work together to begin to reach a bipartisan agreement where we can take up amendments that are relevant—Senator MCCAIN's is one of them—and we can debate them and get something done here. Too often the public is so frustrated and angry with us because we leave problems unsolved because we get stuck in partisan, ideological, or procedural gridlock. This is a real problem.

The Post Office lost more than $13 billion in the last 2 years. It would have been $5 billion more if we had not waived a payment responsibility the Post Office had to the retirees' health benefit plan. It cannot go on this way. And if we don't act, it is not as if nothing will happen; something will happen. The Post Office will continue to spiral downward and the Postmaster will inevitably have to impose dramatic cuts in services and personnel. So I think it is our responsibility to create a set of rules and procedures here that acknowledges the need for change in the Postal Service, create a process—well, actually authorizes the Post Office to do some things it has not been able to do until now to raise more money—and create a process for changing the business model of the U.S. Postal Service so it can survive in a very different age, the age of e-mail, and also flourish because so many people in our country depend on it for doing so.

Madam President, 563 million pieces of mail get delivered by the U.S. Postal Service every day, so this is not some kind of irrelevant and antiquated relic somewhere. This is a beating, functioning, critically important element of our life, our commerce, and our culture, and a lot of people depend on it, so we have a responsibility to change it and to keep it alive.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, at a later time I am going to speak in strong opposition to the substitute offered by the Senator from Arizona, but I must say that he has every right to offer that substitute. We should fully debate it, and then we should vote on it. I am puzzled by the procedural steps that have been taken this afternoon to curtail the debate and amendment process on this bill without our even trying to get an agreement on the number of amendments, perhaps limiting them to relevant amendments, which I think would have been a fair way to proceed. So as much as I am opposed to the substance of Senator MCCAIN's substitute and believe it is ill-advised, I do believe we should have a full debate on it and a vote on it. That is what we are here for.

There are many different views on how we should save the Postal Service, but surely all of us ought to recognize that we simply cannot allow the Postal Service to fail. It is the linchpin of a trillion dollar mailing industry that employs 8.7 million Americans. It is absolutely vital. It also is an American institution with roots going to our Constitution, and we worked very hard in a bipartisan way on our Homeland Security and Governmental Affairs Committee to come up with a very good bill that would put the Postal Service back on the right track.

It would allow it to compassionately downsize its workforce, which it needs to do. As painful as that is, we would do it in a compassionate way by giving authority for buyouts and retirement incentives similar to those used by the private sector. The Postmaster General has said he believes he could reduce the number of employees by 100,000 without layoffs but by giving these incentives, particularly since more than 33 percent of the Postal Service employees are already eligible for retirement.

Senator MCCAIN has a different view on how we should go about that. He has a different view on Saturday delivery, on rural post offices, on overnight delivery of mail, all of which I think are important. Our bill does not prevent the closure of every single post office, nor does it dictate that a certain number remain open or closed, for that matter. What we did is we set standards. That is the way it should be. We have the Postal Regulatory Commission set standards for access to postal services, and those standards are supposed to include consideration of such factors as distance to the next post office, geography, public transportation, and weather factors. That is far better than a one-size-fits-all approach that the Senator from Arizona would have or the approach used by the Postmaster General to target 3,200 post offices without even looking at whether there are alternative and far less expensive ways to deliver the services. And there are.

For example, a rural post office could be colocated in a pharmacy or a grocery store. It could still exist but run different hours, perhaps be opened from 7 to 9 in the morning and 5 to 7 at night. I wager that a lot of my constituents would appreciate that. That would be on their way to work in the morning and on their way home at night. It could colocate with a State office or local office, move into a townhall, or have a Federal agency move in with the post office. It could offer services that are available generally at State and local offices. There are so many creative ways we can preserve postal services in rural areas and yet reduce costs, and I believe the Postal Service needs to be far more creative in its approach.

But I do not support the approach Senator MCCAIN has laid out. One of his proposals would create a new bureaucracy—I thought we were against creating new bureaucracies around here—such as a new control board that would be over the board of governors and would have these dictatorial powers over the Postal Service. That is a proposal that I don't think makes sense.

Our approach is to have a commission that would examine the governance of the Postal Service, but perhaps what we should do, if there is something wrong with the structure of the board of governors—it was substantially revised in 2006—is then we should

revamp the board of governors, not create this new superbureaucracy on top of it.

I agree with the comments of the Senator from Massachusetts on Saturday delivery. The provision that Senator MCCAIN has to move directly to 5-day delivery and his negative comments on the fact that we would prohibit that from happening for 2 years misunderstands the intent of our bill. It is not to say that might never happen; it is to say that reducing service should be the last resort, not the first option. The Postal Service has an advantage that it delivers 6 days a week.

Now if, in fact, after all the costs and waste and excess have been wrung out of the system and the Postal Service is still not solvent after 2 years, then we may have to move to 5-day delivery. But to give up that advantage immediately, I can tell you what is going to happen: The volume of mail will decline further. And if the volume of mail declines further after having a 26-percent decline over the past 5 years, what is going to happen? Revenues will plummet once again. So we need to be very careful about cutting service because it leads to mailers leaving the system. And once the big mailers, in particular, leave the Postal Service, they are not coming back, and the Postal Service will sink further and further into a death spiral.

My approach is to try to keep and grow the customers for the Postal Service. I think moving to Saturday delivery would drive more mail away and would hurt service and thus decrease the volume. So I do not think that is a good approach. But the reason for our 2-year delay is not an endless study, as has been described by the Senator from Arizona. It is to allow time for the retirement incentives to go into effect, the downsizing of the workforce to go into effect, the workers comp reforms to go into effect, the new arbitration provisions to go into effect, the administrative efficiencies that we mandate to go into effect—countless provisions of the bill to go into effect. I believe if they are aggressively and well implemented by the Postal Service leaders—if they are—there will be no need to eliminate Saturday delivery. That is the reason for the provision in our bill. But we recognize that maybe that will not happen. Maybe the provisions will not be aggressively and well implemented, and the Postal Service will find that it needs to take that extra step. But, surely, our first approach ought to be to implement cuts without hurting service.

Let me give an example of that from my own State. In Hampden, ME, it is one of the two postal processing centers for the entire State of Maine. The other one is in Scarborough, ME, in southern Maine. The Hampden facility is absolutely essential for processing mail from the broad reaches of northern Maine, eastern Maine, and parts of western Maine.

Under the Postal Service's proposal, the Hampden facility would be closed. That virtually eliminates the possibility of overnight delivery for roughly two-thirds of the State of Maine by geography. It means a letter mailed from my hometown of Caribou, in northern Maine, to Presque Isle, just 10 or 11 miles away, would have to make a 600-mile roundtrip to Scarborough, ME, in order to be processed and delivered. I can't imagine how many days that is going to take, particularly in the winter, and this is all ground transportation.

So that is the kind of ill-conceived decision our bill is intended to prevent because it is the kind of decision that is going to cause postal customers to take their business elsewhere. In proof of that, I received an e-mail from a small business owner in Bangor, ME, which is the town right next to Hampden, who told me he had already received a notice from his payroll company saying if the Hampden facility closes, then they recommend that he move to electronic payroll or they will hand deliver the checks from their payroll. So that, again, is lost business for the Postal Service.

Could things be done at the Hampden facility to save money? Absolutely. If the facility's size is too big compared to the volume of mail it is now processing, reduce the footprint. Rent out part of the facility. A major mailer would love to be right in the same building as the postal processing center. It could easily be reconfigured to accomplish that. So the Postal Service can do a lot to reduce its costs without doing away with overnight delivery, with Saturday delivery, and with the treatment of first-class mail in the way that we have been accustomed.

Coming from New Hampshire, I know the Presiding Officer has a special appreciation for this: The steps that will be taken if we do not act will leave rural America behind. Not every part of my State has access to broadband. We talk all the time about how people can go on the Internet. Well, they can't in parts of my State. We are making progress in that area, but there are many rural areas in Maine that do not have access to broadband. So they do not have alternatives.

Weekly and daily newspapers would be at a terrible disadvantage if overnight delivery is no longer available for two-thirds of the State of Maine. Think about that. Think what it means for bill paying for those small businesses sending out bills to their customers.

Think about what it means to elderly individuals who are receiving prescription drugs through the mail—very common in my State, which is one of the States with the oldest population in the Nation. A lot of our elderly in Maine are, particularly in the winter months, essentially homebound and they rely on getting those pharmaceuticals through the mail. So if we do away with Saturday delivery, close the processing plants, no more overnight delivery, Monday holidays as well—I have talked to the Postmaster General, and he has conceded to me that even a first-class package or letter mailed on a Thursday would not arrive until a Tuesday. That is a long time when a person is waiting for vital medication.

So our approach, our fundamental premise, is to recognize that the Postal Service must become leaner, more streamlined, more efficient. It must downsize to respond to declining volume, but it must be smart in how it does so. It must do so in a way that does not alienate more of its customers because if it loses more of its customers, volume will decline and revenues will decline. It is that simple, and that is why this bill has been so carefully crafted.

This is not the bill I alone would have proposed, and I think that is true of all four of the sponsors of this bill. But we did what we are supposed to do in the Senate. We worked together. We had countless meetings, at times—I think the Senator from Connecticut will agree—endless meetings, to hammer out these provisions, to strike compromises.

We consulted widely with our colleagues—with GAO, with the Postal Service, with large mailers and small mailers, with the greeting card industry, with the newspaper industry, with magazine publishers, with anyone who had a stake—with the postal unions—and we got their suggestions and we crafted the bill to the best of our ability. We worked hard on it. I think it is a good bill.

I am very disappointed and indeed puzzled why we can't now proceed with debate on amendments on this bill and why we have a cloture motion on this bill already filed. That makes no sense to me. We are acting in good faith. We are open for business right now. We could be taking up amendments right now. I hope the leader will reconsider and allow us to do this bill in the usual way. I would pledge to him—and he knows I am sincere in this—to work with him to try to come up with amendments and see if we can go back and forth, side to side, and start working through them. We are here. We are open for business. We are ready to go.

This bill matters. Our economy is still very fragile. If the Postal Service stops delivering mail this fall, it will be a crushing blow to this economy. If it stops delivering mail in certain areas or the mail is very slow, it will also hurt this economy.

We cannot leave rural America behind. The mandate of the Postal Service is universal service. That means whether a person lives in the far reaches of Alaska or at the bottom of the Grand Canyon in Arizona or on an island off the coast of Maine; all are supposed to be able to have access to the Postal Service. It is one of the things that unites us as a country.

So I urge my colleagues to come together in good faith and work through

what I believe is a very important bill with a vital mission; that is, to save the U.S. Postal Service.

Thank you, Madam President.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I wish to thank my dear friend and colleague from Maine, not my ranking member but really sort of cochair partner of our committee, for her excellent statement. I share her frustration about the procedural moment we are at in the Senate. I hope and I believe this is temporary. I believe Senator REID's intention is to do exactly what Senator COLLINS has said she would like to see happen, which is that we negotiate an agreement, hopefully—it would have to be adopted by consent, but it would have to be amendment by amendment, where we would go back and forth and consider amendments from each side of the aisle.

I know Senator REID has filled the tree. It is not as if there are not amendments that the Senate Democratic caucus wants to offer to the bill. There are. There are several of them. I know there are several on the Republican side. We worked very hard on this bill, as Senator COLLINS has said. The meetings did seem endless. I would say sometimes they seemed excessively endless. But, nonetheless, we reached across the aisle and compromised.

This is not a perfect piece of work. It is an important subject, so it deserves to be considered, debated, and amendments need to be offered. I am confident in saying that is exactly the direction in which the majority leader wants to go, and the sooner the better.

Having said that, and seeing no one else on the Senate floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARPER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Madam President, we are debating this bill today because the Postal Service is facing, as many of us know, a dire financial crisis that literally threatens its very survival. This is a crisis that has been building for some time. It is one that only Congress can fix at this point, and one that we absolutely must fix now, literally in a matter of weeks.

Since the Postal Service was first established in 1971 in its current form, we have taken it for granted that our mail would arrive and that important business and personal correspondence would reach its destination. In addition, businesses, large and small, have come to rely on the mail to reach new customers and to communicate effectively with existing customers.

The Postal Service has a presence in virtually every community of any size in our country, large and small. It supports a trillion-dollar mailing industry that creates and sustains millions of private sector jobs—I am told as many as 8 million private sector jobs today. Unfortunately, a number of those jobs are at great risk today. They are at risk because those of us in Congress have, to date, proven unwilling or unable to come to consensus around a package of reforms that can update the Postal Service's network and business model to reflect the reality it faces today—if you will, to right-size the enterprise, much as the auto industry has right-sized its enterprise in the last 3 or 4 years. That lack of action on our part comes despite ample warnings about the severity of the problem and about the consequences of not appropriately and effectively solving that problem.

Nearly 2 years ago, former Postmaster General Potter announced—I think with the help of three major consulting companies—that the Postal Service would run up cumulative losses of more than 230 billion extra dollars by 2020 if we did nothing.

There are several reasons for these losses, including the diversion of first class mail to electronic forms of communication and legislative hurdles Congress has imposed on reform efforts.

Mr. Potter and his successor Pat Donahoe have done a tremendous job, I believe, in trying to chip away at these losses, with the help of their employees, with the help of several of their unions, with the help of a number of their customers, and I think from time to time with help from those of us who serve in the Congress and in the last administration and the current administration.

Over the past decade, the Postal Service has reduced the size of its postal workforce by roughly a third—not by firing people, not by laying people off, but through attrition. They have closed scores of mail processing facilities across America with no noticeable impact on service. People still drop letters and packages in the mail, and they might be delivered the next day or the next day or within at least 3 days—pretty amazing when you think about it. The approval rating for Congress is not very high, but the customer satisfaction of the American people with respect to the Postal Service is still at about 85 percent—pretty good compared to how we are doing here in our Nation's Capital.

The Postal Service has introduced some new products such as the flat rate boxes: If it fits, it ships. They have formed productive partnerships with companies such as UPS and FedEx. UPS and FedEx do not want to deliver every package, every parcel to every mailbox or address across America. The Postal Service does that 6 days a week. The Postal Service has a nice partnership with FedEx and UPS in order to make money for the Postal Service and to provide good customer service in that partnership. But despite that, losses at the Postal Service continue to mount.

Last year, the Postal Service suffered an operating loss of more than $5 billion. It will see a similar loss this year, even if it finds some way to avoid making the retiree health prefunding payments due in the coming months. Then the losses accelerate to $6.5 billion in 2013; to $10 billion in 2014; to more than $12 billion in 2015; and to more than $15 billion alone in 2016.

But these losses are only theoretical. I say that because the Postal Service is close to exhausting its $15 billion line of credit with the Treasury and by this time next year will be well on its way to running completely out of cash. If that were to occur, the Postal Service's ability to continue operating will be in jeopardy.

Postmaster General Donahoe has said repeatedly that he and his team will do everything they can do to keep the mail moving even as the Postal Service's finances deteriorate. I believe him. But make no mistake: If the Postal Service is not permitted in the very near future to begin making the adjustments needed in response to the likely permanent declines in mail volume—especially first class mail—we have witnessed in recent years, the Postal Service will drown in red ink. The ripple effect of losing the Postal Service and the still very valuable services it provides would deliver a body blow to our economy at the very time our economy is recovering.

We are on the brink of this impending disaster in part because we are expecting the Postal Service of 2012 to try and be successful with a business model created in the 1970s. Let's remember, in 1970, when I was a naval flight officer on my first tour in Southeast Asia, there was no e-mail. There was the mail. The happiest day of the week was when the mail came—letters, cards, packages, magazines, newspapers, you name it. That was the day of the week to live for. The last time I was over in Afghanistan—and Senator LIEBERMAN and Senator COLLINS have been there any number of times—the last time I was there, they still get mail, our guys and gals still get mail, but do you know what they have? They have Skype, they have telephones, they have these little phones like we carry around. They have the Internet; they have Facebook; they have Twitter. They have all that stuff. As a result, they do not use the mail as we did in our generation.

Today, Americans live and work online. We shop and transact more and more business online. These trends are likely to accelerate. If any of our colleagues doubt that, then they should ask our pages—these pages who are sitting right down here—how often they sit down and write a letter or send a greeting card. Our colleagues should ask members of their own staff how often they pay their bills through the mail. We should look at our own mail. In fact, when I asked my staff to do

this, I said: Go back and look at 2001—my first year as a Senator—go back and see, if you look at the number of e-mails we got then and the number of letters we got then, what was the ratio? For roughly every 15 letters we got in 2001, we got 1 e-mail. I said: Go back and look at 2011. They did. As it turned out, for every 1 letter we received last year, we received about a dozen e-mails. Think of that.

The Federal Government itself is even contributing to this trend, and I think in a pretty big way. It was announced within the last week or so that the Social Security Administration, starting next year, will send virtually all of its 73 million payments—I think that is each month—to Social Security recipients processed online through direct deposit, not mailed out. That is us.

So even as the American people adjust to new communications technologies, many of us here in Congress expect the Postal Service to continue as if nothing has changed. But in these changing times, these challenging times, we need to recognize that difficult choices need to be made. It is not efficient or affordable to maintain a mail processing and delivery network built for the peak mail volumes of years ago.

That said, many of my colleagues have legitimate concerns about the severity and speed of the Postal Service's streamlining efforts. To address those concerns, the managers' amendment that Senators LIEBERMAN, COLLINS, BROWN, and I have put forward includes a number of safeguards crafted to ensure that the changes that will occur in the coming months and years are implemented in responsible ways—ways that are consistent with what I can describe as the Golden Rule: that we would treat others the way we would want to be treated. That includes customers of the Postal Service, employees of the Postal Service, and taxpayers of this country.

We also seek to provide assurances in our managers' amendment that those who still rely largely on the Postal Service, including rural customers without access to broadband, will continue to have access to the services they know and need in the years to come.

We also take steps in this bill with this managers' amendment to ensure that this effort to save the Postal Service is not all about closing facilities and cutting services. Recognizing that questionable policy decisions made over the years regarding the Postal Service's pension and health care obligations are part of the Postal Service's financial problems, we call for, in this managers' amendment, refunding the more than $10 billion the Postal Service has overpaid into the Federal Employees Retirement System. A portion of that refund—that $10 billion to $12 billion, whatever it turns out to be—would be used to encourage at least some of the 125,000 postal employees at or near retirement age today to retire now or within the next year or 2, saving the Postal Service billions of dollars annually.

Let me back up for a moment. If you go back a decade or so ago, there were roughly 900,000 men and women who worked for the Postal Service, for us in the Postal Service. Today, there are 550,000 people who are employees of the Postal Service. Out of that roughly 550,000 people, 125,000 are eligible to retire. They are eligible to retire, and they have not chosen to do so, despite the fact they are eligible.

One of the things the Postmaster General wants to do—and I believe our managers, those of us who are cosponsors, coauthors of this bill and the managers' amendment, want to do—is to encourage those folks to retire. Eighty percent of the Postal Service's costs are personnel costs. To the extent we can continue to right-size this enterprise, enable it to right-size itself, given the market share from 550,000, 500,000 down to maybe 450,000 in the next year or two—an enterprise where 80 percent of the cost is personnel—that helps get this enterprise back to a place where it is not bleeding money every day of every week of every month of this year.

Today the Postal Service will lose—get this—$23 million. Today. And today, if you look at the amount of money the Postal Service owes to the Treasury on its line of credit, it is roughly $13 billion—maybe more than that for the line of credit that only goes up to $15 billion.

There is some controversy that flowed out of the 2006 legislation signed by former President Bush. He insisted at the time that in order to sign that legislation, we in the Congress would have to agree to I think maybe the most conservative approach to prefunding retiree health benefits of any government agency or any business with which I have ever been associated. I used to be treasurer of my State government, and we began prefunding health benefits for retirees several years ago—actually, right at the end of my second term as Governor—but nothing like this. We instituted that requirement in order to get President Bush to sign on to the bill at a time when the Postal Service was in good shape. That was a very popular year, if you will, for the Postal Service, before the roof fell in and the economy went to heck in a hand basket. But the Postal Service was in pretty good shape, very good shape, so the taxpayers would not be saddled with those obligations in the event the Postal Service could not meet them in the years to come.

President Bush's people said: Look, we will sign this bill. The Postal Service will not always be making money—as they were in 2006—and 10 or 15 years down the line when they are not doing so well, we want to make sure that a large part of the health care benefits for retirees have been satisfied or paid for.

That is not an entirely bad idea. We did not know that we were going to enter the worst recession since the Great Depression in 2008. We did not know we were going to lose 2.5 million jobs in the second half of 2008 and we did not know were going to lose 2.5 million jobs in the first half of 2009, but we did. It put us in the tank and it put the Postal Service in the tank far quicker than anybody had a reasonable right to imagine.

But, in retrospect, the payment schedule put into place back then proved to be too aggressive once the bottom fell out of our economy in 2008. Our managers' amendment scraps the schedule adopted in 2006 and replaces it with a more realistic one that is based on what the Postal Service actually owes. And that change, coupled with some others, including one that would better coordinate postal retirees' Medicare and Federal employee health benefits, would cut the Postal Service retiree health costs by more than half—not ignore them but cut them in half and put them on a more realistic time schedule.

Finally, our managers' amendment pushes the Postal Service to redouble its efforts to innovate, to redouble its efforts to develop new products that can grow revenue going forward. There are some who would argue that—let me dwell on that for just a moment. Frankly, somewhere down the line—I don't if it will be a year from now or 5 years from now or 10 years from now—a light will go on in somebody's head, and they will say: You know, the Postal Service goes to every door in America five or six times a week. They are in every community in America. Why did we not think of a particular idea to enable them to create a new source of revenue or new sources of revenue?

I would like to mention some that are actually working. Flat rate boxes—if it fits, it ships. That is a great product. There is the partnership the Postal Service has with FedEx and UPS, delivered by the Postal Service the last mile or 2 or 3 or 4 or 5 miles where FedEx or UPS does not want go in many cases. That is a good way to make money, especially if more people buy things, order things for themselves, for their families, for their loved ones over the Internet and have them shipped. The Postal Service can have a big piece of that business.

There are other ideas as well. Fed-Ex and UPS get to deliver wine and beer. The Postal Service does not. We changed that in this legislation. There are ideas dealing with electronic mail boxes. We will hear more about those in the days to come. Other countries with postal services actually have used that as a way to provide a good service for their people and for their businesses, and I think there is maybe an argument that we should allow the Postal Service here to do that too.

Even further down the road and kind of out there in ideas, as the Presiding Officer knows in neighboring Pennsylvania—they do not have a coastline,

but they are close to ours and to New Jersey—5, 6 years from now, we are going to have windmill farms off the coast of the United States, the east coast from North Carolina, Virginia, all the way up to Maine. They are going to be harvesting the wind, turning that wind into electricity. Do you know what. The wind does not always blow, but there are times that it blows a lot more, and we are going to generate more electricity than we can actually use on a particular day at a particular hour. What are we going do with that electricity? Well, we are going to store it. And where are we going to store it? One of the places to store it is in the batteries of fleets of vehicles. Who has one of the biggest fleets in America? The Postal Service. A lot of the vehicles in their fleet are like 25, even 30 years old. We have all of these new vehicles coming to the market that are far more energy efficient to replace those old and in some cases dilapidated fleet vehicles in the Postal Service. The new vehicles, with their batteries, can literally be a place to receive the electricity generated on a windy day in the Atlantic, out in the Outer Continental Shelf, to store that electricity and, when needed, put it back out on the grid, the electric grid, to provide energy as needed across the Northeast and mid-Atlantic part of our Nation. That is an idea that is sort of out there, but we need to be thinking boldly, and the Postal Service needs to be doing that.

I think one of the better pieces of our amendment—and this came from some of the more progressive members of the Democratic Party here in the Senate and kind of joined up with some of the more conservative folks on the Republican side—but the idea is that the Postal Service needs to be more entrepreneurial. They need to be more innovative.

When they come up with good ideas for making money, including the idea we talked about at lunch in the caucus we had today—how about vote by mail? In two States today—Oregon and Washington—they vote by mail. And what does that do to voter turnout? I think we were told by Senator CANTWELL that in her State last year—2 years ago in the election, they had 72-percent voter turnout. This year they are expecting 84 percent voter turnout. I mean, this is a country in which we are lucky to have 50 percent of the people who are eligible actually turn out to vote. And we can see what vote by mail can do in those two States. They could be laboratories of democracy for our Nation, encourage voter turnout, maybe do it in a more cost-effective way and—get this—provide new sources of revenue, a great source of revenue for the Postal Service. That is the sort of thing we need to kind in mind.

I don't think there is any one silver bullet, but I like to say there are a lot of silver BBs, and some of them are pretty big, and those might be among them. There are ideas we have not even thought of yet that we ought to do.

Let me just say—and I am getting fairly close to the end—that I don't mean to suggest that what the managers' amendment—the underlying bill was reported out of committee by about a 9-to-1 vote. The managers' amendment, crafted by Senators LIEBERMAN, COLLINS, BROWN, and myself, is not perfect. Very few things associated with my name have ever been perfect. But I will say this. One of my core values—some of you have heard me say this maybe too many times—if it is not perfect, make it better. If it is not perfect, make it better. And we have the opportunity to take what we believe is a managers' amendment which is an improvement over the original bill—we have the opportunity to make it better. I do not think in this case, they are not just Republican ideas, they are not just Democratic ideas, they are not liberal ideas, they are not conservative ideas, they are just better ideas. And my hope is that Members will have the opportunity in the days this week, in the days to come, to come to this floor and to offer their better ideas.

I would plead with our colleagues, don't just come to the floor and offer amendments that have absolutely nothing to do with the Postal Service. Please come to the floor to offer amendments that can help make this bill better with respect to ensuring that we have a Postal Service that is viable and solvent in the 21st century, that can meet our communications needs for individuals, for families, and for businesses.

We are not going through a fire drill here; this is an emergency. This is an emergency. It is a huge challenge, but it is also an opportunity to get it right this time and hopefully, with a growing economy, to maybe have a little bit of the wind to our backs.

We have to pass a bill. My hope is we can pass a bill with bipartisan support that is good underlying public policy so that when we end up in 2016, the Postal Service won't be running daily losses of $22 million a day as they are today, that the Postal Service will have had an opportunity to use this refund they are owed by the Federal Employees Retirement System—$12 billion—to pay down much of their debt, maybe use a little bit of that money to help incentivize some of the 125,000 Postal Service employees who are eligible to retire to go ahead and retire.

We can do this in a way—I know a bunch of our colleagues are concerned. We hear it—Senator LIEBERMAN and I, Senators COLLINS and BROWN—from our colleagues already. They are concerned about rural post offices. Believe it or not, we have some of those in Delaware. We have some of those in Connecticut and certainly in Maine, even some in Massachusetts. I think we have actually come up with a pretty good approach. And we appreciate very much the input of people such as JON TESTER from Montana and JERRY MORAN from Kansas, those Senators—one a Democrat, one a Republican—to try to give us a better idea on how to move forward on the post offices.

Let me just close with this. There are 33,000 post offices in America, in communities across the country. A year or so ago, the Postal Service—the Postmaster General met with us and our committee, and he said: We have 3,700 of those post offices under review that we think maybe should be closed—3,700.

There were at the time about 500 mail-processing centers across the country that the post office had for processing mail, and he said: We would like to close about 300 of them. We would like to change the standards for delivery for mail from 1 to 3 days to maybe 2 to 3 days.

Some were afraid it was going to slip from 2 to 3, to 2 to 4, even worse.

Where we have ended in this managers' amendment—I would say to folks, my colleagues who are concerned about the impact that will have on their rural post offices or their mail-processing centers, here is where we have ended. The Postal Service has pretty much backed off and said: We are not that much interested in closing 3,700 post offices or 2,700 or 1,700 post offices.

What they really would like to do is this, and I think it is a smarter, actually more cost-effective approach, more humane approach, and that is to say to communities across America: We have a post office—or maybe the postmaster is making $50,000, $60,000, $70,000 a year and the post office is selling like $15,000 or $20,000 worth of stamps. Rather than close that post office, provide that community with a menu of options. The menu of options would be to maybe keep the post office open; say to the postmaster there who is eligible to retire: We would like to incentivize you to retire. Here is a $25,000 bonus if you will go ahead and retire. You can retire, receive your pension, be eligible for benefits as a postal retiree, and come back and work on a part-time basis and run that post office for 2 hours a day, 4 hours a day, 6 hours a day, whatever the community feels meets their needs, morning or afternoon, midafternoon, evening. And that retired postmaster can—that money they collect, they keep. They do not have to reduce their pension. That is just extra money they can make for continuing to provide the service. We still have the post office there. The flag still flies in front of it. That is one option.

Another option might be, if the folks in the community want it, to put that post office in a supermarket. One of the supermarkets that are close to my house in Delaware—they have a supermarket, they have a pharmacy, and they have a bank. It turns out that one of our major national chains of pharmacies, Walgreens—I was up visiting their headquarters, their offices up in Chicago—I do not know if Chairman LIEBERMAN has been there, but the pharmacy of the future—they took me

to a couple of them—has a beautiful pharmacy. Part of it is a post office. So you can see in places across the country whether it might make sense to consolidate the post office in like a Walgreens or some other kind of pharmacy or convenience store. It might make sense to—say you have a small town and they have like a townhall, that kind of thing. How about consolidating those buildings together with the post office?

We have even heard of an idea like creating kind of an Internet cafe in places where they do not have broadband and see if we can't have in rural post offices—where folks who live in that community, in that area, do not have broadband access, maybe have it at the post office. There are all kinds of ideas out there.

You know, on the mail-processing side, instead of closing 500 mail-processing centers across the country, the Postmaster General has come to us. We worked to maintain—not to go from 1- to 3-day service—from that to a 2- to 3-day service or 2- to 4-day service, but to maintain kind of like a 1- to 3-day service—1 with an asterisk: The 1-day service would be overnight service, next-day service in communities like if they are in the same metropolitan area.

They were still getting next-day service. Outside of that metropolitan area, they might. But in most cases it would be 2-day service, and in no case would it be worse than 3-day service. By going to the modified service standard delivery, the Postal Service would have to close 500 mail processing centers. It probably would be able to close 150 and be able to offer incentives to employees to retire and they could migrate to other jobs within the Postal Service. But I think it maybe would be a smarter way to move this large, old, but still germane, relevant Postal Service into the 21st century.

I will close with this: This is not the time to kick the can down the road. I have no interest in doing that. I know Senator LIEBERMAN and Senator BROWN and Senator COLLINS have no interest in doing that. This is the time to fix the problem. I would like to think we are smart enough in the Senate to fix this; that we are smart enough to work with the House, with our staffs, a lot of good people—the folks at the Postal Service who work there, the unions, the customers, and a lot of people in businesses all over the country together working on this. I think we are smart enough to figure out how to solve this. We need to do that.

Last thought: During the recess I mentioned to my colleagues and the Presiding Officer and Senator LIEBERMAN during our caucus lunch, I said: I don't know what you guys did over the Easter recess, but I covered Delaware. I love to do it. I go back there every night, but it is a great joy to reconnect with everybody. I also spent some time on the phone and meeting with folks in businesses in Delaware and outside of Delaware who usually rely on the Postal Service.

Nationwide there are 7 million to 8 million people whose jobs are integrated or part of or facilitated by our Postal Service—7 to 8 million jobs. We are coming out of the worst recession since before I was born—before we were born. We need to get out of it. One of the best ways to do that is to provide certainty and predictability for a lot of businesses. One way to do that is to pass postal reform legislation that finishes the job we started 5, 6 years ago. We can do that. We need to do that. I am encouraged that we will do that.

I thank the chairman of the committee, whom I love working with—I think we all do—for giving me a chance to work with him on this issue and for providing the great leadership he always does. Also, I say to SUSAN COLLINS who has just left the floor, it is a real privilege to work with her.

Finally, we are blessed with wonderful staffs, wonderful people, as Senator LIEBERMAN knows, John Kilvington and others who are part of my staff, and Michael and the team who are part of Senator LIEBERMAN's staff, and Kate who works with Senator COLLINS. They have done great, hard work. We are privileged to be able to work with them.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend, the Senator from Delaware, for his excellent statement on the bill and where we are in regard to the U.S. Postal Service. I thank him for what he has done over the last several years to try to save the U.S. Postal Service in a changing environment and to lead the change.

No one in the Senate—I believe no one in the Congress—has worked harder over the last decade to reform the U.S. Postal Service than Senator TOM CARPER. There is a way in which he has engaged in the kinds of problems that others try to get far away from. He sees an institution like the U.S. Postal Service and how important it is, he is challenged by it, and he goes at it with all of his considerable capabilities and persistence until he gets it right. I cannot thank him enough for doing that.

This is not the kind of issue on which one gains a lot of political advantage. Again, it is a test of our government, a test of our capacity to maintain public services that people depend upon in a changing world. We all know—and he has been a leader—that e-mail is affecting the volume of mail. The post office has to change to stay not only viable but strong. I think we are going to do it in this Congress, and nobody will deserve more credit for that than Senator TOM CARPER. I am glad I had the chance to spontaneously offer that much deserved gratitude and praise to Senator CARPER.

I say to my colleagues and staff who may be watching or listening—to pick up a theme of Senator CARPER and try to bring it home—there are some amendments on both sides that ought to be aired out. I believe Senator REID wants to do that and wants to create a process where relevant amendments from both sides—not without limit but a good number of them—get to be debated on the Senate floor.

It is my understanding that both caucuses now are hotlining a request to Senate offices that if Senators have an amendment they want to introduce on this postal reform bill, to let their respective cloakrooms know so that we can see what the universe is and then we can see if we can work on an agreement where we alternate submitting amendments and begin to get into the substance of the bill and move it to a point where we can actually adopt something.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

WELCOMING JOHN CROWN

Mr. BROWN of Ohio. Mr. President, I am joined on the floor today for his first time on the Senate floor with John Crown, who works on our veterans affairs issues. He came from the Veterans Committee and joined our staff in the last couple of weeks. John Crown is a marine, did two tours of duty in Iraq, and we honor him for his service. He, it seems, wants to dedicate his life to serving people who also served their country, people of all ages and both genders and all ideologies and who served their country anytime in the last several decades. I wanted to announce his first visit to the Senate floor today.

DOOLITTLE TOKYO RAIDERS

Mr. President, 70 years ago this week, on April 18, 1942, 80 brave American airmen volunteered for an extremely hazardous mission. The Presiding Officer, the senior Senator from Pennsylvania, knows I like to come to the Senate floor and talk about history and honor people who have played such an important role in our history. I want to talk about these men. They were known as the Doolittle Tokyo Raiders. They accepted their mission without knowing what it entailed. Their mission followed the attack on Pearl Harbor. Pearl Harbor happened, obviously, the December before. It was our Nation's first offensive against Japanese soil in the Second World War, planned and led by Lt. Col. Jimmy Doolittle.

The mission was risky from the outset. It was the first time the Army Air

Corps and Navy collaborated on a tactical mission, flying 16 B–25 Mitchell bombers from the deck of the USS *Hornet*, a feat never attempted before. The morning of the raid, the USS *Hornet* encountered Japanese ships 170 miles from the prearranged launch point. Fearing that the mission might be compromised, the Raiders proceeded to launch 170 miles earlier than anticipated. By departing 650 miles from their intended target, these men accepted the risk they might not have enough fuel to make it beyond the Japanese lines to occupied China. Accepting this choice meant the raiders would almost certainly have to crash land or bail out, either above Japanese-occupied China or even over the home islands in Japan. Any survivors, they knew, would certainly be subjected to imprisonment or torture or death.

After reaching their targets, 15 of the bombers continued to China while the 16th, dangerously low on fuel, headed to Russia. The total distance traveled by the Raiders averaged 2,250 nautical miles over 13 hours, making it the longest combat mission ever flown in a B–25 bomber during the war.

Of the 80 Raiders who were launched that day, 8 were captured. Of these eight prisoners, three were executed, one died of disease, and four of these prisoners returned home after the end of the war. Of the original 80 Raiders, 5 are still with us today and they are celebrating this week the 70th anniversary in Dayton, OH, honoring their fellow Raiders who are no longer with them. As they gather this week, I am proud to submit this resolution with my colleagues from both parties and from each State where these men reside. It is my pleasure to have Senator HUTCHISON from Texas, Senator MURRAY from Washington State, Senator ALEXANDER from Tennessee, Senator TESTER from Montana, and Senator BAUCUS, also from Montana, and Senator NELSON as my cosponsors. It is my sincere privilege especially to have Senators INOUYE and LAUTENBERG, both veterans of the war, as cosponsors, too.

As the Raiders gather this week, these five men will also honor other heroes—this is what is perhaps even as interesting as the first part—the Chinese citizens who cared for, protected, and enabled them to survive in a foreign land, a very foreign land to these American men. A Chinese delegation is coming to Dayton for the reunion. Among the delegation is a man whose father helped carry injured Raiders to safety and even nursed one Raider to health. I would be certain they could not talk to each other in a common language. They had never seen anybody like the other one. Yet one, a Chinese, helped this American airman.

It is only fitting we recognize this week's anniversary and commend the 5 living members and the 75 deceased members of the Doolittle Tokyo Raiders for their heroism on that day. It is fitting to remember the compassion shown to the Raiders by the Chinese villagers they encountered.

The Senate resolution is our humble attempt to show our gratitude. The valor, skill, and courage shown by the Raiders proved invaluable to the eventual defeat of Japan during the Second World War. Today, these men, with their Chinese friends, remind us that quiet decency and uncommon valor in the face of sure danger, however rare, are traits that know no limit.

THE AUTO INDUSTRY

Mr. President, the last 2 weeks most Members of the Senate were back in their States talking—I hope listening more than talking and learning more than perhaps talking—and learning about issues and problems they were seeing and hearing in their State. I was in Ohio, from Ashtabula to Parma to Zanesville, to meet with Ohioans to discuss ways to get our economy back on track.

Too many Ohioans are struggling as too many people in Pennsylvania are struggling. Many are still looking for work. Others have seen their wages cut or their hours reduced, but from Chillicothe to Toledo, from Portsmouth to Mansfield, there are signs of recovery as our manufacturers, especially auto suppliers, but much more than that, and some of the small businesses supplying these companies, are beginning to show real signs of growth.

Few places are more symbolic of this than a company called American Manufacturing, located in Toledo. Three years ago the auto industry, as we know, was on the verge of collapse, threatening to take down with it thousands of auto parts suppliers. American Manufacturing got down to four employees. They had had 125. They supplied container crates, metal container crates, for the auto industry. It had once been 125, down to 4 employees.

President Bush tried but was blocked, mostly by Republicans in the Senate, his own party members, to do a bridge loan and assistance for the auto industry. President Obama, with a strong Democratic majority, over the opposition of many Republicans—although some Republicans in my part of the country, the industrial areas around Ohio, including Ohio, were supportive—was able to rescue this industry. We knew that rescuing the auto industry was way more than about helping Chrysler and General Motors. We knew it mattered, not just for those large companies and their workers, it mattered for Johnson Controls, it mattered for Magnam, it mattered for small companies such as American Manufacturing in Toledo, companies that depended on the auto industry.

In fact, estimates are that 800,000 people in Ohio are in the auto industry one way or the other; directly or indirectly they work for auto companies. Forty-eight of these 800,000-plus jobs were depending on Congress moving forward in early 2009, doing the right thing. The decision was not popular. There were all kinds of naysayers. There is no question now that it was a success. A number of people—from Governor Romney to lots of people around the country and lots of conservative politicians in Washington—said we can structure it. But let the companies go into bankruptcy and then let them put the financing together to come out of bankruptcy. The only problem was that nobody—from Bain Capital to First National Bank—was willing to loan money to these two behemoths, Chrysler and GM, because they were in such a terrible situation and had such terrible problems.

So what happened? The government loaned the money. Much of that money is paid back and things are better. But let's not forget that in January of 2009, when President Obama took office, we were losing 800,000 jobs a month. Our economy was in freefall, and this was the time the auto industry was going down. To stop the bleeding, one of the things we did was unlock the frozen credit market for small businesses and manufacturers through the Small Business Administration. Through these SBA loans, we saw a new local bank that had only been around for a handful of years in Toledo, OH, step up, invest capital in American Manufacturing, which is in Toledo, and this company is now about to hire its 100th person. This company is successful now because of the auto rescue, and it is successful because of the Small Business Administration coming out of the Recovery Act and having enough money to guarantee loans not with a Wall Street bank but a local community bank to get this company on its feet.

Even with all of this we are seeing that the auto rescue is working, and we know two terrific examples of how it is working in my State. The Chevy Cruze is assembled in Youngstown, OH. My 28-year-old daughter drives a Chevy Cruze. The Chevy Cruze probably would not exist today if it were not for the auto rescue, and here is what it means to Ohio: The engine is made in Defiance, OH; the bumper is made in Northwood, OH; the transmission is made in Toledo, OH; the sound system is made in Springboro, OH; the steel comes out of Middletown, which is in Butler County, OH; the aluminum comes out of Cleveland, OH; the stamping is done in Parma, OH; and the assembly is done in Lordstown, OH.

Look at the Jeep Wrangler. The Jeep Wrangler was assembled in Toledo prior to the auto rescue, but only 50 percent of the parts for the Jeep Wrangler were made in the United States. Today there are more people working at Wrangler, producing more cars—still assembled in Ohio—yet instead of 50 percent, 75 percent of the parts now come from companies in the United States made by workers in the United States.

What we are now seeing as the auto industry begins to grow and the auto rescue was so clearly the right thing to do—thank God the Senate and the House didn't listen to the naysayers. In spite of that, we are still seeing huge trade deficits with China in auto parts.

Ten years ago our trade deficit with China and auto parts was a $1 billion. That meant we bought about $1 billion in car parts from China more than we sold to China. That was 10 years ago. Today that number has grown to almost $10 billion.

The first President George Bush said a $1 billion trade deficit, meaning we bought $1 billion more than we sold to another country, translated to about 13,000 jobs. Do the math. Today the bilateral trade deficit between the United States and China on auto parts alone is $10 billion.

We are seeing it in other things. We see it in auto, we see it in solar, and we see that China uses unfair subsidies. They subsidize water, they subsidize energy, they subsidize land, they subsidize credit, and on top of that they have a currency advantage because they manipulate the currency.

Sitting idly by is not an option. My colleagues on both sides of the aisle understand that. That is why my China currency manipulation bill—the biggest bipartisan bill to pass the Senate in 2011 by more than 70 votes—costs the taxpayers nothing, but it levels the playing field so China cannot manipulate its currency and cheat in international trade. As I said, that legislation passed with 70 votes.

A recently released report shows that if this Congress—meaning the House of Representatives down the hall—would pass this and send it to the President's desk, and if the President signs it, that by addressing the China currency manipulation it could support the creation of 2.2 million American jobs without adding a dime to the deficit. In fact, it would be the opposite.

If we take 2 million people who are now unemployed and put them in manufacturing jobs making $15, $20, $25 an hour, we would clearly see the deficit shrink. More people would be back on the payroll paying taxes and contributing to their communities.

It is time to take bold action. It is time to stand up on China currency. I appreciate the support of my colleagues in the Senate on the China currency bill. Time is running out in the House. I am hopeful the House of Representatives passes this bill too. It is time we put American workers and American manufacturing companies first.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

TRIBUTE TO KENNETH HALL

Ms. LANDRIEU. Mr. President, I come to the floor today to mark and celebrate the career of a Louisiana native who is a very dear friend of mine and someone who is admired by literally thousands if not millions of people in Texas and around the world. That gentleman is Dr. Kenneth Hall.

Next week Dr. Hall will retire after almost two decades of leadership at Buckner International, which is one of the world's outstanding nonprofit organizations formed many years ago in Texas. Dr. Hall served as only the fifth president in over 120 years. After his retirement as president in 2010, he has continued to serve as CEO of this fine organization.

Buckner, as it is known, is a global Christian ministry that does extraordinary work with vulnerable children and families throughout Texas and other places in the United States and recently expanded internationally. They helped run self-sufficiency programs, community transformation programs, education, job readiness training, and afterschool programs for vulnerable children. Remarkably, I have seen their work both in downtown Dallas, TX, as well as out in remote villages in Ethiopia, and the quality and expertise is identical and it is heartwarming.

The causes of vulnerable children both here and overseas is something, of course, that is extremely close to my heart. I spent a good bit of time in the Senate working with my colleagues on issues that advance their welfare, and it has been my privilege and honor to know Dr. Hall over the past several years.

He was born in Louisiana, earned his BA from the University of Texas at Tyler. He earned a master of divinity and doctor of ministry degrees from Southwest Baptist Theological Cemetery in Fort Worth.

Before his career started at Buckner, he served as pastor of four churches in Texas. He has been married for many years and has a beautiful family—his wife Linda and their two married children and their grandchildren.

I want to say a brief word about Buckner itself. It was founded over 135 years ago when a Baptist minister, R.C. Buckner, started an orphanage with an initial donation of $27. As the story goes, he literally took off his hat, put a dollar in it, and passed it around to the ministers present, and with $27 started the first orphanage west of the Mississippi to help the children who were coming on those orphan trains across our Nation. They took them off of those trains and gave them homes and families.

The organization has grown since then, but under Dr. Hall's leadership Buckner expanded to include more than $200 million in capital improvements and an endowment of more than $200 million. As I said, he worked to expand Buckner's reach overseas.

I had the pleasure of traveling with him to Ethiopia recently, and I witnessed firsthand the incredible work and his personal passion for helping families become more self-sufficient, maintaining children in their birth family groups, and helping to literally transform communities with this special Buckner touch.

So it has been said before: To be who you are and become what you are capable of is the only goal worth living. It is my hope that Dr. Hall will continue to achieve his goal in this life. We will miss him, his selfless service, and his dedication. We honor him today in the Senate for over two decades of service to one of the Nation's best nonprofit faith-based organizations.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

SURFACE TRANSPORTATION ACT

Mr. WHITEHOUSE. Mr. President, I am delighted to follow my colleague from Louisiana because I am rising this evening to talk about a bill she has put an enormous amount of effort into, and she has had a very significant role in the success of the bill that I am going to talk about. We have a bill in Congress that is perhaps the most significant jobs bill that will be able to pass in this session. It is described as producing 2.9 million jobs—nearly 3 million jobs.

Rhode Island is a relatively small State, but it means 9,000 jobs in the State of Rhode Island. We have about 60,000 people out of work right now in Rhode Island; 9,000 would take a significant number of those folks and enable them to get to work.

It is a serious jobs bill. It also went through a completely impeccable process in the Senate. It passed out of the Environment and Public Works Committee with the strong support of our chairman, BARBARA BOXER, and the equally strong support of her ranking member, Senator INHOFE of Oklahoma. They come from quite different political persuasions, but they were together on this bill and it passed unanimously out of the Environment and Public Works Committee.

It came to the floor. We had a completely open process on the floor. It spent 5 weeks on this floor being discussed, debated, and amended. It was quite thoroughly amended. There were more than 40 amendments that were either voted on or accepted while it was on the floor. So from a process point of view, it was exactly what everybody hopes for in a piece of legislation. It passed out of the Senate with 74 Senators voting for it; a 75th who would have voted for it but had to be away in his home State. So the final tally, in effect, would be 75 to 22—a landslide, bipartisan vote; a jobs bill that passed with an impeccable legislative process and produced a landslide bipartisan bill.

What is that bill? It is the highway bill. It is a bill we have been working on now in Congress since the days of the Federal highway system under President Eisenhower. It is not complicated, everybody understands it, and 3 million jobs depend on its passage.

Unfortunately, it is snarled up, for reasons that are hard to explain, over

in the House of Representatives. The Speaker has not called up this bipartisan, very well regarded Senate bill. It has support outside this institution from everybody from the U.S. Chamber of Commerce to the Laborers' International Union. It has environmental support. This is a bill that is not being held up in the House because there is an important interest that was overlooked or that is an adversary to it. It is being held up for, I don't know, I would say Washington insider reasons having to do with the politics of the House of Representatives. So when there are 3 million jobs at stake, that is a real shame.

It started to be noticed by, for instance, the ratings agencies. Standard & Poor's just published on April 2 a report entitled ''Increasingly Unpredictable Federal Funding Could Stall U.S. Transportation Infrastructure Projects.'' When we stall U.S. transportation infrastructure projects, we kill jobs. That is what is happening.

Here is how they describe it: Currently, the surface transportation bill remains mired in uncertainty. Holdups in funding reauthorizations and/or significant cuts in infrastructure programs are delaying some projects and forcing others to be scaled back.

Delaying some projects means taking away jobs. Forcing others to be scaled back means taking away jobs.

Here is what happened, as they describe it: With the March 31 expiration of the highway trust fund looming, Congress passed on March 29—last minute—yet another extension to fund U.S. highway programs. This latest continuing resolution—the ninth—provides funding through June 30, 2012. As construction season begins in the northern half of the country, this continuing uncertainty in funding could force States to delay projects rather than risk funding changes or political gridlock come July.

That is exactly what is happening in Rhode Island and in many other States. I was home over our recess and met with our very capable director of transportation Michael Lewis, who has served under Republican and Independent administrations. He said: SHELDON, I have a list of all the projects we want to get done this summer, in the summer highway construction season. We can't build highways in the winter in Rhode Island and in much of the country so the work has to be done in the summer construction season. He said: Here is my list if we have to live with this extension. If we don't find out until maybe July 4 what kind of money we actually have to build these projects, he said, I can't take chances. I have to start dropping projects off my list. Every one of the projects that falls off his list represents jobs. Every project that falls off his list is an unemployed Rhode Islander. He estimated there would be 1,000 unemployed Rhode Islanders because of this extension to June 30. So when people say: Oh, we have extended the highway program until June 30, don't buy it. That is not a neutral act. That is a harmful act. That costs 100,000 jobs just in Rhode Island. So if it is extended further, the problem gets even worse. We cannot tolerate these continued extensions. We have to get action on a long-term authorization.

To go back to the Standard & Poor's report, here is what they said: Once a long-term reauthorization is approved, we believe it will provide an impetus for transportation agencies to reconsider high-priority projects that had been shelved because of lack of funding.

Those high-priority projects that had been shelved because of lack of funding, when they get taken off the shelf and put into the street, that is jobs. That is why this is a 3-million jobs bill, nearly. But they say, if the authorization is extended by even more continuing resolutions, such high-priority projects will remain in limbo.

I intend to come to the floor as often as I can. I know there are other colleagues who want to come to the floor. We want to come every day. We want to set up a daily drumbeat of attention to the fact that a 3-million jobs bill is being held hostage in the House of Representatives by the Republican Speaker for political Washington insider reasons that have nothing to do with the merits. This is a bill that everybody is for. We will continue to urge the Speaker to take up the bipartisan, fully paid for, widely supported, very well legislated Senate MAP–21 highway bill. Three million jobs depend on it. I am here to urge the Speaker to please do his job.

Ms. LANDRIEU. Mr. President, will the Senator yield for a question?

Mr. WHITEHOUSE. Gladly.

Ms. LANDRIEU. Did the Senator have an opportunity today—because I had a group from Louisiana in my office on the same subject, and I appreciate the Senator's leadership. The group was the American Engineering Society that was in Washington today. I don't know if the Senator had an opportunity to meet with such a group, but have other groups come by the Senator's office to express, as this group did, their utter frustration with Congress's inability to get such a basic piece of legislation through? Did they tell the Senator the same thing they told me, which is: Senator, when engineers are not working in America, no one is working. We are the ones who are designing the projects to be built. If we are not designing them, they are not going to be built. If we don't get this Transportation bill passed for a longer period of time, we will not be going back to work.

Is that the Senator's understanding when he meets with groups in his office?

Mr. WHITEHOUSE. Yes, exactly. I have met with the Rhode Island road builders who are concerned about where the work is going to be and how much of it is going to get done. As I said in my earlier remarks, I met with the State director of transportation. I have met with the mayor of our capital city, which has a very significant highway construction project that needs to get done in that city that would provide an enormous number of jobs in that city at a time when Rhode Island still has over 10 percent unemployment. So we need these jobs.

That project needs to be done. That infrastructure is crumbling. It is a land bridge that goes through the city above other roads. It is I–95. It is our main artery for the entire Northeast, and it is in such poor shape that they have had to put planks across, between the I-beams that hold up the roadway and the planks are there so that the pieces of roadway that are falling in don't land on the cars driving by on the roads underneath. Amtrak, the main rail artery for the Northeast, goes right under the same highway, the same deal. They have the planks up overhead to keep the roadway from falling on the trains below.

So this is an urgent matter. It certainly involves the road construction industry, but it is everybody who wants jobs and economic development that is around this infrastructure. It is the mayors who are concerned about it and, frankly, it is the people who drive over these highways and want to know—these roads are 50 years old. It is time to rebuild. Let's get on with it. This shouldn't be complicated.

Ms. LANDRIEU. As the Senator from Rhode Island said, he had 9,000 jobs at risk in Rhode Island. We have 26,700 jobs at risk in Louisiana. This is a very significant deal and challenge for all our States.

We don't have the trouble of the winter and the summer but, unfortunately, Louisiana does have one of the largest percentages of bridges that are deficient in the Nation. We also, because we have to build on such soft and unsettling lands, need to have repair money readily available so people can evacuate in times of hurricanes and natural disasters. We have been working—and the Senator may be familiar with the area because he has friends and relatives in our State—on the I–49 south and I–49 north but particularly I–49 south that connects New Orleans to Lafayette in a loop around south Louisiana, which is America's energy coast that is so important for not only saving those wetlands and that great industry of fisheries but also supporting oil and gas production. That highway is yet to be built in a nation that depends on the resources we send to the Senator's State and to other parts of the Nation.

So I feel the same as the Senator from Rhode Island. I can't, for the life of me, figure out why the House will not move with more quick action to pass a longer term bill. Maybe if they can get just anything out of the House, we could get to conference and start negotiating some things that might be better than a 3-month short-term authorization which I hear nothing but

complaints about from everyone. I hear complaints from the left, the environmental movement, to the right, the business community. They say: Senator, we can't live with these short-term authorizations. We need 2 years. We need 3 years. We need 5 years. We need something we can build on, count on, budget for, and depend on; otherwise, it is too expensive. It starts and stops projects. We have to lay off a crew and hire them the next day or we can't place our orders in an efficient fashion. The Senator from Rhode Island knows we just raise the cost of all the projects. So why would the House claim to want to be so fiscally conservative but act in such a way that is the opposite, that is making all these projects more expensive?

I think the Senator from Rhode Island is absolutely correct. I will join him on the floor, and I hope our colleagues will come to this floor every night and say it is time to pass this Transportation bill. It is time to help Colorado, New Mexico, Louisiana, and Rhode Island to get people back to work and to fix this crumbling infrastructure.

Nine is enough. The cat has nine lives. This cat has run out of opportunities. This is the ninth short-term authorization. We have to move to a more long-term, sustainable infrastructure plan for America. This is truly an embarrassment, I have to say to my friend.

I wish to thank the Senator from Rhode Island for his leadership, and I will join him in subsequent evenings on the floor to raise this issue and explain to the American public not the inside baseball or the inside politics but to explain what is the most important thing about this, which is we need the jobs and we need them now.

Mr. WHITEHOUSE. Mr. President, I very much appreciate the tenacity of the Senator from Louisiana on this subject. It is a characteristic of hers, but it is always a good thing to be her teammate and have that tenacity deployed on this side. I am delighted she is here. As Senator LANDRIEU said, she has bridges that are deficient. One in five Rhode Island bridges is deemed to be structurally deficient. One in five highways is in mediocre condition. This is work that needs to be done. The American Society of Engineers gives our infrastructure on average a D rating. That is the trouble we are in, and we can't sort this out.

I intend to urge as many of my colleagues as I can to come to the floor, and I hope we get the floor covered by some of our colleagues on a literally daily basis until we get this resolved. We need to point out the places where jobs are falling off around the country because this wasn't done, where people are getting laid off around the country because this isn't getting done. There is a direct link between construction jobs not getting put on the list, funds not getting put out for those jobs and folks not getting employed. In this economy, we can't afford that, and we certainly can't afford it for internal insider Washington, DC, reasons.

I thank the Presiding Officer and I yield the floor and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING RENO'S TEMPLE SINAI

Mr. REID. Mr. President, I wish to honor Temple Sinai in Reno, NV, which has stood for 50 years as a place of worship for the Jewish people of northern Nevada. It is comprised of approximately 120 households who come together to form a strong community where the Jewish faith is celebrated. Temple Sinai has been a consistent presence for Reform Judaism in northern Nevada, a place where Jewish teaching, tradition, and spiritual inquiry is nurtured.

The important 50th anniversary, ''Shanah Shel Zahav'' in Hebrew, or Golden Year, is testament to the resiliency of the Temple Sinai congregation. It traces its humble beginnings to a small group of Reform Jewish residents in Reno offering High Holy Day services, soon expanding to Sabbath Services and Bar/Bat Mitzvah training. Many of these sacred rituals were performed in the private homes of congregation members who realized the importance of building a sanctuary. It is through their sacrifice and determination that this holy place of worship was built.

Temple Sinai has had many homes since its founding 50 years ago. Initially located in the Virginia City Room of the Masonic Temple in downtown Reno, the Temple was forced to find a new location after a devastating fire. Temple Sinai congregants then came together to offer the skills and capital necessary to construct a permanent location. Ground broke in February 1970, and the Temple has continued to grow since then, adding classrooms, a social hall, and a library. As recently as 2008, Temple Sinai expanded the available space and updated the Temple for the 21st century.

I have personally experienced the welcoming warm hospitality of Temple Sinai. I was honored to share in a Shabbat dinner with members of the Temple, as well as attend Evolution Weekend. In visiting the congregation over the years, I have always been impressed by the rich spiritual life and intellectual openness exhibited there.

I would like to congratulate Temple Sinai for its important role in bringing Reform Judaism to northern Nevada and on its important 50th anniversary. While I cannot be in Reno to share in their celebration, I would be remiss if I did not offer my words of support.

TRIBUTE TO JAN GILBERT

Mr. REID. Mr. President, I wish to honor Ms. Jan Gilbert, who has spent more than 30 years dedicated to the advocacy of income equality, human rights, and women's health. Ms. Gilbert will be retiring from her current position at the Progressive Leadership Alliance of Nevada, PLAN, in May and has been named by the White House as a Champion of Change. Today, I am proud to honor her service and leadership as an advocate for a just and fair Nevada.

Jan Gilbert's work in Nevada began in 1982, serving Nevada's communities through the League of Women Voters of Nevada as president of the Carson City chapter, empowering citizens to become active participants in their government. Jan's commitment to lifting communities prompted her to cofound PLAN, an important organization that offers a cohesive force for social, environmental, and economic justice in Nevada. Jan spearheaded critical reports on civil rights, both in 2009 and 2011; she authored the Legislative Report Card on Racial Equity: Facing Race; and coauthored the 2002 Wider Opportunities for Women's Self Sufficiency Standard for Nevada. She also served as the cofounder of Nevada's Empowered Women's Project, representing low-income women.

Ms. Gilbert has been instrumental in promoting social justice among Nevadans as the chair of the Child Abuse Prevention, Respite and Family Support Subcommittee of the Nevada Department of Health and Human Services. Everyone who works with Jan is touched by her contagious spirit and smile. Throughout the years, her noble efforts have been recognized by a number of distinguished awards, including the Mike O'Callaghan Humanitarian of the Year Award, the Hannah Humanitarian Award, the Public Citizen of the Year Award, and the Women's Role Model Award.

I am pleased to stand today to recognize the indelible mark she has left on Nevada in making it a more just place for all. I congratulate Jan and her family on a well-earned retirement. PLAN is losing a giant, but I am sure her love for service and helping those in need will continue to benefit the Silver State in new ways.

ADDITIONAL STATEMENTS

TRIBUTE TO PIERRON TACKES

• Mr. HELLER. Mr. President, I wish to congratulate Pierron Tackes for being selected as Nevada's Cherry Blossom Princess for the 2012 Centennial Cherry Blossom Festival. Ms. Tackes is an accomplished and ambitious student whose unwavering commitment to the Silver State embodies the very essence of what Nevada's Cherry Blossom Princess should be.

Ms. Tackes is an exemplary constituent, chosen by the Nevada State Society to represent Nevada at the National Conference of State Society's Cherry Blossom Princess Educational and Cultural Exchange Program. Nevada is proud to support one of our own as she joins young women from across the Nation in this educational and leadership forum that celebrates the enduring friendship between the United States and Japan. I am proud to recognize Ms. Tackes for her extensive community involvement, educational performance, and passion for our home State.

I join the citizens of Nevada in congratulating Ms. Tackes on this accomplishment and wish her all the best during this cultural and educational event.•

TRIBUTE TO SUSAN RANDALL

• Mr. JOHNSON of South Dakota. Mr. President, today I wish to celebrate and honor the service of Dr. Susan Randall upon her retirement as executive director of South Dakota Voices for Children.

Dr. Randall's career began in education. She spent 2 years in Centerville, SD, as a high school English and speech teacher. Susan continued her commitment to young people by going on to work in higher education, teaching sociology. She entered the political realm after a successful bid for Sioux Falls city commissioner, a position she held from 1986 to 1988. After her time at city hall, Dr. Randall worked for Turnabout, a community organization serving South Dakota's underprivileged children and families. She furthered her dedication to the youth of South Dakota by volunteering with South Dakota Voices for Children, using her expertise to help them to secure grants. In 1999, Dr. Randall became the executive director of the organization.

Dr. Randall's 13-year tenure as executive director of South Dakota Voices for Children has been marked by many victories. She fought tenaciously to reduce teen smoking, with great success; initiated a campaign in support of Starting Strong, a prekindergarten pilot program for low-income children; and spearheaded an effort to improve conditions for juvenile offenders. Dr. Randall was recognized as a champion for South Dakota youth by the Associated School Boards of South Dakota with their Bell Award, the highest honor that can be conferred on a nonschool board member. Throughout her career Dr. Randall has been a tireless advocate for South Dakota's youth. I greatly value her advocacy and expertise and she has frequently met with me and my staff over the years, keeping me apprised of the most pressing issues facing South Dakota's children.

Dr. Randall and her husband Mark Sanderson plan to start a business growing herbs and flowers on their 80-acre property in Brookings County under the name Deer Creek Farms. I am pleased to hear that in retirement Susan will fulfill this long-held dream.

Dr. Randall has been a determined fighter for the health and well-being of South Dakota's children. I wish Dr. Randall all the best in retirement and the new business venture.•

CONGRATULATING THE FERRIS STATE BULLDOGS

• Mr. LEVIN. Mr. President, we in Michigan love hockey, at all levels, from the Detroit Red Wings of the NHL to early mornings spent at local rinks watching our kids in youth league games. But even in Michigan, at the start of the men's college hockey season last winter, few eyes were on Big Rapids, MI, where Coach Bob Daniels was preparing for his 20th season leading the Ferris State Bulldogs.

In a preseason poll, the Bulldogs were ranked ninth in the 11-team Central Collegiate Hockey Association. Ferris State had made it to the NCAA tournament only once in its history. And even in our home State, hockey teams from the larger schools tend to get more attention than the team in Big Rapids. But the players at Ferris, a campus of fewer than 15,000 students in a town of just over 10,000 residents, were determined to let neither history nor expectations get in their way. They just started winning—eight games in a row to start the season, in fact, on the way to the CCHA regular season championship, two weeks as the No. 1-ranked team in the nation, 23 victories and a berth in the NCAA tournament.

Despite a phenomenal regular season, few picked the Bulldogs to go far in the NCAA tournament. Experts pointed to the fact that the team had no players who had been drafted by the professional teams in the National Hockey League, one of only three teams in the 16-school field without an NHL draftee. Top-rated Boston College, for example, had nine. But by now, exceeding expectation was nothing new. The Bulldogs defeated the University of Denver, and then Cornell, each by a single goal, to reach the Frozen Four in Tampa.

In the national semifinals, Ferris State was locked in a tight match with Union College. The Bulldogs were behind 1–0 late in the second period when senior Aaron Schmitt scored to tie the game, and it remained tied until just under five minutes remained in the third and final period, when junior Kyle Bonis scored the go-ahead goal.

That victory set up a championship match with Boston College, the odds-on favorite for the championship. The Eagles had outscored their opponents in three previous tournament games by a combined 12 goals to 1. Again, few gave Ferris a chance. But there they were, in the waning moments of the third period, down by just a goal and battling to tie the game.

The Bulldogs fell just short. Still, it was a historic season, one that brought immense joy and considerable pride to everyone in Michigan, but especially to Big Rapids and the Ferris State family.

I hope my colleagues will join me in congratulating Coach Daniels, seniors Aaron Schmitt, Chad Billins, Derek Graham, Michael Trebish, Jordie Johnston, Brett Wysopal, Tommy Hill and Taylor Nelson; their teammates, Scott Czarnowczan, Travis White, Jason Binkley, Cory Kane, Travis Ouellette, TJ Schlueter, Nate Milam, Garrett Thompson, Eric Alexander, Andy Huff, Justin Demartino, Matthew Kirzinger, Justin Buzzeo, Dom Panetta, Simon Denis, Kyle Bonis, CJ Motte and Rob Granett; coaches Drew Famulak, Mark Kaufman and Dave Cencer; and Ferris State fans everywhere. Thanks to the Bulldogs for a magical season.•

REMEMBERING MARY PHYLIS MACK CALLAN

• Mr. TESTER. Mr. President, today I wish to honor Mary Mack, a veteran of World War II.

Mary was born in Butte, MT and graduated from Girls Central High School before attending Sacred Heart School of Nursing in Spokane, WA.

Sixty-eight years ago, Mary enlisted in the Army as a registered nurse. She was assigned to the 203rd General Field Hospital. Her mission was to provide medical support for troops staged in England as they prepared for the invasion of Nazi-occupied Europe in Operation Overlord on June 6, 1944. One month after the invasion, Mary, along with the 203rd Field Hospital, crossed the English Channel and arrived at Utah Beach in Normandy, France. From there they traveled on foot past scenes of war and destruction to set up a hospital for troops as they continued on into Europe. After the liberation of Paris in late August 1944, the 203rd established the largest general hospital in the European Theater of Operations in the French capital. There they treated over 65,000 patients.

While stationed in Paris, Mary achieved the rank of First Lieutenant. She later served in Africa and the Middle East.

Mary was honorably discharged from the Army on January 7, 1946. Because honors were made known toward the end of the war, many members of the 203rd may not have been aware of their eligibility or received their awards.

After the war, she returned to Montana where she committed herself to raising a family and serving her community.

Mary passed away last month on March 15. I had the honor of presenting Mary's family with a European-African-Middle Eastern Campaign Medal with 3 Bronze Service Stars. This decoration represents the gratitude of the Nation she served and the wish that her family continues to share the memories of this courageous woman.●

REMEMBERING DALE JOHNSON

● Mr. UDALL of Colorado. Mr. President, I would like to honor the life of an extraordinary Coloradan, Dale L. Johnson, who passed away at his Boulder home on February 23, 2012. Known as a legendary mountaineer, businessman, writer, environmentalist, and a dear friend of mine, Dale taught us all to appreciate life, and to take advantage of life's opportunities and challenges especially those on the mountain.

Infamously, one of Dale's early mountain escapades occurred while he was a freshman at the University of Colorado. Unsatisfied that the Colorado School of Mines had an ''M'' painted into a neighboring mountain and that the University of Colorado had no such ''C'' painted into the neighboring Flatirons, Dale and his roommates sought to change that.

Under the glow of a full Moon on a mild December night, Dale and his friends, equipped with a 4-inch paint brush and 3 gallons of white paint, ventured up the Third Flatiron and infamously painted a giant white ''C'' into the ridge. While classmates celebrated the prank, the local authorities did not find the act amusing. Ultimately, the matter was resolved, but the story has never grown old.

For those of us fortunate enough to have known Dale, we know how passionate he was about climbing. In fact, passionate would be an understatement. Dale pioneered seven first ascents, including the Redgarden Wall in Eldorado Canyon, the Second Buttress of the North Face of Hallett's Peak, and the South Face of the Matron.

While these achievements would suffice for your typical climber, Dale wasn't satisfied. Through his life, Dale climbed peaks in New Zealand, Peru, Nepal, East Africa, Japan, Italy, and Switzerland. As if his worldly travel and climbing achievements were not enough, Dale famously climbed the Third Flatiron in Boulder, CO in roller skates.

After summiting peaks throughout Colorado and the world, Dale honed in on his inner businessman, inventing Frostline Kits for climbers. With firsthand knowledge of the gear and clothing needs of climbers, Dale developed innovative equipment that was durable, lightweight, and dependable. The kits were an instant success and delivered a product that was previously unavailable to climbers in retail stores.

Throughout his life, Dale also developed an appreciation for flying. He coupled his interest in flight with his love for the environment by flying over southern Utah's canyons, mesas, ridges, and buttes during the citizens wilderness inventory in the late 1980s to help document Utah's wild lands.

Life is full of challenges and opportunities. Dale taught us all to appreciate each and every day and to always strive for something higher. He impacted the lives of so many, and I feel lucky to have known him and to have called him a friend.●

TRIBUTE TO MRS. GERTRUDE LORIO BEAUFORD

● Mr. VITTER. Mr. President, today I wish to honor Mrs. Gertrude Lorio Beauford on the occasion of her 100th birthday.

Born to Wilfrid A. Lorio and Eulalie L. Fischer on May 28, 1912, at Ingleside Plantation in Lakeland, LA, Mrs. Beauford is the third oldest of five siblings, two brothers and three sisters. She received her education from St. Joseph's Academy in New Roads and was classmates with former United States Congresswoman Lindy Boggs. Mrs. Beauford then went on to St. Mary's Dominican College and married childhood friend Leonard M. Beauford in 1935. Mr. Beauford worked for the United States Army Corps of Engineers, and their family moved to 18 cities in 9 years before finally settling in New Orleans in 1945.

They were married for 48 years, and their family includes 3 children, Gertrude, Wilfrid, and Kathleen, and 1 grandchild, Judith. Sharing a fondness for traveling, Mr. and Mrs. Beauford visited countries across the world including Japan, Canada, and many more across Europe. In fact, they even traveled south to Antarctica and also went north and crossed the Arctic Circle.

Mrs. Beauford has been an active member of the Louisiana Lions Club, the Jefferson Lions Club, Children's Hospital, the League of Women Voters, the Parent-Teacher Association, and the American Association of University Women. She is also an active member of St. Agnes Catholic Church and committed 18 years of her life to educating young people at McDonough #7 where she taught 5th grade.

Five generations later, Ingleside Plantation is still owned and operated by the Lorio family where sugarcane, soybeans, and wheat continue to be grown. Those closest to her know Mrs. Beauford simply as ''Gertie,'' and she's attributed her long life to keeping busy.

I am proud to honor such an extraordinary member of our community on her 100th birthday and wish Mrs. Beauford many more joyous days, months, and years to come.●

MESSAGE FROM THE HOUSE

At 12:33 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3001. An act to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

H.R. 4040. An act to provide for the award of a gold medal on behalf of Congress to Jack Nicklaus in recognition of his service to the Nation in promoting excellence and good sportsmanship in golf.

MEASURES REFERRED ON APRIL 16, 2012

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 112. Concurrent resolution establishing the budget for the United States Government for fiscal year 2013 and setting forth appropriate budgetary levels for fiscal years 2014 through 2022; to the Committee on the Budget.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4040. An act to provide for the award of a gold medal on behalf of Congress to Jack Nicklaus in recognition of his service to the Nation in promoting excellence and good sportsmanship in golf; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES DISCHARGED

The following concurrent resolutions were discharged from the Committee on the Budget, pursuant to section 300 of the Congressional Budget Act, and placed on the calendar:

S. Con. Res. 37. Concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2013, and setting forth the appropriate budgetary levels for fiscal years 2014 through 2022.

S. Con. Res. 41. Concurrent resolution setting forth the President's budget request for the United States Government for fiscal year 2013, and setting forth the appropriate budgetary levels for fiscal years 2014 through 2022.

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–5583. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred within account 21 2020 Operation and Maintenance, Army (OMA), during fiscal year 2010 and was assigned Army case number 11–03; to the Committee on Appropriations.

EC–5584. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred within the fiscal year 2008 and fiscal year 2009 Operation and Maintenance Army Reserve, account 21*2080 and was assigned Army case number 11–02; to the Committee on Appropriations.

EC–5585. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to

a violation of the Antideficiency Act that occurred within the Research, Development, Test, and Evaluation Account and the Iraq Freedom Fund account during fiscal years 2006 and 2007 and was assigned Joint Improvised Explosive Device Defeat Organization case number 09–01; to the Committee on Appropriations.

EC–5586. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred within the Operations and Maintenance, Army, account 2020 during fiscal year 2010 and was assigned Army case number 11–09; to the Committee on Appropriations.

EC–5587. A communication from the Director of the Regulatory Review Group, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Upland Cotton Base Quality'' (RIN0560–AI16) received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5588. A communication from the Director of the Regulatory Review Group, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Swap Dealer and Major Swap Participant Recordkeeping, Reporting, and Duties Rules; Futures Commission Merchant and Introducing Broker Conflicts of Interest Rules; and Chief Compliance Officer Rules for Swap Dealers, Major Swap Participants, and Futures Commission Merchants'' (RIN3038–AC96) received during adjournment of the Senate in the Office of the President of the Senate on April 3, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5589. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Acibenzolar-S-methyl; Pesticide Tolerances'' (FRL No. 9343–3) received during adjournment of the Senate in the Office of the President of the Senate on April 4, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5590. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''2-Ethyl-1-hexanol; Exemption from the Requirement of a Tolerance'' (FRL No. 9342–5) received during adjournment of the Senate in the Office of the President of the Senate on April 4, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5591. A communication from the Assistant Secretary of Defense (Global Strategic Affairs), transmitting, pursuant to law, a report relative to the obligation and expenditure of funds for the implementation of Cooperative Threat Reduction (CTR) program activities (DCN OSS–2012–0462); to the Committee on Armed Services.

EC–5592. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 11–145, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC–5593. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of two (2) officers authorized to wear the insignia of the grade of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–5594. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Vice Admiral Paul S. Stanley, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–5595. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of three (3) officers authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–5596. A communication from the Secretary of the Army, transmitting, pursuant to law, a report relative to the Joint Land Attack Cruise Missile Defense Elevated Netted Sensor System program exceeding the statutory critical growth threshold; to the Committee on Armed Services.

EC–5597. A communication from the Secretary of the Air Force, transmitting, pursuant to law, a report relative to the Program Acquisition Unit Cost and the Average Procurement Unit Cost for the C–130 AMP program exceeding the Acquisition Program Baseline values; to the Committee on Armed Services.

EC–5598. A communication from the Deputy Chief Management Officer, Department of Defense, transmitting, pursuant to law, a report relative to the establishment of the Investment Review Board and Investment Management process for Covered Defense Business Systems; to the Committee on Armed Services.

EC–5599. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), Department of Defense, transmitting, pursuant to law, a report relative to a pilot program to provide a skill proficiency bonus to members of a Reserve component participating in critical foreign language or cultural studies; to the Committee on Armed Services.

EC–5600. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the annual report of the National Security Education Program for fiscal year 2011; to the Committee on Armed Services.

EC–5601. A communication from the Acting Under Secretary of Defense (Acquisition, Technology, Logistics), transmitting, pursuant to law, a report relative to the Strategic Materials Protection Board and rare earth elements; to the Committee on Armed Services.

EC–5602. A communication from the Assistant Secretary of Defense (Global Strategic Affairs), transmitting, pursuant to law, the Cooperative Threat Reduction annual report for fiscal year 2013; to the Committee on Armed Services.

EC–5603. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the 2011 Accreditation Report for the Armed Forces Retirement Homes in Washington, DC and Gulfport, MS; to the Committee on Armed Services.

EC–5604. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled ''Iran-Related Multilateral Sanctions Regime Efforts'' covering the period August 17, 2011 to February 16, 2012; to the Committee on Armed Services.

EC–5605. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting legislative proposals and accompanying reports relative to the National Defense Authorization Act for Fiscal Year 2013; to the Committee on Armed Services.

EC–5606. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting legislative proposals and accompanying reports relative to the National Defense Authorization Act for Fiscal Year 2013; to the Committee on Armed Services.

EC–5607. A communication from the President of the United States, transmitting, pursuant to law, a notice of the continuation of the national emergency with respect to Somalia that was declared in Executive Order 13536 of April 12, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–5608. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Australia; to the Committee on Banking, Housing, and Urban Affairs.

EC–5609. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Brazil, Japan, and Panama; to the Committee on Banking, Housing, and Urban Affairs.

EC–5610. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Brazil and Canada; to the Committee on Banking, Housing, and Urban Affairs.

EC–5611. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Russia; to the Committee on Banking, Housing, and Urban Affairs.

EC–5612. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to various foreign buyers; to the Committee on Banking, Housing, and Urban Affairs.

EC–5613. A communication from the Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, a report relative to the acquisition of articles, materials, and supplies manufactured outside of the United States; to the Committee on Banking, Housing, and Urban Affairs.

EC–5614. A communication from the Executive Director of the Office of Minority and Women Inclusion, Office of the Comptroller of the Currency, Administrator of National Banks, transmitting, pursuant to law, a report entitled ''Office of Minority and Women Inclusion Section 342 Annual Report to Congress March 2012''; to the Committee on Banking, Housing, and Urban Affairs.

EC–5615. A communication from the Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Exemptions for Security-Based Swaps Issued by Certain Clearing Agencies'' (RIN3235–AL16) received during adjournment of the Senate in the Office of the President of the Senate on April 2, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–5616. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64) (Docket No. FEMA–2012–0003)) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–5617. A communication from the Assistant Secretary of Land and Minerals Management, Bureau of Safety and Environmental Enforcement, Department of the Interior, transmitting, pursuant to law, the report of

a rule entitled ''Production Measurement Documents Incorporated by Reference'' (RIN1014–AA01) received during adjournment of the Senate in the Office of the President of the Senate on April 3, 2012; to the Committee on Energy and Natural Resources.

EC–5618. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Electric Reliability Organization Proposal for Protection and Control Reliability Standard'' (Docket No. RM11–16–000) received during adjournment of the Senate in the Office of the President of the Senate on April 3, 2012; to the Committee on Energy and Natural Resources.

EC–5619. 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; Colorado; Revisions to New Source Review Rules'' (FRL No. 9616–7) received during adjournment of the Senate in the Office of the President of the Senate on April 4, 2012; to the Committee on Environment and Public Works.

EC–5620. 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; Colorado; Procedural Rules; Conflicts of Interest'' (FRL No. 9640–3) received during adjournment of the Senate in the Office of the President of the Senate on April 4, 2012; to the Committee on Environment and Public Works.

EC–5621. 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; Leisure Properties LLC/D/B/A Crownline Boats; Adjusted Standard'' (FRL No. 9648–6) received during adjournment of the Senate in the Office of the President of the Senate on April 4, 2012; to the Committee on Environment and Public Works.

EC–5622. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Significant New Use Rules on Certain Chemical Substances'' (FRL No. 9333–3) received during adjournment of the Senate in the Office of the President of the Senate on April 4, 2012; to the Committee on Environment and Public Works.

EC–5623. A communication from the Director of Congressional Affairs, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Availability of Electric Power Sources'' (Regulatory Guide 1.93, Revision 1) received in the Office of the President of the Senate on March 29, 2012; to the Committee on Environment and Public Works.

EC–5624. A communication from the Director of Congressional Affairs, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Administrative Guide for Verifying Compliance with Packaging Requirements for Shipping and Receiving of Radioactive Material'' (Regulatory Guide 7.7, Revision 1) received in the Office of the President of the Senate on March 29, 2012; to the Committee on Environment and Public Works.

EC–5625. A communication from the Director of Congressional Affairs, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Water Sources for Long-Term Recirculation Cooling Following a Loss-of-Coolant Accident'' (Regulatory Guide 1.82, Revision 4) received in the Office of the President of the Senate on March 29, 2012; to the Committee on Environment and Public Works.

EC–5626. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Fargo-Moorhead Metropolitan Area, North Dakota and Minnesota flood risk management project; to the Committee on Environment and Public Works.

EC–5627. A communication from the Director of Government Relations, Tennessee Valley Authority, transmitting, pursuant to law, the Authority's Statistical Summary for fiscal year 2011; to the Committee on Environment and Public Works.

EC–5628. A communication from the Senior Advisor for Regulations, Office of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Removal of Regulations on Black Lung Benefits'' (RIN0960–AH48) received during adjournment of the Senate in the Office of the President of the Senate on March 30, 2012; to the Committee on Finance.

EC–5629. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Labeling Imported Wines with Multistate Appellations'' (RIN1513–AB58) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2012; to the Committee on Finance.

EC–5630. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Technical Corrections to Customs and Border Protection Regulations: Petitions for Relief'' (CBP Dec. 1–07) received in the Office of the President of the Senate on March 28, 2012; to the Committee on Finance.

EC–5631. 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 ''Announcement and Report Concerning Advance Pricing Agreements'' (Announcement 2012–13) received during adjournment of the Senate in the Office of the President of the Senate on April 3, 2012; to the Committee on Finance.

EC–5632. 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 ''Fractional Aircraft Ownership Programs Fuel Surtax'' (Notice 2012–27) received during adjournment of the Senate in the Office of the President of the Senate on April 3, 2012; to the Committee on Finance.

EC–5633. 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 ''Fringe Benefits Aircraft Valuation Formula'' (Announcement 2012–10) received during adjournment of the Senate in the Office of the President of the Senate on April 3, 2012; to the Committee on Finance.

EC–5634. 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 ''Modification of Notice 2008–40; Deduction for Energy Efficient Commercial Buildings'' (Notice 2012–26) received during adjournment of the Senate in the Office of the President of the Senate on March 30, 2012; to the Committee on Finance.

EC–5635. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicaid Program; Changes to the Medicare Advantage and the Medicare Prescription Drug Benefit Programs for Contract Year 2013 and Other Changes'' (RIN0938–AQ86) received during adjournment of the Senate in the Office of the President of the Senate on April 3, 2012; to the Committee on Finance.

EC–5636. A communication from the Inspector General, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''Office of Inspector General Medicaid Integrity Program Report for Fiscal Year 2011''; to the Committee on Finance.

EC–5637. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to U.S. support for Taiwan's participation as an observer at the 65th World Health Assembly and in the work of the World Health Organization; to the Committee on Foreign Relations.

EC–5638. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates'' (RIN1400–AD06) received during adjournment of the Senate in the Office of the President of the Senate on April 3, 2012; to the Committee on Foreign Relations.

EC–5639. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the International Labor Organization Recommendation concerning HIV and AIDS and the World of Work (No. 200), adopted by the 99th session of the International Labor Conference at Geneva; to the Committee on Foreign Relations.

EC–5640. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement to include the export of defense articles, including, technical data, and defense services to Jordan for the delivery and support of two CN–235–100 aircraft modified for armed surveillance/light gunship capabilities for end use by the Jordanian Armed Forces in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–5641. A communication from the Presiding Governor, Broadcasting Board of Governors, transmitting, pursuant to law, a report relative to U.S.-funded international broadcasting efforts in Iran; to the Committee on Foreign Relations.

EC–5642. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices; Immunology and Microbiology Devices; Classification of Norovirus Serological Reagents'' (Docket No. FDA–2012–N–0165) received during adjournment of the Senate in the Office of the President of the Senate on April 5, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–5643. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Current Good Manufacturing Practice in Manufacturing, Processing,

Packing, or Holding of Drugs; Revision of Certain Labeling Controls'' (Docket No. FDA–1997–N–0518) received in the Office of the President of the Senate on March 29, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–5644. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices; Cardiovascular Devices; Classification of the Endovascular Suturing System'' (Docket No. FDA–2012–N–0091) received during adjournment of the Senate in the Office of the President of the Senate on April 5, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–5645. A communication from the Chairman of the National Healthcare Workforce Commission, transmitting, a report relative to the status of the Commission; to the Committee on Health, Education, Labor, and Pensions.

EC–5646. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''State High Risk Pool Grant Program for Federal Fiscal Year 2010''; to the Committee on Health, Education, Labor, and Pensions.

EC–5647. A communication from the Ombudsman, Energy Employees Compensation Program, Department of Labor, transmitting, pursuant to law, a report relative to the Energy Employees Occupational Illness Compensation Program; to the Committee on Health, Education, Labor, and Pensions.

EC–5648. A communication from the Deputy Director for Policy, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' (29 CFR Parts 4022 and 4044) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–5649. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the Commission's fiscal year 2011 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC–5650. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department of Transportation's fiscal year 2011 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC–5651. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's fiscal year 2011 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC–5652. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the Peace Corps' fiscal year 2011 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC–5653. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the Department of Veterans Affairs' fiscal year 2011 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC–5654. A communication from the Diversity and Inclusion Programs Director, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Board's fiscal year 2011 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC–5655. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the Commission's fiscal year 2011 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC–5656. A communication from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, a report entitled ''Annual Report on the Federal Work Force'' for fiscal year 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–5657. A communication from the General Counsel, Government Accountability Office, transmitting, pursuant to law, the Office's fiscal year 2011 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC–5658. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Proliferation Security Initiative; to the Committee on Homeland Security and Governmental Affairs.

EC–5659. A communication from the Chief Judge, Superior Court of the District of Columbia, transmitting, pursuant to law, a report relative to activities carried out by the Family Court during 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–5660. 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 through the 1st Quarter of Fiscal Year 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–5661. A joint communication from the Chairman and the Acting General Counsel, National Labor Relations Board, transmitting, pursuant to law, the Board's Buy American Act Report for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–5662. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–335 ''Mechanics Lien Amendment Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–5663. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–336 ''Green Building Compliance, Technical Corrections, and Clarification Amendment Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–5664. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–334 ''Comprehensive Military and Overseas Voters Accommodation Amendment Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–5665. A communication from the Assistant Secretary of Defense (Global Strategic Affairs), transmitting, pursuant to law, a report relative to the Proliferation Security Initiative budget plan and review for fiscal years 2013–2015; to the Committee on Homeland Security and Governmental Affairs.

EC–5666. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Establishment of the Wisconsin Ledge Viticultural Area'' (RIN1513–AB82) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2012; to the Committee on the Judiciary.

EC–5667. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Department's 2011 Freedom of Information Act Litigation and Compliance Report; to the Committee on the Judiciary.

EC–5668. A communication from the Deputy General Counsel, Office of the General Counsel, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Jobs Act: Implementation of Conforming and Technical Amendments'' (RIN3245–AG15) received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2012; to the Committee on Small Business and Entrepreneurship.

EC–5669. A communication from the Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Size Standards: Professional, Technical, and Scientific Services'' (RIN3245–AG07) received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2012; to the Committee on Small Business and Entrepreneurship.

EC–5670. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Amendment 17'' (RIN0648–BB34) received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5671. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 Feet (18.3 Meters) Length Overall Using Hook-and-Line or Pot Gear in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XB024) received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5672. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Comprehensive Annual Catch Limit Amendment for the South Atlantic'' (RIN0648–AY73) received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5673. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries

Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Final 2012 and 2013 Harvest Specifications for Groundfish'' (RIN0648–XA711) received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5674. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Specifications and Management Measures'' (RIN0648–BB28) received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5675. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States; Highly Migratory Species Fisheries; Swordfish Retention Limits'' (RIN0648–BA87) received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5676. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Chinook Salmon Bycatch Management in the Bering Sea Pollock Fishery; Economic Data Collection; Correction'' (RIN0648–BA80) received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5677. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District of the Gulf of Alaska'' (RIN0648–XB100) received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5678. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Sablefish Managed Under the Individual Fishing Quota Program'' (RIN0648–XB039) received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5679. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Jig Gear in the Central Regulatory Area of the Gulf of Alaska'' (RIN0648–XB070) received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5680. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer'' (RIN0648–XB026) received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5681. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Trip Limit Adjustments for the Common Pool Fishery'' (RIN0648–XB059) received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5682. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska'' (RIN0648–XB077) received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5683. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska'' (RIN0648–XB102) received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5684. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska'' (RIN0648–XB111) received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5685. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Pacific Cod by Catcher Vessels Greater Than or Equal to 50 Feet (15.2 Meters) Length Overall Using Hook-and-Line Gear in the Central Regulatory Area of the Gulf of Alaska'' (RIN0648–XB112) received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5686. A communication from the Chief of Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Part 15 of the Commission's Rules Regarding Unlicensed Personal Communications Service Devices in the 1920–1930 MHz Band'' (ET Docket No. 10–97; FCC 12–33) received during adjournment of the Senate in the Office of the President of the Senate on April 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5687. A communication from the Chairman of the Office of Proceedings, Surface Transportation Board, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Waybill Data Released in Three-Benchmark Rail Rate Proceedings'' (RIN2140–AB01) received during adjournment of the Senate in the Office of the President of the Senate on April 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5688. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (234); Amdt. No. 3469'' (RIN2120–AA65) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5689. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, a report relative to the apportionment of membership on the regional fishery management councils; to the Committee on Commerce, Science, and Transportation.

EC–5690. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Commission's 50th Annual Report of the activities of the Federal Maritime Commission for fiscal year 2011; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LIEBERMAN (for himself and Mr. BLUMENTHAL):

S. 2286. A bill to amend the Wild and Scenic Rivers Act to designate certain segments of the Farmington River and Salmon Brook in the State of Connecticut as components of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. COONS:

S. 2287. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for contributions to a trust used to provide need-based college scholarships; to the Committee on Finance.

By Ms. LANDRIEU (for herself, Mr. ISAKSON, Mr. NELSON of Nebraska, and Ms. MURKOWSKI):

S. 2288. A bill to amend title XXVII of the Public Health Service Act to preserve consumer and employer access to licensed independent insurance producers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED (for himself, Mr. ALEXANDER, Mrs. MURRAY, and Mr. ROBERTS):

S. 2289. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to pediatric provisions; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CORNYN:

S. 2290. A bill to authorize the Commissioner of the United States Section, International Boundary and Water Commission, to reimburse States and units of local government for expenses incurred by the States and units of local government in designing, constructing, and rehabilitating water projects under the jurisdiction of the International Boundary and Water Commission; to the Committee on Foreign Relations.

By Mr. CORNYN (for himself, Ms. SNOWE, Mrs. HUTCHISON, and Mr. HELLER):

S. 2291. A bill to provide a taxpayer bill of rights for small businesses; to the Committee on Finance.

By Mr. BURR (for himself and Mr. COBURN):

S. 2292. A bill to promote accountability, transparency, innovation, efficiency, and

timeliness at the Food and Drug Administration for America's patients; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. AKAKA (for himself, Ms. COLLINS, Mr. LEVIN, Mr. LIEBERMAN, Mr. CARPER, Mr. LAUTENBERG, Mr. WEBB, and Mr. COONS):

S. Res. 419. A resolution expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the United States during Public Service Recognition week; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BURR (for himself and Mrs. MURRAY):

S. Res. 420. A resolution designating April 5, 2012, as ''Gold Star Wives Day''; considered and agreed to.

By Ms. MURKOWSKI (for herself, Mr. BEGICH, Mrs. MURRAY, Mr. COCHRAN, Ms. MIKULSKI, Ms. STABENOW, Mr. JOHNSON of South Dakota, Mr. AKAKA, Mr. COONS, and Mr. UDALL of Colorado):

S. Res. 421. A resolution designating April 20 through 22, 2012, as ''Global Youth Service Day''; considered and agreed to.

By Mr. MCCONNELL (for himself and Mr. PAUL):

S. Res. 422. A resolution commending and congratulating the University of Kentucky men's basketball team for winning its eighth Division I National Collegiate Athletic Association championship; considered and agreed to.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. Res. 423. A resolution congratulating Western Washington University for winning the 2012 National Collegiate Athletic Association Division II Men's Basketball Championship; considered and agreed to.

By Mr. SESSIONS:

S. Con. Res. 41. A concurrent resolution setting forth the President's budget request for the United States Government for fiscal year 2013, and setting forth the appropriate budgetary levels for fiscal years 2014 through 2022; placed on the calendar.

ADDITIONAL COSPONSORS

S. 309

At the request of Mr. LUGAR, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 309, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Moldova.

S. 339

At the request of Mr. BAUCUS, the name of the Senator from Alaska (Mr. BEGICH) 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 name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 672

At the request of Mr. ROCKEFELLER, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 672, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 687

At the request of Mr. CONRAD, the names of the Senator from Nevada (Mr. HELLER), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 687, a bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property.

At the request of Mr. CORNYN, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 687, supra.

S. 714

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 714, a bill to reauthorize the Federal Land Transaction Facilitation Act, and for other purposes.

S. 797

At the request of Ms. MIKULSKI, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 797, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 821

At the request of Mr. LEAHY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 821, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 967

At the request of Mr. MERKLEY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 967, a bill to establish clear regulatory standards for mortgage servicers, and for other purposes.

S. 1086

At the request of Mr. HARKIN, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 1086, a bill to reauthorize the Special Olympics Sport and Empowerment Act of 2004, to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

S. 1173

At the request of Mr. WYDEN, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 1173, a bill to amend title XVIII of the Social Security Act to modernize payments for ambulatory surgical centers under the Medicare program.

S. 1299

At the request of Mr. MORAN, the name of the Senator from Montana (Mr. TESTER) 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. 1368

At the request of Mr. ROBERTS, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 1368, a bill to amend the Patient Protection and Affordable Care Act to repeal distributions for medicine qualified only if for prescribed drug or insulin.

S. 1591

At the request of Mrs. GILLIBRAND, the name of the Senator from Nevada (Mr. HELLER) 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. 1980

At the request of Mr. INOUYE, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1980, a bill to prevent, deter, and eliminate illegal, unreported, and unregulated fishing through port State measures.

S. 2004

At the request of Mr. UDALL of New Mexico, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 2004, a bill to grant the Congressional Gold Medal to the troops who defended Bataan during World War II.

S. 2051

At the request of Mr. REED, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors 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. 2062

At the request of Mr. PAUL, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 2062, a bill to amend the Lacey Act Amendments of 1981 to repeal certain provisions relating to criminal penalties and violations of foreign laws, and for other purposes.

S. 2066

At the request of Ms. MURKOWSKI, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 2066, a bill to recognize the heritage of recreational fishing, hunting, and shooting on Federal public

land and ensure continued opportunities for those activities.

S. 2103

At the request of Mr. LEE, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 2103, a bill to amend title 18, United States Code, to protect pain-capable unborn children in the District of Columbia, and for other purposes.

S. 2112

At the request of Mr. BEGICH, the name of the Senator from Mississippi (Mr. WICKER) 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. 2165

At the request of Mrs. BOXER, the name of the Senator from Maryland (Ms. MIKULSKI) 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. 2174

At the request of Mr. INHOFE, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 2174, a bill to exempt natural gas vehicles from certain maximum fuel economy increase standards, and for other purposes.

S. 2237

At the request of Mr. REID, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of 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.

S. 2242

At the request of Mr. THUNE, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2242, a bill to amend the Internal Revenue Code of 1986 to repeal the estate and generation-skipping transfer taxes, and for other purposes.

S. 2264

At the request of Mr. HOEVEN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 2264, a bill to provide liability protection for claims based on the design, manufacture, sale, offer for sale, introduction into commerce, or use of certain fuels and fuel additives, and for other purposes.

S. 2274

At the request of Mr. ROBERTS, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 2274, a bill to require the Secretary of Agriculture to establish a nonprofit corporation to be known as the Foundation for Food and Agriculture Research.

S. 2276

At the request of Mr. GRASSLEY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2276, a bill to permit Federal officers to remove cases involving crimes of violence to Federal court.

S. 2283

At the request of Mr. TESTER, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2283, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to include procedures for requests from Indian tribes for a major disaster or emergency declaration, and for other purposes.

S. RES. 380

At the request of Mr. GRAHAM, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. Res. 380, a resolution to express the sense of the Senate regarding the importance of preventing the Government of Iran from acquiring nuclear weapons capability.

S. RES. 399

At the request of Mr. MENENDEZ, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. Res. 399, a resolution calling upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, crimes against humanity, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide, and for other purposes.

S. RES. 402

At the request of Mr. COONS, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor 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.

S. RES. 406

At the request of Mr. WARNER, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. Res. 406, a resolution commending the achievements and recognizing the importance of the Alliance to Save Energy on the 35th anniversary of the incorporation of the Alliance.

S. RES. 418

At the request of Mr. BROWN of Ohio, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Ohio (Mr. PORTMAN) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. Res. 418, a resolution commending the 80 brave men who became known as the ''Doolittle Tokyo Raiders'' for outstanding heroism, valor, skill, and service to the United States during the bombing of Tokyo and 5 other targets on the island of Honshu on April 18, 1942, during the Second World War.

AMENDMENT NO. 1975

At the request of Mr. MERKLEY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 1975 intended to be proposed to S. 1789, a bill to improve, sustain, and transform the United States Postal Service.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LIEBERMAN (for himself and Mr. BLUMENTHAL):

S. 2286. A bill to amend the Wild and Scenic Rivers Act to designate certain segments of the Farmington River and Salmon Brook in the State of Connecticut as components of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. LIEBERMAN. Mr. President, I rise today to introduce the Lower Farmington River and Salmon Brook Wild and Scenic River Act. I first would like to thank my colleague, Senator BLUMENTHAL, for joining me as a cosponsor of this legislation, and also wish to thank Congressman CHRIS MURPHY, who recently introduced an identical bill in the House.

My work to preserve and protect the Farmington River dates back many years, and holds a special place in my heart. In 1993 and 1994, in my first term in office, I worked with Congresswoman Nancy Johnson to introduce and pass legislation that added 14 miles of the Upper Farmington River, or the west branch of the river, to the National Wild and Scenic River System, becoming Connecticut's first addition to the system. In 2006, I again had the privilege of working with Rep. Johnson and Sen. Chris Dodd to introduce and pass the Lower Farmington River and Salmon Brook Wild and Scenic River Study Act, which authorized a study of the Lower Farmington, or the east branch of the river. Now complete, the study found that the Lower Farmington River and Salmon Brook possess outstanding natural, cultural, and recreational values. I am honored to return to the Senate floor today to introduce this legislation, which would add the Lower Farmington River and Salmon Brook to the Wild and Scenic Rivers System in order to preserve the extraordinary ecological and recreational values it brings to our state.

Passing through ten towns in northwestern Connecticut, the Lower Farmington River and Salmon Brook is home to extensive wetlands, unique geology, and stunning vistas. The pristine and unique qualities of this river system and the surrounding landscape provide visitors and residents alike, a special location for hiking, paddling, and fishing. This unspoiled natural retreat has a rich history that is only rivaled by its vibrant biodiversity. Archeologists have revealed that sites surrounding the river date back over 11,000 years. The timeline that has been discovered chronicles important Native American development as well as the birth and growth of our nation. From

the prehistoric campsites, to the Underground Railroad network, and burgeoning manufacturing that sent goods to markets across the world, the river and its banks are an essential component of our nation's history.

But the importance of the Lower Farmington River and Salmon Brook goes beyond its contribution to our nation's history. Among the country's most biologically diverse ecosystem, the river is home to 30 species of finfish, 105 bird species, and the only river in New England that is home to all 12 of the freshwater mussel species native to the region, one of which is a federally listed endangered species. Since prehistory the rich biodiversity has also benefited agriculture along the banks of this river system. Driven by the unique qualities of the soil, Native Americans, colonists and Connecticut residents have harvested tobacco that is known the world over.

Today, outdoor recreationists visit the Lower Farmington River and Salmon Brook in increasing numbers. As Americans return to nature, it is essential that policies are in place which enhances stewardship and conservation in Connecticut and across the nation. Unchecked development threatens to erode biodiversity, destroy unprotected historic sites, and consume priceless natural resources. In order to combat such destruction we must have the foresight to ensure that treasures such as the Lower Farmington River and Salmon Brook remain unspoiled for today's recreational users as well as tomorrow's.

I thank Congressman MURPHY, all the members of the Study Committee, and especially the Farmington River Watershed Association and its Executive Director, Eileen Fielding, for working with me to advance the Lower Farmington River and Salmon Brook's status within the National Wild & Scenic Rivers System. I reaffirm my strong support today for the river's protection, and I look forward to working cooperatively with my colleagues in making it happen.

By Mr. REED (for himself, Mr. ALEXANDER, Mrs. MURRAY, and Mr. ROBERTS):

S. 2289. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to pediatric provisions; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. I am pleased to be joined today by Senators ALEXANDER, MURRAY, and ROBERTS in introducing the Better Pharmaceuticals and Devices for Children Act, BPDCA. This legislation will ensure that children are prioritized in the drug development process, as well as continue the increase in the number and quality of medical devices developed for use in children. I am particularly pleased that this bill has the support of the American Academy of Pediatrics and the Pharmaceutical Research and Manufacturers of America.

Indeed, drugs and devices work differently in children than in adults, and consequently, must be studied specifically for use in children. However, due to the fact that pediatric trials can be costly, take several years, and offer less of a return on investment, drug companies weren't initiating these trials. As a result, nearly 80 percent of drugs were used off-label in children.

This alarming statistic garnered the attention of pediatricians, medical experts, families, and ultimately, Congress. In 1997, Congress provided pharmaceutical companies with an incentive to invest in pediatric research through the Best Pharmaceuticals for Children Act, BPCA. In 2003, Congress passed the Pediatric Research Equity Act to begin requiring pharmaceutical companies to engage in these studies. Since the enactment of these laws, 426 drug labels have been revised with important pediatric information and there has been a decline in the number of drugs used off-label in children from 80 to 50 percent.

However, these laws will expire on October 1 unless Congress passes legislation to renew them. The Better Pharmaceuticals and Devices for Children Act would ensure that these laws are never at risk of expiring again. Laws that examine the safety and effectiveness of drugs and devices in adults are permanent. Children should have the same assurances. By making these laws permanent, pharmaceutical companies will also gain the certainty they need to continue wisely investing in these studies.

In making these laws permanent, we must not miss an opportunity to improve their benefits for children to ensure that more robust and timely information about the use of drugs and devices can guide clinical care. This legislation does just that.

First, it would ensure pediatric studies are planned earlier in the drug development process. Currently, pediatric study plans can be submitted to the FDA when a company submits its new drug application. This can be a very stressful time for a company and, as such, pediatric study plans are often left to the last minute. This has traditionally resulted in insufficient and inappropriate study plans, as well as delays of important pediatric data. Our legislation would require companies to submit a more robust pediatric study plan at the end of phase two in the drug development process. By this time in the process, a company already has performed the requisite clinical trial or trials in adults and has a better understanding of a drug's safety and efficacy, as well as dosing requirements. Moreover, experts at the FDA initially tried to require companies to submit a pediatric study plan at this time in the drug development process in a regulation that was struck down by the courts. However, the rationale and justification behind the regulation helped inform the drafting of this legislation and led us to believe that companies should submit their initial pediatric study plan to the FDA at the end of phase two.

The legislation would also ensure that pediatric studies are actually completed. An alarming 78 percent of pediatric studies that were scheduled to be completed by September 2007 are currently late or were submitted late. While it is appropriate for some studies to take longer than expected and we wouldn't want a pediatric study to hold up the approval of a drug for use in adults it is unacceptable for companies to fail to complete pediatric studies altogether. Our bill would give the FDA the authority to distinguish between reasonable and unreasonable delays in pediatric studies and provide the agency with critical enforcement tools to ensure required pediatric studies are completed. This legislation would also provide the FDA with the ability to better track the progress of studies and assist with any complications.

The Better Pharmaceuticals and Devices for Children Act also responds to the need for the development of pediatric medical devices in children, which can lag five to ten years behind those manufactured for adults. The pediatric profit allowance for Humanitarian Use Devices has proven to be an effective incentive for the development of new medical devices that are designed specifically for the needs of children. Our bill would continue this important policy. It would also reauthorize the Pediatric Device Consortia, which in just two and a half years, has assisted in advancing the development of 135 proposed pediatric medical devices and helped get life-saving and life-improving pediatric devices to the patients that need them.

This legislation is critical for children's health. It will help give parents peace of mind that when their doctor prescribes a medication or recommends a medical device for their kids, it is proven safe and effective for specific use in children.

It is my understanding that Chairman HARKIN will be including this legislation as part of a broader initiative that the Health, Education, Labor, and Pensions Committee will soon be considering focused on improving drugs and devices. I look forward to working with Senators ALEXANDER, MURRAY, and ROBERTS, as well as the Chairman and others on moving this bill forward before the October deadline.

By Mr. CORNYN (for himself, Ms. SNOWE, Mrs. HUTCHISON, and Mr. HELLER):

S. 2291. A bill to provide a taxpayer bill of rights for small businesses; to the Committee on Finance.

Mr. CORNYN. Mr. President, I rise to introduce the Small Business Taxpayer Bill of Rights Act of 2012, SBTBOR. I am very pleased that Senators SNOWE, HUTCHISON, and HELLER are cosponsors of this taxpayer-friendly legislation.

As Americans across the country race to meet today's deadline to complete their federal tax return, it is important to note that their tax burden is more than just the amount of tax paid to the federal government. Taxpayers also bear the burden of the cost of complying with the tax code. Analysts predict that taxpayers will spend over $350 billion this year alone to comply with the tax code. In addition, according to a survey by the National Small Business Association, over half of the respondents reported that they spend more than 40 hours a year dealing with federal taxes and spend more than $5,000 each year just on the administration of federal taxes. In addition, a dispute over a complex tax code with the IRS can become an expensive endeavor for small businesses, who have limited resources to fight off frivolous IRS claims. With the passage of the 2010 health care act, this burden is expected to increase in the future. At a time when job creation remains weak, small businesses should be spending their time and resources creating jobs, not cutting through miles of burdensome IRS red tape. The Small Business Taxpayer Bill of Rights seeks to mitigate this problem. It would ensure that small businesses spend less time dealing with the IRS and more time creating jobs.

The Small Business Taxpayer Bill of Rights, among other things, provides more protections and safeguards for small businesses during administrative procedures with the IRS. It would: lower the compliance burden on small business taxpayers; strengthen safeguards against IRS overreach; increase taxpayer compensation for IRS abuses and; improve taxpayer access to the court system. Amid the weakest economic recovery since World War II, American job creators urgently need such relief.

The Small Business Taxpayer Bill of Rights Act will reduce the compliance and administrative burdens faced by small business taxpayers when it comes to dealing with the IRS. The bill provides an alternative dispute resolution procedure through which a small business taxpayer may be able to request arbitration with an independent, neutral third party not employed by the IRS. In addition, the bill will make more small businesses eligible to recoup attorney's fees when a court finds that the IRS's action taken against a taxpayer is not substantially justified.

The legislation also reinforces the independent nature of the IRS Appeals Office by prohibiting it from discussing the merits of a taxpayer's case with any other department at the IRS, unless the taxpayer is afforded an opportunity to participate. Second, the bill will prevent an Appeals Officer from raising a new issue that was not initially raised by the IRS in the examination process. The SBTBOR would help to ensure the Appeals Office remains a neutral entity that effectively facilitates the taxpayer's appeals process.

The Small Business Taxpayer Bill of Rights Act will make the IRS more accountable to taxpayers by increasing the amount of damages taxpayers may receive for any collection action the IRS takes against them that is reckless, or by reason of negligence disregards the law or its regulations. Second, it increases the amount of damages taxpayers may be awarded when the IRS improperly discloses their tax returns and tax information. Third, the bill raises the monetary penalty on IRS employees who commit certain unlawful acts or disclose taxpayer information.

Finally, the legislation will improve taxpayer access to the Tax Court by expanding the role of the current ''small tax case'' procedure—an informal and efficient method for resolving disputes before the Tax Court—to include a wider variety of cases. The bill will permit taxpayers to obtain judicial review from the Tax Court when the IRS fails to act on their claim for interest abatement due to an error or delay by the IRS. Taxpayers whose property has been wrongly seized to satisfy a tax debt will have more time to claim relief and bring a civil suit against the IRS. It also makes procedural improvements for taxpayers who request innocent spouse relief. By requesting innocent spouse relief, taxpayers can be relieved of the responsibility for paying tax, interest, and penalties if their spouse improperly reported items or omitted items on their tax return.

Last week, I held an event in Houston, Texas, where I announced my intention to introduce the Small Business Taxpayer Bill of Rights Act. The event was held at the headquarters of Forge USA, which is a family-owned, medium-sized open-die forging business. Forging is a process involving the shaping of heated metal parts in which the metal is never completely confined or restrained in the dies. Forge USA has 215 employees and provides high-quality custom forged products for a variety of industries, with about 70 percent of its product going to the oil and gas industry. This is what the owners of Forge USA said about the legislation: ''Senator Cornyn's efforts to improve the rights of small businesses will mean that business owners will be able to spend more time growing their businesses and hiring more workers and hopefully less time talking to the tax man.'' I am grateful for the support of a small business like Forge USA. This legislation is also supported by the Texas Association of Business, U.S. Hispanic Chamber of Commerce, and the National Taxpayers Union, among others.

Small business owners face an especially crushing burden of paperwork, but they lack the key financial and legal resources that multinational corporations do when dealing with the tax code and the IRS. This legislation will provide relief for small businesses and will allow small businesses to spend more time expanding their business and creating jobs and less time dealing with the IRS.

Mr. President, I ask unanimous consent that the text of the bill and a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2291

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Small Business Taxpayer Bill of Rights Act of 2012''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Modification of standards for awarding of costs and certain fees.
Sec. 3. Civil damages allowed for reckless or intentional disregard of internal revenue laws.
Sec. 4. Modifications relating to certain offenses by officers and employees in connection with revenue laws.
Sec. 5. Modifications relating to civil damages for unauthorized inspection or disclosure of returns and return information.
Sec. 6. Interest abatement reviews.
Sec. 7. Ban on ex parte discussions.
Sec. 8. Alternative dispute resolution procedures.
Sec. 9. Extension of time for contesting IRS levy.
Sec. 10. Waiver of installment agreement fee.
Sec. 11. Suspension of running of period for filing petition of spousal relief and collection cases.
Sec. 12. Venue for appeal of spousal relief and collection cases.
Sec. 13. Increase in monetary penalties for certain unauthorized disclosures of information.
Sec. 14. De novo tax court review of claims for equitable innocent spouse relief.
Sec. 15. Ban on raising new issues on appeal.

SEC. 2. MODIFICATION OF STANDARDS FOR AWARDING OF COSTS AND CERTAIN FEES.

(a) SMALL BUSINESSES ELIGIBLE WITHOUT REGARD TO NET WORTH.—Subparagraph (D) of section 7430(c)(4) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting ''and'', and by adding at the end the following new clause:

''(iii) in the case of an eligible small business, the net worth limitation in clause (ii) of such section shall not apply.''.

(b) ELIGIBLE SMALL BUSINESS.—Paragraph (4) of section 7430(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(F) ELIGIBLE SMALL BUSINESS.—For purposes of subparagraph (D)(iii), the term 'eligible small business' means, with respect to any proceeding commenced in a taxable year—

''(i) a corporation the stock of which is not publicly traded,

''(ii) a partnership, or

''(iii) a sole proprietorship,

if the average annual gross receipts of such corporation, partnership, or sole proprietorship for the 3-taxable-year period preceding such taxable year does not exceed $50,000,000.

For purposes of applying the test under the preceding sentence, rules similar to the rules of paragraphs (2) and (3) of section 448(c) shall apply.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to proceedings commenced after the date of the enactment of this Act.

SEC. 3. CIVIL DAMAGES ALLOWED FOR RECKLESS OR INTENTIONAL DISREGARD OF INTERNAL REVENUE LAWS.

(a) INCREASE IN AMOUNT OF DAMAGES.—Section 7433(b) of the Internal Revenue Code of 1986 is amended by striking ''$1,000,000 ($100,000, in the case of negligence)'' and inserting ''$3,000,000 ($300,000, in the case of negligence)''.

(b) EXTENSION OF TIME TO BRING ACTION.—Section 7433(d)(3) of the Internal Revenue Code of 1986 is amended by striking ''2 years'' and inserting ''5 years''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to actions of employees of the Internal Revenue Service after the date of the enactment of this Act.

SEC. 4. MODIFICATIONS RELATING TO CERTAIN OFFENSES BY OFFICERS AND EMPLOYEES IN CONNECTION WITH REVENUE LAWS.

(a) INCREASE IN PENALTY.—Section 7214 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''$10,000'' in subsection (a) and inserting ''$25,000'', and

(2) by striking ''$5,000'' in subsection (b) and inserting ''$10,000''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 5. MODIFICATIONS RELATING TO CIVIL DAMAGES FOR UNAUTHORIZED INSPECTION OR DISCLOSURE OF RETURNS AND RETURN INFORMATION.

(a) INCREASE IN AMOUNT OF DAMAGES.—Subparagraph (A) of section 7431(c)(1) of the Internal Revenue Code of 1986 is amended by striking ''$1,000'' and inserting ''$10,000''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to inspections and disclosure occurring on and after the date of the enactment of this Act.

SEC. 6. INTEREST ABATEMENT REVIEWS.

(a) FILING PERIOD FOR INTEREST ABATEMENT CASES.—

(1) IN GENERAL.—Subsection (h) of section 6404 of the Internal Revenue Code of 1986 is amended—

(A) by striking ''REVIEW OF DENIAL'' in the heading and inserting ''JUDICIAL REVIEW'', and

(B) by striking '''if such action is brought''' and all that follows in paragraph (1) and inserting ''if such action is brought—

''(A) at any time after the earlier of—

''(i) the date of the mailing of the Secretary's final determination not to abate such interest, or

''(ii) the date which is 180 days after the date of the filing with the Secretary (in such form as the Secretary may prescribe) of a claim for abatement under this section, and

''(B) not later than the date which is 180 days after the date described in subparagraph (A)(i).''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to claims for abatement of interest filed with the Secretary after the date of the enactment of this Act.

(b) SMALL TAX CASE ELECTION FOR INTEREST ABATEMENT CASES.—

(1) IN GENERAL.—Subsection (f) of section 7463 of the Internal Revenue Code of 1986 is amended—

(A) by striking ''and'' at the end of paragraph (1),

(B) by striking the period at the end of paragraph (2) and inserting '', and'', and

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

''(3) a petition to the Tax court under section 6404(h) in which the amount of interest abatement sought does not exceed $50,000.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to—

(A) cases pending as of the day after the date of the enactment of this Act, and

(B) cases commenced after such date of enactment.

SEC. 7. BAN ON EX PARTE DISCUSSIONS.

(a) IN GENERAL.—Notwithstanding section 1001(a)(4) of the Internal Revenue Service Restructuring and Reform Act of 1998, the Internal Revenue Service shall prohibit any ex parte communications between officers in the Internal Revenue Service Office of Appeals and other Internal Revenue Service employees with respect to any matter pending before such officers.

(b) TERMINATION OF EMPLOYMENT FOR MISCONDUCT.—Subject to subsection (c), the Commissioner of Internal Revenue shall terminate the employment of any employee of the Internal Revenue Service if there is a final administrative or judicial determination that such employee committed any act or omission prohibited under subsection (a) in the performance of the employee's official duties. Such termination shall be a removal for cause on charges of misconduct.

(c) DETERMINATION OF COMMISSIONER.—

(1) IN GENERAL.—The Commissioner of Internal Revenue may take a personnel action other than termination for an act prohibited under subsection (a).

(2) DISCRETION.—The exercise of authority under paragraph (1) shall be at the sole discretion of the Commissioner of Internal Revenue and may not be delegated to any other officer. The Commissioner of Internal Revenue, in his sole discretion, may establish a procedure which will be used to determine whether an individual should be referred to the Commissioner of Internal Revenue for a determination by the Commissioner under paragraph (1).

(3) NO APPEAL.—Any determination of the Commissioner of Internal Revenue under this subsection may not be appealed in any administrative or judicial proceeding.

(d) TIGTA REPORTING OF TERMINATION OR MITIGATION.—Section 7803(d)(1)(E) of the Internal Revenue Code of 1986 is amended by inserting ''or section 7 of the Small Business Taxpayer Bill of Rights Act of 2012'' after ''1998''.

SEC. 8. ALTERNATIVE DISPUTE RESOLUTION PROCEDURES.

(a) IN GENERAL.—Section 7123 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(c) AVAILABILITY OF DISPUTE RESOLUTIONS.—

''(1) IN GENERAL.—The procedures prescribed under subsection (b)(1) and the pilot program established under subsection (b)(2) shall provide that a taxpayer may request mediation or arbitration in any case unless the Secretary has specifically excluded the type of issue involved in such case or the class of cases to which such case belongs as not appropriate for resolution under such subsection. The Secretary shall make any determination that excludes a type of issue or a class of cases public within 5 working days and provide an explanation for each determination.

''(2) INDEPENDENT MEDIATORS.—

''(A) IN GENERAL.—The procedures prescribed under subsection (b)(1) shall provide the taxpayer an opportunity to elect to have the mediation conducted by an independent, neutral individual not employed by the Office of Appeals.

''(B) COST AND SELECTION.—

''(i) IN GENERAL.—Any taxpayer making an election under subparagraph (A) shall be required—

''(I) to share the costs of such independent mediator equally with the Office of Appeals, and

''(II) to limit the selection of the mediator to a roster of recognized national or local neutral mediators.

''(ii) EXCEPTION.—Clause (i)(I) shall not apply to any taxpayer who is an individual or who was a small business in the preceding calendar year if such taxpayer had an adjusted gross income that did not exceed 250 percent of the poverty level, as determined in accordance with criteria established by the Director of the Office of Management and Budget, in the taxable year preceding the request.

''(iii) SMALL BUSINESS.—For purposes of clause (ii), the term 'small business' has the meaning given such term under section 41(b)(3)(D)(iii).

''(3) AVAILABILITY OF PROCESS.—The procedures prescribed under subsection (b)(1) and the pilot program established under subsection (b)(2) shall provide the opportunity to elect mediation or arbitration at the time when the case is first filed with the Office of Appeals and at any time before deliberations in the appeal commence.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 9. EXTENSION OF TIME FOR CONTESTING IRS LEVY.

(a) EXTENSION OF TIME FOR RETURN OF PROPERTY SUBJECT TO LEVY.—Subsection (b) of section 6343 of the Internal Revenue Code of 1986 is amended by striking ''9 months'' and inserting ''3 years''.

(b) PERIOD OF LIMITATION ON SUITS.—Subsection (c) of section 6532 of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (1) by striking ''9 months'' and inserting ''3 years'', and

(2) in paragraph (2) by striking ''9-month'' and inserting ''3-year''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) levies made after the date of the enactment of this Act, and

(2) levies made on or before such date if the 9-month period has not expired under section 6343(b) of the Internal Revenue Code of 1986 (without regard to this section) as of such date.

SEC. 10. WAIVER OF INSTALLMENT AGREEMENT FEE.

(a) IN GENERAL.—Section 6159 of the Internal Revenue Code of 1986 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

''(f) WAIVER OF INSTALLMENT AGREEMENT FEE.—The Secretary shall waive the fees imposed on installment agreements under this section for any taxpayer with an adjusted gross income that does not exceed 250 percent of the poverty level, as determined in accordance with criteria established by the Director of the Office of Management and Budget, and who has agreed to make payments under the installment agreement by electronic payment through a debit instrument.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 11. SUSPENSION OF RUNNING OF PERIOD FOR FILING PETITION OF SPOUSAL RELIEF AND COLLECTION CASES.

(a) PETITIONS FOR SPOUSAL RELIEF.—

(1) IN GENERAL.—Subsection (e) of section 6015 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(6) SUSPENSION OF RUNNING OF PERIOD FOR FILING PETITION IN TITLE 11 CASES.—In the case of an individual who is prohibited by reason of a case under title 11, United States Code, from filing a petition under paragraph (1)(A) with respect to a final determination of relief under this section, the running of the period prescribed by such paragraph for filing such a petition with respect to such final determination shall be suspended for the period during which the individual is so prohibited from filing such a petition, and for 60 days thereafter.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to petitions filed under section 6015(e) of the Internal Revenue Code of 1986 after the date of the enactment of this Act.

(b) COLLECTION PROCEEDINGS.—

(1) IN GENERAL.—Subsection (d) of section 6330 of the Internal Revenue Code of 1986 is amended—

(A) by striking ''appeal such determination to the Tax Court'' in paragraph (1) and inserting ''petition the Tax Court for review of such determination'',

(B) by striking ''JUDICIAL REVIEW OF DETERMINATION'' in the heading of paragraph (1) and inserting ''PETITION FOR REVIEW BY TAX COURT'',

(C) by redesignating paragraph (2) as paragraph (3), and

(D) by inserting after paragraph (1) the following new paragraph:

''(2) SUSPENSION OF RUNNING OF PERIOD FOR FILING PETITION IN TITLE 11 CASES.—In the case of an individual who is prohibited by reason of a case under title 11, United States Code, from filing a petition under paragraph (1) with respect to a determination under this section, the running of the period prescribed by such subsection for filing such a petition with respect to such determination shall be suspended for the period during which the individual is so prohibited from filing such a petition, and for 30 days thereafter.''.

(2) CONFORMING AMENDMENT.—Subsection (c) of section 6320 of such Code is amended by striking ''(2)(B)'' and inserting ''(3)(B)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to petitions filed under section 6330 of the Internal Revenue Code of 1986 after the date of the enactment of this Act.

SEC. 12. VENUE FOR APPEAL OF SPOUSAL RELIEF AND COLLECTION CASES.

(a) IN GENERAL.—Paragraph (1) of section 7482(b) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''or'' at the end of subparagraph (E),

(2) by striking the period at the end of subparagraph (F) and inserting a comma, and

(3) by inserting after subparagraph (F) the following new subparagraphs:

''(G) in the case of a petition under section 6015(e), the legal residence of the petitioner, or

''(H) in the case of a petition under section 6320 or 6330—

''(i) the legal residence of the petitioner if the petitioner is an individual, and

''(ii) the principal place of business or principal office or agency if the petitioner is an entity other than an individual.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to petitions filed after the date of enactment of this Act.

SEC. 13. INCREASE IN MONETARY PENALTIES FOR CERTAIN UNAUTHORIZED DISCLOSURES OF INFORMATION.

(a) IN GENERAL.—Paragraphs (1), (2), (3), and (4) of section 7213(a) of the Internal Revenue Code of 1986 are each amended by striking ''$5,000'' and inserting ''$10,000''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures made after the date of the enactment of this Act.

SEC. 14. DE NOVO TAX COURT REVIEW OF CLAIMS FOR EQUITABLE INNOCENT SPOUSE RELIEF.

(a) IN GENERAL.—Subparagraph (A) of section 6015(e)(1) of the Internal Revenue Code of 1986 is amended by adding at the end the following new flush sentence:

''Any review of a determination by the Secretary with respect to a claim for equitable relief under subsection (f) shall be reviewed *de novo* by the Tax Court.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to petitions filed or pending before the Tax Court on and after the date of the enactment of this Act.

SEC. 15. BAN ON RAISING NEW ISSUES ON APPEAL.

(a) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 7529. PROHIBITION ON INTERNAL REVENUE SERVICE RAISING NEW ISSUES IN AN INTERNAL APPEAL.

''(a) IN GENERAL.—In reviewing an appeal of any determination initially made by the Internal Revenue Service, the Internal Revenue Service Office of Appeals may not consider or decide any issue that is not within the scope of the initial determination.

''(b) CERTAIN ISSUES DEEMED OUTSIDE OF SCOPE OF DETERMINATION.—For purposes of subsection (a), the following matters shall be considered to be not within the scope of a determination:

''(1) Any issue that was not raised in a notice of deficiency or an examiner's report which is the subject of the appeal.

''(2) Any deficiency in tax which was not included in the initial determination.

''(3) Any theory or justification for a tax deficiency which was not considered in the initial determination.

''(c) NO INFERENCE WITH RESPECT TO ISSUES RAISED BY TAXPAYERS.—Nothing in this section shall be construed to provide any limitation in addition to any limitations in effect on the date of the enactment of this section on the right of a taxpayer to raise an issue, theory, or justification on an appeal from a determination initially made by the Internal Revenue Service that was not within the scope of the initial determination.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 77 of such Code is amended by adding at the end the following new item:

''Sec. 7529. Prohibition on Internal Revenue Service raising new issues in an internal appeal.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to matters filed or pending with the Internal Revenue Service Office of Appeals on or after the date of the enactment of this Act.

UNITED STATES
HISPANIC CHAMBER OF COMMERCE,
Washington, DC, April 9, 2012.

Hon. JOHN CORNYN,
U.S. Senate,
Washington, DC.

DEAR SENATOR CORNYN, The United States Hispanic Chamber of Commerce (USHCC) would like to express its support and thank you for introducing the Small Business Taxpayer Bill of Rights Act of 2012 (SBTBOR). As our organization advocates for legislation that helps to build Hispanic owned businesses and enhance America's economy, it is encouraging to see the SBTBOR introduced on the Senate floor.

As you are aware, Hispanic-owned firms are the fastest growing segment of business across the country. We applaud you for recognizing this fact and, as a result, taking the initiative to provide sensible solutions for the USHCC constituency of Hispanic enterprises. The four pillars of the SBTBOR—lowering compliance burden for taxpayers, strengthening taxpayer protections, compensating taxpayers for IRS abuses, and improving taxpayer access to the judicial system—are crucial to the efficiency of small business, and we hope that your Senate colleagues join in your efforts to pass sensible, pro-growth legislation.

In the USHCC's recently released 2012–2014 Legislative Agenda, regulatory reform is noted as a critical part of the Hispanic small business community's potential for job creation and economic development. The SBTBOR, by addressing problematic regulation and interaction with the IRS, is parallel to the USHCC mission. In order for the Hispanic community to continue leveraging its entrepreneurial spirit, we cannot allow for entrepreneurs to be subject to slow and costly resolution of audits, low civil damages when the IRS disregards the law, fees on installment agreements for low-income taxpayers, and many other harsh burdens that exist for small businesses.

The SBTBOR is clearly something that will positively affect the Hispanic business community and American economy as a whole. Please let us know how we may assist in your effort to promote an environment where entrepreneurs focus more on growing their businesses rather than dealing with unreasonable regulations. We are here to help.

Respectfully Submitted,

JAVIER PALOMAREZ,
President & CEO.
NINA VACA,
Chairman of the Board.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 419—EXPRESSING THE SENSE OF THE SENATE THAT PUBLIC SERVANTS SHOULD BE COMMENDED FOR THEIR DEDICATION AND CONTINUED SERVICE TO THE UNITED STATES DURING PUBLIC SERVICE RECOGNITION WEEK

Mr. AKAKA (for himself, Ms. COLLINS, Mr. LEVIN, Mr. LIEBERMAN, Mr. CARPER, Mr. LAUTENBERG, Mr. WEBB, and Mr. COONS) submitted the following resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. RES. 419

Whereas the week of May 6 through 12, 2012, has been designated as ''Public Service Recognition Week'' to honor the employees of the Federal Government and State and local governments of the United States of America;

Whereas Public Service Recognition Week provides an opportunity to recognize and promote the important contributions of public servants and honor the diverse men and women who meet the needs of the United States through work at all levels of government;

Whereas millions of individuals work in government service in every city, county, and State across the United States and in hundreds of cities abroad;

Whereas public service is a noble calling involving a variety of challenging and rewarding professions;

Whereas the Federal Government and State and local governments are responsive, innovative, and effective because of the outstanding work of public servants;

Whereas the United States is a great and prosperous country, and public service employees contribute significantly to that greatness and prosperity;

Whereas the United States benefits daily from the knowledge and skills of these highly trained individuals;

Whereas public servants—

(1) defend our freedom and advance the interests of the United States around the world;

(2) provide vital strategic support functions to our military and serve in the National Guard and Reserves;

(3) fight crime and fires;

(4) ensure equal access to secure, efficient, and affordable mail service;

(5) deliver Social Security and Medicare benefits;

(6) fight disease and promote better health;

(7) protect the environment and the parks of the United States;

(8) enforce laws guaranteeing equal employment opportunity and healthy working conditions;

(9) defend and secure critical infrastructure;

(10) help the people of the United States recover from natural disasters and terrorist attacks;

(11) teach and work in our schools and libraries;

(12) develop new technologies and explore the Earth, the Moon, and space to help improve our understanding of how our world changes;

(13) improve and secure our transportation systems;

(14) promote economic growth; and

(15) assist the veterans of our country;

Whereas members of the uniformed services and civilian employees at all levels of government make significant contributions to the general welfare of the United States, and are on the front lines in the fight to defeat terrorism and maintain homeland security;

Whereas public servants work in a professional manner to build relationships with other countries and cultures in order to better represent the interests and promote the ideals of the United States;

Whereas public servants alert Congress and the public to government waste, fraud, and abuse, and of dangers to public health;

Whereas the men and women serving in the Armed Forces of the United States, as well as those skilled trade and craft Federal employees who provide support to their efforts, are committed to doing their jobs regardless of the circumstances, and contribute greatly to the security of the country and the world;

Whereas public servants have bravely fought in armed conflict in defense of this country and its ideals, and deserve the care and benefits they have earned through their honorable service;

Whereas government workers have much to offer, as demonstrated by their expertise and innovative ideas, and serve as examples by passing on institutional knowledge to train the next generation of public servants; and

Whereas the week of May 6 through 12, 2012, marks the 28th anniversary of Public Service Recognition Week: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of the week of May 6 through 12, 2012, as ''Public Service Recognition Week'';

(2) commends public servants for their outstanding contributions to this great country during Public Service Recognition Week and throughout the year;

(3) salutes government employees for their unyielding dedication to and spirit for public service;

(4) honors those government employees who have given their lives in service to their country;

(5) calls upon a new generation to consider a career in public service as an honorable profession; and

(6) encourages efforts to promote public service careers at all levels of government.

Mr. AKAKA. Mr. President, today I rise to honor our Nation's public servants and once again submit a resolution recognizing our public servants during Public Service Recognition Week.

This is the 28th year we will honor our public servants with Public Service Recognition Week during the first full week of May, this year from May 6–12. I am proud to once again take a moment to highlight the importance of the work of our public servants and to thank them for all that they do for this country.

As a life-long public servant, I have worked with so many talented, hard-working people who have dedicated their lives to helping others. I have been inspired by meeting countless men and women who come to work every day to serve the communities and their country. Our way of life would not exist without the work of these admirable men and women who provide so many vital services to the American people, including caring for our wounded warriors, teaching our children, protecting our communities, and keeping our nation safe.

Public Service Recognition Week provides an opportunity not only to honor those who serve, but also to hear about the wide variety of careers in public service. Public employees use the week to educate their fellow Americans about how government serves them, and how government services make life better for us all. It is always my hope that people will hear about these great opportunities to give back to their communities and be encouraged to consider a career in public service.

While we have designated a week to pay tribute to government employees, it is so important that we continue to honor the work of our public servants throughout the year. We face many challenges both here at home and abroad, and our public servants play an integral role in moving our country forward. It is important that we do not lose sight of all they do to keep our country strong.

To all the dedicated men and women currently serving our Nation, mahalo nui loa, thank you very much, for all that you do. I encourage my colleagues to join me in recognizing the public servants in their states.

SENATE RESOLUTION 420—DESIGNATING APRIL 5, 2012, AS ''GOLD STAR WIVES DAY''

Mr. BURR (for himself and Mrs. MURRAY) submitted the following resolution; which was considered and agreed to:

S. RES. 420

Whereas the Senate honors the sacrifices made by the spouses and families of the fallen members of the Armed Forces of the United States;

Whereas Gold Star Wives of America, Inc. represents the spouses and families of the members and veterans of the Armed Forces of the United States who have died on active duty or as a result of a service-connected disability;

Whereas the primary mission of Gold Star Wives of America, Inc. is to provide services, support, and friendship to the spouses of the fallen members and veterans of the Armed Forces of the United States;

Whereas, in 1945, Gold Star Wives of America, Inc. was organized with the help of Eleanor Roosevelt to assist the families left behind by the fallen members and veterans of the Armed Forces of the United States;

Whereas the first meeting of Gold Star Wives of America, Inc. was held on April 5, 1945;

Whereas April 5, 2012, marks the 67th anniversary of the first meeting of Gold Star Wives of America, Inc.;

Whereas the members and veterans of the Armed Forces of the United States bear the burden of protecting the freedom of the people of the United States; and

Whereas the sacrifices of the families of the fallen members and veterans of the Armed Forces of the United States should never be forgotten: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 5, 2012, as ''Gold Star Wives Day'';

(2) honors and recognizes—

(A) the contributions of the members of Gold Star Wives of America, Inc.; and

(B) the dedication of the members of Gold Star Wives of America, Inc. to the members and veterans of the Armed Forces of the United States; and

(3) encourages the people of the United States to observe Gold Star Wives Day to promote awareness of—

(A) the contributions and dedication of the members of Gold Star Wives of America, Inc. to the members and veterans of the Armed Forces of the United States; and

(B) the important role Gold Star Wives of America, Inc. plays in the lives of the spouses and families of the fallen members and veterans of the Armed Forces of the United States.

SENATE RESOLUTION 421—DESIGNATING APRIL 20 THROUGH 22, 2012, AS ''GLOBAL YOUTH SERVICE DAY''

Ms. MURKOWSKI (for herself, Mr. BEGICH, Mrs. MURRAY, Mr. COCHRAN, Ms. MIKULSKI, Ms. STABENOW, Mr. JOHNSON of South Dakota, Mr. AKAKA, Mr. COONS, and Mr. UDALL of Colorado) submitted the following resolution; which was considered and agreed to:

S. RES. 421

Whereas Global Youth Service Day is an annual event that celebrates and mobilizes the millions of children and young people who improve their communities each day of the year through community service and service-learning projects;

Whereas Global Youth Service Day, a program of Youth Service America, is the largest and longest-running service event in the world dedicated to engaging youth ages 5 through 25;

Whereas, in 2012, Global Youth Service Day is being observed for the 24th consecutive year in the United States and for the 13th year globally in more than 100 countries;

Whereas nearly ⅓ of the population of the United States (approximately 104,000,000 people) and nearly ½ of population of the world is under the age of 25;

Whereas Global Youth Service Day assists children and young people to position themselves as active citizens and community leaders as they apply their knowledge, skills, idealism, energy, creativity, and unique perspectives to serve their communities and help address a myriad of critical issues;

Whereas thousands of students and teachers in conjunction with local schools, colleges, and universities are planning Global Youth Service Day activities as part of a Semester of Service, an extended service-learning campaign launched on Martin Luther King, Jr. Day of Service, in which young people spend the semester addressing a meaningful community need connected to intentional learning goals or academic standards over the course of not less than 70 hours;

Whereas Global Youth Service Day participants are serving in conjunction with other community events, including Earth Day, J-Serve, Great American Bake Sale National Challenge Weekend, National Volunteer Week, Kiwanis One Day, Alpha Phi Omega's Spring Youth Service Day, Sigma Alpha Epsilon's True Gentleman Day of Service, National Day of Silence, National Environmental Education Week, National Park Week, National Student Leadership Week, and World Malaria Day;

Whereas Global Youth Service Day engages millions of young people worldwide with the support of the Global Youth Service Network of Youth Service America, including more than 200 National and Global Partners, 125 State and local Lead Agencies and Lead Organizers, and thousands of local schools, afterschool programs, youth development organizations, community organizations, faith-based organizations, government agencies, businesses, neighborhood associations, tribes, and families;

Whereas Youth Service America will provide support to more than 800 schools and community organizations, including State Farm GYSD Lead Agency and Good Neighbor grants, UnitedHealth Heroes grants, Sodexo Foundation Youth, Lead Organizer, and School Engagement grants, Disney Friends for Change grants, and Learn and Serve America STEMester of Service grants;

Whereas, in 2011, youth volunteers who engaged in Global Youth Service Day projects served an estimated 1,417,000 hours of service that benefitted at least 885,000 individuals and contributed $30,267,120 worth of time to their communities;

Whereas high-quality community service and service-learning programs increase—

(1) the academic engagement and achievement of young people;

(2) the workforce readiness and 21st century skills of young people;

(3) the civic knowledge and engagement of young people;

(4) the intercultural understanding and global citizenship of young people; and

(5) the connectedness and commitment of young people to their communities; and

Whereas the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) calls on the Corporation for National and Community Service, other Federal agencies and departments, and the President of the United States to recognize and support youth-led activities: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and commends the significant contributions of young people of the United States and the world and encourages the continued engagement and support of young people dedicated to serving their neighbors, their communities, and their countries;

(2) designates April 20 through 22, 2012, as ''Global Youth Service Day''; and

(3) calls on the people of the United States to observe Global Youth Service Day by—

(A) encouraging young people to participate in community service and service-learning projects and to join their peers in those projects;

(B) recognizing the volunteer efforts of the young people of the United States throughout the year; and

(C) supporting the volunteer efforts of young people and engaging them in meaningful community service, service-learning, and decision-making opportunities as an investment in the future of the United States.

SENATE RESOLUTION 422—COMMENDING AND CONGRATULATING THE UNIVERSITY OF KENTUCKY MEN'S BASKETBALL TEAM FOR WINNING ITS EIGHTH DIVISION I NATIONAL COLLEGIATE ATHLETIC ASSOCIATION CHAMPIONSHIP

Mr. MCCONNELL (for himself and Mr. PAUL) submitted the following resolution; which was considered and agreed to:

S. RES. 422

Whereas on April 2, 2012, the University of Kentucky Wildcats defeated the University of Kansas Jayhawks, 67 to 59, in the final game of the National Collegiate Athletic Association (referred to in this preamble as ''NCAA'') Division I Men's Basketball Tournament in New Orleans, Louisiana;

Whereas the Kentucky Wildcats have won 8 national titles, the second most in NCAA Division I men's basketball history;

Whereas the Kentucky Wildcats are the only men's Division I college basketball program to have won NCAA national championships under 5 different coaches;

Whereas freshman center Anthony Davis was—

(1) the recipient of the John R. Wooden Award, the Naismith Trophy, and the Adolph F. Rupp Trophy, all for national player of the year;

(2) named the United States Basketball Writers Association player of the year, Associated Press player of the year, and Basketball Times player of the year; and

(3) selected to the Associated Press All-America first team and as the Most Outstanding Player of the NCAA Final Four tournament;

Whereas forward Michael Kidd-Gilchrist, guard Doron Lamb, and center Anthony Davis were selected as members of the NCAA Final Four All-Tournament team;

Whereas senior guard Darius Miller of Maysville, Kentucky set a school record for career games played with the Kentucky Wildcats men's basketball team at 152;

Whereas each player, coach, athletic trainer, and staff member of the University of Kentucky basketball team dedicated their season and their tireless efforts to the successful season of the team and the NCAA championship;

Whereas residents of the Commonwealth of Kentucky and Wildcats fans worldwide are commended for their long-standing support, perseverance, and pride in the team; and

Whereas Coach John Calipari and the University of Kentucky Wildcats have brought pride and honor to the Commonwealth of Kentucky, which is rightly known as the college basketball capital of the world: Now, therefore, be it

Resolved, That the Senate—

(1) commends and congratulates the University of Kentucky Wildcats on its outstanding accomplishment; and

(2) respectfully requests that the Secretary of the Senate transmit a copy of this resolution to the president of the University of Kentucky.

SENATE RESOLUTION 423—CONGRATULATING WESTERN WASHINGTON UNIVERSITY FOR WINNING THE 2012 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION II MEN'S BASKETBALL CHAMPIONSHIP

Mrs. MURRAY (for herself and Ms. CANTWELL) submitted the following resolution; which was considered and agreed to:

S. RES. 423

Whereas, on March 24, 2012, for the first time in the 110-year history of the Western Washington University men's basketball program, the Western Washington University Vikings won the National Collegiate Athletic Association (commonly referred to as the ''NCAA'') Division II Men's Basketball Championship with a victory over the University of Montevallo by a score of 72 to 65;

Whereas Western Washington University guard John Allen, one of the most accurate free-throw shooters in the country, with a free-throw percentage of 88.7 percent, made 4 free throws in a row to end a late comeback by the University of Montevallo in the fourth quarter;

Whereas the Vikings finished the 2012 season with an impressive record of 31 wins and 5 losses;

Whereas head coach Brad Jackson was named the National Association of Basketball Coaches Division II Coach of the Year;

Whereas the members of the 2012 Western Washington University men's basketball team are excellent representatives of a university that, as one of the premier academic institutions in the State of Washington, produces many outstanding student-athletes, leaders, and scholars; and

Whereas the members of the 2012 Western Washington University men's basketball team have brought great honor to themselves, their families, Western Washington University, and the State of Washington: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates Western Washington University for winning the 2012 National Collegiate Athletic Association Division II Men's Basketball Championship;

(2) recognizes the achievements of the players, coaches, students, and staff whose hard work and dedication helped Western Washington University win the championship; and

(3) respectfully requests that the Secretary of the Senate transmit an enrolled copy of this resolution to—

(A) Bruce Shepard, President of Western Washington University;

(B) Lynda Goodrich, Director of Athletics of Western Washington University; and

(C) Brad Jackson, head coach of the Western Washington University men's basketball team.

SENATE CONCURRENT RESOLUTION 41—SETTING FORTH THE PRESIDENT'S BUDGET REQUEST FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2013, AND SETTING FORTH THE APPROPRIATE BUDGETARY LEVELS FOR FISCAL YEARS 2014 THROUGH 2022

Mr. SESSIONS submitted the following concurrent resolution; which was placed on the calendar:

S. CON. RES. 41

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2013.

(a) DECLARATION.—Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2013 and that this resolution sets forth the appropriate budgetary levels for fiscal years 2014 through 2022.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2013.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Social Security.
Sec. 103. Postal Service discretionary administrative expenses.
Sec. 104. Major functional categories.

TITLE II—BUDGET PROCESS

Subtitle A—Budget Enforcement

Sec. 201. Program integrity initiatives.
Sec. 202. Point of order against advance appropriations.

Subtitle B—Other Provisions

Sec. 211. Budgetary treatment of certain discretionary administrative expenses.
Sec. 212. Application and effect of changes in allocations and aggregates.
Sec. 213. Adjustments to reflect changes in concepts and definitions.
Sec. 214. Exercise of rulemaking powers.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2013 through 2022:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2013: $2,065,796,000,000.
Fiscal year 2014: $2,373,500,000,000.
Fiscal year 2015: $2,640,705,000,000.
Fiscal year 2016: $2,835,767,000,000.
Fiscal year 2017: $2,996,291,000,000.
Fiscal year 2018: $3,123,888,000,000.
Fiscal year 2019: $3,262,770,000,000.
Fiscal year 2020: $3,434,833,000,000.
Fiscal year 2021: $3,606,140,000,000.
Fiscal year 2022: $3,782,963,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2013: –$227,543,000,000.
Fiscal year 2014: –$177,683,000,000.
Fiscal year 2015: –$175,579,000,000.
Fiscal year 2016: –$180,339,000,000.
Fiscal year 2017: –$198,048,000,000.
Fiscal year 2018: –$228,401,000,000.
Fiscal year 2019: –$255,802,000,000.
Fiscal year 2020: –$273,187,000,000.
Fiscal year 2021: –$300,812,000,000.
Fiscal year 2022: –$332,518,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2013: $2,981,512,000,000.
Fiscal year 2014: $3,036,509,000,000.
Fiscal year 2015: $3,183,712,000,000.
Fiscal year 2016: $3,388,753,000,000.
Fiscal year 2017: $3,545,013,000,000.
Fiscal year 2018: $3,713,179,000,000.
Fiscal year 2019: $3,903,527,000,000.
Fiscal year 2020: $4,116,158,000,000.
Fiscal year 2021: $4,299,370,000,000.
Fiscal year 2022: $4,504,615,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2013: $3,078,215,000,000.
Fiscal year 2014: $3,098,134,000,000.
Fiscal year 2015: $3,197,095,000,000.
Fiscal year 2016: $3,385,620,000,000.
Fiscal year 2017: $3,506,849,000,000.
Fiscal year 2018: $3,653,640,000,000.
Fiscal year 2019: $3,875,989,000,000.
Fiscal year 2020: $4,070,744,000,000.
Fiscal year 2021: $4,264,323,000,000.
Fiscal year 2022: $4,472,110,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2013: $1,012,419,000,000.
Fiscal year 2014: $724,634,000,000.
Fiscal year 2015: $556,390,000,000.
Fiscal year 2016: $549,853,000,000.
Fiscal year 2017: $510,558,000,000.
Fiscal year 2018: $529,752,000,000.
Fiscal year 2019: $613,219,000,000.
Fiscal year 2020: $635,911,000,000.
Fiscal year 2021: $658,183,000,000.
Fiscal year 2022: $689,147,000,000.

(5) PUBLIC DEBT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2013: $17,334,049,000,000.
Fiscal year 2014: $18,271,207,000,000.
Fiscal year 2015: $19,071,148,000,000.
Fiscal year 2016: $19,877,061,000,000.
Fiscal year 2017: $20,646,099,000,000.
Fiscal year 2018: $21,441,444,000,000.
Fiscal year 2019: $22,310,744,000,000.
Fiscal year 2020: $23,220,828,000,000.
Fiscal year 2021: $24,166,753,000,000.
Fiscal year 2022: $25,146,966,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2013: $12,517,072,000,000.
Fiscal year 2014: $13,330,583,000,000.
Fiscal year 2015: $13,981,546,000,000.
Fiscal year 2016: $14,618,296,000,000.
Fiscal year 2017: $15,215,406,000,000.
Fiscal year 2018: $15,824,696,000,000.
Fiscal year 2019: $16,518,942,000,000.
Fiscal year 2020: $17,245,767,000,000.
Fiscal year 2021: $18,007,496,000,000.
Fiscal year 2022: $18,818,701,000,000.

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2013: $675,000,000,000.
Fiscal year 2014: $731,033,000,000.
Fiscal year 2015: $772,239,000,000.
Fiscal year 2016: $821,281,000,000.
Fiscal year 2017: $871,591,000,000.
Fiscal year 2018: $918,877,000,000.
Fiscal year 2019: $964,577,000,000.
Fiscal year 2020: $1,010,152,000,000.
Fiscal year 2021: $1,055,095,000,000.
Fiscal year 2022: $1,101,630,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2013: $633,511,000,000.
Fiscal year 2014: $702,327,000,000.
Fiscal year 2015: $748,181,000,000.
Fiscal year 2016: $793,929,000,000.
Fiscal year 2017: $842,735,000,000.
Fiscal year 2018: $892,086,000,000.
Fiscal year 2019: $945,950,000,000.
Fiscal year 2020: $1,005,118,000,000.
Fiscal year 2021: $1,067,329,000,000.
Fiscal year 2022: $1,133,102,000,000.

(c) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2013:
(A) New budget authority, $5,766,000,000.
(B) Outlays, $5,804,000,000.
Fiscal year 2014:
(A) New budget authority, $6,004,000,000.
(B) Outlays, $6,004,000,000.
Fiscal year 2015:
(A) New budget authority, $6,273,000,000.
(B) Outlays, $6,231,000,000.
Fiscal year 2016:
(A) New budget authority, $6,389,000,000.
(B) Outlays, $6,362,000,000.
Fiscal year 2017:
(A) New budget authority, $6,622,000,000.
(B) Outlays, $6,590,000,000.
Fiscal year 2018:
(A) New budget authority, $6,713,000,000.
(B) Outlays, $6,691,000,000.
Fiscal year 2019:
(A) New budget authority, $6,811,000,000.
(B) Outlays, $6,796,000,000.
Fiscal year 2020:
(A) New budget authority, $6,903,000,000.
(B) Outlays, $6,888,000,000.
Fiscal year 2021:
(A) New budget authority, $6,995,000,000.
(B) Outlays, $6,980,000,000.
Fiscal year 2022:
(A) New budget authority, $7,145,000,000.
(B) Outlays, $7,123,000,000.

SEC. 103. POSTAL SERVICE DISCRETIONARY ADMINISTRATIVE EXPENSES.

In the Senate, the amounts of new budget authority and budget outlays of the Postal Service for discretionary administrative expenses are as follows:

Fiscal year 2013:
(A) New budget authority, $255,000,000.
(B) Outlays, $255,000,000.
Fiscal year 2014:
(A) New budget authority, $259,000,000.
(B) Outlays, $259,000,000.
Fiscal year 2015:
(A) New budget authority, $265,000,000.
(B) Outlays, $265,000,000.
Fiscal year 2016:
(A) New budget authority, $270,000,000.
(B) Outlays, $270,000,000.
Fiscal year 2017:
(A) New budget authority, $275,000,000.
(B) Outlays, $275,000,000.
Fiscal year 2018:
(A) New budget authority, $281,000,000.
(B) Outlays, $281,000,000.
Fiscal year 2019:
(A) New budget authority, $288,000,000.
(B) Outlays, $288,000,000.
Fiscal year 2020:
(A) New budget authority, $294,000,000.
(B) Outlays, $294,000,000.
Fiscal year 2021:
(A) New budget authority, $301,000,000.
(B) Outlays, $301,000,000.
Fiscal year 2022:
(A) New budget authority, $308,000,000.
(B) Outlays, $308,000,000.

SEC. 104. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2012 through 2022 for each major functional category are:

(1) National Defense (050):

Fiscal year 2013:
(A) New budget authority, $648,175,000,000.
(B) Outlays, $672,404,000,000.
Fiscal year 2014:
(A) New budget authority, $566,879,000,000.
(B) Outlays, $611,178,000,000.
Fiscal year 2015:
(A) New budget authority, $579,817,000,000.
(B) Outlays, $582,317,000,000.
Fiscal year 2016:
(A) New budget authority, $590,329,000,000.
(B) Outlays, $586,364,000,000.
Fiscal year 2017:
(A) New budget authority, $602,399,000,000.
(B) Outlays, $590,002,000,000.
Fiscal year 2018:
(A) New budget authority, $615,052,000,000.
(B) Outlays, $596,257,000,000.
Fiscal year 2019:
(A) New budget authority, $628,979,000,000.
(B) Outlays, $614,002,000,000.
Fiscal year 2020:
(A) New budget authority, $642,907,000,000.
(B) Outlays, $628,328,000,000.
Fiscal year 2021:
(A) New budget authority, $656,291,000,000.
(B) Outlays, $641,663,000,000.
Fiscal year 2022:
(A) New budget authority, $673,651,000,000.
(B) Outlays, $662,113,000,000.

(2) International Affairs (150):

Fiscal year 2013:
(A) New budget authority, $58,583,000,000.
(B) Outlays, $55,040,000,000.
Fiscal year 2014:
(A) New budget authority, $49,241,000,000.
(B) Outlays, $54,376,000,000.
Fiscal year 2015:
(A) New budget authority, $47,643,000,000.
(B) Outlays, $52,737,000,000.
Fiscal year 2016:
(A) New budget authority, $47,666,000,000.
(B) Outlays, $52,374,000,000.
Fiscal year 2017:
(A) New budget authority, $50,315,000,000.
(B) Outlays, $52,423,000,000.
Fiscal year 2018:
(A) New budget authority, $52,464,000,000.
(B) Outlays, $52,555,000,000.
Fiscal year 2019:
(A) New budget authority, $53,679,000,000.
(B) Outlays, $51,573,000,000.
Fiscal year 2020:
(A) New budget authority, $54,906,000,000.
(B) Outlays, $51,721,000,000.
Fiscal year 2021:
(A) New budget authority, $56,141,000,000.
(B) Outlays, $52,815,000,000.
Fiscal year 2022:
(A) New budget authority, $57,909,000,000.
(B) Outlays, $54,178,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 2013:
(A) New budget authority, $29,556,000,000.
(B) Outlays, $29,840,000,000.
Fiscal year 2014:
(A) New budget authority, $30,091,000,000.
(B) Outlays, $29,964,000,000.
Fiscal year 2015:
(A) New budget authority, $30,654,000,000.
(B) Outlays, $30,335,000,000.
Fiscal year 2016:
(A) New budget authority, $31,244,000,000.
(B) Outlays, $30,890,000,000.
Fiscal year 2017:
(A) New budget authority, $31,920,000,000.
(B) Outlays, $31,523,000,000.
Fiscal year 2018:
(A) New budget authority, $32,623,000,000.
(B) Outlays, $32,200,000,000.
Fiscal year 2019:
(A) New budget authority, $33,357,000,000.
(B) Outlays, $32,859,000,000.
Fiscal year 2020:
(A) New budget authority, $34,089,000,000.
(B) Outlays, $33,576,000,000.
Fiscal year 2021:
(A) New budget authority, $34,824,000,000.
(B) Outlays, $34,212,000,000.
Fiscal year 2022:
(A) New budget authority, $35,667,000,000.
(B) Outlays, $34,996,000,000.

(4) Energy (270):

Fiscal year 2013:
(A) New budget authority, $15,925,000,000.
(B) Outlays, $13,042,000,000.
Fiscal year 2014:
(A) New budget authority, $6,434,000,000.
(B) Outlays, $9,079,000,000.
Fiscal year 2015:
(A) New budget authority, $5,072,000,000.
(B) Outlays, $7,335,000,000.
Fiscal year 2016:
(A) New budget authority, $4,929,000,000.
(B) Outlays, $6,200,000,000.
Fiscal year 2017:
(A) New budget authority, $4,653,000,000.
(B) Outlays, $5,244,000,000.
Fiscal year 2018:
(A) New budget authority, $4,594,000,000.
(B) Outlays, $4,215,000,000.
Fiscal year 2019:
(A) New budget authority, $4,534,000,000.
(B) Outlays, $4,348,000,000.
Fiscal year 2020:
(A) New budget authority, $4,545,000,000.
(B) Outlays, $4,207,000,000.
Fiscal year 2021:
(A) New budget authority, $4,507,000,000.
(B) Outlays, $4,133,000,000.
Fiscal year 2022:
(A) New budget authority, $4,618,000,000.
(B) Outlays, $4,174,000,000.

(5) Natural Resources and Environment (300):

Fiscal year 2013:
(A) New budget authority, $35,430,000,000.
(B) Outlays, $40,460,000,000.
Fiscal year 2014:
(A) New budget authority, $36,447,000,000.
(B) Outlays, $38,559,000,000.
Fiscal year 2015:
(A) New budget authority, $36,804,000,000.
(B) Outlays, $38,130,000,000.
Fiscal year 2016:
(A) New budget authority, $37,608,000,000.
(B) Outlays, $38,030,000,000.
Fiscal year 2017:
(A) New budget authority, $38,727,000,000.
(B) Outlays, $38,879,000,000.
Fiscal year 2018:
(A) New budget authority, $40,121,000,000.
(B) Outlays, $39,015,000,000.
Fiscal year 2019:
(A) New budget authority, $41,011,000,000.
(B) Outlays, $39,972,000,000.
Fiscal year 2020:
(A) New budget authority, $42,307,000,000.
(B) Outlays, $41,148,000,000.
Fiscal year 2021:
(A) New budget authority, $42,558,000,000.
(B) Outlays, $41,715,000,000.
Fiscal year 2022:
(A) New budget authority, $43,419,000,000.
(B) Outlays, $42,362,000,000.

(6) Agriculture (350):

Fiscal year 2013:
(A) New budget authority, $21,834,000,000.
(B) Outlays, $24,722,000,000.
Fiscal year 2014:
(A) New budget authority, $16,804,000,000.
(B) Outlays, $17,373,000,000.
Fiscal year 2015:
(A) New budget authority, $21,079,000,000.
(B) Outlays, $20,842,000,000.
Fiscal year 2016:
(A) New budget authority, $20,488,000,000.
(B) Outlays, $20,059,000,000.
Fiscal year 2017:
(A) New budget authority, $20,025,000,000.
(B) Outlays, $19,578,000,000.
Fiscal year 2018:
(A) New budget authority, $20,448,000,000.
(B) Outlays, $19,945,000,000.
Fiscal year 2019:
(A) New budget authority, $20,112,000,000.
(B) Outlays, $19,656,000,000.
Fiscal year 2020:
(A) New budget authority, $19,524,000,000.
(B) Outlays, $19,098,000,000.
Fiscal year 2021:
(A) New budget authority, $20,155,000,000.
(B) Outlays, $19,718,000,000.
Fiscal year 2022:
(A) New budget authority, $19,965,000,000.
(B) Outlays, $19,538,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 2013:
(A) New budget authority, $2,968,000,000.
(B) Outlays, $5,769,000,000.
Fiscal year 2014:
(A) New budget authority, $8,357,000,000.
(B) Outlays, −$2,293,000,000.
Fiscal year 2015:
(A) New budget authority, $7,366,000,000.
(B) Outlays, −$4,783,000,000.
Fiscal year 2016:
(A) New budget authority, $8,145,000,000.
(B) Outlays, −$6,537,000,000.
Fiscal year 2017:
(A) New budget authority, $9,758,000,000.
(B) Outlays, −$6,533,000,000.
Fiscal year 2018:
(A) New budget authority, $12,253,000,000.
(B) Outlays, −$4,945,000,000.
Fiscal year 2019:
(A) New budget authority, $14,773,000,000.
(B) Outlays, −$8,348,000,000.
Fiscal year 2020:
(A) New budget authority, $22,613,000,000.
(B) Outlays, −$2,240,000,000.
Fiscal year 2021:
(A) New budget authority, $15,563,000,000.
(B) Outlays, $474,000,000.
Fiscal year 2022:
(A) New budget authority, $20,101,000,000.
(B) Outlays, $2,275,000,000.

(8) Transportation (400):

Fiscal year 2013:
(A) New budget authority, $88,386,000,000.
(B) Outlays, $102,364,000,000.
Fiscal year 2014:
(A) New budget authority, $101,243,000,000.
(B) Outlays, $105,524,000,000.
Fiscal year 2015:
(A) New budget authority, $107,661,000,000.
(B) Outlays, $104,782,000,000.
Fiscal year 2016:
(A) New budget authority, $114,471,000,000.
(B) Outlays, $107,766,000,000.
Fiscal year 2017:
(A) New budget authority, $120,819,000,000.
(B) Outlays, $112,009,000,000.
Fiscal year 2018:
(A) New budget authority, $127,262,000,000.
(B) Outlays, $115,782,000,000.
Fiscal year 2019:
(A) New budget authority, $92,354,000,000.
(B) Outlays, $113,424,000,000.
Fiscal year 2020:
(A) New budget authority, $94,123,000,000.
(B) Outlays, $107,580,000,000.
Fiscal year 2021:
(A) New budget authority, $95,934,000,000.
(B) Outlays, $105,310,000,000.
Fiscal year 2022:
(A) New budget authority, $97,877,000,000.
(B) Outlays, $104,566,000,000.

(9) Community and Regional Development (450):

Fiscal year 2013:
(A) New budget authority, $17,509,000,000.
(B) Outlays, $24,695,000,000.
Fiscal year 2014:
(A) New budget authority, $12,125,000,000.
(B) Outlays, $26,292,000,000.
Fiscal year 2015:

(A) New budget authority, $12,339,000,000.
(B) Outlays, $25,812,000,000.
Fiscal year 2016:
(A) New budget authority, $12,573,000,000.
(B) Outlays, $20,110,000,000.
Fiscal year 2017:
(A) New budget authority, $12,843,000,000.
(B) Outlays, $16,523,000,000.
Fiscal year 2018:
(A) New budget authority, $13,121,000,000.
(B) Outlays, $14,301,000,000.
Fiscal year 2019:
(A) New budget authority, $13,410,000,000.
(B) Outlays, $13,848,000,000.
Fiscal year 2020:
(A) New budget authority, $13,705,000,000.
(B) Outlays, $14,046,000,000.
Fiscal year 2021:
(A) New budget authority, $13,999,000,000.
(B) Outlays, $14,583,000,000.
Fiscal year 2022:
(A) New budget authority, $14,343,000,000.
(B) Outlays, $14,958,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2013:
(A) New budget authority, $82,028,000,000.
(B) Outlays, $122,483,000,000.
Fiscal year 2014:
(A) New budget authority, $87,194,000,000.
(B) Outlays, $107,191,000,000.
Fiscal year 2015:
(A) New budget authority, $85,938,000,000.
(B) Outlays, $101,331,000,000.
Fiscal year 2016:
(A) New budget authority, $85,960,000,000.
(B) Outlays, $92,781,000,000.
Fiscal year 2017:
(A) New budget authority, $95,143,000,000.
(B) Outlays, $92,808,000,000.
Fiscal year 2018:
(A) New budget authority, $99,647,000,000.
(B) Outlays, $98,392,000,000.
Fiscal year 2019:
(A) New budget authority, $103,464,000,000.
(B) Outlays, $102,181,000,000.
Fiscal year 2020:
(A) New budget authority, $104,120,000,000.
(B) Outlays, $104,073,000,000.
Fiscal year 2021:
(A) New budget authority, $105,157,000,000.
(B) Outlays, $105,085,000,000.
Fiscal year 2022:
(A) New budget authority, $106,690,000,000.
(B) Outlays, $106,209,000,000.
(11) Health (550):
Fiscal year 2013:
(A) New budget authority, $372,835,000,000.
(B) Outlays, $375,955,000,000.
Fiscal year 2014:
(A) New budget authority, $473,879,000,000.
(B) Outlays, $464,352,000,000.
Fiscal year 2015:
(A) New budget authority, $542,160,000,000.
(B) Outlays, $538,003,000,000.
Fiscal year 2016:
(A) New budget authority, $590,904,000,000.
(B) Outlays, $594,729,000,000.
Fiscal year 2017:
(A) New budget authority, $626,658,000,000.
(B) Outlays, $629,150,000,000.
Fiscal year 2018:
(A) New budget authority, $664,032,000,000.
(B) Outlays, $662,930,000,000.
Fiscal year 2019:
(A) New budget authority, $707,099,000,000.
(B) Outlays, $706,061,000,000.
Fiscal year 2020:
(A) New budget authority, $761,258,000,000.
(B) Outlays, $749,868,000,000.
Fiscal year 2021:
(A) New budget authority, $800,618,000,000.
(B) Outlays, $799,481,000,000.
Fiscal year 2022:
(A) New budget authority, $851,615,000,000.
(B) Outlays, $849,973,000,000.
(12) Medicare (570):
Fiscal year 2013:
(A) New budget authority, $525,876,000,000.
(B) Outlays, $525,716,000,000.
Fiscal year 2014:
(A) New budget authority, $553,675,000,000.
(B) Outlays, $552,981,000,000.
Fiscal year 2015:
(A) New budget authority, $570,815,000,000.
(B) Outlays, $570,407,000,000.
Fiscal year 2016:
(A) New budget authority, $617,954,000,000.
(B) Outlays, $617,756,000,000.
Fiscal year 2017:
(A) New budget authority, $633,488,000,000.
(B) Outlays, $632,808,000,000.
Fiscal year 2018:
(A) New budget authority, $653,683,000,000.
(B) Outlays, $653,276,000,000.
Fiscal year 2019:
(A) New budget authority, $715,518,000,000.
(B) Outlays, $715,315,000,000.
Fiscal year 2020:
(A) New budget authority, $763,016,000,000.
(B) Outlays, $762,316,000,000.
Fiscal year 2021:
(A) New budget authority, $810,664,000,000.
(B) Outlays, $810,230,000,000.
Fiscal year 2022:
(A) New budget authority, $885,513,000,000.
(B) Outlays, $885,426,000,000.
(13) Income Security (600):
Fiscal year 2013:
(A) New budget authority, $545,622,000,000.
(B) Outlays, $542,562,000,000.
Fiscal year 2014:
(A) New budget authority, $537,970,000,000.
(B) Outlays, $534,946,000,000.
Fiscal year 2015:
(A) New budget authority, $538,691,000,000.
(B) Outlays, $533,883,000,000.
Fiscal year 2016:
(A) New budget authority, $546,156,000,000.
(B) Outlays, $545,811,000,000.
Fiscal year 2017:
(A) New budget authority, $544,282,000,000.
(B) Outlays, $539,685,000,000.
Fiscal year 2018:
(A) New budget authority, $546,446,000,000.
(B) Outlays, $538,021,000,000.
Fiscal year 2019:
(A) New budget authority, $561,786,000,000.
(B) Outlays, $558,295,000,000.
Fiscal year 2020:
(A) New budget authority, $573,480,000,000.
(B) Outlays, $570,338,000,000.
Fiscal year 2021:
(A) New budget authority, $586,855,000,000.
(B) Outlays, $583,571,000,000.
Fiscal year 2022:
(A) New budget authority, $604,517,000,000.
(B) Outlays, $605,786,000,000.
(14) Social Security (650):
Fiscal year 2013:
(A) New budget authority, $53,416,000,000.
(B) Outlays, $53,496,000,000.
Fiscal year 2014:
(A) New budget authority, $31,892,000,000.
(B) Outlays, $32,002,000,000.
Fiscal year 2015:
(A) New budget authority, $35,135,000,000.
(B) Outlays, $35,210,000,000.
Fiscal year 2016:
(A) New budget authority, $38,953,000,000.
(B) Outlays, $38,991,000,000.
Fiscal year 2017:
(A) New budget authority, $43,140,000,000.
(B) Outlays, $43,140,000,000.
Fiscal year 2018:
(A) New budget authority, $47,590,000,000.
(B) Outlays, $47,590,000,000.
Fiscal year 2019:
(A) New budget authority, $52,429,000,000.
(B) Outlays, $52,429,000,000.
Fiscal year 2020:
(A) New budget authority, $57,425,000,000.
(B) Outlays, $57,425,000,000.
Fiscal year 2021:
(A) New budget authority, $62,604,000,000.
(B) Outlays, $62,604,000,000.
Fiscal year 2022:
(A) New budget authority, $68,079,000,000.
(B) Outlays, $68,079,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2013:
(A) New budget authority, $135,651,000,000.
(B) Outlays, $135,289,000,000.
Fiscal year 2014:
(A) New budget authority, $136,996,000,000.
(B) Outlays, $137,447,000,000.
Fiscal year 2015:
(A) New budget authority, $139,827,000,000.
(B) Outlays, $139,964,000,000.
Fiscal year 2016:
(A) New budget authority, $148,005,000,000.
(B) Outlays, $147,807,000,000.
Fiscal year 2017:
(A) New budget authority, $146,445,000,000.
(B) Outlays, $146,074,000,000.
Fiscal year 2018:
(A) New budget authority, $144,620,000,000.
(B) Outlays, $143,993,000,000.
Fiscal year 2019:
(A) New budget authority, $153,568,000,000.
(B) Outlays, $152,909,000,000.
Fiscal year 2020:
(A) New budget authority, $157,302,000,000.
(B) Outlays, $156,643,000,000.
Fiscal year 2021:
(A) New budget authority, $161,056,000,000.
(B) Outlays, $160,370,000,000.
Fiscal year 2022:
(A) New budget authority, $170,839,000,000.
(B) Outlays, $170,088,000,000.
(16) Administration of Justice (750):
Fiscal year 2013:
(A) New budget authority, $53,772,000,000.
(B) Outlays, $58,831,000,000.
Fiscal year 2014:
(A) New budget authority, $55,029,000,000.
(B) Outlays, $57,404,000,000.
Fiscal year 2015:
(A) New budget authority, $55,792,000,000.
(B) Outlays, $56,371,000,000.
Fiscal year 2016:
(A) New budget authority, $58,542,000,000.
(B) Outlays, $58,214,000,000.
Fiscal year 2017:
(A) New budget authority, $57,889,000,000.
(B) Outlays, $57,538,000,000.
Fiscal year 2018:
(A) New budget authority, $58,992,000,000.
(B) Outlays, $60,408,000,000.
Fiscal year 2019:
(A) New budget authority, $60,204,000,000.
(B) Outlays, $60,504,000,000.
Fiscal year 2020:
(A) New budget authority, $61,406,000,000.
(B) Outlays, $61,011,000,000.
Fiscal year 2021:
(A) New budget authority, $62,772,000,000.
(B) Outlays, $62,348,000,000.
Fiscal year 2022:
(A) New budget authority, $67,988,000,000.
(B) Outlays, $67,496,000,000.
(17) General Government (800):
Fiscal year 2013:
(A) New budget authority, $25,808,000,000.
(B) Outlays, $27,408,000,000.
Fiscal year 2014:
(A) New budget authority, $27,256,000,000.
(B) Outlays, $27,706,000,000.
Fiscal year 2015:
(A) New budget authority, $29,196,000,000.
(B) Outlays, $29,376,000,000.
Fiscal year 2016:
(A) New budget authority, $31,275,000,000.
(B) Outlays, $31,459,000,000.
Fiscal year 2017:
(A) New budget authority, $33,433,000,000.
(B) Outlays, $33,300,000,000.
Fiscal year 2018:
(A) New budget authority, $35,613,000,000.
(B) Outlays, $35,417,000,000.
Fiscal year 2019:
(A) New budget authority, $37,969,000,000.
(B) Outlays, $37,513,000,000.
Fiscal year 2020:

(A) New budget authority, $40,338,000,000.
(B) Outlays, $39,900,000,000.
Fiscal year 2021:
(A) New budget authority, $42,762,000,000.
(B) Outlays, $42,226,000,000.
Fiscal year 2022:
(A) New budget authority, $45,219,000,000.
(B) Outlays, $44,669,000,000.
(18) Net Interest (900):
Fiscal year 2013:
(A) New budget authority, $347,234,000,000.
(B) Outlays, $347,234,000,000.
Fiscal year 2014:
(A) New budget authority, $360,341,000,000.
(B) Outlays, $360,341,000,000.
Fiscal year 2015:
(A) New budget authority, $400,112,000,000.
(B) Outlays, $400,112,000,000.
Fiscal year 2016:
(A) New budget authority, $466,938,000,000.
(B) Outlays, $466,938,000,000.
Fiscal year 2017:
(A) New budget authority, $539,743,000,000.
(B) Outlays, $539,743,000,000.
Fiscal year 2018:
(A) New budget authority, $614,473,000,000.
(B) Outlays, $614,473,000,000.
Fiscal year 2019:
(A) New budget authority, $686,716,000,000.
(B) Outlays, $646,716,000,000.
Fiscal year 2020:
(A) New budget authority, $751,343,000,000.
(B) Outlays, $751,343,000,000.
Fiscal year 2021:
(A) New budget authority, $804,643,000,000.
(B) Outlays, $804,643,000,000.
Fiscal year 2022:
(A) New budget authority, $858,474,000,000.
(B) Outlays, $858,474,000,000.
(19) Allowances (920):
Fiscal year 2013:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2014:
(A) New budget authority, $24,806,000,000.
(B) Outlays, $13,861,000,000.
Fiscal year 2015:
(A) New budget authority, $23,898,000,000.
(B) Outlays, $20,717,000,000.
Fiscal year 2016:
(A) New budget authority, $23,873,000,000.
(B) Outlays, $23,137,000,000.
Fiscal year 2017:
(A) New budget authority, $24,357,000,000.
(B) Outlays, $23,978,000,000.
Fiscal year 2018:
(A) New budget authority, $24,286,000,000.
(B) Outlays, $23,955,000,000.
Fiscal year 2019:
(A) New budget authority, $23,254,000,000.
(B) Outlays, $23,420,000,000.
Fiscal year 2020:
(A) New budget authority, $17,302,000,000.
(B) Outlays, $19,913,000,000.
Fiscal year 2021:
(A) New budget authority, $25,927,000,000.
(B) Outlays, $22,801,000,000.
Fiscal year 2022:
(A) New budget authority, −$15,910,000,000.
(B) Outlays, −$17,291,000,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2013:
(A) New budget authority, −$79,096,000,000.
(B) Outlays, −$79,095,000,000.
Fiscal year 2014:
(A) New budget authority, −$80,150,000,000.
(B) Outlays, −$80,149,000,000.
Fiscal year 2015:
(A) New budget authority, −$85,787,000,000.
(B) Outlays, −$85,786,000,000.
Fiscal year 2016:
(A) New budget authority, −$87,260,000,000.
(B) Outlays, −$87,259,000,000.
Fiscal year 2017:
(A) New budget authority, −$91,024,000,000.
(B) Outlays, −$91,023,000,000.
Fiscal year 2018:
(A) New budget authority, −$94,141,000,000.
(B) Outlays, −$94,140,000,000.
Fiscal year 2019:
(A) New budget authority, −$100,689,000,000.
(B) Outlays, −$100,688,000,000.
Fiscal year 2020:
(A) New budget authority, −$99,551,000,000.
(B) Outlays, −$99,550,000,000.
Fiscal year 2021:
(A) New budget authority, −$103,660,000,000.
(B) Outlays, −$103,659,000,000.
Fiscal year 2022:
(A) New budget authority, −$105,959,000,000.
(B) Outlays, −$105,959,000,000.

TITLE II—BUDGET PROCESS

Subtitle A—Budget Enforcement

SEC. 201. PROGRAM INTEGRITY INITIATIVES.

(a) ADJUSTMENTS IN THE SENATE.—

(1) IN GENERAL.—After the reporting of a bill or joint resolution relating to any matter described in paragraph (2), or the offering of an amendment or motion thereto or the submission of a conference report thereon—

(A) the Chairman of the Committee on the Budget of the Senate may adjust the budgetary aggregates, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, by the amount of new budget authority in that measure for that purpose and the outlays flowing therefrom; and

(B) following any adjustment under subparagraph (A), the Committee on Appropriations of the Senate may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(2) MATTERS DESCRIBED.—Matters referred to in paragraph (1) are as follows:

(A) INTERNAL REVENUE SERVICE TAX ENFORCEMENT.—

(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations in a fiscal year to the Internal Revenue Service of not less than the amount specified in clause (ii) for tax enforcement to address the Federal tax gap (taxes owed but not paid), of which not less than the amount further specified in clause (ii) shall be available for additional or enhanced tax enforcement, or both, then the allocation to the Committee on Appropriations of the Senate, and aggregates for that year may be adjusted by the amount in budget authority and outlays flowing therefrom not to exceed the amount of additional or enhanced tax enforcement provided in such legislation for that fiscal year.

(ii) AMOUNTS SPECIFIED.—The amounts specified are—

(I) for fiscal year 2013, an appropriation of $10,178,000,000, of which not less than $691,000,000 is available for additional or enhanced tax enforcement;

(II) for fiscal year 2014, an appropriation of $10,775,000,000, of which not less than $1,018,000,000 is available for additional or enhanced tax enforcement;

(III) for fiscal year 2015, an appropriation of $11,367,000,000, of which not less than $1,328,000,000 is available for additional or enhanced tax enforcement;

(IV) for fiscal year 2016, an appropriation of $12,002,000,000, of which not less than $1,645,000,000 is available for additional or enhanced tax enforcement;

(V) for fiscal year 2017, an appropriation of $12,690,000,000, of which not less than $1,975,000,000 is available for additional or enhanced tax enforcement;

(VI) for fiscal year 2018, an appropriation of $13,061,000,000, of which not less than $1,969,000,000 is available for additional or enhanced tax enforcement;

(VII) for fiscal year 2019, an appropriation of $13,506,000,000, of which not less than $2,011,000,000 is available for additional or enhanced tax enforcement;

(VIII) for fiscal year 2020, an appropriation of $13,956,000,000, of which not less than $2,079,000,000 is available for additional or enhanced tax enforcement; and

(IX) for fiscal year 2021, an appropriation of $14,411,000,000, of which not less than $2,147,000,000 is available for additional or enhanced tax enforcement.

(B) UNEMPLOYMENT INSURANCE IMPROPER PAYMENT REVIEWS.—

(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations in a fiscal year of the amount specified in clause (ii) for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, and provides an additional appropriation of up to an amount further specified in clause (ii) for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, then the allocation to the Committee on Appropriations of the Senate, and aggregates for that year may be adjusted by an amount in budget authority and outlays flowing therefrom not to exceed the additional appropriation provided in such legislation for that purpose for that fiscal year.

(ii) AMOUNTS SPECIFIED.—The amounts specified are—

(I) for fiscal year 2013, an appropriation of $60,000,000, and an additional appropriation of $15,000,000;

(II) for fiscal year 2014, an appropriation of $60,000,000, and an additional appropriation of $20,000,000;

(III) for fiscal year 2015, an appropriation of $60,000,000, and an additional appropriation of $25,000,000;

(IV) for fiscal year 2016, an appropriation of $60,000,000, and an additional appropriation of $30,000,000;

(V) for fiscal year 2017, an appropriation of $60,000,000, and an additional appropriation of $35,000,000;

(VI) for fiscal year 2018, an appropriation of $60,000,000, and an additional appropriation of $36,000,000;

(VII) for fiscal year 2019, an appropriation of $60,000,000, and an additional appropriation of $37,000,000;

(VIII) for fiscal year 2020, an appropriation of $60,000,000, and an additional appropriation of $38,000,000; and

(IX) for fiscal year 2021, an appropriation of $60,000,000, and an additional appropriation of $39,000,000.

SEC. 202. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—

(1) POINT OF ORDER.—Except as provided in subsection (b), it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would provide an advance appropriation.

(2) DEFINITION.—In this section, the term ''advance appropriation'' means any new budget authority provided in a bill or joint resolution making appropriations for fiscal year 2013 that first becomes available for any fiscal year after 2013, or any new budget authority provided in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2014, that first becomes available for any fiscal year after 2014.

(b) EXCEPTIONS.—Advance appropriations may be provided—

(1) for fiscal years 2014 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading ''Accounts Identified for Advance Appropriations'' in an aggregate amount not to exceed $28,858,000,000 in new budget authority in each year;

(2) for the Corporation for Public Broadcasting;

(3) for the Department of Veterans Affairs for the Medical Services, Medical Support and Compliance, and Medical Facilities accounts of the Veterans Health Administration; and

(4) for the Department of Defense for the Missile Procurement account of the Air Force for procurement of the Advanced Extremely High Frequency and Space-based Infrared Systems satellites.

(c) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(d) FORM OF POINT OF ORDER.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(e) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(f) INAPPLICABILITY.—In the Senate, section 402 of S. Con. Res. 13 (111th Congress) shall no longer apply.

Subtitle B—Other Provisions

SEC. 211. BUDGETARY TREATMENT OF CERTAIN DISCRETIONARY ADMINISTRATIVE EXPENSES.

In the Senate, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974, section 13301 of the Budget Enforcement Act of 1990, and section 2009a of title 39, United States Code, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocations under section 302(a) of the Congressional Budget Act of 1974 to the Committees on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration and of the Postal Service.

SEC. 212. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

SEC. 213. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

Upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the Chairman of the Committee on the Budget of the Senate may make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 214. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate, and as such they shall be considered as part of the rules of the Senate and such rules shall supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with full recognition of the constitutional right of the Senate to change those rules at any time, in the same manner, and to the same extent as is the case of any other rule of the Senate.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2001. Mr. MCCAIN (for himself, Mr. COBURN, and Mr. JOHNSON of Wisconsin) 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 2002. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2003. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2004. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2005. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2006. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2007. Mr. MCCAIN (for himself, Mr. COBURN, and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2008. Mr. MCCAIN (for himself, Mr. COBURN, and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2009. Mr. MCCAIN (for himself, Mr. COBURN, and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2010. Mr. MCCAIN (for himself, Mr. COBURN, and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2011. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2012. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2013. Mr. REID proposed an amendment to amendment SA 2000 proposed by Mr. REID (for Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. CARPER, and Mr. BROWN of Massachusetts)) to the bill S. 1789, supra.

SA 2014. Mr. REID proposed an amendment to amendment SA 2013 proposed by Mr. REID to the amendment SA 2000 proposed by Mr. REID (for Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. CARPER, and Mr. BROWN of Massachusetts)) to the bill S. 1789, supra.

SA 2015. Mr. REID proposed an amendment to the bill S. 1789, supra.

SA 2016. Mr. REID proposed an amendment to amendment SA 2015 proposed by Mr. REID to the bill S. 1789, supra.

SA 2017. Mr. REID proposed an amendment to the bill S. 1789, supra.

SA 2018. Mr. REID proposed an amendment to amendment SA 2017 proposed by Mr. REID to the bill S. 1789, supra.

SA 2019. Mr. REID proposed an amendment to amendment SA 2018 proposed by Mr. REID to the amendment SA 2017 proposed by Mr. REID to the bill S. 1789, supra.

SA 2020. Mr. WYDEN (for himself, Mrs. FEINSTEIN, Mr. MERKLEY, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2021. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2022. Mr. BENNET (for himself and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2023. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2024. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2025. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2026. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2027. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2028. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2029. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2030. MRS. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2031. Mrs. MCCASKILL (for herself, Mr. MERKLEY, Mr. BAUCUS, Mr. BEGICH, Mr. TESTER, and Mr. SANDERS) submitted an amendment intended to be proposed by her to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2032. Mr. TESTER (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2001. Mr. MCCAIN (for himself, Mr. COBURN, and Mr. JOHNSON of Wisconsin) 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:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the ''Postal Reform Act of 2012''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents; references.

TITLE I—POSTAL SERVICE MODERNIZATION

Subtitle A—Commission on Postal Reorganization

Sec. 101. Short title.
Sec. 102. Definitions.
Sec. 103. Commission on Postal Reorganization.
Sec. 104. Recommendations for closures and consolidations.
Sec. 105. Implementation of closures and consolidations.
Sec. 106. Congressional consideration of final CPR reports.
Sec. 107. Nonappealability of decisions.
Sec. 108. Rules of construction.
Sec. 109. GAO study and report.

Subtitle B—Other Provisions

Sec. 111. Frequency of mail delivery.
Sec. 112. Efficient and flexible universal postal service.
Sec. 113. Enhanced reporting on Postal Service efficiency.
Sec. 114. Applicability of procedures relating to closures and consolidations.

TITLE II—POSTAL SERVICE FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY

Subtitle A—Establishment and Organization

Sec. 201. Purposes.
Sec. 202. Establishment of the Authority.
Sec. 203. Membership and qualification requirements.
Sec. 204. Organization.
Sec. 205. Executive Director and staff.
Sec. 206. Funding.

Subtitle B—Powers of the Authority

Sec. 211. Powers.
Sec. 212. Exemption from liability for claims.
Sec. 213. Treatment of actions arising under this title.
Sec. 214. Delivery point modernization.

Subtitle C—Establishment and Enforcement of Financial Plan and Budget for the Postal Service

Sec. 221. Development of financial plan and budget for the Postal Service.
Sec. 222. Process for submission and approval of financial plan and budget.
Sec. 223. Responsibilities of the Authority.
Sec. 224. Effect of finding noncompliance with financial plan and budget.
Sec. 225. Recommendations regarding financial stability, etc.
Sec. 226. Special rules for fiscal year in which control period commences.
Sec. 227. Assistance in achieving financial stability, etc.
Sec. 228. Obtaining reports.
Sec. 229. Reports and comments.

Subtitle D—Termination of a Control Period

Sec. 231. Termination of control period, etc.
Sec. 232. Congressional consideration of recommendation.

TITLE III—POSTAL SERVICE WORKFORCE

Sec. 301. Modifications relating to determination of pay comparability.
Sec. 302. Limitation on postal contributions under FEGLI and FEHBP.
Sec. 303. Repeal of provision relating to overall value of fringe benefits.
Sec. 304. Applicability of reduction-in-force procedures.
Sec. 305. Modifications relating to collective bargaining.

TITLE IV—FEDERAL EMPLOYEE'S COMPENSATION ACT

Sec. 401. Short title; references.
Sec. 402. Federal workers compensation reforms for retirement-age employees.
Sec. 403. Augmented compensation for dependents.
Sec. 404. Schedule compensation payments.
Sec. 405. Vocational rehabilitation.
Sec. 406. Reporting requirements.
Sec. 407. Disability management review; independent medical examinations.
Sec. 408. Waiting period.
Sec. 409. Election of benefits.
Sec. 410. Sanction for noncooperation with field nurses.
Sec. 411. Subrogation of continuation of pay.
Sec. 412. Social Security earnings information.
Sec. 413. Amount of compensation.
Sec. 414. Technical and conforming amendments.
Sec. 415. Regulations.

TITLE V—POSTAL SERVICE REVENUE

Sec. 501. Adequacy, efficiency, and fairness of postal rates.
Sec. 502. Repeal of rate preferences for qualified political committees.
Sec. 503. Streamlined review of qualifying service agreements for competitive products.
Sec. 504. Submission of service agreements for streamlined review.
Sec. 505. Transparency and accountability for service agreements.
Sec. 506. Nonpostal services.
Sec. 507. Reimbursement of Alaska bypass mail costs.
Sec. 508. Appropriations modernization.
Sec. 509. Retiree health care benefit payment deferral.

TITLE VI—POSTAL CONTRACTING REFORM

Sec. 601. Contracting provisions.
Sec. 602. Technical amendment to definition.

(c) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 39, United States Code.

TITLE I—POSTAL SERVICE MODERNIZATION

Subtitle A—Commission on Postal Reorganization

SEC. 101. SHORT TITLE.

This subtitle may be cited as the ''Commission on Postal Reorganization Act'' or the ''CPR Act''.

SEC. 102. DEFINITIONS.

For purposes of this title—

(1) the term ''Postal Service'' means the United States Postal Service;

(2) the term ''postal retail facility'' means a post office, post office branch, post office classified station, or other facility which is operated by the Postal Service, and the primary function of which is to provide retail postal services;

(3) the term ''mail processing facility'' means a processing and distribution center, processing and distribution facility, network distribution center, or other facility which is operated by the Postal Service, and the primary function of which is to sort and process mail;

(4) the term ''district office'' means the central office of an administrative field unit with responsibility for postal operations in a designated geographic area (as defined under regulations, directives, or other guidance of the Postal Service, as in effect on June 23, 2011);

(5) the term ''area office'' means the central office of an administrative field unit with responsibility for postal operations in a designated geographic area which is comprised of designated geographic areas as referred to in paragraph (4); and

(6) the term ''baseline year'' means the fiscal year last ending before the date of the enactment of this Act.

SEC. 103. COMMISSION ON POSTAL REORGANIZATION.

(a) ESTABLISHMENT.—There shall be established, not later than 90 days after the date of the enactment of this Act, an independent commission to be known as the ''Commission on Postal Reorganization'' (hereinafter in this section referred to as the ''Commission'').

(b) DUTIES.—The Commission shall carry out the duties specified for it in this subtitle.

(c) MEMBERS.—

(1) IN GENERAL.—The Commission shall be composed of 5 members who shall be appointed by the President, and of whom—

(A) 1 shall be appointed from among individuals recommended by the Speaker of the House of Representatives;

(B) 1 shall be appointed from among individuals recommended by the majority leader of the Senate;

(C) 1 shall be appointed from among individuals recommended by the minority leader of the House of Representatives;

(D) 1 shall be appointed from among individuals recommended by the minority leader of the Senate; and

(E) 1 shall be appointed from among individuals recommended by the Comptroller General.

(2) QUALIFICATIONS.—

(A) IN GENERAL.—Members of the Commission shall be chosen to represent the public interest generally, and shall not be representatives of specific interests using the Postal Service.

(B) INELIGIBILITY.—An individual may not be appointed to serve as a member of the Commission if such individual served as an employee of the Postal Service or the Postal Regulatory Commission, or of a labor organization representing employees of the Postal Service or the Postal Regulatory Commission, during the 3-year period ending on the date of such appointment.

(3) POLITICAL AFFILIATION.—Not more than 3 members of the Commission may be of the same political party.

(d) TERMS.—Each member of the Commission shall be appointed for the life of the Commission and may be removed only for cause.

(e) VACANCIES.—A vacancy in the Commission shall be filled in the same manner as the original appointment.

(f) CHAIRMAN.—The President shall, at the time of making appointments under subsection (c), designate one of the members to serve as chairman of the Commission.

(g) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each member of the Commission shall be paid at a rate equal to the

daily equivalent of $40,000 per year for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(B) EXCEPTION.—Any member of the Commission who is a full-time officer or employee of the United States may not receive additional pay, allowances, or benefits by reason of such member's service on the Commission.

(2) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions of subchapter I of chapter 57 of title 5, United States Code.

(h) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Commission. The Director shall be paid at the rate of basic pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code. An appointment under this subsection shall be subject to the requirements of subsection (c)(2).

(i) ADDITIONAL PERSONNEL.—With the approval of the Commission, the Director may appoint and fix the pay of such additional personnel as the Director considers appropriate. Such additional personnel may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay at a rate of basic pay in excess of the rate of basic pay payable to the Director. An individual appointed under this subsection shall serve at the pleasure of the Director.

(j) PROVISIONS RELATING TO DETAILS.—

(1) IN GENERAL.—Upon request of the Director, the head of any Federal department or agency may detail any of the personnel of such department or agency to the Commission to assist the Commission in carrying out its duties under this subtitle. Notwithstanding any other provision of law, to provide continuity in the work of the Commission, such details may be extended beyond 1 year at the request of the Director.

(2) NUMERICAL LIMITATION.—Not more than ⅓ of the personnel of the Commission may consist of the number of individuals on detail from the Postal Service and the Postal Regulatory Commission combined.

(3) OTHER LIMITATIONS.—A person may not be detailed to the Commission from the Postal Service or the Postal Regulatory Commission if such person participated personally and substantially on any matter, within the Postal Service or the Postal Regulatory Commission, concerning the preparation of recommendations for closures or consolidations of postal facilities under this subtitle. No employee of the Postal Service or the Postal Regulatory Commission (including a detailee to the Postal Service or the Postal Regulatory Commission) may—

(A) prepare any report concerning the effectiveness, fitness, or efficiency of the performance, on the staff of the Commission, of any person detailed from the Postal Service or the Postal Regulatory Commission to such staff;

(B) review the preparation of such a report; or

(C) approve or disapprove such a report.

(k) OTHER AUTHORITIES.—

(1) EXPERTS AND CONSULTANTS.—The Commission may procure by contract, to the extent funds are available, temporary or intermittent services under section 3109 of title 5, United States Code.

(2) LEASING, ETC.—The Commission may lease space and acquire personal property to the extent funds are available.

(l) AUTHORIZATION OF APPROPRIATIONS.—In order to carry out this section, there are authorized to be appropriated out of the Postal Service Fund $20,000,000, which funds shall remain available until expended.

(m) FINANCIAL REPORTING.—

(1) AUDIT AND EXPENDITURES.—The Commission shall be responsible for issuing annual financial statements and for establishing and maintaining adequate controls over its financial reporting.

(2) INTERNAL AUDITS.—The Commission shall maintain an adequate internal audit of its financial transactions.

(3) ANNUAL CERTIFICATION.—The Commission shall obtain an annual certification for each fiscal year from an independent, certified public accounting firm of the accuracy of its financial statements.

(4) COMPTROLLER GENERAL.—The accounts and operations of the Commission shall be audited by the Comptroller General and reports thereon made to the Congress to the extent and at such times as the Comptroller General may determine.

(n) TERMINATION.—The Commission shall terminate 60 days after submitting its final reports under section 104(d)(3).

SEC. 104. RECOMMENDATIONS FOR CLOSURES AND CONSOLIDATIONS.

(a) PLAN FOR THE CLOSURE OR CONSOLIDATION OF POSTAL RETAIL FACILITIES.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Postal Service, in consultation with the Postal Regulatory Commission, shall develop and submit to the Commission on Postal Reorganization a plan for the closure or consolidation of such postal retail facilities as the Postal Service considers necessary and appropriate so that the total annual costs attributable to the operation of postal retail facilities will be, for each fiscal year beginning at least 2 years after the date on which the Commission transmits to Congress its final report under subsection (d)(3)(A) relating to this subsection, at least $1,000,000,000 less than the corresponding total annual costs for the baseline year.

(2) CONTENTS.—The plan shall include—

(A) a list of the postal retail facilities proposed for closure or consolidation under this subtitle;

(B) a proposed schedule under which—

(i) closures and consolidations of postal retail facilities would be carried out under this subtitle; and

(ii) all closures and consolidations of postal retail facilities under this subtitle would be completed by not later than 2 years after the date on which the Commission transmits to Congress its final report under subsection (d)(3)(A) relating to such plan;

(C) the estimated total annual cost savings attributable to the proposed closures and consolidations described in the plan;

(D) the criteria and process used to develop the information described in subparagraphs (A) and (B);

(E) the methodology and assumptions used to derive the estimates described in subparagraph (C); and

(F) any changes to the processing, transportation, delivery, or other postal operations anticipated as a result of the proposed closures and consolidations described in the plan.

(3) CONSISTENCY.—The methodology and assumptions used to derive the cost estimates described in paragraph (2)(C) shall be consistent with the methodology and assumptions which would have been used by the Postal Service if those closures and consolidations had instead taken effect in the baseline year.

(b) PLAN FOR THE CLOSURE OR CONSOLIDATION OF MAIL PROCESSING FACILITIES.—

(1) IN GENERAL.—Not later than 300 days after the date of the enactment of this Act, the Postal Service, in consultation with the Inspector General of the United States Postal Service, shall develop and submit to the Commission on Postal Reorganization a plan for the closure or consolidation of such mail processing facilities as the Postal Service considers necessary and appropriate so that—

(A) the total annual costs attributable to the operation of mail processing facilities will be, for each fiscal year beginning at least 2 years after the date on which the Commission transmits to Congress its final report under subsection (d)(3)(A) relating to this subsection, at least $2,000,000,000 less than the corresponding total annual costs for the baseline year; and

(B) the Postal Service has, for fiscal years beginning at least 2 years after the date on which the Commission transmits to Congress its final report under subsection (d)(3)(A) relating to this subsection, no more than 10 percent excess mail processing capacity.

(2) CONTENTS.—The plan shall include—

(A) a list of the mail processing facilities proposed for closure or consolidation under this subtitle;

(B) a proposed schedule under which—

(i) closures and consolidations of mail processing facilities would be carried out under this subtitle; and

(ii) all closures and consolidations of mail processing facilities under this subtitle would be completed by not later than 2 years after the date on which the Commission transmits to Congress its final report under subsection (d)(3)(A) relating to such plan;

(C) the estimated total annual cost savings attributable to the proposed closures and consolidations described in the plan;

(D) the criteria and process used to develop the information described in subparagraphs (A) and (B);

(E) the methodology and assumptions used to derive the estimates described in subparagraph (C); and

(F) any changes to the processing, transportation, delivery, or other postal operations anticipated as a result of the proposed closures and consolidations described in the plan.

(3) CONSISTENCY.—The methodology and assumptions used to derive the cost estimates described in paragraph (2)(C) shall be consistent with the methodology and assumptions which would have been used by the Postal Service if those closures and consolidations had instead taken effect in the baseline year.

(4) EXCESS MAIL PROCESSING CAPACITY.—The Commission shall cause to be published in the Federal Register notice of a proposed definition of ''excess mail processing capacity'' for purposes of this section within 120 days after the date of the enactment of this Act, and shall provide a period of 30 days for public comment on the proposed definition. Not later than 180 days after the date of the enactment of this Act, the Commission shall issue and cause to be published in the Federal Register a final definition of ''excess mail processing capacity'' for purposes of this section. Such definition shall include an estimate of the total amount of excess mail processing capacity in mail processing facilities as of the date of the enactment of this Act.

(5) UNDERUTILIZED MAIL PROCESSING FACILITIES.—In developing a plan under this subsection, the Postal Service may include the estimated total cost savings that would result from moving mail processing operations to any mail processing facility that, as of the date of introduction of this Act—

(A) is not currently used by the Postal Service; and

(B) is capable of processing mail to the Postal Service's standards.

(c) PLAN FOR THE CLOSURE OR CONSOLIDATION OF AREA AND DISTRICT OFFICES.—

(1) IN GENERAL.—Not later than 300 days after the date of the enactment of this Act, the Postal Service, in consultation with the Inspector General of the United States Postal Service, shall develop and submit to the Commission on Postal Reorganization a plan for the closure or consolidation of such area and district offices as the Postal Service considers necessary and appropriate so that the combined total number of area and district offices will be, for each fiscal year beginning at least 2 years after the date on which the Commission transmits to Congress its final report under subsection (d)(3)(A) relating to this subsection, at least 30 percent less than the corresponding combined total for the baseline year.

(2) CONTENTS.—The plan shall include—

(A) a list of the area and district offices proposed for closure or consolidation under this subtitle;

(B) a proposed schedule under which—

(i) closures and consolidations of area and district offices would be carried out under this subtitle; and

(ii) all closures and consolidations of area and district offices under this subtitle would be completed by not later than 2 years after the date on which the Commission transmits to Congress its final report under subsection (d)(3)(A) relating to such plan;

(C) the estimated total annual cost savings attributable to the proposed closures and consolidations described in the plan;

(D) the criteria and process used to develop the information described in subparagraphs (A) and (B);

(E) the methodology and assumptions used to derive the estimates described in subparagraph (C); and

(F) any changes to the processing, transportation, delivery, or other postal operations anticipated as a result of the proposed closures and consolidations described in the plan.

(3) CONSISTENCY.—The methodology and assumptions used to derive the cost estimates described in paragraph (2)(C) shall be consistent with the methodology and assumptions which would have been used by the Postal Service if those closures and consolidations had instead taken effect in the baseline year.

(d) REVIEW AND RECOMMENDATIONS OF THE COMMISSION.—

(1) INITIAL REPORTS.—

(A) IN GENERAL.—After receiving the plan of the Postal Service under subsection (a), (b), or (c), the Commission on Postal Reorganization shall transmit to Congress and publish in the Federal Register a report under this paragraph, which shall contain the Commission's findings based on a review and analysis of such plan, together with the Commission's initial recommendations for closures and consolidations of postal facilities, mail processing facilities, or area and district offices (as the case may be).

(B) EXPLANATION OF CHANGES.—The Commission shall explain and justify in its report any recommendations made by the Commission that are different from those contained in the Postal Service plan to which such report pertains.

(C) DEADLINES.—A report of the Commission under this paragraph shall be transmitted and published, in accordance with subparagraph (A), within—

(i) if the report pertains to the plan under subsection (a), 60 days after the date on which the Commission receives such plan; or

(ii) if the report pertains to the plan under subsection (b) or (c), 90 days after the date on which the Commission receives such plan.

(2) PUBLIC HEARINGS.—

(A) IN GENERAL.—After receiving the plan of the Postal Service under subsection (a), (b), or (c), the Commission on Postal Reorganization shall conduct at least 5 public hearings on such plan. The hearings shall be conducted in geographic areas chosen so as to reflect a broadly representative range of needs and interests.

(B) TESTIMONY.—All testimony before the Commission at a public hearing conducted under this paragraph shall be given under oath.

(C) DEADLINES.—All hearings under this paragraph shall be completed within 60 days after the date as of which the Commission satisfies the requirements of paragraph (1) with respect to such plan.

(3) FINAL REPORTS.—

(A) IN GENERAL.—After satisfying the requirements of paragraph (2) with respect to the plan of the Postal Service under subsection (a), (b), or (c) (as the case may be), the Commission shall transmit to Congress and publish in the Federal Register a report under this paragraph containing a summary of the hearings conducted with respect to such plan, together with the Commission's final recommendations for closures and consolidations of postal facilities, mail processing facilities, or area and district offices (as the case may be).

(B) APPROVAL.—Recommendations under subparagraph (A) shall not be considered to be final recommendations unless they are made with—

(i) except as provided in clause (ii), the concurrence of at least 4 members of the Commission; or

(ii) to the extent that the requirements of subsection (b)(1)(A) or (c)(1) are not met, the concurrence of all sitting members, but only if the shortfall (relative to the requirements of subsection (b)(1)(A) or (c)(1), as the case may be) does not exceed 25 percent.

(C) CONTENTS.—A report under this paragraph shall include—

(i) the information required by paragraph (2) of subsection (a), (b), or (c) (as the case may be); and

(ii) a description of the operations that will be affected by the closure or consolidation and the facilities or offices which will be performing or ceasing to perform such operations as a result of such closure or consolidation.

(D) DEADLINES.—A report of the Commission under this paragraph shall be transmitted and published, in accordance with subparagraph (A), within 60 days after the date as of which the Commission satisfies the requirements of paragraph (2) with respect to the plan involved.

(e) LIMITATION RELATING TO POSTAL RETAIL FACILITIES IDENTIFIED FOR CLOSURE OR CONSOLIDATION.—

(1) APPLICABILITY.—This subsection applies to any plan of the Postal Service under subsection (a) and any report of the Commission under subsection (d) (whether initial or final) pertaining to such plan.

(2) LIMITATION.—Of the total number of postal retail facilities recommended for closure or consolidation (combined) under any plan or report to which this subsection applies, the number of such facilities that are within the K or L cost ascertainment grouping (combined) shall account for not more than 10 percent of such total number.

(3) REFERENCES.—For purposes of this subsection—

(A) any reference to a ''cost ascertainment grouping'' shall be considered to refer to a cost ascertainment grouping as described in section 123.11 of the Postal Operations Manual (as in effect on June 23, 2011); and

(B) any reference to a particular category (designated by a letter) of a cost ascertainment grouping shall be considered to refer to such category, as described in such section 123.11 (as in effect on the date specified in subparagraph (A)).

(f) ANNUAL REPORTS.—

(1) IN GENERAL.—There shall be included in the next 5 annual reports submitted under section 2402 of title 39, United States Code, beginning with the report covering any period of time occurring after the date of enactment of this Act, the following (shown on a State-by-State basis):

(A) In connection with closures and consolidations taking effect in the year covered by the report, the total number of individuals separated from employment with the Postal Service, including, if separation occurs in a year other than the year in which the closing or consolidation occurs, the year in which separation occurs.

(B) Of the total numbers under subparagraph (A)—

(i) the number and percentage comprising preference eligibles or veterans; and

(ii) the number and percentage comprising individuals other than preference eligibles or veterans.

(C) Of the total numbers under subparagraph (A), the number and percentage reemployed in a position within the general commuting area of the facility or office involved (including, if reemployment occurs in a year other than the year in which the closing or consolidation occurs, the year in which reemployment occurs)—

(i) with the Postal Service; or

(ii) with an employer other than the Postal Service.

(D) The methodology and assumptions used to derive the estimates described in subparagraph (B).

(E) The criteria and process used to develop the information described in subparagraph (C).

(2) DEFINITIONS.—For purposes of this subsection—

(A) the term ''preference eligible'' has the meaning given such term in section 2108(3) of title 5, United States Code; and

(B) the term ''veteran'' has the meaning given such term in section 101(2) of title 38, United States Code.

SEC. 105. IMPLEMENTATION OF CLOSURES AND CONSOLIDATIONS.

(a) IN GENERAL.—Subject to subsection (b), the Postal Service shall—

(1) close or consolidate (as the case may be) the facilities and offices recommended by the Commission in each of its final reports under section 104(d)(3); and

(2) carry out those closures and consolidations in accordance with the timetable recommended by the Commission in such report, except that in no event shall any such closure or consolidation be completed later than 2 years after the date on which such report is submitted to Congress.

(b) CONGRESSIONAL DISAPPROVAL.—

(1) IN GENERAL.—The Postal Service may not carry out any closure or consolidation recommended by the Commission in a final report if a joint resolution disapproving the recommendations of the Commission is enacted, in accordance with section 106, before the earlier of—

(A) the end of the 30-day period beginning on the date on which the Commission transmits those recommendations to Congress under section 104(d)(3); or

(B) the adjournment of the Congress sine die for the session during which such report is transmitted.

(2) DAYS OF SESSION.—For purposes of paragraph (1) and subsections (a) and (c) of section 106, the days on which either House of Congress is not in session because of an adjournment of more than 7 days to a day certain shall be excluded in the computation of a period.

SEC. 106. CONGRESSIONAL CONSIDERATION OF FINAL CPR REPORTS.

(a) TERMS OF THE RESOLUTION.—For purposes of this subtitle, the term ''joint resolution'', as used with respect to a report under section 104(d)(3), means only a joint resolution—

(1) which is introduced within the 10-day period beginning on the date on which such report is received by Congress;

(2) the matter after the resolving clause of which is as follows: ''That Congress disapproves the recommendations of the Commission on Postal Reorganization, submitted by such Commission on ____, and pertaining to the closure or consolidation of ____.'', the first blank space being filled in with the appropriate date and the second blank space being filled in with ''postal retail facilities'', ''mail processing facilities'', or ''area and district offices'' (as the case may be);

(3) the title of which is as follows: ''Joint resolution disapproving the recommendations of the Commission on Postal Reorganization.''; and

(4) which does not have a preamble.

(b) REFERRAL.—A resolution described in subsection (a) that is introduced in the House of Representatives or the Senate shall be referred to the appropriate committees of the House of Representatives or the Senate, respectively.

(c) DISCHARGE.—If the committee to which a resolution described in subsection (a) is referred has not reported such resolution (or an identical resolution) by the end of the 20-day period beginning on the date on which the Commission transmits the report (to which such resolution pertains) to Congress under section 104(d)(3), such committee shall, at the end of such period, be discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calendar of the House involved.

(d) CONSIDERATION.—

(1) IN GENERAL.—On or after the third day after the date on which the committee to which such a resolution is referred has reported, or has been discharged (under subsection (c)) from further consideration of, such a resolution, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution. A Member may make the motion only on the day after the calendar day on which the Member announces to the House concerned the Member's intention to make the motion, except that, in the case of the House of Representatives, the motion may be made without such prior announcement if the motion is made by direction of the committee to which the resolution was referred. All points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the respective House shall immediately proceed to consideration of the joint resolution without intervening motion, order, or other business, and the resolution shall remain the unfinished business of the respective House until disposed of.

(2) DEBATE.—Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution is not in order. A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(3) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on a resolution described in subsection (a) and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(4) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in subsection (a) shall be decided without debate.

(e) CONSIDERATION BY OTHER HOUSE.—

(1) IN GENERAL.—If, before the passage by one House of a resolution of that House described in subsection (a), that House receives from the other House a resolution (described in subsection (a)) relating to the same report, then the following procedures shall apply:

(A) The resolution of the other House shall not be referred to a committee and may not be considered in the House receiving it except in the case of final passage as provided in subparagraph (B)(ii).

(B) With respect to the resolution described in subsection (a) (relating to the report in question) of the House receiving the resolution—

(i) the procedure in that House shall be the same as if no resolution (relating to the same report) had been received from the other House; but

(ii) the vote on final passage shall be on the resolution of the other House.

(2) DISPOSITION OF A RESOLUTION.—Upon disposition of the resolution received from the other House, it shall no longer be in order to consider the resolution that originated in the receiving House.

(f) RULES OF THE SENATE AND HOUSE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 107. NONAPPEALABILITY OF DECISIONS.

(a) TO PRC.—The closing or consolidation of any facility or office under this subtitle may not be appealed to the Postal Regulatory Commission under section 404(d) or any other provision of title 39, United States Code, or be the subject of an advisory opinion issued by the Postal Regulatory Commission under section 3661 of such title.

(b) JUDICIAL REVIEW.—No process, report, recommendation, or other action of the Commission on Postal Reorganization shall be subject to judicial review.

SEC. 108. RULES OF CONSTRUCTION.

(a) CONTINUED AVAILABILITY OF AUTHORITY TO CLOSE OR CONSOLIDATE POSTAL FACILITIES.—

(1) IN GENERAL.—Nothing in this subtitle shall be considered to prevent the Postal Service from closing or consolidating any postal facilities, in accordance with otherwise applicable provisions of law, either before or after the implementation of any closures or consolidations under this subtitle.

(2) COORDINATION RULE.—No appeal or determination under section 404(d) of title 39, United States Code, or any other provision of law shall delay, prevent, or otherwise affect any closure or consolidation under this subtitle.

(b) INAPPLICABILITY OF CERTAIN PROVISIONS.—

(1) IN GENERAL.—The provisions of law identified in paragraph (2)—

(A) shall not apply to any closure or consolidation carried out under this subtitle; and

(B) shall not be taken into account for purposes of carrying out section 103 or 104.

(2) PROVISIONS IDENTIFIED.—The provisions of law under this paragraph are—

(A) section 101(b) of title 39, United States Code; and

(B) section 404(d) of title 39, United States Code.

SEC. 109. GAO STUDY AND REPORT.

(a) STUDY.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study on the effects, with respect to the unemployment rate of minority communities, of the proposed closures and consolidations of postal retail facilities, mail processing facilities, and area or district offices under this subtitle.

(b) REPORT.—Upon completion of the study required under subsection (a), the Comptroller General of the United States shall submit a report to Congress regarding the findings of such study.

Subtitle B—Other Provisions

SEC. 111. FREQUENCY OF MAIL DELIVERY.

Section 101 of title 39, United States Code, is amended by adding at the end the following:

''(h) Nothing in this title or any other provision of law shall be considered to prevent the Postal Service from taking whatever actions may be necessary to provide for 5-day delivery of mail and a commensurate adjustment in rural delivery of mail, subject to the requirements of section 3661.''.

SEC. 112. EFFICIENT AND FLEXIBLE UNIVERSAL POSTAL SERVICE.

(a) POSTAL POLICY.—

(1) IN GENERAL.—Section 101(b) is amended to read as follows:

''(b) The Postal Service shall provide effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining.''.

(2) CONFORMING AMENDMENTS.—(A) Clause (iii) of section 404(d)(2)(A) is amended to read as follows:

''(iii) whether such closing or consolidation is consistent with the policy of the Government, as stated in section 101(b), that the Postal Service shall provide effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining;''.

(B) Section 2401(b)(1) is amended (in the matter before subparagraph (A)) by striking ''a maximum degree of''.

(b) GENERAL DUTY.—Paragraph (3) of section 403(b) is amended to read as follows:

''(3) to ensure that postal patrons throughout the Nation will, consistent with reasonable economies of postal operations, have ready access to essential postal services.''.

(c) PRC REVIEW OF DETERMINATIONS TO CLOSE OR CONSOLIDATE A POST OFFICE.—

(1) DEADLINE FOR REVIEW.—Section 404(d)(5) is amended by striking ''120 days'' and inserting ''60 days''.

(2) EXCLUSION FROM REVIEW.—Section 404(d) is amended by adding at the end the following:

''(7)(A) The appeals process set forth in paragraph (5) shall not apply to a determination of the Postal Service to close a post office if there is located, within 2 miles of such post office, a qualified contract postal unit.

''(B) For purposes of this paragraph—

''(i) the term 'contract postal unit' means a store or other place of business which—

''(I) is not owned or operated by the Postal Service; and

''(II) in addition to its usual operations, provides postal services to the general public under contract with the Postal Service; and

''(ii) the term 'qualified contract postal unit', as used in connection with a post office, means a contract postal unit which—

''(I) begins to provide postal services to the general public during the period—

''(aa) beginning 1 year before the date on which the closure or consolidation of such post office is scheduled to take effect; and

''(bb) ending on the 15th day after the date on which the closure or consolidation of such post office is scheduled to take effect; and

''(II) has not, pursuant to subparagraph (A), served as the basis for exempting any other post office from the appeals process set forth in paragraph (5).

''(C)(i) If the contract postal unit (which is providing postal services that had been previously provided by the post office that was closed) does not continue to provide postal services, as required by subparagraph (B)(i)(II), for at least the 2-year period beginning on the date on which such post office was closed, the contract postal unit shall be subject to a closure determination by the Postal Service to decide whether a post office must be reopened within the area (delimited by the 2-mile radius referred to in subparagraph (A)).

''(ii) A decision under clause (i) not to reopen a post office may be appealed to the Postal Regulatory Commission under procedures which the Commission shall by regulation prescribe. Such procedures shall be based on paragraph (5), except that, for purposes of this clause, paragraph (5)(C) shall be applied by substituting 'in violation of section 101(b), leaving postal patrons without effective and regular access to postal services' for 'unsupported by substantial evidence on the record'.''.

(3) APPLICABILITY.—The amendments made by this subsection shall not apply with respect to any appeal, notice of which is received by the Postal Regulatory Commission before the date of the enactment of this Act (determined applying the rules set forth in section 404(d)(6) of title 39, United States Code).

(d) EXPEDITED PROCEDURES.—

(1) IN GENERAL.—Section 3661 is amended by adding at the end the following:

''(d)(1) The Commission shall issue its opinion within 90 days after the receipt of any proposal (as referred to in subsection (b)) concerning—

''(A) the closing or consolidation of postal retail facilities (as that term is defined in section 102(2) of the Postal Reform Act of 2012) to a degree that will generally affect service on a nationwide or substantially nationwide basis; or

''(B) an identical or substantially identical proposal on which the Commission issued an opinion within the preceding 5 years.

''(2) If necessary in order to comply with the 90-day requirement under paragraph (1), the Commission may apply expedited procedures which the Commission shall by regulation prescribe.''.

(2) REGULATIONS.—The Postal Regulatory Commission shall prescribe any regulations necessary to carry out the amendment made by paragraph (1) within 90 days after the date of the enactment of this Act.

(3) APPLICABILITY.—The amendment made by this subsection shall apply with respect to any proposal received by the Postal Regulatory Commission on or after the earlier of—

(A) the 90th day after the date of the enactment of this Act; or

(B) the effective date of the regulations under paragraph (2).

SEC. 113. ENHANCED REPORTING ON POSTAL SERVICE EFFICIENCY.

Section 3652(a) is amended—

(1) in paragraph (1), by striking ''and'' after the semicolon;

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

(3) by adding after paragraph (2) the following:

''(3) which shall provide the overall change in Postal Service productivity and the resulting effect of such change on overall Postal Service costs during such year, using such methodologies as the Commission shall by regulation prescribe.''.

SEC. 114. APPLICABILITY OF PROCEDURES RELATING TO CLOSURES AND CONSOLIDATIONS.

(a) IN GENERAL.—Section 404(d) is amended by adding at the end the following:

''(7) For purposes of this subsection, the term 'post office' means a post office and any other facility described in section 102(2) of the Postal Reform Act of 2012.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective with respect to any closure or consolidation, the proposed effective date of which occurs on or after the 60th day following the date of enactment of this Act.

TITLE II—POSTAL SERVICE FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY

Subtitle A—Establishment and Organization

SEC. 201. PURPOSES.

(a) PURPOSES.—The purposes of this title are as follows:

(1) To eliminate budget deficits and cash shortages of the Postal Service through strategic financial planning, sound budgeting, accurate revenue forecasts, and careful spending.

(2) To ensure the universal service mandate detailed in section 101 of title 39, United States Code, is maintained during a period of fiscal emergency.

(3) To conduct necessary investigations and studies to determine the fiscal status and operational efficiency of the Postal Service.

(4) To assist the Postal Service in—

(A) restructuring its organization and workforce to bring expenses in line with diminishing revenue and generate sufficient profits for capital investment and repayment of debt;

(B) meeting all fiscal obligations to the Treasury of the United States; and

(C) ensuring the appropriate and efficient delivery of postal services.

(5) To ensure the long-term financial, fiscal, and economic vitality and operational efficiency of the Postal Service.

(b) RESERVATION OF POWERS.—Nothing in this title may be construed—

(1) to relieve any obligations existing as of the date of the enactment of this Act of the Postal Service to the Treasury of the United States; or

(2) to limit the authority of Congress to exercise ultimate legislative authority over the Postal Service.

SEC. 202. ESTABLISHMENT OF THE AUTHORITY.

(a) ESTABLISHMENT.—There shall be established, upon the commencement of any control period, an entity to be known as the ''Postal Service Financial Responsibility and Management Assistance Authority'' (hereinafter in this title referred to as the ''Authority'').

(b) CONTROL PERIOD.—

(1) COMMENCEMENT OF A CONTROL PERIOD.—

(A) IN GENERAL.—For the purposes of this title, a control period commences whenever the Postal Service has been in default to the Treasury of the United States, with respect to any debts, obligations, loans, bonds, notes, or other form of borrowing, or any scheduled payments to any fund in the Treasury of the United States, for a period of at least 30 days.

(B) ADVISORY PERIOD.—For purposes of the first control period, the Authority shall operate exclusively in an advisory period for two full fiscal years after the commencement of the control period. At the completion of the second full fiscal year or any year thereafter during the length of the control period, if the Postal Service's annual deficit is greater than $2,000,000,000, the Authority shall be fully in force according to the provisions of this title. During an advisory period—

(i) the Authority is not authorized to employ any staff and the Postal Service shall designate a Level-Two Postal Service Executive as a liaison with the members of the Authority; and

(ii) any provision of this title that requires the Authority or the Postal Service to take any action shall be considered only to take effect in the event the Authority comes into full force and that effective date shall be considered to be the date of the commencement of the control period for the purposes any provision not mention in this subparagraph.

(2) TREATMENT OF AUTHORITIES AND RESPONSIBILITIES OF THE BOARD OF GOVERNORS, ETC. DURING A CONTROL PERIOD.—During a control period—

(A) all authorities and responsibilities of the Board of Governors, and the individual Governors, of the Postal Service under title 39, United States Code, and any other provision of law shall be assumed by the Authority; and

(B) the Board of Governors, and the individual Governors, may act in an advisory capacity only.

(3) TREATMENT OF CERTAIN POSTAL SERVICE EXECUTIVES DURING A CONTROL PERIOD.—

(A) DEFINITION.—For the purposes of this section, the term ''Level-Two Postal Service Executive'' includes the Postmaster General, the Deputy Postmaster General, and all other officers or employees of the Postal Service in level two of the Postal Career Executive Service (or the equivalent).

(B) TREATMENT.—Notwithstanding any other provision of law or employment contract, during a control period—

(i) all Level-Two Postal Service Executives shall serve at the pleasure of the Authority;

(ii) the duties and responsibilities of all Level-Two Postal Service Executives, as well as the terms and conditions of their employment (including their compensation), shall be subject to determination or redetermination by the Authority;

(iii) total compensation of a Level-Two Postal Service Executive may not, for any year in such control period, exceed the annual rate of basic pay payable for level I of the Executive Schedule under section 5312 of title 5, United States Code, for such year; for purposes of this clause, the term ''total compensation'' means basic pay, bonuses, awards, and all other monetary compensation;

(iv) the percentage by which the rate of basic pay of a Level-Two Postal Service Executive is increased during any year in such

control period may not exceed the percentage change in the Consumer Price Index for All Urban Consumers, unadjusted for seasonal variation, for the most recent 12-month period available, except that, in the case of a Level-Two Postal Service Executive who has had a significant change in job responsibilities, a greater change shall be allowable if approved by the Authority;

(v) apart from basic pay, a Level-Two Postal Service Executive may not be afforded any bonus, award, or other monetary compensation for any fiscal year in the control period if expenditures of the Postal Service for such fiscal year exceeded revenues of the Postal Service for such fiscal year (determined in accordance with generally accepted accounting principles); and

(vi) no deferred compensation may be paid, accumulated, or recognized in the case of any Level-Two Postal Service Executive, with respect to any year in a control period, which is not generally paid, accumulated, or recognized in the case of employees of the United States (outside of the Postal Service) in level I of the Executive Schedule under section 5312 of title 5, United States Code, with respect to such year.

(C) BONUS AUTHORITY.—Section 3686 of title 39, United States Code, shall, during the period beginning on the commencement date of the control period and ending on the termination date of the control period—

(i) be suspended with respect to all Level-Two Postal Service Executives; but

(ii) remain in effect for all other officers and employees of the Postal Service otherwise covered by this section.

(4) TERMINATION OF A CONTROL PERIOD.—Subject to subtitle D, a control period terminates upon certification by the Authority, with the concurrence of the Secretary of the Treasury and the Director of the Office of Personnel Management, that—

(A) for 2 consecutive fiscal years (occurring after the date of the enactment of this Act), expenditures of the Postal Service did not exceed revenues of the Postal Service (as determined in accordance with generally accepted accounting principles);

(B) the Authority has approved a Postal Service financial plan and budget that shows expenditures of the Postal Service not exceeding revenues of the Postal Service (as so determined) for the fiscal year to which such budget pertains and each of the next 3 fiscal years; and

(C) the Postal Service financial plan and budget (as referred to in subparagraph (B)) includes plans to properly fund Postal Service pensions and retiree health benefits in accordance with law.

SEC. 203. MEMBERSHIP AND QUALIFICATION REQUIREMENTS.

(a) MEMBERSHIP.—

(1) IN GENERAL.—The Authority shall consist of 5 members appointed by the President who meet the qualifications described in subsection (b), except that the Authority may take any action under this title at any time after the President has appointed 4 of its members.

(2) RECOMMENDATIONS.—Of the 5 members so appointed—

(A) 1 shall be appointed from among individuals recommended by the Speaker of the House of Representatives;

(B) 1 shall be appointed from among individuals recommended by the majority leader of the Senate;

(C) 1 shall be appointed from among individuals recommended by the minority leader of the House of Representatives;

(D) 1 shall be appointed from among individuals recommended by the minority leader of the Senate; and

(E) 1 shall be appointed from among individuals recommended by the Comptroller General.

(3) POLITICAL AFFILIATION.—No more than 3 members of the Authority may be of the same political party.

(4) CHAIR.—The President shall designate 1 of the members of the Authority as the Chair of the Authority.

(5) SENSE OF CONGRESS REGARDING DEADLINE FOR APPOINTMENT.—It is the sense of Congress that the President should appoint the members of the Authority as soon as practicable after the date on which a control period commences, but no later than 30 days after such date.

(6) TERM OF SERVICE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each member of the Authority shall be appointed for a term of 3 years.

(B) APPOINTMENT FOR TERM FOLLOWING INITIAL TERM.—As designated by the President at the time of appointment for the term immediately following the initial term, of the members appointed for the term immediately following the initial term—

(i) 1 member shall be appointed for a term of 1 year;

(ii) 2 members shall be appointed for a term of 2 years; and

(iii) 2 members shall be appointed for a term of 3 years.

(C) REMOVAL.—The President may remove any member of the Authority only for cause.

(D) NO COMPENSATION FOR SERVICE.—Members of the Authority shall serve without pay, but may receive reimbursement for any reasonable and necessary expenses incurred by reason of service on the Authority.

(b) QUALIFICATION REQUIREMENTS.—

(1) IN GENERAL.—An individual meets the qualifications for membership on the Authority if the individual—

(A) has significant knowledge and expertise in finance, management, and the organization or operation of businesses having more than 500 employees; and

(B) represents the public interest generally, is not a representative of specific interests using or belonging to the Postal Service, and does not have any business or financial interest in any enterprise in the private sector of the economy engaged in the delivery of mail matter.

(2) SPECIFIC CONDITIONS.—An individual shall not be considered to satisfy paragraph (1)(B) if, at any time during the 5-year period ending on the date of appointment, such individual—

(A) has been an officer, employee, or private contractor with the Postal Service or the Postal Regulatory Commission; or

(B) has served as an employee or contractor of a labor organization representing employees of the Postal Service or the Postal Regulatory Commission.

SEC. 204. ORGANIZATION.

(a) ADOPTION OF BY-LAWS FOR CONDUCTING BUSINESS.—As soon as practicable after the appointment of its members, the Authority shall adopt by-laws, rules, and procedures governing its activities under this title, including procedures for hiring experts and consultants. Upon adoption, such by-laws, rules, and procedures shall be submitted by the Authority to the Postmaster General, the President, and Congress.

(b) CERTAIN ACTIVITIES REQUIRING APPROVAL OF MAJORITY OF MEMBERS.—Under its by-laws, the Authority may conduct its operations under such procedures as it considers appropriate, except that an affirmative vote of a majority of the members of the Authority shall be required in order for the Authority to—

(1) approve or disapprove a financial plan and budget as described by subtitle C;

(2) implement recommendations on financial stability and management responsibility under section 225;

(3) take any action under authority of section 202(b)(3)(B)(i); or

(4) initiate the establishment of a new workers' compensation system for the Postal Service in accordance with section 311.

SEC. 205. EXECUTIVE DIRECTOR AND STAFF.

(a) EXECUTIVE DIRECTOR.—The Authority shall have an Executive Director who shall be appointed by the Chair with the consent of the Authority. The Executive Director shall be paid at a rate determined by the Authority, except that such rate may not exceed the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(b) STAFF.—With the approval of the Authority, the Executive Director may appoint and fix the pay of such additional personnel as the Executive Director considers appropriate, except that no individual appointed by the Executive Director may be paid at a rate greater than the rate of pay for the Executive Director. Personnel appointed under this subsection shall serve at the pleasure of the Executive Director.

(c) INAPPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Executive Director and staff of the Authority may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(d) STAFF OF FEDERAL AGENCIES.—Upon request of the Chair, the head of any Federal department or agency may detail, on a reimbursable or nonreimbursable basis, any of the personnel of such department or agency to the Authority to assist it in carrying out its duties under this title.

SEC. 206. FUNDING.

(a) IN GENERAL.—There are authorized to be appropriated, out of the Postal Service Fund, such sums as may be necessary for the Authority. In requesting an appropriation under this section for a fiscal year, the Authority shall prepare and submit to the Congress under section 2009 of title 39, United States Code, a budget of the Authority's expenses, including expenses for facilities, supplies, compensation, and employee benefits not to exceed $10,000,000. In years in which a control period commences, the Authority shall submit a budget within 30 days of the appointment of the members of the Authority.

(b) AMENDMENT TO SECTION 2009.—Section 2009 is amended in the next to last sentence—

(1) by striking ", and (3)" and inserting ", (3)"; and

(2) by striking the period and inserting ", and (4) the Postal Service Financial Responsibility and Management Assistance Authority requests to be appropriated, out of the Postal Service Fund, under section 206 of the Postal Reform Act of 2012.".

Subtitle B—Powers of the Authority

SEC. 211. POWERS.

(a) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Authority may, if authorized by the Authority, take any action which the Authority is authorized by this section to take.

(b) OBTAINING OFFICIAL DATA FROM THE POSTAL SERVICE.—Notwithstanding any other provision of law, the Authority may secure copies of such records, documents, information, or data from any entity of the Postal Service necessary to enable the Authority to carry out its responsibilities under this title. At the request of the Authority, the Authority shall be granted direct access to such information systems,

records, documents, information, or data as will enable the Authority to carry out its responsibilities under this title. The head of the relevant entity of the Postal Service shall provide the Authority with such information and assistance (including granting the Authority direct access to automated or other information systems) as the Authority requires under this subsection.

(c) GIFTS, BEQUESTS, AND DEVISES.—The Authority may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Authority. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in such account as the Authority may establish and shall be available for disbursement upon order of the Chair.

(d) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Authority, the Administrator of General Services may provide to the Authority, on a reimbursable basis, the administrative support services necessary for the Authority to carry out its responsibilities under this title.

(e) AUTHORITY TO ENTER INTO CONTRACTS.—The Executive Director may enter into such contracts as the Executive Director considers appropriate (subject to the approval of the Chair) to carry out the Authority's responsibilities under this title.

(f) CIVIL ACTIONS TO ENFORCE POWERS.—The Authority may seek judicial enforcement of its authority to carry out its responsibilities under this title.

(g) PENALTIES.—

(1) ADMINISTRATIVE DISCIPLINE.—Any officer or employee of the Postal Service who, by action or inaction, fails to comply with any directive or other order of the Authority under section 225(c) shall be subject to appropriate administrative discipline, including suspension from duty without pay or removal from office, by order of either the Postmaster General or the Authority.

(2) REPORTING REQUIREMENT.—Whenever an officer or employee of the Postal Service takes or fails to take any action which is noncompliant with any directive or other order of the Authority under section 225(c), the Postmaster General shall immediately report to the Authority all pertinent facts, together with a statement of any actions taken by the Postmaster General or proposed by the Postmaster General to be taken under paragraph (1).

(h) SENSE OF CONGRESS.—It is the sense of Congress that, in making determinations that affect prior collective bargaining agreements and prior agreements on workforce reduction, any rightsizing effort within the Postal Service that results in a decrease in the number of postal employees should ensure that such employees can receive their full pensions, are fully compensated, and that the collective bargaining agreements and prior agreements on workforce reduction that they entered into with Postal Service management are fully honored.

SEC. 212. EXEMPTION FROM LIABILITY FOR CLAIMS.

The Authority and its members may not be liable for any obligation of or claim against the Postal Service resulting from actions taken to carry out this title.

SEC. 213. TREATMENT OF ACTIONS ARISING UNDER THIS TITLE.

(a) JURISDICTION ESTABLISHED IN UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT.—A person (including the Postal Service) adversely affected or aggrieved by an order or decision of the Authority may, within 30 days after such order or decision becomes final, institute proceedings for review thereof by filing a petition in the United States Court of Appeals for the District of Columbia Circuit. The court shall review the order or decision in accordance with section 706 of title 5, United States Code, and chapter 158 and section 2112 of title 28, United States Code. Judicial review shall be limited to the question of whether the Authority acted in excess of its statutory authority, and determinations of the Authority with respect to the scope of its statutory authority shall be upheld if based on a permissible construction of the statutory authority.

(b) PROMPT APPEAL TO THE SUPREME COURT.—Notwithstanding any other provision of law, review by the Supreme Court of the United States of a decision of the Court of Appeals which is issued pursuant to subsection (a) may be had only if the petition for such review is filed within 10 days after the entry of such decision.

(c) TIMING OF RELIEF.—No order of any court granting declaratory or injunctive relief against the Authority, including relief permitting or requiring the obligation, borrowing, or expenditure of funds, shall take effect during the pendency of the action before such court, during the time appeal may be taken, or (if appeal is taken) during the period before the court has entered its final order disposing of such action.

(d) EXPEDITED CONSIDERATION.—It shall be the duty of the United States Court of Appeals for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

SEC. 214. DELIVERY POINT MODERNIZATION.

(a) DEFINITIONS.—For purposes of this section—

(1) the term ''delivery point'' means a mailbox or other receptacle to which mail is delivered;

(2) the term ''primary mode of delivery'' means the typical method by which the Postal Service delivers letter mail to the delivery point of a postal patron;

(3) the term ''door delivery'' means a primary mode of mail delivery whereby mail is placed into a slot or receptacle at or near the postal patron's door or is hand delivered to a postal patron, but does not include curbside or centralized delivery;

(4) the term ''centralized delivery'' means a primary mode of mail delivery whereby mail receptacles are grouped or clustered at a single location; and

(5) the term ''curbside delivery'' means a primary mode of mail delivery whereby a mail receptacle is situated at the edge of a roadway or curb.

(b) REDUCTION IN TOTAL NUMBER OF DELIVERY POINTS.—The Authority shall, during the first control period commencing under this title, take such measures as may be necessary and appropriate so that—

(1) in each fiscal year beginning at least 2 years after the commencement date of such first control period—

(A) the total number of delivery points for which door delivery is the primary mode of mail delivery does not exceed 25 percent of the corresponding number for the fiscal year last ending before such commencement date; and

(B) the total annual costs attributable to door delivery, centralized delivery, and curbside delivery combined will be at least $3,500,000,000 less than the corresponding total annual costs for the fiscal year last ending before such commencement date; and

(2) in each fiscal year beginning at least 4 years after the commencement date of such first control period, the total number of delivery points for which door delivery is the primary mode of mail delivery does not exceed 10 percent of the corresponding number for the fiscal year last ending before such commencement date.

In making any decision under this subsection involving the continuation or termination of door delivery with respect to any locality or addresses within a locality, the Authority shall consider rates of poverty, population density, historical value, whether such locality is in a registered historic district (as that term is defined in section 47(c)(3)(B) of the Internal Revenue Code of 1986), whether such address is another place on the National Register of Historic Places, and other appropriate factors.

(c) ORDER OF PRECEDENCE.—In order to carry out subsection (b)—

(1) in making conversions from door delivery to other primary modes of delivery—

(A) conversion shall be to centralized delivery; except

(B) if subparagraph (A) is impractical, conversion shall be to curbside delivery; and

(2) in the case of delivery points established after the commencement date of the first control period under this title—

(A) centralized delivery shall be the primary mode of delivery; except

(B) if subparagraph (A) is impractical, curbside delivery shall be the primary mode of delivery.

(d) WAIVER FOR PHYSICAL HARDSHIP.—The Postal Service shall establish and maintain a waiver program under which, upon application, door delivery may be continued or provided in any case in which—

(1) centralized or curbside delivery would, but for this subsection, otherwise be the primary mode of delivery; and

(2) door delivery is necessary in order to avoid causing significant physical hardship to a postal patron.

(e) CENTRALIZED DELIVERY PLACEMENT.—It is the sense of the Congress that the Postal Service should negotiate with State and local governments, businesses, local associations, and property owners to place centralized delivery units in locations that maximize delivery efficiency, ease of use for postal patrons, and respect for private property rights.

(f) VOUCHER PROGRAM.—

(1) IN GENERAL.—The Postal Service may, in accordance with such standards and procedures as the Postal Service shall by regulation prescribe, provide for a voucher program under which—

(A) upon application, the Postal Service may defray all or any portion of the costs associated with conversion from door delivery under this section which would otherwise be borne by postal patrons; and

(B) the Postal Service Competitive Products Fund is made available for that purpose.

(2) CONFORMING AMENDMENT.—Section 2011(a)(2) is amended—

(A) in subparagraph (A), by striking ''and'' after the semicolon;

(B) in subparagraph (B), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(C) vouchers under the program described in section 214(f)(1) of the Postal Reform Act of 2012.''.

(g) AUDITS.—

(1) IN GENERAL.—The Inspector General of the United States Postal Service—

(A) shall conduct an annual audit to determine whether the Postal Service is in compliance with the requirements of subsection (b); and

(B) shall make such recommendations as the Inspector General considers appropriate to improve the administration of such subsection.

(2) SUBMISSION.—The audit and recommendations under paragraph (1) shall be submitted by the Inspector General to—

(A) the Committee on Oversight and Government Reform of the House of Representatives; and

(B) the Committee on Homeland Security and Governmental Affairs of the Senate.

(3) INFORMATION.—Upon request, the Postal Service shall furnish such information as the Inspector General may require in order to carry out this subsection.

(h) SAVINGS REPORT.—

(1) IN GENERAL.—In the event that a reduction in door delivery points is required under this section, the Authority shall submit a report to Congress, not later than 1 year after the date on which such reductions commence, describing the cost savings realized to the date of such submission and the estimated additional cost savings anticipated as a result of such reductions occurring after such submission. The report shall include—

(A) the measures taken to achieve the realized savings and the assumptions and methodologies used to compute the estimated cost savings; and

(B) information with respect to what additional measures might be necessary to achieve the cost savings required under this section.

(2) REDUCTION LIMITATION.—Notwithstanding any other provision of this Act, if the Authority determines that the measures described pursuant to subparagraphs (A) and (B) of paragraph (1) are not feasible, not cost effective, or otherwise detrimental to the mail delivery policy of the Postal Service, the Authority shall submit a report to Congress stating any legislative changes recommended for door delivery modernization procedures under this section, including increasing flexibility of this section's requirements or the postponement of further conversion.

Subtitle C—Establishment and Enforcement of Financial Plan and Budget for the Postal Service

SEC. 221. DEVELOPMENT OF FINANCIAL PLAN AND BUDGET FOR THE POSTAL SERVICE.

(a) DEVELOPMENT OF FINANCIAL PLAN AND BUDGET.—For each fiscal year for which the Postal Service is in a control period, the Postmaster General shall develop and submit to the Authority a financial plan and budget for the Postal Service in accordance with this section.

(b) CONTENTS OF FINANCIAL PLAN AND BUDGET.—A financial plan and budget for the Postal Service for a fiscal year shall specify the budget for the Postal Service as required by section 2009 of title 39, United States Code, for the applicable fiscal year and the next 3 fiscal years, in accordance with the following requirements:

(1) The financial plan and budget shall meet the requirements described in subsection (c) to promote the financial stability of the Postal Service.

(2) The financial plan and budget shall—

(A) include the Postal Service's annual budget program (under section 2009 of title 39, United States Code) and the Postal Service's plan commonly referred to as its ''Integrated Financial Plan'';

(B) describe lump-sum expenditures by all categories traditionally used by the Postal Service;

(C) describe capital expenditures (together with a schedule of projected capital commitments and cash outlays of the Postal Service and proposed sources of funding);

(D) contain estimates of overall debt (both outstanding and anticipated to be issued); and

(E) contain cash flow and liquidity forecasts for the Postal Service at such intervals as the Authority may require.

(3) The financial plan and budget shall include a statement describing methods of estimations and significant assumptions.

(4) The financial plan and budget shall include any other provisions and shall meet such other criteria as the Authority considers appropriate to meet the purposes of this title, including provisions for—

(A) changes in personnel policies and levels for each component of the Postal Service; and

(B) management initiatives to promote productivity, improvement in the delivery of services, or cost savings.

(c) REQUIREMENTS TO PROMOTE FINANCIAL STABILITY.—

(1) IN GENERAL.—The requirements to promote the financial stability of the Postal Service applicable to the financial plan and budget for a fiscal year are as follows:

(A) In each fiscal year (following the first full fiscal year) in a control period, budgeted expenditures of the Postal Service for the fiscal year involved may not exceed budgeted revenues of the Postal Service for the fiscal year involved.

(B) In each fiscal year in a control period, the Postal Service shall make continuous, substantial progress towards long-term fiscal solvency and shall have substantially greater net income than in the previous fiscal year.

(C) The financial plan and budget shall assure the continuing long-term financial stability of the Postal Service, as indicated by factors such as the efficient management of the Postal Service's workforce and the effective provision of services by the Postal Service.

(2) APPLICATION OF SOUND BUDGETARY PRACTICES.—In meeting the requirement described in paragraph (1) with respect to a financial plan and budget for a fiscal year, the Postal Service shall apply sound budgetary practices, including reducing costs and other expenditures, improving productivity, increasing revenues, or a combination of such practices.

(3) ASSUMPTIONS BASED ON CURRENT LAW.—In meeting the requirements described in paragraph (1) with respect to a financial plan and budget for a fiscal year, the Postal Service shall base estimates of revenues and expenditures on Federal law as in effect at the time of the preparation of such financial plan and budget.

SEC. 222. PROCESS FOR SUBMISSION AND APPROVAL OF FINANCIAL PLAN AND BUDGET.

(a) IN GENERAL.—For each fiscal year for which the Postal Service is in a control period, the Postmaster General shall submit to the Authority—

(1) by February 1 before the start of such fiscal year, a preliminary financial plan and budget under section 221 for such fiscal year; and

(2) by August 1 before the start of such fiscal year, a final financial plan and budget under section 221 for such fiscal year.

(b) REVIEW BY AUTHORITY.—Upon receipt of a financial plan and budget under subsection (a) (whether preliminary or final), the Authority shall promptly review such financial plan and budget. In conducting the review, the Authority may request any additional information it considers necessary and appropriate to carry out its duties under this subtitle.

(c) APPROVAL OF POSTMASTER GENERAL'S FINANCIAL PLAN AND BUDGET.—

(1) CERTIFICATION TO POSTMASTER GENERAL.—

(A) IN GENERAL.—If the Authority determines that the final financial plan and budget for the fiscal year submitted by the Postmaster General under subsection (a) meets the requirements of section 221—

(i) the Authority shall approve the financial plan and budget and shall provide the Postmaster General, the President, and Congress with a notice certifying its approval; and

(ii) the Postmaster General shall promptly submit the annual budget program to the Office of Management and Budget pursuant to section 2009 of title 39, United States Code.

(B) DEEMED APPROVAL AFTER 30 DAYS.—

(i) IN GENERAL.—If the Authority has not provided the Postmaster General, the President, and Congress with a notice certifying approval under subparagraph (A)(i) or a statement of disapproval under subsection (d) before the expiration of the 30-day period which begins on the date the Authority receives the financial plan and budget from the Postmaster General under subsection (a), the Authority shall be deemed to have approved the financial plan and budget and to have provided the Postmaster General, the President, and Congress with the notice certifying approval under subparagraph (A)(i).

(ii) EXPLANATION OF FAILURE TO RESPOND.—If clause (i) applies with respect to a financial plan and budget, the Authority shall provide the Postmaster General, the President and Congress with an explanation for its failure to provide the notice certifying approval or the statement of disapproval during the 30-day period described in such clause.

(d) DISAPPROVAL OF POSTMASTER GENERAL'S BUDGET.—If the Authority determines that the final financial plan and budget for the fiscal year submitted by the Postmaster General under subsection (a) does not meet the requirements applicable under section 221, the Authority shall disapprove the financial plan and budget, and shall provide the Postmaster General, the President, and Congress with a statement containing—

(1) the reasons for such disapproval;

(2) the amount of any shortfall in the budget or financial plan; and

(3) any recommendations for revisions to the budget the Authority considers appropriate to ensure that the budget is consistent with the financial plan and budget.

(e) AUTHORITY REVIEW OF POSTMASTER GENERAL'S REVISED FINAL FINANCIAL PLAN AND BUDGET.—

(1) SUBMISSION OF POSTMASTER GENERAL'S REVISED FINAL FINANCIAL PLAN AND BUDGET.—Not later than 15 days after receiving the statement from the Authority under subsection (d), the Postmaster General shall promptly adopt a revised final financial plan and budget for the fiscal year which addresses the reasons for the Authority's disapproval cited in the statement, and shall submit such financial plan and budget to the Authority.

(2) APPROVAL OF POSTMASTER GENERAL'S REVISED FINAL FINANCIAL PLAN AND BUDGET.—If, after reviewing the revised final financial plan and budget for a fiscal year submitted by the Postmaster General under paragraph (1) in accordance with the procedures described in this section, the Authority determines that the revised final financial plan and budget meets the requirements applicable under section 221—

(A) the Authority shall approve the financial plan and budget and shall provide the Postmaster General, the President, and Congress with a notice certifying its approval; and

(B) the Postmaster General shall promptly submit the annual budget program to the Office of Management and Budget pursuant to section 2009 of title 39, United States Code.

(3) DISAPPROVAL OF POSTMASTER GENERAL'S REVISED FINAL FINANCIAL PLAN AND BUDGET.—

(A) IN GENERAL.—If, after reviewing the revised final financial plan and budget for a fiscal year submitted by the Postmaster

General under paragraph (1) in accordance with the procedures described in this subsection, the Authority determines that the revised final financial plan and budget does not meet the applicable requirements under section 221, the Authority shall—

(i) disapprove the financial plan and budget;

(ii) provide the Postmaster General, the President, and Congress with a statement containing the reasons for such disapproval and describing the amount of any shortfall in the financial plan and budget; and

(iii) approve and recommend a financial plan and budget for the Postal Service which meets the applicable requirements under section 221, and submit such financial plan and budget to the Postmaster General, the President, and Congress.

(B) SUBMISSION TO OMB.—Upon receipt of the recommended financial plan and budget under subparagraph (A)(iii), the Postmaster General shall promptly submit the recommended annual budget program to the Office of Management and Budget pursuant to section 2009 of title 39, United States Code.

(4) DEEMED APPROVAL AFTER 15 DAYS.—

(A) IN GENERAL.—If the Authority has not provided the Postmaster General, the President, and Congress with a notice certifying approval under paragraph (2)(A) or a statement of disapproval under paragraph (3) before the expiration of the 15-day period which begins on the date the Authority receives the revised final financial plan and budget submitted by the Postmaster General under paragraph (1), the Authority shall be deemed to have approved the revised final financial plan and budget and to have provided the Postmaster General, the President, and Congress with the notice certifying approval described in paragraph (2)(A).

(B) EXPLANATION OF FAILURE TO RESPOND.—If subparagraph (A) applies with respect to a financial plan and budget, the Authority shall provide the Postmaster General, the President and Congress with an explanation for its failure to provide the notice certifying approval or the statement of disapproval during the 15-day period described in such subparagraph.

(f) DEADLINE FOR TRANSMISSION OF FINANCIAL PLAN AND BUDGET BY AUTHORITY.—Notwithstanding any other provision of this section, not later than September 30th before each fiscal year which is in a control period, the Authority shall—

(1) provide Congress with a notice certifying its approval of the Postmaster General's initial financial plan and budget for the fiscal year under subsection (c)(1);

(2) provide Congress with a notice certifying its approval of the Postmaster General's revised final financial plan and budget for the fiscal year under subsection (e)(2); or

(3) submit to Congress an approved and recommended financial plan and budget of the Authority for the Postal Service for the fiscal year under subsection (e)(3)(A)(iii).

(g) REVISIONS TO FINANCIAL PLAN AND BUDGET.—

(1) PERMITTING POSTMASTER GENERAL TO SUBMIT REVISIONS.—The Postmaster General may submit proposed revisions to the financial plan and budget for a control period to the Authority at any time during the year.

(2) PROCESS FOR REVIEW, APPROVAL, DISAPPROVAL, AND POSTMASTER GENERAL ACTION.—Except as provided in paragraph (3), the procedures described in subsections (b), (c), (d), and (e) shall apply with respect to a proposed revision to a financial plan and budget in the same manner as such procedures apply with respect to the original financial plan and budget.

(3) EXCEPTION FOR REVISIONS NOT AFFECTING SPENDING.—To the extent that a proposed revision to a financial plan and budget adopted by the Postmaster General pursuant to this subsection does not increase the amount of spending with respect to any account of the Postal Service, the revision shall become effective upon the Authority's approval of such revision.

SEC. 223. RESPONSIBILITIES OF THE AUTHORITY.

(a) IN GENERAL.—The Authority shall direct the exercise of the powers of the Postal Service, including—

(1) determining its overall strategies (both long-term and short-term);

(2) determining its organizational structure, particularly for senior management at the level of vice president and higher;

(3) hiring, monitoring, compensating, and, when necessary, replacing senior management at the level of vice president and higher, as well as ensuring adequate succession planning for these positions;

(4) approving major policies, particularly those that have an important effect on the Postal Service's financial position and the provision of universal postal service;

(5) approving corporate budgets, financial and capital plans, operational and service performance standards and targets, human resources strategies, collective bargaining strategies, negotiation parameters, and collective bargaining agreements, and the compensation structure for nonbargaining employees;

(6) approving substantial capital projects and any substantial disposition of capital assets, such as surplus property;

(7) approving changes in rates and classifications, new products and services, policy regarding other substantial matters before the Postal Regulatory Commission, and any appeals of its decisions or orders to the Federal courts;

(8) approving the Postal Service Annual Report, Annual Comprehensive Statement, and strategic plans, performance plans, and performance program reports under chapter 28 of title 39, United States Code;

(9) formulating and communicating organizational policy and positions on legislative and other public policy matters to Congress and the public;

(10) ensuring organizational responsiveness to oversight by Congress, the Postal Regulatory Commission, the Treasury of the United States, and other audit entities;

(11) ensuring adequate internal controls and selecting, monitoring, and compensating an independent public accounting firm to conduct an annual audit of the Postal Service; and

(12) carrying out any responsibility, not otherwise listed in this subsection, that was the responsibility of the Board of Governors at any time during the 5-year period ending on the date of the enactment of this Act.

(b) REVIEW OF POSTAL SERVICE PROPOSALS.—

(1) SUBMISSION OF POSTAL SERVICE PROPOSALS TO THE AUTHORITY.—During a control period, the Postmaster General shall submit to the Authority any proposal that has a substantial effect on any item listed in subsection (a).

(2) PROMPT REVIEW BY AUTHORITY.—Upon receipt of a proposal from the Postmaster General under paragraph (1), the Authority shall promptly review the proposal to determine whether it is consistent with the applicable financial plan and budget approved under this title.

(3) ACTIONS BY AUTHORITY.—

(A) APPROVAL.—If the Authority determines that a proposal is consistent with the applicable financial plan and budget, the Authority shall notify the Postmaster General that it approves the proposal.

(B) FINDING OF INCONSISTENCY.—If the Authority determines that a proposal is significantly inconsistent with the applicable financial plan and budget, the Authority shall—

(i) notify the Postmaster General of its finding;

(ii) provide the Postmaster General with an explanation of the reasons for its finding; and

(iii) to the extent the Authority considers appropriate, provide the Postmaster General with recommendations for modifications to the proposal.

(4) DEEMED APPROVAL.—If the Authority does not notify the Postmaster General that it approves or disapproves a proposal submitted under this subsection during the 7-day period which begins on the date the Postmaster General submits the proposal to the Authority, the Authority shall be deemed to have approved the proposal in accordance with paragraph (3)(A). At the option of the Authority, the previous sentence shall be applied as if the reference in such sentence to ''7-day period'' were a reference to ''14-day period'' if, during the 7-day period referred to in the preceding sentence, the Authority so notifies the Postmaster General.

(c) EFFECT OF APPROVED FINANCIAL PLAN AND BUDGET ON CONTRACTS AND LEASES.—

(1) MANDATORY PRIOR APPROVAL FOR CERTAIN CONTRACTS AND LEASES.—

(A) IN GENERAL.—In the case of a contract or lease described in subparagraph (B) which is proposed to be entered into, renewed, modified, or extended by the Postal Service during a control period, the Postmaster General (or the appropriate officer or agent of the Postal Service) shall submit the proposed contract or lease to the Authority. The Authority shall review each contract or lease submitted under this subparagraph, and the Postmaster General (or the appropriate officer or agent of the Postal Service) may not enter into the contract or lease unless the Authority determines that the proposed contract or lease is consistent with the financial plan and budget for the fiscal year.

(B) CONTRACTS AND LEASES DESCRIBED.—A contract or lease described in this subparagraph is—

(i) a labor contract entered into through collective bargaining; or

(ii) such other type of contract or lease as the Authority may specify for purposes of this subparagraph.

(2) AUTHORITY TO REVIEW OTHER CONTRACTS AFTER EXECUTION.—

(A) IN GENERAL.—In addition to the prior approval of certain contracts and leases, the Postal Service shall submit to the Authority—

(i) any Level-Two Post Career Executive Service employee contract that is in effect during a control period; and

(ii) any collective bargaining agreement entered into by the Postal Service that is in effect during a control period.

Any such contract or agreement shall be submitted to the Authority upon the commencement of a control period and at such other times as the Authority may require.

(B) REVIEW BY AUTHORITY.—The Authority shall review each contract submitted under subparagraph (A) to determine if the contract is consistent with the financial plan and budget for the fiscal year. If the Authority determines that the contract is not consistent with the financial plan and budget, the Authority shall take such actions as are within the Authority's powers to revise the contract.

SEC. 224. EFFECT OF FINDING NONCOMPLIANCE WITH FINANCIAL PLAN AND BUDGET.

(a) SUBMISSION OF REPORTS.—Not later than 30 days after the expiration of each

quarter of each fiscal year beginning in a control period, the Postmaster General shall submit reports to the Authority describing the actual revenues obtained and expenditures made by the Postal Service during the quarter with its cash flows during the quarter, and comparing such actual revenues, expenditures, and cash flows with the most recent projections for these items.

(b) ADDITIONAL INFORMATION.—If the Authority determines, based on reports submitted by the Postmaster General under subsection (a), independent audits, or such other information as the Authority may obtain, that the revenues or expenditures of the Postal Service during a control period are not consistent with the financial plan and budget for the year, the Authority shall require the Postmaster General to provide such additional information as the Authority determines to be necessary to explain the inconsistency.

(c) CERTIFICATION OF VARIANCE.—

(1) IN GENERAL.—After requiring the Postmaster General to provide additional information under subsection (b), the Authority shall certify to the Postmaster General, the President, the Secretary of the Treasury, and Congress that the Postal Service is at variance with the financial plan and budget unless—

(A) the additional information provides an explanation for the inconsistency which the Authority finds reasonable and appropriate; or

(B)(i) the Postal Service adopts or implements remedial action (including revising the financial plan and budget pursuant to section 222(g)) to correct the inconsistency which the Authority finds reasonable and appropriate, taking into account the terms of the financial plan and budget; and

(ii) the Postmaster General agrees to submit the reports described in subsection (a) on a monthly basis for such period as the Authority may require.

(2) SPECIAL RULE FOR INCONSISTENCIES ATTRIBUTABLE TO ACTS OF CONGRESS.—

(A) DETERMINATION BY AUTHORITY.—If the Authority determines that the revenues or expenditures of the Postal Service during a control period are not consistent with the financial plan and budget for the year as approved by the Authority under section 222 as a result of the terms and conditions of any law enacted by Congress which affects the Postal Service, the Authority shall so notify the Postmaster General.

(B) CERTIFICATION.—In the case of an inconsistency described in subparagraph (A), the Authority shall certify to the Postmaster General, the President, the Secretary of the Treasury, and Congress that the Postal Service is at variance with the financial plan and budget unless the Postal Service adopts or implements remedial action (including revising the financial plan and budget pursuant to section 202(e)) to correct the inconsistency which the Authority finds reasonable and appropriate, taking into account the terms of the financial plan and budget.

(d) EFFECT OF CERTIFICATION.—If the Authority certifies to the Secretary of the Treasury that a variance exists, the Authority or the Secretary may withhold access by the Postal Service to additional supplementary debt authorized by this title.

SEC. 225. RECOMMENDATIONS REGARDING FINANCIAL STABILITY, ETC.

(a) IN GENERAL.—The Authority may at any time submit recommendations to the Postmaster General, the President, and Congress on actions the Postal Service or any other entity of the Federal Government should take to ensure compliance by the Postal Service with a financial plan and budget or to otherwise promote the financial stability, management responsibility, and service delivery efficiency of the Postal Service, including recommendations relating to—

(1) the management of the Postal Service's financial affairs, including cash forecasting, information technology, placing controls on expenditures for personnel, reducing benefit costs, reforming procurement practices, and placing other controls on expenditures;

(2) the relationship between the Postal Service and other entities of the Federal Government;

(3) the structural relationship of subdivisions within the Postal Service;

(4) the modification of existing revenue structures, or the establishment of additional revenue structures;

(5) the establishment of alternatives for meeting obligations to pay for the pensions and retirement benefits of current and future Postal Service retirees;

(6) modifications of services which are the responsibility of and are delivered by the Postal Service;

(7) modifications of the types of services which are delivered by entities other than the Postal Service under alternative service delivery mechanisms;

(8) the effects of Federal Government laws and court orders on the operations of the Postal Service;

(9) the increased use of a personnel system for employees of the Postal Service which is based upon employee performance standards; and

(10) the improvement of personnel training and proficiency, the adjustment of staffing levels, and the improvement of training and performance of management and supervisory personnel.

(b) RESPONSE TO RECOMMENDATIONS FOR ACTIONS WITHIN AUTHORITY OF POSTAL SERVICE.—

(1) IN GENERAL.—In the case of any recommendations submitted under subsection (a) during a control period which are within the authority of the Postal Service to adopt, not later than 90 days after receiving the recommendations, the Postmaster General shall submit a statement to the Authority, the President, and Congress which provides notice as to whether the Postal Service will adopt the recommendations.

(2) IMPLEMENTATION PLAN REQUIRED FOR ADOPTED RECOMMENDATIONS.—If the Postmaster General notifies the Authority and Congress under paragraph (1) that the Postal Service will adopt any of the recommendations submitted under subsection (a), the Postmaster General shall include in the statement a written plan to implement the recommendation which includes—

(A) specific performance measures to determine the extent to which the Postal Service has adopted the recommendation; and

(B) a schedule for auditing the Postal Service's compliance with the plan.

(3) EXPLANATIONS REQUIRED FOR RECOMMENDATIONS NOT ADOPTED.—If the Postmaster General notifies the Authority, the President, and Congress under paragraph (1) that the Postal Service will not adopt any recommendation submitted under subsection (a) which the Postal Service has authority to adopt, the Postmaster General shall include in the statement explanations for the rejection of the recommendations.

(c) IMPLEMENTATION OF REJECTED RECOMMENDATIONS BY AUTHORITY.—

(1) IN GENERAL.—If the Postmaster General notifies the Authority, the President, and Congress under subsection (b)(1) that the Postal Service will not adopt any recommendation submitted under subsection (a) which the Postal Service has authority to adopt, the Authority may by a majority vote of its members take such action concerning the recommendation as it deems appropriate, after consulting with the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

(2) EFFECTIVE DATE.—This subsection shall apply with respect to recommendations of the Authority made after the expiration of the 6-month period which begins on the date of the commencement of a control period.

SEC. 226. SPECIAL RULES FOR FISCAL YEAR IN WHICH CONTROL PERIOD COMMENCES.

(a) ADOPTION OF TRANSITION BUDGET.—Notwithstanding any provision of section 222 to the contrary, in the case of a fiscal year in which a control period commences, the following rules shall apply:

(1) Not later than 45 days after the appointment of its members, the Authority shall review the proposed Integrated Financial Plan for the Postal Service for such fiscal year and shall submit any recommendations for modifications to such plan to promote the financial stability of the Postal Service to the Postmaster General, the President, and Congress.

(2) Not later than 15 days after receiving the recommendations of the Authority submitted under paragraph (1), the Postmaster General shall promptly adopt a revised budget for the fiscal year (in this section referred to as the ''transition budget''), and shall submit the transition budget to the Authority, the President, and Congress.

(3) Not later than 15 days after receiving the transition budget from the Postmaster General under paragraph (2), the Authority shall submit a report to the Postmaster General, the President, and Congress analyzing the budget (taking into account any items or provisions disapproved by the Postmaster General) and shall include in the report such recommendations for revisions to the transition budget as the Authority considers appropriate to promote the financial stability of the Postal Service during the fiscal year.

(b) FINANCIAL PLAN AND BUDGET.—

(1) DEADLINE FOR SUBMISSION.—For purposes of section 222, the Postmaster General shall submit the financial plan and budget for the applicable fiscal year as soon as practicable after the commencement of a control period (in accordance with guidelines established by the Authority).

(2) ADOPTION BY POSTMASTER GENERAL.—In accordance with the procedures applicable under section 222 (including procedures providing for review by the Authority) the Postmaster General shall adopt the financial plan and budget for the applicable fiscal year (including the transition budget incorporated in the financial plan and budget).

(3) TRANSITION BUDGET AS TEMPORARY FINANCIAL PLAN AND BUDGET.—Until the approval of the financial plan and budget for the applicable fiscal year by the Authority under this subsection, the transition budget established under subsection (a) shall serve as the financial plan and budget adopted under this subtitle for purposes of this Act (and any provision of law amended by this Act) for the applicable fiscal year.

SEC. 227. ASSISTANCE IN ACHIEVING FINANCIAL STABILITY, ETC.

In addition to any other actions described in this title, the Authority may undertake cooperative efforts to assist the Postal Service in achieving financial stability and management efficiency, including—

(1) assisting the Postal Service in avoiding defaults, eliminating and liquidating deficits, maintaining sound budgetary practices, and avoiding interruptions in the delivery of services;

(2) assisting the Postal Service in improving the delivery of services, the training and

effectiveness of personnel of the Postal Service, and the efficiency of management and supervision; and

(3) making recommendations to the President for transmission to Congress on changes to this Act or other Federal laws, or other actions of the Federal Government, which would assist the Postal Service in complying with an approved financial plan and budget under subtitle B.

SEC. 228. OBTAINING REPORTS.

The Authority may require the Postmaster General, the Chief Financial Officer of the Postal Service, and the Inspector General of the Postal Service, to prepare and submit such reports as the Authority considers appropriate to assist it in carrying out its responsibilities under this title, including submitting copies of any reports regarding revenues, expenditures, budgets, costs, plans, operations, estimates, and other financial or budgetary matters of the Postal Service.

SEC. 229. REPORTS AND COMMENTS.

(a) ANNUAL REPORTS TO CONGRESS.—Not later than 30 days after the last day of each fiscal year which is a control year, the Authority shall submit a report to Congress describing—

(1) the progress made by the Postal Service in meeting the objectives of this title during the fiscal year;

(2) the assistance provided by the Authority to the Postal Service in meeting the purposes of this title for the fiscal year; and

(3) any other activities of the Authority during the fiscal year.

(b) REVIEW AND ANALYSIS OF PERFORMANCE AND FINANCIAL ACCOUNTABILITY REPORTS.—The Authority shall review each yearly report prepared and submitted by the Postmaster General to the Postal Regulatory Commission and Congress and shall submit a report to Congress analyzing the completeness and accuracy of such reports.

(c) COMMENTS REGARDING ACTIVITIES OF POSTAL SERVICE.—At any time during a control period, the Authority may submit a report to Congress describing any action taken by the Postal Service (or any failure to act by the Postal Service) which the Authority determines will adversely affect the Postal Service's ability to comply with an approved financial plan and budget under subtitle B or will otherwise have a significant adverse impact on the best interests of the Postal Service.

(d) REPORTS ON EFFECT OF FEDERAL LAWS ON THE POSTAL SERVICE.—At any time during any year, the Authority may submit a report to the Postmaster General, the President, and Congress on the effect of laws enacted by Congress on the financial plan and budget for the year and on the financial stability and management efficiency of the Postal Service in general.

(e) MAKING REPORTS PUBLICLY AVAILABLE.—The Authority shall make any report submitted under this section available to the public, except to the extent that the Authority determines that the report contains confidential material.

Subtitle D—Termination of a Control Period

SEC. 231. TERMINATION OF CONTROL PERIOD, ETC.

(a) IN GENERAL.—After the completion of the requirements for the termination of a control period described in section 202(b)(4), the Authority shall submit a recommendation to Congress requesting the termination of such control period, the dissolution of the Authority, and the reinstatement to the Board of Governors (and the individual Governors) of the Postal Service of the authorities and responsibilities referred to in section 202(b)(2)(A).

(b) CONGRESSIONAL APPROVAL.—

(1) IN GENERAL.—A control period shall not be terminated unless a joint resolution approving of the recommendation in subsection (a) is enacted, in accordance with section 232, before the earlier of—

(A) the end of the 30-day period beginning on the date on which the Authority transmits the recommendation to Congress under subsection (a); or

(B) the adjournment of the Congress sine die for the session during which such recommendation is transmitted.

(2) DAYS OF SESSION.—For purposes of paragraph (1) and subsections (a) and (c) of section 232, the days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain shall be excluded in the computation of a period.

SEC. 232. CONGRESSIONAL CONSIDERATION OF RECOMMENDATION.

(a) TERMS OF THE RESOLUTION.—For purposes of this subtitle, the term ''joint resolution'' means only a joint resolution which is introduced within the 10-day period beginning on the date on which the recommendation referred to in section 231(a) is received by Congress—

(1) the matter after the resolving clause of which is as follows: ''That Congress approves the recommendation of the Postal Service Financial Responsibility and Management Assistance Authority, submitted by such Authority on ____.'', the blank space being filled in with the appropriate date;

(2) the title of which is as follows: ''Joint resolution approving the recommendation of Postal Service Financial Responsibility and Management Assistance Authority.''; and

(3) which does not have a preamble.

(b) REFERRAL.—A resolution described in subsection (a) that is introduced in the House of Representatives or the Senate shall be referred to the appropriate committees of the House of Representatives or the Senate, respectively.

(c) DISCHARGE.—If the committee to which a resolution described in subsection (a) is referred has not reported such resolution (or an identical resolution) by the end of the 20-day period beginning on the date on which the Authority transmits its recommendation to Congress under section 231(a) such committee shall, at the end of such period, be discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calendar of the House involved.

(d) CONSIDERATION.—

(1) IN GENERAL.—On or after the third day after the date on which the committee to which such a resolution is referred has reported, or has been discharged (under subsection (c)) from further consideration of, such a resolution, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution. A Member may make the motion only on the day after the calendar day on which the Member announces to the House concerned the Member's intention to make the motion, except that, in the case of the House of Representatives, the motion may be made without such prior announcement if the motion is made by direction of the committee to which the resolution was referred. All points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the respective House shall immediately proceed to consideration of the joint resolution without intervening motion, order, or other business, and the resolution shall remain the unfinished business of the respective House until disposed of.

(2) DEBATE.—Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution is not in order. A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(3) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on a resolution described in subsection (a) and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(4) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in subsection (a) shall be decided without debate.

(e) CONSIDERATION BY OTHER HOUSE.—

(1) IN GENERAL.—If, before the passage by one House of a resolution of that House described in subsection (a), that House receives from the other House a resolution described in subsection (a), then the following procedures shall apply:

(A) The resolution of the other House shall not be referred to a committee and may not be considered in the House receiving it except in the case of final passage as provided in subparagraph (B)(ii).

(B) With respect to a resolution described in subsection (a) of the House receiving the resolution—

(i) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(ii) the vote on final passage shall be on the resolution of the other House.

(2) DISPOSITION OF A RESOLUTION.—Upon disposition of the resolution received from the other House, it shall no longer be in order to consider the resolution that originated in the receiving House.

(f) RULES OF THE SENATE AND HOUSE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

TITLE III—POSTAL SERVICE WORKFORCE

SEC. 301. MODIFICATIONS RELATING TO DETERMINATION OF PAY COMPARABILITY.

(a) POSTAL POLICY.—The first sentence of section 101(c) is amended—

(1) by inserting ''total'' before ''rates and types of compensation''; and

(2) by inserting ''entire'' before ''private sector''.

(b) EMPLOYMENT POLICY.—The second sentence of section 1003(a) is amended—

(1) by inserting ''total'' before ''compensation and benefits''; and

(2) by inserting ''entire'' before ''private sector''.

(c) CONSIDERATIONS.—For purposes of the amendments made by this section, any determination of ''total rates and types of compensation'' or ''total compensation and benefits'' shall, at a minimum, take into account pay, health benefits, retirement benefits, life insurance benefits, leave, holidays, and continuity and stability of employment.

SEC. 302. LIMITATION ON POSTAL CONTRIBUTIONS UNDER FEGLI AND FEHBP.

Section 1003 is amended by adding at the end the following:

''(e)(1) At least 1 month before the start of each fiscal year as described in paragraph (2), the Postmaster General shall transmit to the Postal Regulatory Commission certification (together with such supporting documentation as the Postal Regulatory Commission may require) that contributions of the Postal Service for such fiscal year will not exceed—

''(A) in the case of life insurance under chapter 87 of title 5, the Government contributions determined under section 8708 of such title; and

''(B) in the case of health insurance under chapter 89 of title 5, the Government contributions determined under 8906 of such title.

''(2) This subsection applies with respect to—

''(A) except as provided in subparagraph (B), each fiscal year beginning after September 30, 2013; and

''(B) in the case of officers and employees of the Postal Service covered by a collective bargaining agreement which is in effect on the date of the enactment of this subsection—

''(i) each fiscal year beginning after the expiration date of such agreement, including

''(ii) for the fiscal year in which such expiration date occurs, any portion of such fiscal year remaining after such expiration date.

''(3)(A) If, after reasonable notice and opportunity for hearing is afforded to the Postal Service, the Postal Regulatory Commission finds that the contributions of the Postal Service for a fiscal year will exceed or are exceeding the limitation specified in subparagraph (A) or (B) of paragraph (1), the Commission shall order that the Postal Service take such action as the Commission considers necessary to achieve full and immediate compliance with the applicable limitation or limitations.

''(B) Sections 3663 and 3664 shall apply with respect to any order issued by the Postal Regulatory Commission under subparagraph (A).

''(C) Nothing in this paragraph shall be considered to permit the issuance of an order requiring reduction of contributions below the level specified by the provision of law cited in subparagraph (A) or (B) of paragraph (1), as applicable.''.

SEC. 303. REPEAL OF PROVISION RELATING TO OVERALL VALUE OF FRINGE BENEFITS.

The last sentence of section 1005(f) is repealed.

SEC. 304. APPLICABILITY OF REDUCTION-IN-FORCE PROCEDURES.

Section 1206 is amended by adding at the end the following:

''(d) Collective-bargaining agreements between the Postal Service and bargaining representatives recognized under section 1203, ratified after the date of enactment of this subsection, shall contain no provision restricting the applicability of reduction-in-force procedures under title 5 with respect to members of the applicable bargaining unit.

''(e) Any collective-bargaining agreement between the Postal Service and the bargaining representatives recognized under section 1203 ratified before the date of enactment of this Act that contain any provision violating subsection (d) shall be renegotiated with a new collective-bargaining agreement to be ratified or imposed through an arbitration decision under section 1207 within 9 months after such date of enactment.

''(f)(1) If a collective-bargaining agreement between the Postal Service and bargaining representatives recognized under section 1203, ratified after the date of enactment of this subsection, includes reduction-in-force procedures which can be applied in lieu of reduction-in-force procedures under title 5, the Postal Service may, in its discretion, apply with respect to members of the applicable bargaining unit—

''(A) the alternative procedures (or, if 2 or more are agreed to, 1 of the alternative procedures); or

''(B) the reduction-in-force procedures under title 5.

''(2) In no event may, if procedures for the resolution of a dispute or impasse arising in the negotiation of a collective-bargaining agreement (whether through binding arbitration or otherwise) are invoked under this chapter, the award or other resolution reached under such procedures provide for the elimination of, or the substitution of any alternative procedures in lieu of, reduction-in-force procedures under title 5.''.

SEC. 305. MODIFICATIONS RELATING TO COLLECTIVE BARGAINING.

Section 1207 is amended by striking subsections (c) and (d) and inserting the following:

''(c)(1) If no agreement is reached within 30 days after the appointment of a mediator under subsection (b), or if the parties decide upon arbitration before the expiration of the 30-day period, an arbitration board shall be established consisting of 1 member selected by the Postal Service (from the list under paragraph (2)), 1 member selected by the bargaining representative of the employees (from the list under paragraph (2)), and the mediator appointed under subsection (b).

''(2) Upon receiving a request from either of the parties referred to in paragraph (1), the Director of the Federal Mediation and Conciliation Service shall provide a list of not less than 9 individuals who are well qualified to serve as neutral arbitrators. Each person listed shall be an arbitrator of nationwide reputation and professional nature, a member of the National Academy of Arbitrators, and an individual whom the Director has determined to be willing and available to serve. If, within 7 days after the list is provided, either of the parties has not selected an individual from the list, the Director shall make the selection within 3 days.

''(3) The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims, and an opportunity to present their case in person, by counsel, or by other representative as they may elect. The hearing shall be concluded no more than 40 days after the arbitration board is established.

''(4) No more than 7 days after the hearing is concluded, each party shall submit to the arbitration board 2 offer packages, each of which packages shall specify the terms of a proposed final agreement.

''(5) If no agreement is reached within 7 days after the last day date for the submission of an offer package under paragraph (4), each party shall submit to the arbitration board a single final offer package specifying the terms of a proposed final agreement.

''(6) No later than 3 days after the submission of the final offer packages under paragraph (5), the arbitration board shall select 1 of those packages as its tentative award, subject to paragraph (7).

''(7)(A) The arbitration board may not select a final offer package under paragraph (6) unless it satisfies each of the following:

''(i) The offer complies with the requirements of sections 101(c) and 1003(a).

''(ii) The offer takes into account the current financial condition of the Postal Service.

''(iii) The offer takes into account the long-term financial condition of the Postal Service.

''(B)(i) If the board unanimously determines, based on clear and convincing evidence presented during the hearing under paragraph (3), that neither final offer package satisfies the conditions set forth in subparagraph (A), the board shall by majority vote—

''(I) select the package that best meets such conditions; and

''(II) modify the package so selected to the minimum extent necessary to satisfy such conditions.

''(ii) If modification (as described in subparagraph (B)(i)(II)) is necessary, the board shall have an additional 7 days to render its tentative award under this subparagraph.

''(8) The parties may negotiate a substitute award to replace the tentative award selected under paragraph (6) or rendered under paragraph (7) (as the case may be). If no agreement on a substitute award is reached within 10 days after the date on which the tentative award is so selected or rendered, the tentative award shall become final.

''(9) The arbitration board shall review any substitute award negotiated under paragraph (8) to determine if it satisfies the conditions set forth in paragraph (7)(A). If the arbitration board, by a unanimous vote taken within 3 days after the date on which the agreement on the substitute award is reached under paragraph (8), determines that the substitute award does not satisfy such conditions, the tentative award shall become final. In the absence of a vote, as described in the preceding sentence, the substitute agreement shall become final.

''(10) If, under paragraph (5), neither party submits a final offer package by the last day allowable under such paragraph, the arbitration board shall develop and issue a final award no later than 20 days after such last day.

''(11) A final award or agreement under this subsection shall be conclusive and binding upon the parties.

''(12) Costs of the arbitration board and mediation shall be shared equally by the Postal Service and the bargaining representative.

''(d) In the case of a bargaining unit whose recognized collective-bargaining representative does not have an agreement with the Postal Service, if the parties fail to reach agreement within 90 days after the commencement of collective bargaining, a mediator shall be appointed in accordance with the provisions of subsection (b), unless the parties have previously agreed to another procedure for a binding resolution of their differences. If the parties fail to reach agreement within 180 days after the commencement of collective bargaining, an arbitration board shall be established to provide conclusive and binding arbitration in accordance with the provisions of subsection (c).''.

TITLE IV—FEDERAL EMPLOYEE'S COMPENSATION ACT

SEC. 401. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This title may be cited as the ''Workers' Compensation Reform Act of 2012''.

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this title an

amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 5, United States Code.

SEC. 402. FEDERAL WORKERS COMPENSATION REFORMS FOR RETIREMENT-AGE EMPLOYEES.

(a) CONVERSION OF ENTITLEMENT AT RETIREMENT AGE.—

(1) DEFINITIONS.—Section 8101 is amended

(A) in paragraph (18), by striking ''and'' at the end;

(B) in paragraph (19), by striking ''and'' at the end;

(C) in paragraph (20), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(21) 'retirement age' has the meaning given that term under section 216(l)(1) of the Social Security Act (42 U.S.C. 416(l)(1));

''(22) 'covered claim for total disability' means a claim for a period of total disability that commenced before the date of enactment of the Workers' Compensation Reform Act of 2012;

''(23) 'covered claim for partial disability' means a claim for a period of partial disability that commenced before the date of enactment of the Workers' Compensation Reform Act of 2012; and

''(24) 'individual who has an exempt disability condition' means an individual—

''(A) who—

''(i) is eligible to receive continuous periodic compensation for total disability under section 8105 on the date of enactment of the Workers' Compensation Reform Act of 2012; and

''(ii) meets the criteria under 8105(c);

''(B) who, on the date of enactment of the Workers' Compensation Reform Act of 2012—

''(i) is eligible to receive continuous periodic compensation for total disability under section 8105; and

''(ii) has sustained a currently irreversible severe mental or physical disability for which the Secretary of Labor has authorized, for at least the 1 year period ending on the date of enactment of the Workers' Compensation Reform Act of 2012, constant in-home care or custodial care, such as in placement in a nursing home; or

''(C) who is eligible to receive continuous periodic compensation for total disability under section 8105—

''(i) for not less than the 3-year period ending on the date of enactment of the Workers' Compensation Reform Act of 2012; or

''(ii) if the individual became eligible to receive continuous periodic compensation for total disability under section 8105 during the period beginning on the date that is 3 years before the date of enactment of the Workers' Compensation Reform Act of 2012 and ending on such date of enactment, for not less than the 3-year period beginning on the date on which the individual became eligible.''.

(2) TOTAL DISABILITY.—Section 8105 is amended—

(A) in subsection (a), by striking ''If'' and inserting ''IN GENERAL.—Subject to subsection (b), if'';

(B) by redesignating subsection (b) as subsection (c); and

(C) by inserting after subsection (a) the following:

''(b) CONVERSION OF ENTITLEMENT AT RETIREMENT AGE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the basic compensation for total disability for an employee who has attained retirement age shall be 50 percent of the monthly pay of the employee.

''(2) EXCEPTIONS.—

''(A) COVERED RECIPIENTS WHO ARE RETIREMENT AGE OR HAVE AN EXEMPT DISABILITY CONDITION.—Paragraph (1) shall not apply to a covered claim for total disability by an employee if the employee—

''(i) on the date of enactment of the Workers' Compensation Reform Act of 2012, has attained retirement age; or

''(ii) is an individual who has an exempt disability condition.

''(B) TRANSITION PERIOD FOR CERTAIN EMPLOYEES.—For a covered claim for total disability by an employee who is not an employee described in subparagraph (A), the employee shall receive the basic compensation for total disability provided under subsection (a) until the later of—

''(i) the date on which the employee attains retirement age; and

''(ii) the date that is 3 years after the date of enactment of the Workers' Compensation Reform Act of 2012.''.

(3) PARTIAL DISABILITY.—Section 8106 is amended—

(A) in subsection (a), by striking ''If'' and inserting ''IN GENERAL.—Subject to subsection (b), if'';

(B) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(C) by inserting after subsection (a) the following:

''(b) CONVERSION OF ENTITLEMENT AT RETIREMENT AGE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the basic compensation for partial disability for an employee who has attained retirement age shall be 50 percent of the difference between the monthly pay of the employee and the monthly wage-earning capacity of the employee after the beginning of the partial disability.

''(2) EXCEPTIONS.—

''(A) COVERED RECIPIENTS WHO ARE RETIREMENT AGE.—Paragraph (1) shall not apply to a covered claim for partial disability by an employee if, on the date of enactment of the Workers' Compensation Reform Act of 2012, the employee has attained retirement age.

''(B) TRANSITION PERIOD FOR CERTAIN EMPLOYEES.—For a covered claim for partial disability by an employee who is not an employee described in subparagraph (A), the employee shall receive basic compensation for partial disability in accordance with subsection (a) until the later of—

''(i) the date on which the employee attains retirement age; and

''(ii) the date that is 3 years after the date of enactment of the Workers' Compensation Reform Act of 2012.''.

SEC. 403. AUGMENTED COMPENSATION FOR DEPENDENTS.

(a) IN GENERAL.—Section 8110 is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

''(b) TERMINATION OF AUGMENTED COMPENSATION.—

''(1) IN GENERAL.—Subject to paragraph (2), augmented compensation for dependants under subsection (c) shall not be provided.

''(2) EXCEPTIONS.—

''(A) TOTAL DISABILITY.—For a covered claim for total disability by an employee—

''(i) the employee shall receive augmented compensation under subsection (c) if the employee is an individual who has an exempt disability condition; and

''(ii) the employee shall receive augmented compensation under subsection (c) until the date that is 3 years after the date of enactment of the Workers' Compensation Reform Act of 2012 if the employee is not an employee described in clause (i).

''(B) PARTIAL DISABILITY.—For a covered claim for partial disability by an employee, the employee shall receive augmented compensation under subsection (c) until the date that is 3 years after the date of enactment of the Workers' Compensation Reform Act of 2012.

''(C) PERMANENT DISABILITY COMPENSATED BY A SCHEDULE.—For a claim for a permanent disability described in section 8107(a) by an employee that commenced before the date of enactment of the Workers' Compensation Reform Act of 2012, the employee shall receive augmented compensation under subsection (c).''.

(b) MAXIMUM AND MINIMUM MONTHLY PAYMENTS.—Section 8112 is amended—

(1) in subsection (a)—

(A) by inserting ''subsections (b) and (c) and'' before ''section 8138'';

(B) by striking ''including augmented compensation under section 8110 of this title but''; and

(C) by striking ''75 percent'' each place it appears and inserting ''66 ⅔ percent'';

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following:

''(b) EXCEPTIONS.—

''(1) COVERED DISABILITY CONDITION.—For a covered claim for total disability by an employee, if the employee is an individual who has an exempt disability condition—

''(A) the monthly rate of compensation for disability that is subject to the maximum and minimum monthly amounts under subsection (a) shall include any augmented compensation under section 8110; and

''(B) subsection (a) shall be applied by substituting '75 percent' for '66 ⅔ percent' each place it appears.

''(2) PARTIAL DISABILITY.—For a covered claim for partial disability by an employee, until the date that is 3 years after the date of enactment of the Workers' Compensation Reform Act of 2012—

''(A) the monthly rate of compensation for disability that is subject to the maximum and minimum monthly amounts under subsection (a) shall include any augmented compensation under section 8110; and

''(B) subsection (a) shall be applied by substituting '75 percent' for '66 ⅔ percent' each place it appears.''; and

(4) in subsection (c), as redesignated by paragraph (2), by striking ''subsection (a)'' and inserting ''subsections (a) and (b)''.

(c) DEATH BENEFITS GENERALLY.—Section 8133 is amended—

(1) in subsections (a) and (e), by striking ''75 percent'' each place it appears and inserting ''66 ⅔ percent (except as provided in subsection (g))''; and

(2) by adding at the end the following:

''(g) If the death occurred before the date of enactment of the Workers' Compensation Reform Act of 2012, subsections (a) and (e) shall be applied by substituting '75 percent' for '66 ⅔ percent' each place it appears.''.

(d) DEATH BENEFITS FOR CIVIL AIR PATROL VOLUNTEERS.—Section 8141 is amended—

(1) in subsection (b)(2)(B) by striking ''75 percent'' and inserting ''66 ⅔ percent (except as provided in subsection (c))'';

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

''(c) If the death occurred before the date of enactment of the Workers' Compensation Reform Act of 2012, subsection (b)(2)(B) shall be applied by substituting '75 percent' for '66 ⅔ percent'.''.

SEC. 404. SCHEDULE COMPENSATION PAYMENTS.

Section 8107 is amended—

(1) in subsection (a), by striking ''at the rate of 66 2/3 percent of his monthly pay'' and inserting ''at the rate specified under subsection (d)''; and

(2) by adding at the end the following:

''(d) RATE FOR COMPENSATION.—

''(1) ANNUAL SALARY.—

''(A) IN GENERAL.—Except as provided in paragraph (2), the rate under subsection (a) shall be the rate of 66 ⅔ percent of the annual salary level established under subparagraph (B), in a lump sum equal to the present value (as calculated under subparagraph (C)) of the amount of compensation payable under the schedule.

''(B) ESTABLISHMENT.—

''(i) IN GENERAL.—The Secretary of Labor shall establish an annual salary for purposes of subparagraph (A) in the amount the Secretary determines will result in the aggregate cost of payments made under this section being equal to what would have been the aggregate cost of payments under this section if the amendments made by section 304(a) of the Workers' Compensation Reform Act of 2012 had not been enacted.

''(ii) COST OF LIVING ADJUSTMENT.—The annual salary established under clause (i) shall be increased on March 1 of each year by the amount determined by the Secretary of Labor to represent the percent change in the price index published for December of the preceding year over the price index published for the December of the year prior to the preceding year, adjusted to the nearest one-tenth of 1 percent.

''(C) PRESENT VALUE.—The Secretary of Labor shall calculate the present value for purposes of subparagraph (A) using a rate of interest equal to the average market yield for outstanding marketable obligations of the United States with a maturity of 2 years on the first business day of the month in which the compensation is paid or, in the event that such marketable obligations are not being issued on such date, at an equivalent rate selected by the Secretary of Labor, true discount compounded annually.

''(2) CERTAIN INJURIES.—For an injury that occurred before the date of enactment of the Workers' Compensation Reform Act of 2012, the rate under subsection (a) shall be 66 ⅔ percent of the employee's monthly pay.

''(e) SIMULTANEOUS RECEIPT.—

''(1) TOTAL DISABILITY.—An employee who receives compensation for total disability under section 8105 may only receive the lump sum of schedule compensation under this section in addition to and simultaneously with the benefits for total disability after the later of—

''(A) the date on which the basic compensation for total disability of the employee becomes 50 percent of the monthly pay of the employee under section 8105(b); or

''(B) the date on which augmented compensation of the employee terminates under section 8110(b)(2)(A)(ii), if the employee receives such compensation.

''(2) PARTIAL DISABILITY.—An employee who receives benefits for partial disability under section 8106 may only receive the lump sum of schedule compensation under this section in addition to and simultaneously with the benefits for partial disability after the later of—

''(A) the date on which the basic compensation for partial disability of the employee becomes 50 percent of the difference between the monthly pay of the employee and the monthly wage-earning capacity of the employee after the beginning of the partial disability under section 8106(b); or

''(B) the date on which augmented compensation of the employee terminates under section 8110(b)(2)(B), if the employee receives such compensation.''.

SEC. 405. VOCATIONAL REHABILITATION.

(a) IN GENERAL.—Section 8104 is amended—

(1) in subsection (a)—

(A) by striking ''(a) The Secretary of Labor may'' and all that follows through ''undergo vocational rehabilitation.'' and inserting the following:

''(a) IN GENERAL.—

''(1) DIRECTION.—Except as provided in paragraph (2), not earlier than the date that is 6 months after the date on which an individual eligible for wage-loss compensation under section 8105 or 8106 is injured, or by such other date as the Secretary of Labor determines it would be reasonable under the circumstances for the individual to begin vocational rehabilitation, and if vocational rehabilitation may enable the individual to become capable of more gainful employment, the Secretary of Labor shall direct the individual to participate in developing a comprehensive return to work plan and to undergo vocational rehabilitation at a location a reasonable distance from the residence of the individual.'';

(B) by striking ''the Secretary of Health, Education, and Welfare in carrying out the purposes of chapter 4 of title 29'' and inserting ''the Secretary of Education in carrying out the purposes of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.)'';

(C) by striking ''under section 32(b)(1) of title 29'' and inserting ''under section 5 of the Rehabilitation Act of 1973 (29 U.S.C. 704)''; and

(D) by adding at the end the following:

''(2) EXCEPTION.—The Secretary of Labor may not direct an individual who has attained retirement age to participate in developing a comprehensive return to work plan or to undergo vocational rehabilitation.'';

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following:

''(b) CONTENTS OF RETURN TO WORK PLAN.—A return to work plan developed under subsection (a)—

''(1) shall—

''(A) set forth specific measures designed to increase the wage-earning capacity of an individual;

''(B) take into account the prior training and education of the individual and the training, educational, and employment opportunities reasonably available to the individual; and

''(C) provide that any employment undertaken by the individual under the return to work plan be at a location a reasonable distance from the residence of the individual;

''(2) may provide that the Secretary will pay out of amounts in the Employees' Compensation Fund reasonable expenses of vocational rehabilitation (which may include tuition, books, training fees, supplies, equipment, and child or dependent care) during the course of the plan; and

''(3) may not be for a period of more than 2 years, unless the Secretary finds good cause to grant an extension, which may be for not more than 2 years.'';

(4) in subsection (c), as so redesignated—

(A) by inserting ''COMPENSATION.—'' before ''Notwithstanding''; and

(B) by striking '', other than employment undertaken pursuant to such rehabilitation''; and

(5) by adding at the end the following:

''(d) ASSISTED REEMPLOYMENT AGREEMENTS.—

''(1) IN GENERAL.—The Secretary may enter into an assisted reemployment agreement with an agency or instrumentality of any branch of the Federal Government or a State or local government or a private employer that employs an individual eligible for wage-loss compensation under section 8105 or 8106 to enable the individual to return to productive employment.

''(2) CONTENTS.—An assisted reemployment agreement under paragraph (1)—

''(A) may provide that the Secretary will use amounts in the Employees' Compensation Fund to reimburse an employer in an amount equal to not more than 100 percent of the compensation the individual would otherwise receive under section 8105 or 8106; and

''(B) may not be for a period of more than 3 years.

''(e) LIST.—To facilitate the hiring of individuals eligible for wage-loss compensation under section 8105 or 8106, the Secretary shall provide a list of such individuals to the Office of Personnel Management, which the Office of Personnel Management shall provide to all agencies and instrumentalities of the Federal Government.''.

(b) TERMINATION OF VOCATIONAL REHABILITATION REQUIREMENT AFTER RETIREMENT AGE.—Section 8113(b) is amended by adding at the end the following: ''An individual who has attained retirement age may not be required to undergo vocational rehabilitation.''.

(c) MANDATORY BENEFIT REDUCTION FOR NONCOMPLIANCE.—Section 8113(b) is amended by striking ''may reduce'' and inserting ''shall reduce''.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Subchapter III of chapter 15 of title 31, United States Code, is amended by adding at the end the following:

''§ 1538. Authorization for assisted reemployment

''Funds may be transferred from the Employees' Compensation Fund established under section 8147 of title 5 to the applicable appropriations account for an agency or instrumentality of any branch of the Federal Government for the purposes of reimbursing the agency or instrumentality in accordance with an assisted reemployment agreement entered into under section 8104 of title 5.''.

(2) TABLE OF SECTIONS.—The table of sections for chapter 15 of title 31, United States Code, is amended by inserting after the item relating to section 1537 the following:

''1538. Authorization for assisted reemployment.''.

SEC. 406. REPORTING REQUIREMENTS.

(a) IN GENERAL.—Chapter 81 is amended by inserting after section 8106 the following:

''§ 8106a. Reporting requirements

''(a) DEFINITION.—In this section, the term 'employee receiving compensation' means an employee who—

''(1) is paid compensation under section 8105 or 8106; and

''(2) has not attained retirement age.

''(b) AUTHORITY.—The Secretary of Labor shall require an employee receiving compensation to report the earnings of the employee receiving compensation from employment or self-employment, by affidavit or otherwise, in the manner and at the times the Secretary specifies.

''(c) CONTENTS.—An employee receiving compensation shall include in a report required under subsection (a) the value of housing, board, lodging, and other advantages which are part of the earnings of the employee receiving compensation in employment or self-employment and the value of which can be estimated.

''(d) FAILURE TO REPORT AND FALSE REPORTS.—

''(1) IN GENERAL.—An employee receiving compensation who fails to make an affidavit or other report required under subsection (b) or who knowingly omits or understates any part of the earnings of the employee in such an affidavit or other report shall forfeit the right to compensation with respect to any period for which the report was required.

''(2) FORFEITED COMPENSATION.—Compensation forfeited under this subsection, if already paid to the employee receiving compensation, shall be recovered by a deduction

from the compensation payable to the employee or otherwise recovered under section 8129, unless recovery is waived under that section.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 81 is amended by inserting after the item relating to section 8106 the following:

''8106a. Reporting requirements.''.

SEC. 407. DISABILITY MANAGEMENT REVIEW; INDEPENDENT MEDICAL EXAMINATIONS.

Section 8123 is amended by adding at the end the following:

''(e) DISABILITY MANAGEMENT REVIEW.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'covered employee' means an employee who is in continuous receipt of compensation for total disability under section 8105 for a period of not less than 6 months; and

''(B) the term 'disability management review process' means the disability management review process established under paragraph (2)(A).

''(2) ESTABLISHMENT.—The Secretary of Labor shall—

''(A) establish a disability management review process for the purpose of certifying and monitoring the disability status and extent of injury of each covered employee; and

''(B) promulgate regulations for the administration of the disability management review process.

''(3) PHYSICAL EXAMINATIONS REQUIRED.—Under the disability management review process, the Secretary of Labor shall periodically require covered employees to submit to physical examinations under subsection (a) by physicians selected by the Secretary. A physician conducting a physical examination of a covered employee shall submit to the Secretary a report regarding the nature and extent of the injury to and disability of the covered employee.

''(4) FREQUENCY.—

''(A) IN GENERAL.—The regulations promulgated under paragraph (2)(B) shall specify the process and criteria for determining when and how frequently a physical examination should be conducted for a covered employee.

''(B) MINIMUM FREQUENCY.—

''(i) INITIAL.—An initial physical examination shall be conducted not more than a brief period after the date on which a covered employee has been in continuous receipt of compensation for total disability under section 8015 for 6 months.

''(ii) SUBSEQUENT EXAMINATIONS.—After the initial physical examination, physical examinations of a covered employee shall be conducted not less than once every 3 years.

''(5) EMPLOYING AGENCY OR INSTRUMENTALITY REQUESTS.—

''(A) IN GENERAL.—The agency or instrumentality employing an employee who has made a claim for compensation for total disability under section 8105 may at any time submit a request for the Secretary of Labor to promptly require the employee to submit to a physical examination under this subsection.

''(B) REQUESTING OFFICER.—A request under subparagraph (A) shall be made on behalf of an agency or instrumentality by—

''(i) the head of the agency or instrumentality;

''(ii) the Chief Human Capital Officer of the agency or instrumentality; or

''(iii) if the agency or instrumentality does not have a Chief Human Capital Officer, an officer with responsibilities similar to those of a Chief Human Capital Officer designated by the head of the agency or instrumentality to make requests under this paragraph.

''(C) INFORMATION.—A request under subparagraph (A) shall be in writing and accompanied by—

''(i) a certification by the officer making the request that the officer has reviewed the relevant material in the employee's file;

''(ii) an explanation of why the officer has determined, based on the materials in the file and other information known to the officer, that requiring a physical examination of the employee under this subsection is necessary; and

''(iii) copies of the materials relating to the employee that are relevant to the officer's determination and request, unless the agency or instrumentality has a reasonable basis for not providing the materials.

''(D) EXAMINATION.—If the Secretary of Labor receives a request under this paragraph before an employee has undergone an initial physical examination under paragraph (4)(B)(i), the Secretary shall promptly require the physical examination of the employee. A physical examination under this subparagraph shall satisfy the requirement under paragraph (4)(B)(i) that an initial physical examination be conducted.

''(E) AFTER INITIAL EXAMINATION.—

''(i) IN GENERAL.—If the Secretary of Labor receives a request under this paragraph after an employee has undergone an initial physical examination under paragraph (4)(B)(i), the Secretary shall—

''(I) review the request and the information, explanation, and other materials submitted with the request; and

''(II) determine whether to require the physical examination of the employee who is the subject of the request.

''(ii) NOT GRANTED.—If the Secretary determines not to grant a request described in clause (i), the Secretary shall promptly notify the officer who made the request and provide an explanation of the reasons why the request was denied.''.

SEC. 408. WAITING PERIOD.

(a) IN GENERAL.—Section 8117 is amended—

(1) in the section heading, by striking ''**Time of accrual of right**'' and inserting ''**Waiting period**'';

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''An employee'' and all that follows through ''is not entitled'' and inserting ''IN GENERAL.—An employee is not entitled to continuation of pay within the meaning of section 8118 for the first 3 days of temporary disability or, if section 8118 does not apply, is not entitled'';

(B) in paragraph (1), by adding ''or'' at the end;

(C) by striking paragraph (2); and

(D) by redesignating paragraph (3) as paragraph (2); and

(3) in subsection (b)—

(A) by striking ''A Postal Service'' the first place it appears and all that follows through ''A Postal Service'' the second place it appears and inserting ''USE OF LEAVE.—An'';

(B) by striking ''that 3-day period'' and inserting ''the first 3 days of temporary disability''; and

(C) by striking ''or is followed by permanent disability''.

(b) CONTINUATION OF PAY.—Section 8118 is amended—

(1) in the section heading, by striking ''**; election to use annual or sick leave**'';

(2) in subsection (b)(1), by striking ''section 8117(b)'' and inserting ''section 8117'';

(3) by striking subsection (c); and

(4) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 81 is amended by striking the items relating to sections 8117 and 8118 and inserting the following:

''8117. Waiting period.

''8118. Continuation of pay.''.

SEC. 409. ELECTION OF BENEFITS.

(a) IN GENERAL.—Section 8116 is amended by adding at the end the following:

''(e) RETIREMENT BENEFITS.—

''(1) IN GENERAL.—An individual entitled to compensation benefits payable under this subchapter and under chapter 83 or 84 or any other retirement system for employees of the Government, for the same period, shall elect which benefits the individual will receive.

''(2) ELECTION.—

''(A) DEADLINE.—An individual shall make an election under paragraph (1) in accordance with such deadlines as the Secretary of Labor shall establish.

''(B) REVOCABILITY.—An election under paragraph (1) shall be revocable, notwithstanding any other provision of law, except for any period during which an individual—

''(i) was qualified for benefits payable under both this subchapter and under a retirement system described in paragraph (1); and

''(ii) was paid benefits under the retirement system after having been notified of eligibility for benefits under this subchapter.

''(3) INFORMED CHOICE.—The Secretary of Labor shall provide information, and shall ensure that information is provided, to an individual described in paragraph (1) about the benefits available to the individual under this subchapter or under chapter 83 or 84 or any other retirement system referred to in paragraph (1) the individual may elect to receive.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Sections 8337(f)(3) and 8464a(a)(3) are each amended by striking ''Paragraphs'' and inserting ''Except as provided under chapter 81, paragraphs''.

SEC. 410. SANCTION FOR NONCOOPERATION WITH FIELD NURSES.

Section 8123, as amended by section 307, is amended by adding at the end the following:

''(f) FIELD NURSES.—

''(1) DEFINITION.—In this subsection, the term 'field nurse' means a registered nurse that assists the Secretary in the medical management of disability claims under this subchapter and provides claimants with assistance in coordinating medical care.

''(2) AUTHORIZATION.—The Secretary may use field nurses to coordinate medical services and vocational rehabilitation programs for injured employees under this subchapter. If an employee refuses to cooperate with a field nurse or obstructs a field nurse in the performance of duties under this subchapter, the right to compensation under this subchapter shall be suspended until the refusal or obstruction stops.''.

SEC. 411. SUBROGATION OF CONTINUATION OF PAY.

(a) IN GENERAL.—Section 8131 is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting ''continuation of pay or'' before ''compensation''; and

(2) in subsection (b), by inserting ''continuation of pay'' before compensation; and

(3) in subsection (c)—

(A) by inserting ''continuation of pay or'' before ''compensation already paid''; and

(B) by inserting ''continuation of pay or'' before ''compensation payable''.

(b) ADJUSTMENT AFTER RECOVERY FROM A THIRD PERSON.—Section 8132 is amended—

(1) in the first sentence—

(A) by inserting ''continuation of pay or'' before ''compensation is payable'';

(B) by inserting ''continuation of pay or'' before ''compensation from the United States'';

(C) by striking ''by him or in his behalf'' and inserting ''by the beneficiary or on behalf of the beneficiary'';

(D) by inserting ''continuation of pay and'' before ''compensation paid by the United States''; and

(E) by striking ''compensation payable to him'' and inserting ''continuation of pay or compensation payable to the beneficiary'';

(2) in the second sentence, by striking ''his designee'' and inserting ''the designee of the beneficiary''; and

(3) in the fourth sentence, by striking ''If compensation'' and all that follows through ''payable to him by the United States'' and inserting ''If continuation of pay or compensation has not been paid to the beneficiary, the money or property shall be credited against continuation of pay or compensation payable to the beneficiary by the United States''.

SEC. 412. SOCIAL SECURITY EARNINGS INFORMATION.

Section 8116, as amended by section 308, is amended by adding at the end the following:

''(f) EARNINGS INFORMATION.—Notwithstanding section 552a or any other provision of Federal or State law, the Social Security Administration shall make available to the Secretary of Labor, upon written request, the Social Security earnings information of a living or deceased employee who may have sustained an injury or died as a result of an injury that is the subject of a claim under this subchapter required by the Secretary of Labor to carry out this subchapter.''.

SEC. 413. AMOUNT OF COMPENSATION.

(a) INJURIES TO FACE, HEAD, AND NECK.—Section 8107(c)(21) is amended—

(1) by striking ''not to exceed $3,500'' and inserting ''in proportion to the severity of the disfigurement, not to exceed $50,000,''; and

(2) by adding at the end the following: ''The maximum amount of compensation under this paragraph shall be increased on March 1 of each year by the amount determined by the Secretary of Labor to represent the percent change in the price index published for December of the preceding year over the price index published for the December of the year prior to the preceding year, adjusted to the nearest one-tenth of 1 percent.''.

(b) FUNERAL EXPENSES.—Section 8134(a) is amended—

(1) by striking ''$800'' and inserting ''$6,000''; and

(2) by adding at the end the following: ''The maximum amount of compensation under this subsection shall be increased on March 1 of each year by the amount determined by the Secretary of Labor to represent the percent change in the price index published for December of the preceding year over the price index published for the December of the year prior to the preceding year, adjusted to the nearest one-tenth of 1 percent.''.

(c) APPLICATION.—The amendments made by this section shall apply to injuries or deaths, respectively, occurring on or after the date of enactment of this Act.

SEC. 414. TECHNICAL AND CONFORMING AMENDMENTS.

Chapter 81 is amended—

(1) in section 8101(1)(D), by inserting ''for an injury that occurred before the effective date of section 204(e) of the District of Columbia Self-Government and Governmental Reorganization Act (Public Law 93–198; 87 Stat. 783; 5 U.S.C. 8101 note)'' before the semicolon;

(2) in section 8139, by inserting ''under this subchapter'' after ''Compensation awarded''; and

(3) in section 8148(a), by striking ''section 8106'' and inserting ''section 8106a''.

SEC. 415. REGULATIONS.

(a) IN GENERAL.—As soon as possible after the date of enactment of this Act, the Secretary of Labor shall promulgate regulations (which may include interim final regulations) to carry out this title.

(b) CONTENTS.—The regulations promulgated under subsection (a) shall include, for purposes of the amendments made by sections 302 and 303, clarification of—

(1) what is a claim; and

(2) what is the date on which a period of disability, for which a claim is made, commences.

TITLE V—POSTAL SERVICE REVENUE

SEC. 501. ADEQUACY, EFFICIENCY, AND FAIRNESS OF POSTAL RATES.

(a) IN GENERAL.—Section 3622(d) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (B) through (E) as subparagraph (D) through (G), respectively; and

(B) by inserting after subparagraph (A) the following:

''(B) subject to the limitation under subparagraph (A), establish postal rates to fulfill the requirement that each market-dominant class, product, and type of mail service (except for an experimental product or service) bear the direct and indirect postal costs attributable to such class, product, or type through reliably identified causal relationships plus that portion of all other costs of the Postal Service reasonably assignable to such class, product, or type;

''(C) establish postal rates for each group of functionally equivalent agreements between the Postal Service and users of the mail that—

''(i) cover attributable cost; and

''(ii) improve the net financial position of the Postal Service;

for purposes of this subparagraph, a group of functionally equivalent agreements shall consist of all service agreements that are functionally equivalent to each other within the same market-dominant product, but shall not include agreements within an experimental product;''; and

(2) by adding at the end the following:

''(4) PRC STUDY.—

''(A) IN GENERAL.—Within 90 days after the end of the first fiscal year beginning after the date of enactment of the Postal Reform Act of 2012, the Postal Regulatory Commission shall complete a study to determine the quantitative impact of the Postal Service's excess capacity on the direct and indirect postal costs attributable to any class that bears less than 100 percent of its costs attributable (as described in paragraph (1)(B)), according to the most recent annual determination of the Postal Regulatory Commission under section 3653.

''(B) REQUIREMENTS.—The study required under subparagraph (A) shall—

''(i) be conducted pursuant to regulations that the Postal Regulatory Commission shall prescribe within 90 days after the date of enactment of the Postal Reform Act of 2012, taking into account existing regulations for proceedings to improve the quality, accuracy, or completeness of ratemaking information under section 3652(e)(2) in effect on such date; and

''(ii) for any year in which any class of mail bears less than 100 percent of its costs attributable (as described in paragraph (1)(B)), be updated annually by the Postal Service and included in its annual report to the Commission under section 3652, using such methodologies as the Commission shall by regulation prescribe.

''(5) ADDITIONAL RATES.—Starting not earlier than 12 months and not later than 18 months after the date on which the first study described in paragraph (4) is completed, and at least once in each subsequent 12-month period, the Postal Service shall establish postal rates for each loss-making class of mail to eliminate such losses (other than those caused by the Postal Service's excess capacity) by exhausting all unused rate authority as well as maximizing incentives to reduce costs and increase efficiency, subject to the following:

''(A) The term 'loss-making', as used in this paragraph with respect to a class of mail, means a class of mail that bears less than 100 percent of its costs attributable (as described in paragraph (1)(B)), according to the most recent annual determination of the Postal Regulatory Commission under section 3653, adjusted to account for the quantitative effect of excess capacity on the costs attributable of the class (as described in paragraph (1)(C)).

''(B) Unused rate authority shall be annually increased by 2 percent for each class of mail that bears less than 90 percent of its costs attributable (as described in paragraph (1)(B)), according to the most recent annual determination of the Postal Regulatory Commission under section 3653, adjusted to account for the quantitative effect of excess capacity on the costs attributable of the class (as described in paragraph (1)(C)), with such increase in unused rate authority to take effect 30 days after the date that the Commission issues such determination.''.

(b) CONFORMING AMENDMENT.—Subparagraph (A) of section 3622(c)(10) is amended to read as follows:

''(A) improve the net financial position of the Postal Service through reducing Postal Service costs or increasing the overall contribution to the institutional costs of the Postal Service; and''.

(c) EXCEPTION.—Section 3622(d) is amended by adding at the end the following:

''(4) EXCEPTION.—The requirements of paragraph (1)(B) shall not apply to a market-dominant product for which a substantial portion of the product's mail volume consists of inbound international mail with terminal dues rates determined by the Universal Postal Union (and not by bilateral agreements or other arrangements).''.

SEC. 502. REPEAL OF RATE PREFERENCES FOR QUALIFIED POLITICAL COMMITTEES.

Subsection (e) of section 3626 is repealed.

SEC. 503. STREAMLINED REVIEW OF QUALIFYING SERVICE AGREEMENTS FOR COMPETITIVE PRODUCTS.

Section 3633 is amended by adding at the end the following:

''(c) STREAMLINED REVIEW.—Within 90 days after the date of the enactment of this subsection, after notice and opportunity for public comment, the Postal Regulatory Commission shall promulgate (and may from time to time thereafter revise) regulations for streamlined after-the-fact review of new agreements between the Postal Service and users of the mail that provide rates not of general applicability for competitive products, and are functionally equivalent to existing agreements that have collectively covered attributable costs and collectively improved the net financial position of the Postal Service. Streamlined review will be concluded within 5 working days after the agreement is filed with the Commission and shall be limited to approval or disapproval of the agreement as a whole based on the Commission's determination of its functional equivalence. Agreements not approved may be resubmitted without prejudice under section 3632(b)(3).''.

SEC. 504. SUBMISSION OF SERVICE AGREEMENTS FOR STREAMLINED REVIEW.

Section 3632(b) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

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

''(4) RATES FOR STREAMLINED REVIEW.—In the case of rates not of general applicability for competitive products that the Postmaster General considers eligible for streamlined review under section 3633(c), the Postmaster General shall cause each agreement to be filed with the Postal Regulatory Commission by such date, on or before the effective date of any new rate, as the Postmaster General considered appropriate.''.

SEC. 505. TRANSPARENCY AND ACCOUNTABILITY FOR SERVICE AGREEMENTS.

Section 3653 is amended—

(1) by redesignating subsections (c) through (e) as subsections (d) through (f), respectively; and

(2) by inserting after subsection (b) the following:

''(c) Each annual written determination of the Commission under section 3653 shall include the following written determinations:

''(1) whether each product covered its costs, and if it did not, the determination shall state that such product is in noncompliance under section 3653(c); and

''(2) for each group of functionally equivalent agreements between the Postal Service and users of the mail, whether it fulfilled requirements to—

''(A) cover attributable costs; and

''(B) improve the net financial position of the Postal Service.

''(3) Any group of functionally equivalent agreements (as referred to in subparagraph (B)) not meeting subparagraphs (A) and (B) of paragraph (2) shall be determined to be in noncompliance under this subsection.

''(4) For purposes of this subsection, a group of functionally equivalent agreements (as referred to in paragraph (2)) shall consist of all service agreements that are functionally equivalent to each other within the same market-dominant or competitive product, but shall not include agreements within an experimental product.''.

SEC. 506. NONPOSTAL SERVICES.

(a) NONPOSTAL SERVICES.—

(1) IN GENERAL.—Part IV is amended by adding after chapter 36 the following:

''CHAPTER 37—NONPOSTAL SERVICES

''Sec.
''3701. Purpose.
''3702. Definitions.
''3703. Postal Service advertising program.
''3704. Postal Service program for State governments.
''3705. Postal Service program for other government agencies.
''3706. Transparency and accountability for nonpostal services.

''§ 3701. Purpose

''This chapter is intended to enable the Postal Service to increase its net revenues through specific nonpostal products and services that are expressly authorized by this chapter. Postal Service revenues and expenses under this chapter shall be funded through the Postal Service Fund.

''§ 3702. Definitions

''As used in this chapter—

''(1) the term 'nonpostal services' is limited to services offered by the Postal Service that are expressly authorized by this chapter and are not postal products or services;

''(2) the term 'Postal Service advertising program' means a program, managed by the Postal Service, by which the Postal Service receives revenues from entities which advertise at Postal Service facilities and on Postal Service vehicles;

''(3) the term 'Postal Service program for State governments' means a program, managed by the Postal Service, by which the Postal Service receives revenue from State governments (including their agencies) for providing services on their behalf at Postal Service facilities;

''(4) the term 'attributable costs' means costs attributable, as defined in section 3631; and

''(5) the term 'year' means a fiscal year.

''§ 3703. Postal Service advertising program

''Notwithstanding any other provision of this title, the Postal Service may establish and manage a program that allows entities to advertise at Postal Service facilities and on Postal Service vehicles. Such a program shall be subject to the following requirements:

''(1) The Postal Service shall at all times ensure advertising it permits is consistent with the integrity of the Postal Service.

''(2) Any advertising program is required to cover a minimum of 200 percent of its attributable costs in each year.

''(3) All advertising expenditures and revenues are subject to annual compliance determination (including remedies for noncompliance) applicable to nonpostal products.

''(4) Total advertising expenditures and revenues must be disclosed in Postal Service annual reports.

''§ 3704. Postal Service program for State governments

''(a) IN GENERAL.—Notwithstanding any other provision of this title, the Postal Service may establish a program to provide services for agencies of State governments within the United States, but only if such services—

''(1) shall provide enhanced value to the public, such as by lowering the cost or raising the quality of such services or by making such services more accessible;

''(2) do not interfere with or detract from the value of postal services, including—

''(A) the cost and efficiency of postal services; and

''(B) access to postal retail service, such as customer waiting time and access to parking; and

''(3) provide a reasonable contribution to the institutional costs of the Postal Service, defined as reimbursement for each service and to each agency covering at least 150 percent of the attributable costs of such service in each year.

''(b) PUBLIC NOTICE.—At least 90 days before offering any services under this section, the Postal Service shall make each agreement with State agencies readily available to the public on its website, including a business plan that describes the specific services to be provided, the enhanced value to the public, terms of reimbursement, the estimated annual reimbursement to the Postal Service, and the estimated percentage of attributable Postal Service costs that will be covered by reimbursement (with documentation to support these estimates). The Postal Service shall solicit public comment for at least 30 days, with comments posted on its website, followed by its written response posted on its website at least 30 days before offering such services.

''(c) APPROVAL REQUIRED.—The Governors of the Postal Service shall approve the provision of services under this section by a recorded vote, with at least ⅔ of its membership voting for approval, with the vote publicly disclosed on the Postal Service website.

''(d) CLASSIFICATION OF SERVICES.—All services for a given agency provided under this section shall be classified as a separate activity subject to the requirements of annual reporting under section 3706. Such reporting shall also include information on the quality of service and related information to demonstrate that it satisfied the requirements of subsection (a). Information provided under this section shall be according to requirements that the Postal Regulatory Commission shall by regulation prescribe.

''(e) DEFINITIONS.—For the purpose of this section—

''(1) the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States; and

''(2) the term 'United States', when used in a geographical sense, means the States.

''§ 3705. Postal Service program for other government agencies

''(a) IN GENERAL.—The Postal Service may establish a program to provide property and services for other government agencies within the meaning of section 411, but only if such program provides a reasonable contribution to the institutional costs of the Postal Service, defined as reimbursement by each agency that covers at least 100 percent of the attributable costs of all property and service provided by the Postal Service in a each year to such agency.

''(b) CLASSIFICATION OF SERVICES.—For each agency, all property and services provided by the Postal Service under this section shall be classified as a separate activity subject to the requirements of annual reporting under section 3706. Information provided under this section shall be according to requirements that the Postal Regulatory Commission shall by regulation prescribe.

''§ 3706. Transparency and accountability for nonpostal services

''(a) ANNUAL REPORTS TO THE COMMISSION.—

''(1) IN GENERAL.—The Postal Service shall, no later than 90 days after the end of each year, prepare and submit to the Postal Regulatory Commission a report (together with such nonpublic annex to the report as the Commission may require under subsection (b)) which shall analyze costs, revenues, rates, and quality of service for this chapter, using such methodologies as the Commission shall by regulation prescribe, and in sufficient detail to demonstrate compliance with all applicable requirements of this chapter.

''(2) AUDITS.—The Inspector General shall regularly audit the data collection systems and procedures utilized in collecting information and preparing such report. The results of any such audit shall be submitted to the Postal Service and the Postal Regulatory Commission.

''(b) SUPPORTING MATTER.—The Postal Regulatory Commission shall have access, in accordance with such regulations as the Commission shall prescribe, to the working papers and any other supporting matter of the Postal Service and the Inspector General in connection with any information submitted under this section.

''(c) CONTENT AND FORM OF REPORTS.—

''(1) IN GENERAL.—The Postal Regulatory Commission shall, by regulation, prescribe the content and form of the public reports (and any nonpublic annex and supporting matter relating to the report) to be provided by the Postal Service under this section. Such reports shall be included with the annual compliance determination reported under section 3653. In carrying out this subsection, the Commission shall give due consideration to—

''(A) providing the public with timely, adequate information to assess compliance;

''(B) avoiding unnecessary or unwarranted administrative effort and expense on the part of the Postal Service; and

''(C) protecting the confidentiality of information that is commercially sensitive or is exempt from public disclosure under section 552(b) of title 5.

''(2) REVISED REQUIREMENTS.—The Commission may, on its own motion or on request of

any interested party, initiate proceedings (to be conducted in accordance with regulations that the Commission shall prescribe) to improve the quality, accuracy, or completeness of Postal Service data required by the Commission under this subsection whenever it shall appear that—

''(A) the attribution of costs or revenues to property or services under this chapter has become significantly inaccurate or can be significantly improved;

''(B) the quality of service data provided to the Commission for annual reports under this chapter has become significantly inaccurate or can be significantly improved; or

''(C) such revisions are, in the judgment of the Commission, otherwise necessitated by the public interest.

''(d) CONFIDENTIAL INFORMATION.—

''(1) IN GENERAL.—If the Postal Service determines that any document or portion of a document, or other matter, which it provides to the Postal Regulatory Commission in a nonpublic annex under this section contains information which is described in section 410(c) of this title, or exempt from public disclosure under section 552(b) of title 5, the Postal Service shall, at the time of providing such matter to the Commission, notify the Commission of its determination, in writing, and describe with particularity the documents (or portions of documents) or other matter for which confidentiality is sought and the reasons therefor.

''(2) TREATMENT.—Any information or other matter described in paragraph (1) to which the Commission gains access under this section shall be subject to paragraphs (2) and (3) of section 504(g) in the same way as if the Commission had received notification with respect to such matter under section 504(g)(1).

''(e) ANNUAL COMPLIANCE DETERMINATION.—

''(1) OPPORTUNITY FOR PUBLIC COMMENT.—After receiving the reports required under subsection (a) for any year, the Postal Regulatory Commission shall promptly provide an opportunity for comment on such reports by any interested party, and an officer of the Commission who shall be required to represent the interests of the general public.

''(2) DETERMINATION OF COMPLIANCE OR NONCOMPLIANCE.—Not later than 90 days after receiving the submissions required under subsection (a) with respect to a year, the Postal Regulatory Commission shall make a written determination as to whether any nonpostal activities during such year were or were not in compliance with applicable provisions of this chapter (or regulations promulgated under this chapter). The Postal Regulatory Commission shall issue a determination of noncompliance if the requirements for coverage of attributable costs are not met. If, with respect to a year, no instance of noncompliance is found to have occurred in such year, the written determination shall be to that effect.

''(3) NONCOMPLIANCE.—If, for a year, a timely written determination of noncompliance is made under this chapter, the Postal Regulatory Commission shall take appropriate action. If the requirements for coverage of attributable costs specified by this chapter are not met, the Commission shall, within 60 days after the determination, prescribe remedial action to restore compliance as soon as practicable, which shall also include the full restoration of revenue shortfalls during the following fiscal year. The Commission may order the Postal Service to discontinue a nonpostal service under section 3703 or 3704 that persistently fails to meet cost coverage requirements.

''(4) ANY DELIBERATE NONCOMPLIANCE.—In addition, in cases of deliberate noncompliance by the Postal Service with the requirements of this chapter, the Postal Regulatory Commission may order, based on the nature, circumstances, extent, and seriousness of the noncompliance, a fine (in the amount specified by the Commission in its order) for each incidence of noncompliance. All receipts from fines imposed under this subsection shall be deposited in the general fund of the Treasury of the United States.''.

(2) CLERICAL AMENDMENT.—The table of chapters at the beginning of part IV is amended by adding after the item relating to chapter 36 the following:

''37. Nonpostal services ..... 3701''.

(b) CONFORMING AMENDMENTS.—

(1) SECTION 404(e).—Section 404(e) is amended by adding at the end the following:

''(6) Nothing in this section shall be considered to prevent the Postal Service from establishing nonpostal products and services that are expressly authorized by chapter 37.''.

(2) SECTION 411.—The last sentence of section 411 is amended by striking ''including reimbursability'' and inserting ''including reimbursability within the limitations of chapter 37''.

(3) TREATMENT OF EXISTING NONPOSTAL SERVICES.—All nonpostal services continued pursuant to section 404(e) of title 39, United States Code, shall be considered to be expressly authorized by chapter 37 of such title (as added by subsection (a)(1)) and shall be subject to the requirements of such chapter.

SEC. 507. REIMBURSEMENT OF ALASKA BYPASS MAIL COSTS.

(a) COST ESTIMATES BY POSTAL REGULATORY COMMISSION.—Section 3651(b) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

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

''(2) ALASKA BYPASS MAIL COSTS.—In addition to the information required under subsection (a), each report under this section shall also include, with respect to the period covered by such report, an estimate of the costs incurred by the Postal Service in providing Alaska bypass mail service under section 5402 of this title.''.

(b) REIMBURSEMENTS.—

(1) IN GENERAL.—Chapter 54 is amended by adding at the end the following:

''§ 5404. Reimbursement of Alaska bypass mail costs

''(a) IN GENERAL.—The State of Alaska, on an annual basis, shall make a payment to the Postal Service to reimburse the Postal Service for its costs in providing Alaska bypass mail service under section 5402 of this title.

''(b) DATE OF FIRST PAYMENT.—The State of Alaska shall make its first payment under subsection (a) on or before the last day of the first fiscal year of the State of Alaska beginning after the date of enactment of this section.

''(c) PAYMENT AMOUNTS.—

''(1) DETERMINATION OF AMOUNTS.—The amount of a payment under subsection (a) shall be determined based on the most recent cost estimate prepared by the Postal Regulatory Commission under section 3651(b)(2) of this title (in this subsection referred to as the 'cost estimate').

''(2) FIRST PAYMENT.—The first payment under subsection (a) shall be in an amount equal to 20 percent of the cost estimate.

''(3) SUBSEQUENT PAYMENTS.—Each subsequent payment under subsection (a) shall be in an amount equal to a percentage of the cost estimate determined by adding 20 percent to the percentage due in the prior year, except that no payment shall exceed 100 percent of the cost estimate.

''(d) NOTICE OF PAYMENT AMOUNTS.—Not later than 30 days after the date of issuance of a cost estimate by the Postal Regulatory Commission under section 3651(b)(2) of this title, the Postal Service shall furnish the State of Alaska with written notice of the amount of the next payment due under subsection (a).

''(e) DEPOSIT OF PAYMENTS.—Not later than the last day of the fiscal year of the State of Alaska in which notice of a payment is provided under subsection (d)—

''(1) the State of Alaska shall transmit the payment to the Postal Service; and

''(2) the Postal Service shall deposit the payment in the Postal Service Fund.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 54 is amended by adding at the end the following:

''5404. Reimbursement of Alaska bypass mail costs.''.

SEC. 508. APPROPRIATIONS MODERNIZATION.

(a) IN GENERAL.—Section 2401 is amended by striking subsections (b) through (d).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective with respect to fiscal years beginning after the date of enactment of this Act.

SEC. 509. RETIREE HEALTH CARE BENEFIT PAYMENT DEFERRAL.

Section 8909a of title 5, United States Code, is amended—

(1) in the section heading, by striking ''**Benefit**'' and inserting ''**Benefits**'';

(2) in subsection (d)(3)(A)(v), by striking ''$5,500,000,000'' and inserting ''$1,000,000,000'';

(3) in subsection (d)(3)(A)(ix), by striking ''$5,700,000,000'' and inserting ''$7,950,000,000''; and

(4) in subsection (d)(3)(A)(x), by striking ''$5,800,000,000'' and inserting ''$8,050,000,000''.

TITLE VI—POSTAL CONTRACTING REFORM

SEC. 601. CONTRACTING PROVISIONS.

(a) IN GENERAL.—Part I is amended by adding at the end the following:

''CHAPTER 7—CONTRACTING PROVISIONS

''Sec.
''701. Definitions.
''702. Advocate for competition.
''703. Delegation of contracting authority.
''704. Posting of noncompetitive purchase requests for noncompetitive contracts.
''705. Review of ethical issues.
''706. Ethical restrictions on participation in certain contracting activity.

''§ 701. Definitions

''In this chapter—

''(1) the term 'contracting officer' means an employee of a covered postal entity who has authority to enter into a postal contract;

''(2) the term 'covered postal entity' means—

''(A) the Postal Service; or

''(B) the Postal Regulatory Commission;

''(3) the term 'head of a covered postal entity' means—

''(A) in the case of the Postal Service, the Postmaster General; or

''(B) in the case of the Postal Regulatory Commission, the Chairman of the Postal Regulatory Commission;

''(4) the term 'postal contract' means—

''(A) in the case of the Postal Service, any contract (including any agreement or memorandum of understanding) entered into by the Postal Service for the procurement of goods or services; or

''(B) in the case of the Postal Regulatory Commission, any contract (including any agreement or memorandum of understanding) in an amount exceeding the simplified acquisition threshold (as defined in section 134 of title 41 and adjusted under section 1908 of such title) entered into by the Postal Regulatory Commission for the procurement of goods or services.

''(5) the term 'senior procurement executive' means the senior procurement executive of a covered postal entity.

"§ 702. Advocate for competition

''(a) ESTABLISHMENT AND DESIGNATION.—

''(1) There is established in each covered postal entity an advocate for competition.

''(2) The head of each covered postal entity shall designate for the covered postal entity 1 or more officers or employees (other than the senior procurement executive) to serve as the advocate for competition.

''(b) RESPONSIBILITIES.—The advocate for competition of a covered postal entity shall—

''(1) be responsible for promoting—

''(A) the contracting out of functions of the covered postal entity that the private sector can perform equally well or better, and at lower cost; and

''(B) competition to the maximum extent practicable consistent with obtaining best value by promoting the acquisition of commercial items and challenging barriers to competition;

''(2) review the procurement activities of the covered postal entity; and

''(3) prepare and transmit the annual report required under subsection (c).

''(c) ANNUAL REPORT.—

''(1) PREPARATION.—The advocate for competition of a covered postal entity shall prepare an annual report describing the following:

''(A) The activities of the advocate under this section.

''(B) Initiatives required to promote contracting out and competition.

''(C) Barriers to contracting out and competition.

''(D) In the case of the report prepared by the competition advocate of the Postal Service, the number of waivers made by the Postal Service under section 704(c).

''(2) TRANSMISSION.—The report under this subsection shall be transmitted—

''(A) to Congress;

''(B) to the head of the postal entity;

''(C) to the senior procurement executive of the entity;

''(D) in the case of the competition advocate of the Postal Service, to each member of the Postal Service Board of Governors; and

''(E) in the case of the competition advocate of the Postal Regulatory Commission, to each of the Commissioners of the Commission.

"§ 703. Delegation of contracting authority

''(a) IN GENERAL.—

''(1) POLICY.—Not later than 60 days after the date of enactment of this chapter, the head of each covered postal entity shall issue a policy on contracting officer delegations of authority for postal contracts for the covered postal entity.

''(2) CONTENTS.—The policy issued under paragraph (1) shall require that—

''(A) notwithstanding any delegation of authority with respect to postal contracts, the ultimate responsibility and accountability for the award and administration of postal contracts resides with the senior procurement executive; and

''(B) a contracting officer shall maintain an awareness of and engagement in the activities being performed on postal contracts of which that officer has cognizance, notwithstanding any delegation of authority that may have been executed.

''(b) POSTING OF DELEGATIONS.—

''(1) IN GENERAL.—The head of each covered postal entity shall make any delegation of authority for postal contracts outside the functional contracting unit readily available and accessible on the website of the covered postal entity.

''(2) EFFECTIVE DATE.—This paragraph shall apply to any delegation of authority made on or after 30 days after the date of enactment of this chapter.

"§ 704. Posting of noncompetitive purchase requests for noncompetitive contracts

''(a) POSTING REQUIRED.—

''(1) POSTAL REGULATORY COMMISSION.—The Postal Regulatory Commission shall make the noncompetitive purchase request for any noncompetitive award for any contract (including any agreement or memorandum of understanding) entered into by the Postal Regulatory Commission for the procurement of goods and services, in an amount of $20,000 or more, including the rationale supporting the noncompetitive award, publicly available on the website of the Postal Regulatory Commission—

''(A) not later than 14 days after the date of the award of the noncompetitive contract; or

''(B) not later than 30 days after the date of the award of the noncompetitive contract, if the basis for the award was a compelling business interest.

''(2) POSTAL SERVICE.—The Postal Service shall make the noncompetitive purchase request for any noncompetitive award of a postal contract in an amount of $250,000 or more, including the rationale supporting the noncompetitive award, publicly available on the website of the Postal Service—

''(A) not later than 14 days after the date of the award; or

''(B) not later than 30 days after the date of the award, if the basis for the award was a compelling business interest.

''(3) ADJUSTMENTS TO THE POSTING THRESHOLD FOR THE POSTAL SERVICE.—

''(A) REVIEW AND DETERMINATION.—Not later than January 31 of each year, the Postal Service shall—

''(i) review the $250,000 threshold established under paragraph (2); and

''(ii) based on any change in the Consumer Price Index for all-urban consumers of the Department of Labor, determine whether an adjustment to the threshold shall be made.

''(B) AMOUNT OF ADJUSTMENTS.—An adjustment under subparagraph (A) shall be made in increments of $5,000. If the Postal Service determines that a change in the Consumer Price Index for a year would require an adjustment in an amount that is less than $5,000, the Postal Service may not make an adjustment to the threshold for the year.

''(4) EFFECTIVE DATE.—This subsection shall apply to any noncompetitive contract awarded on or after the date that is 90 days after the date of enactment of this chapter.

''(b) PUBLIC AVAILABILITY.—

''(1) IN GENERAL.—Subject to paragraph (2), the information required to be made publicly available by a covered postal entity under subsection (a) shall be readily accessible on the website of the covered postal entity.

''(2) PROTECTION OF PROPRIETARY INFORMATION.—A covered postal entity shall—

''(A) carefully screen any description of the rationale supporting a noncompetitive award required to be made publicly available under subsection (a) to determine whether the description includes proprietary data (including any reference or citation to the proprietary data) or security-related information; and

''(B) remove any proprietary data or security-related information before making publicly available a description of the rationale supporting a noncompetitive award.

''(c) WAIVERS.—

''(1) WAIVER PERMITTED.—If the Postal Service determines that making a noncompetitive purchase request for a postal contract of the Postal Service publicly available would risk placing the Postal Service at a competitive disadvantage relative to a private sector competitor, the senior procurement executive, in consultation with the advocate for competition of the Postal Service, may waive the requirements under subsection (a).

''(2) FORM AND CONTENT OF WAIVER.—

''(A) FORM.—A waiver under paragraph (1) shall be in the form of a written determination placed in the file of the contract to which the noncompetitive purchase agreement relates.

''(B) CONTENT.—A waiver under paragraph (1) shall include—

''(i) a description of the risk associated with making the noncompetitive purchase request publicly available; and

''(ii) a statement that redaction of sensitive information in the noncompetitive purchase request would not be sufficient to protect the Postal Service from being placed at a competitive disadvantage relative to a private sector competitor.

''(3) DELEGATION OF WAIVER AUTHORITY.—The Postal Service may not delegate the authority to approve a waiver under paragraph (1) to any employee having less authority than the senior procurement executive.

"§ 705. Review of ethical issues

''If a contracting officer identifies any ethical issues relating to a proposed contract and submits those issues and that proposed contract to the designated ethics official for the covered postal entity before the awarding of that contract, that ethics official shall—

''(1) review the proposed contract; and

''(2) advise the contracting officer on the appropriate resolution of ethical issues.

"§ 706. Ethical restrictions on participation in certain contracting activity

''(a) DEFINITIONS.—In this section—

''(1) the term 'covered employee' means—

''(A) a contracting officer; or

''(B) any employee of a covered postal entity whose decision making affects a postal contract as determined by regulations prescribed by the head of a covered postal entity;

''(2) the term 'final conviction' means a conviction, whether entered on a verdict or plea, including a plea of nolo contendere, for which a sentence has been imposed; and

''(3) the term 'covered relationship' means a covered relationship described in section 2635.502(b)(1) of title 5, Code of Federal Regulations, or any successor thereto.

''(b) IN GENERAL.—

''(1) REGULATIONS.—The head of each covered postal entity shall prescribe regulations that—

''(A) require a covered employee to include in the file of any noncompetitive purchase request for a noncompetitive postal contract a written certification that—

''(i) discloses any covered relationship of the covered employee; and

''(ii) states that the covered employee will not take any action with respect to the noncompetitive purchase request that affects the financial interests of a friend, relative, or person with whom the covered employee is affiliated in a nongovernmental capacity, or otherwise gives rise to an appearance of the use of public office for private gain, as described in section 2635.702 of title 5, Code of Federal Regulations, or any successor thereto;

''(B) require a contracting officer to consult with the ethics counsel for the covered postal entity regarding any disclosure made by a covered employee under subparagraph (A)(i), to determine whether participation by the covered employee in the noncompetitive purchase request would give rise to a violation of part 2635 of title 5, Code of Federal Regulations (commonly referred to as the

Standards of Ethical Conduct for Employees of the Executive Branch), or any successor thereto;

''(C) require the ethics counsel for a covered postal entity to review any disclosure made by a contracting officer under subparagraph (A)(i) to determine whether participation by the contracting officer in the noncompetitive purchase request would give rise to a violation of part 2635 of title 5, Code of Federal Regulations (commonly referred to as the Standards of Ethical Conduct for Employees of the Executive Branch), or any successor thereto;

''(D) under subsections (d) and (e) of section 2635.502 of title 5, Code of Federal Regulations, or any successor thereto, require the ethics counsel for a covered postal entity to—

''(i) authorize a covered employee that makes a disclosure under subparagraph (A)(i) to participate in the noncompetitive postal contract; or

''(ii) disqualify a covered employee that makes a disclosure under subparagraph (A)(i) from participating in the noncompetitive postal contract;

''(E) require a contractor to timely disclose to the contracting officer in a bid, solicitation, award, or performance of a postal contract any conflict of interest with a covered employee; and

''(F) include authority for the head of the covered postal entity to grant a waiver or otherwise mitigate any organizational or personal conflict of interest, if the head of the covered postal entity determines that the waiver or mitigation is in the best interests of the covered postal entity.

''(2) POSTING OF WAIVERS.—Not later than 30 days after the head of a covered postal entity grants a waiver described in paragraph (1)(F), the head of the covered postal entity shall make the waiver publicly available on the website of the covered postal entity.

''(c) CONTRACT VOIDANCE AND RECOVERY.—

''(1) UNLAWFUL CONDUCT.—In any case in which there is a final conviction for a violation of any provision of chapter 11 of title 18 relating to a postal contract, the head of a covered postal entity may—

''(A) void that contract; and

''(B) recover the amounts expended and property transferred by the covered postal entity under that contract.

''(2) OBTAINING OR DISCLOSING PROCUREMENT INFORMATION.—

''(A) IN GENERAL.—In any case in which a contractor under a postal contract fails to timely disclose a conflict of interest to the appropriate contracting officer as required under the regulations promulgated under subsection (b)(1)(E), the head of a covered postal entity may—

''(i) void that contract; and

''(ii) recover the amounts expended and property transferred by the covered postal entity under that contract.

''(B) CONVICTION OR ADMINISTRATIVE DETERMINATION.—A case described under subparagraph (A) is any case in which—

''(i) there is a final conviction for an offense punishable under section 2105 of title 41; or

''(ii) the head of a covered postal entity determines, based upon a preponderance of the evidence, that the contractor or someone acting for the contractor has engaged in conduct constituting an offense punishable under section 2105 of such title.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I is amended by adding at the end the following:

''7. Contracting Provisions ..... 701''.

SEC. 602. TECHNICAL AMENDMENT TO DEFINITION.

Section 7101(8) of title 41, United States Code, is amended—

(1) by striking ''and'' at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting ''; and''; and

(3) by adding at the end the following:

''(E) the United States Postal Service and the Postal Regulatory Commission.''.

SA 2002. Ms. MIKULSKI submitted an amendment intended to be proposed by her 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 appropriate place, insert the following:

SEC. ___. PROHIBITION ON CLOSING OR CONSOLIDATING PROCESSING AND DISTRIBUTION CENTER IN EASTON, MARYLAND.

The Postal Service may not close or consolidate the processing and distribution center in Easton, Maryland.

SA 2003. Ms. MIKULSKI submitted an amendment intended to be proposed by her 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 appropriate place, insert the following:

SEC. ___. CERTIFICATION BY GOVERNOR OF A STATE.

Section 404(f) of title 39, United States Code, as added by section 201 of this Act, is amended—

(1) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively;

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

''(2) CERTIFICATION BY GOVERNOR OF A STATE.—

''(A) DEFINITIONS.—In this paragraph—

''(i) the term 'Governor' means the chief executive officer of a State; and

''(ii) the term 'State' means a State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

''(B) CERTIFICATION REQUIRED.—The Postal Service may not close or consolidate a postal facility unless the Governor of the State in which the postal facility is located submits to the Postal Service a certification that the closing or consolidation—

''(i) will not harm community safety;

''(ii) will not directly or indirectly disrupt commerce; and

''(iii) will not limit access to communications in any rural community that lacks broadband internet availability or cellular telephone coverage.'';

(3) in paragraph (3), as so redesignated—

(A) in subparagraph (A), in the matter preceding clause (i), by inserting after ''facility,'' the following: ''and after receiving a certification submitted under paragraph (2)(B) for that postal facility,''; and

(B) in subparagraph (B)—

(i) by redesignating clause (ii) as clause (iii); and

(ii) by striking clause (i) and inserting the following:

''(i) REQUEST FOR CERTIFICATION FROM GOVERNOR.—

''(I) COMPLETED AREA MAIL PROCESSING STUDIES.—In the case of a postal facility described in clause (iii) for which an area mail processing study has been completed, the Postal Service shall request a certification, as described in paragraph (2)(B), for the postal facility from the Governor of the State in which the postal facility is located.

''(II) ONGOING AREA MAIL PROCESSING STUDIES.—In the case of a postal facility described in clause (iii) for which an area mail processing study is in progress, the Postal Service shall—

''(aa) suspend the area mail processing study;

''(bb) request a certification, as described in paragraph (2)(B), for the postal facility from the Governor of the State in which the postal facility is located; and

''(cc) after receiving a certification submitted under paragraph (2)(B) for the postal facility, complete the area mail processing study.

''(ii) CONSIDERATION OF ALTERNATIVE PLAN.—After receiving a certification submitted under paragraph (2)(B) for a postal facility described in clause (iii), the Postal Service shall—

''(I) consider a plan to reduce the capacity of the postal facility, but not close the postal facility; and

''(II) publish the results of the consideration under subclause (I) with or as an amendment to the area mail processing study relating to the postal facility.'';

(4) in paragraph (5), as so redesignated—

(A) in the matter preceding subparagraph (A), by striking ''(3)'' and inserting ''(4)''; and

(B) in subparagraph (A), by striking ''(3)'' and inserting ''(4)''; and

(5) in paragraph (6), as so redesignated—

(A) in subparagraph (A), by striking ''(4)'' and inserting ''(5)'';

(B) in subparagraph (B), by striking ''(4)'' and inserting ''(5)''; and

(C) in subparagraph (C), by striking ''(4)'' and inserting ''(5)''.

SA 2004. Ms. MIKULSKI submitted an amendment intended to be proposed by her 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 appropriate place, insert the following:

SEC. ___. COMMUNITY IMPACT STUDY.

Subsection (f) of section 404 of title 39, United States Code, as added by section 201 of this Act, is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (9) and (10), respectively;

(2) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively;

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

''(2) COMMUNITY IMPACT STUDY.—

''(A) STUDY BY INDEPENDENT ORGANIZATION.—Before making a determination under subsection (a)(3) as to the necessity for the closing or consolidation of any postal facility, the Postal Service shall contract with an independent organization to conduct a study of, and submit to the Postal Service a report on, the impact of the closing or consolidation on the community served by the postal facility.

''(B) MATTERS TO BE STUDIED.—A community impact study described in subparagraph (A) shall evaluate the potential impact of the closing or consolidation of a postal facility on—

''(i) small business concerns in the community in which the postal facility is located;

''(ii) jobs and employment in the community in which the postal facility is located;

''(iii) the unemployment rate in the community in which the postal facility is located; and

''(iv) State and local government tax revenues.

''(C) POSTAL SERVICE RESPONSE.—The Postal Service shall include in the justification

statement required under paragraph (6) for a postal facility a response to the report submitted under subparagraph (A) for the postal facility that describes the effect of the report on the determination to close or consolidate the postal facility.

''(D) APPLICABILITY.—The requirements under subparagraphs (A) through (C) shall apply to the determination to close or consolidate any postal facility, including a postal facility described in paragraph (3)(B)(ii).'';

(4) in paragraph (5), as so redesignated, by striking ''paragraph (3)'' each place that term appears and inserting ''paragraph (4)'';

(5) in paragraph (6), as so redesignated, by striking ''paragraph (4)'' each place that term appears and inserting ''paragraph (5)''; and

(6) by inserting after paragraph (7), as so redesignated, the following:

''(8) APPEAL TO POSTAL REGULATORY COMMISSION.—

''(A) IN GENERAL.—A determination of the Postal Service to close or consolidate a postal facility may be appealed by any person served by the postal facility to the Postal Regulatory Commission.

''(B) REVIEW BY COMMISSION.—

''(i) REVIEW OF RECORD.—The Postal Regulatory Commission shall review a determination of the Postal Service under subparagraph (A) on the basis of the record that was before the Postal Service when the Postal Service made the determination.

''(ii) STANDARD OF REVIEW.—The Postal Regulatory Commission shall set aside any determination, findings, and conclusions of the Postal Service that the Commission finds to be—

''(I) inconsistent with the findings of the report submitted under paragraph (2)(A);

''(II) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law;

''(III) without observance of procedure required by law; or

''(IV) unsupported by substantial evidence on the record.

''(iii) APPLICABILITY OF OTHER LAWS.—The provisions of section 556, section 557, and chapter 7 of title 5 shall not apply to any review carried out by the Postal Regulatory Commission under this paragraph.

''(C) LIMITATION ON ACTIONS BY POSTAL REGULATORY COMMISSION.—The Postal Regulatory Commission may affirm the determination of the Postal Service or order that the entire matter be returned for further consideration, but the Commission may not modify the determination of the Postal Service.

''(D) SUSPENSION.—The Postal Regulatory Commission may suspend the effectiveness of the determination of the Postal Service until the final disposition of the appeal.

''(E) DEADLINES.—

''(i) SUBMITTAL OF APPEAL.—A person may submit an appeal under subparagraph (A) with respect to a postal facility not later than 15 days after the date on which the Postal Service posts the justification statement under paragraph (6) with respect to the postal facility.

''(ii) DETERMINATION OF POSTAL REGULATORY COMMISSION.—The Postal Regulatory Commission shall make a determination with respect to an appeal under subparagraph (A) not later than 120 days after the date on which the Commission receives the appeal.

''(iii) DATE SUBMITTED AND RECEIVED.—For purposes of clauses (i) and (ii), any appeal received by the Postal Regulatory Commission shall—

''(I) if sent to the Commission through the mails, be considered to have been submitted and received on the date of the Postal Service postmark on the envelope or other cover in which such appeal is mailed; or

''(II) if otherwise lawfully delivered to the Commission, be considered to have been submitted and received on the date determined based on any appropriate documentation or other indicia (as determined under regulations of the Commission).''.

SA 2005. Ms. MIKULSKI submitted an amendment intended to be proposed by her 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 appropriate place, insert the following:

SEC. ___. MAINTENANCE OF EXPECTED DELIVERY TIME FOR PROTECTED MAIL ITEMS.

(a) IN GENERAL.—Subchapter VII of chapter 36 of title 39, United States Code, as amended by this Act, is amended by adding at the end the following:

''§ 3693. Maintenance of expected delivery time for protected mail items

''(a) DEFINITION OF PROTECTED MAIL ITEM.—In this section, the term 'protected mail item' means—

''(1) a medication or pharmaceutical provided by mail—

''(A) under a prescription drug plan under part D of title XVIII of the Social Security Act (42 U.S.C. 1395w-101 et seq.); or

''(B) by the Department of Veterans Affairs under the laws administered by the Secretary of Veterans Affairs;

''(2) a pharmaceutical provided by mail under the national mail-order pharmacy program under section 1074g of title 10, or otherwise provided by mail for members of the uniformed services and covered beneficiaries under chapter 55 of that title;

''(3) a benefit delivered to a beneficiary by mail under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.);

''(4) a payment of military pay and allowances made by mail to members of the Armed Forces; and

''(5) a payment of compensation or pension made by mail under chapter 11, 13, or 15 of title 38.

''(b) MAINTENANCE OF EXPECTED DELIVERY TIME.—Notwithstanding subsection (a), (b), or (c) of section 3691, section 204(b) or 206 of the 21st Century Postal Service Act of 2012, or any other provision of law, the Postal Service may not increase the expected delivery time for protected mail items relative to the expected delivery time for protected mail items as of the day before the date of enactment of the 21st Century Postal Service Act of 2012.''.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter VII of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

''3693. Maintenance of expected delivery time for protected mail items.''.

SA 2006. Mr. INHOFE 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:

On page 227, after the matter after line 7, add the following:

SEC. 409. DELAY OF TIER 3 MOTOR VEHICLE EMISSION AND FUEL STANDARDS.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency shall not propose any Tier 3 motor vehicle emission and fuel standard until the Administrator determines that the implementation of the standard will not result in—

(1) an increase in the price of gasoline;

(2) an increase in imports of finished products; or

(3) a loss of refining capacity or decrease in refinery utilization in any Petroleum Administration for Defense District.

(b) CONSULTATION.—In making the determination described in subsection (a), the Administrator of the Environmental Protection Agency shall consult with the Secretary of Energy and the National Petroleum Council.

SA 2007. Mr. MCCAIN (for himself, Mr. COBURN, and Mr. JOHNSON of Wisconsin) 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 appropriate place, insert the following:

SEC. ___. POSTAL SERVICE ADVERTISING PROGRAM.

Section 404 of title 39, United States Code, as amended by this Act, is amended by adding at the end the following:

''(g) Subject to subsection (a)(6), the Postal Service may establish and manage a program that allows entities to advertise at Postal Service facilities and on Postal Service vehicles, if—

''(1) the Postal Service at all times ensures that advertising it permits is consistent with the integrity of the Postal Service;

''(2) the program is required to cover a minimum of 200 percent of the costs attributable to the program for each year;

''(3) all advertising expenditures and revenues are subject to annual compliance determination (including remedies for noncompliance) applicable to nonpostal products; and

''(4) total advertising expenditures and revenues are disclosed in Postal Service annual reports.''.

SA 2008. Mr. MCCAIN (for himself, Mr. COBURN, and Mr. JOHNSON of Wisconsin) 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 appropriate place, insert the following:

SEC. ___. LIMITATION ON BONUS AUTHORITY.

Section 3686 of title 39, United States Code, is amended—

(1) in subsection (a), by striking ''The Postal Service'' and inserting ''Subject to subsection (f), the Postal Service''; and

(2) by adding at the end the following:

''(f) LIMITATION ON BONUS AUTHORITY.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'bonus' includes a bonus, incentive-based payment, or other reward under this section or any other provision of law; and

''(B) the term 'senior executive of the Postal Service' means—

''(i) a member of the Board of Governors;

''(ii) an individual serving in a position described in section 203 or 204; and

''(iii) an individual hired as an executive hired under section 1001(c).

''(2) LIMITATION.—On and after the date of enactment of this subsection, the Postal Service may not provide a bonus to a senior executive of the Postal Service if the Postal Service—

''(A) has outstanding obligations purchased by the Secretary of the Treasury under section 2006; or

''(B) owes any other debt to the Treasury of the United States.''.

SA 2009. Mr. MCCAIN (for himself, Mr. COBURN, and Mr. JOHNSON of Wisconsin) 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 title I, add the following:

SEC. 106. LIMITATION ON POSTAL CONTRIBUTIONS UNDER FEGLI AND FEHBP.

Section 1003 of title 39, United States Code, is amended by adding at the end the following:

''(e)(1) At least 1 month before the start of each fiscal year as described in paragraph (2), the Postmaster General shall transmit to the Postal Regulatory Commission certification (together with such supporting documentation as the Postal Regulatory Commission may require) that contributions of the Postal Service for such fiscal year will not exceed—

''(A) in the case of life insurance under chapter 87 of title 5, the Government contributions determined under section 8708 of such title; and

''(B) in the case of health insurance under chapter 89 of title 5, the Government contributions determined under 8906 of such title.

''(2) This subsection applies with respect to—

''(A) except as provided in subparagraph (B), each fiscal year beginning after September 30, 2013; and

''(B) in the case of officers and employees of the Postal Service covered by a collective bargaining agreement which is in effect on the date of the enactment of this subsection—

''(i) each fiscal year beginning after the expiration date of such agreement, including

''(ii) for the fiscal year in which such expiration date occurs, any portion of such fiscal year remaining after such expiration date.

''(3)(A) If, after reasonable notice and opportunity for hearing is afforded to the Postal Service, the Postal Regulatory Commission finds that the contributions of the Postal Service for a fiscal year will exceed or are exceeding the limitation specified in subparagraph (A) or (B) of paragraph (1), the Commission shall order that the Postal Service take such action as the Commission considers necessary to achieve full and immediate compliance with the applicable limitation or limitations.

''(B) Sections 3663 and 3664 shall apply with respect to any order issued by the Postal Regulatory Commission under subparagraph (A).

''(C) Nothing in this paragraph shall be considered to permit the issuance of an order requiring reduction of contributions below the level specified by the provision of law cited in subparagraph (A) or (B) of paragraph (1), as applicable.''.

SA 2010. Mr. MCCAIN (for himself, Mr. COBURN, and Mr. JOHNSON of Wisconsin) 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 title I, add the following:

SEC. 106. APPLICABILITY OF REDUCTION-IN-FORCE PROCEDURES.

Section 1206 of title 39, United States Code is amended by adding at the end the following:

''(d) Collective-bargaining agreements between the Postal Service and bargaining representatives recognized under section 1203, ratified after the date of enactment of this subsection, shall contain no provision restricting the applicability of reduction-in-force procedures under title 5 with respect to members of the applicable bargaining unit.

''(e) Any collective-bargaining agreement between the Postal Service and the bargaining representatives recognized under section 1203 ratified before the date of enactment of this Act that contains any provision violating subsection (d) shall be renegotiated with a new collective-bargaining agreement to be ratified or imposed through an arbitration decision under section 1207 within 9 months after such date of enactment.

''(f)(1) If a collective-bargaining agreement between the Postal Service and bargaining representatives recognized under section 1203, ratified after the date of enactment of this subsection, includes reduction-in-force procedures which can be applied in lieu of reduction-in-force procedures under title 5, the Postal Service may, in its discretion, apply with respect to members of the applicable bargaining unit—

''(A) the alternative procedures (or, if 2 or more are agreed to, 1 of the alternative procedures); or

''(B) the reduction-in-force procedures under title 5.

''(2) In no event may, if procedures for the resolution of a dispute or impasse arising in the negotiation of a collective-bargaining agreement (whether through binding arbitration or otherwise) are invoked under this chapter, the award or other resolution reached under such procedures provide for the elimination of, or the substitution of any alternative procedures in lieu of, reduction-in-force procedures under title 5.''.

SA 2011. Mr. MCCAIN (for himself and Mr. COBURN) 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:

Strike section 208 and insert the following:

SEC. 208. FREQUENCY OF MAIL DELIVERY.

Section 101 of title 39, United States Code, is amended by adding at the end the following:

''(h) Nothing in this title or any other provision of law shall be considered to prevent the Postal Service from taking whatever actions may be necessary to provide for 5-day delivery of mail and a commensurate adjustment in rural delivery of mail, subject to the requirements of section 3661.''.

SA 2012. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her 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, add the following:

TITLE __—REGULATION OF POLITICAL ROBOCALLS

SEC. __01. SHORT TITLE.

This title may be cited as the ''Robocall Privacy Act of 2012''.

SEC. __02. FINDINGS.

Congress makes the following findings:

(1) Abusive political robocalls harass voters and discourage them from participating in the political process.

(2) Abusive political robocalls infringe on the privacy rights of individuals by disturbing them in their homes.

SEC. __03. DEFINITIONS.

For purposes of this title—

(1) POLITICAL ROBOCALL.—The term ''political robocall'' means any outbound telephone call—

(A) in which a person is not available to speak with the person answering the call, and the call instead plays a recorded message; and

(B) which promotes, supports, attacks, or opposes a candidate for Federal office.

(2) IDENTITY.—The term ''identity'' means, with respect to any individual making a political robocall or causing a political robocall to be made, the name of the sponsor or originator of the call.

(3) SPECIFIED PERIOD.—The term ''specified period'' means, with respect to any candidate for Federal office who is promoted, supported, attacked, or opposed in a political robocall—

(A) the 60-day period ending on the date of any general, special, or run-off election for the office sought by such candidate; and

(B) the 30-day period ending on the date of any primary or preference election, or any convention or caucus of a political party that has authority to nominate a candidate, for the office sought by such candidate.

(4) OTHER DEFINITIONS.—The terms ''candidate'' and ''Federal office'' have the respective meanings given such terms under section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431).

SEC. __04. REGULATION OF POLITICAL ROBOCALLS.

It shall be unlawful for any person during the specified period to make a political robocall or to cause a political robocall to be made—

(1) to any person during the period beginning at 9 p.m. and ending at 8 a.m. in the place which the call is directed;

(2) to the same telephone number more than twice on the same day;

(3) without disclosing, at the beginning of the call—

(A) that the call is a recorded message; and

(B) the identity of the person making the call or causing the call to be made; or

(4) without transmitting the telephone number and the name of the person making the political robocall or causing the political robocall to be made to the caller identification service of the recipient.

SEC. __05. ENFORCEMENT.

(a) ENFORCEMENT BY FEDERAL ELECTION COMMISSION.—

(1) IN GENERAL.—Any person aggrieved by a violation of section __04 may file a complaint with the Federal Election Commission under rules similar to the rules under section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)).

(2) CIVIL PENALTY.—

(A) IN GENERAL.—If the Federal Election Commission or any court determines that there has been a violation of section __04, there shall be imposed a civil penalty of not more than $1,000 per violation.

(B) WILLFUL VIOLATIONS.—In the case the Federal Election Commission or any court determines that there has been a knowing or willful violation of section __04, the amount of any civil penalty under subparagraph (A) for such violation may be increased to not more than 300 percent of the amount under subparagraph (A).

(b) PRIVATE RIGHT OF ACTION.—Any person may bring in an appropriate district court of the United States an action based on a violation of section __04 to enjoin such violation without regard to whether such person has filed a complaint with the Federal Election Commission.

SA 2013. Mr. REID proposed an amendment to amendment SA 2000 proposed by Mr. REID (for Mr. LIEBERMAN

(for himself, Ms. COLLINS, Mr. CARPER, and Mr. BROWN of Massachusetts)) to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; as follows:

At the end, add the following new section:

SEC. ___

This Act shall become effective 7 days after enactment.

SA 2014. Mr. REID proposed an amendment to amendment SA 2013 proposed by Mr. REID to the amendment SA 2000 proposed by Mr. REID (for Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. CARPER, and Mr. BROWN of Massachusetts)) to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; as follows:

In the amendment, strike ''7 days'' and insert ''6 days''.

SA 2015. Mr. REID proposed an amendment to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; as follows:

At the end, add the following new section:

SEC. ___

This Act shall become effective 5 days after enactment.

SA 2016. Mr. REID proposed an amendment to amendment SA 2015 proposed by Mr. REID to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; as follows:

In the amendment, strike ''5 days'' and insert ''4 days''.

SA 2017. Mr. REID proposed an amendment to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; as follows:

At the end, add the following new section:

SEC. ___

This Act shall become effective 3 days after enactment.

SA 2018. Mr. REID proposed an amendment to amendment SA 2017 proposed by Mr. REID to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; as follows:

In the amendment, strike ''3 days'' and insert ''2 days''.

SA 2019. Mr. REID proposed an amendment to amendment SA 2018 proposed by Mr. REID to the amendment SA 2017 proposed by Mr. REID to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; as follows:

In the amendment, strike ''2 days'' and insert ''1 day''.

SA 2020. Mr. WYDEN (for himself, Mrs. FEINSTEIN, Mr. MERKLEY, and Mr. TESTER) 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:

On page 28, strike lines 20 through 24 and insert the following:

''(i) conduct an area mail processing study relating to that postal facility that includes—

''(I) a plan to reduce the capacity of the postal facility, but not close the postal facility; and

''(II) consideration of the effect of the closure or consolidation of the postal facility on the ability of individuals served by the postal facility to vote by mail and the ability of the Postal Service to timely deliver ballots by mail in accordance with the deadline to return ballots established under applicable State law;

On page 29, line 13, strike ''and'' and all that follows through ''publish'' on line 14 and insert the following:

''(II) consider the effect of the closure or consolidation of the postal facility on the ability of individuals served by the postal facility to vote by mail and the ability of the Postal Service to timely deliver ballots by mail in accordance with the deadline to return ballots established under applicable State law; and

''(III) publish

On page 30, line 1, after ''the facility'' insert the following: ''or consideration of the effect of the closure or consolidation of the postal facility on the ability of individuals served by the postal facility to vote by mail and the ability of the Postal Service to timely deliver ballots by mail in accordance with the deadline to return ballots established under applicable State law''.

On page 45, strike line 3 and all that follows through ''(c)'' on line 11 and insert the following:

(b) MORATORIUM ON CLOSING OF POST OFFICES AND POSTAL FACILITIES.—

(1) GENERAL MORATORIUM.—Notwithstanding section 404(d) of title 39, United States Code, during the period beginning on the date of enactment of this Act and ending on the date on which the Postal Service establishes the service standards under subsection (b), the Postal Service may not close a post office, except as required for the immediate protection of health and safety.

(2) MORATORIUM TO PROTECT THE ABILITY OF VOTERS TO VOTE ABSENTEE OR BY MAIL.—Notwithstanding paragraph (1) or subsection (d) or (f) of section 404 of title 39, United States Code, during the period beginning on the date of enactment of this Act and ending on November 13, 2012, the Postal Service may not close or consolidate a post office or postal facility located in a State that conducts all elections by mail or permits no-excuse absentee voting, except as required for the immediate protection of health and safety.

(c) NOTIFICATION OF ELECTION OFFICIALS.—Section 404 of title 39, United States Code, as amended by this Act, is amended by adding at the end the following:

''(g) NOTIFICATION OF ELECTION OFFICIALS.—Not later than 120 days before the date on which the Postal Service closes or consolidates a post office or postal facility (as defined in subsection (f)), the Postal Service shall notify each State and local election official for the area affected by the closing or consolidation of the closing or consolidation.''.

(d)

SA 2021. Mr. TESTER 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 appropriate place, insert the following:

SEC. ___. BOARD OF GOVERNORS.

(a) IN GENERAL.—Section 202 of title 39, United States Code, is amended—

(1) in subsection (a)(1)—

(A) in the first sentence, by striking ''11'' and inserting ''9'';

(B) in the second sentence—

(i) by striking ''Nine'' and inserting ''Seven''; and

(ii) by striking ''5'' and inserting ''4''; and

(C) in the fourth sentence, by striking ''at least 4'' and inserting ''not fewer than 3'';

(2) in subsection (b)(1), by striking ''The terms of the 9 Governors'' and all that follows and inserting the following: ''(A) The term of a Governor shall be 7 years.

''(B) A Governor appointed to fill a vacancy before the expiration of the term for which the predecessor of that Governor was appointed shall serve for the remainder of such term.

''(C) A Governor may continue to serve after the expiration of a term until the successor to that Governor has qualified, but may not serve for more than 1 year after the expiration of such term.''; and

(3) in subsection (e)(3), in the first sentence, by striking ''at least 7'' and inserting ''not fewer than 5''.

(b) INCUMBENT.—Notwithstanding the amendments made by subsection (a), an individual serving as a Governor under section 202 of title 39, United States Code, on the date of enactment of this Act may serve as a Governor until the expiration of the term of the individual.

SA 2022. Mr. BENNET (for himself and Mr. BLUNT) 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 appropriate place, insert the following:

SEC. ___. CITIZEN'S SERVICE PROTECTION ADVOCATES.

(a) IN GENERAL.—Chapter 4 of title 39, United States Code, is amended by adding at the end the following:

''§ 417. Citizen's service protection advocates

''(a) APPOINTMENT OF ADVOCATE.—

''(1) IN GENERAL.—The chief executive of a State affected by the closure or consolidation of a rural post office or postal facility (as defined in section 404(f)) may appoint a citizen's service protection advocate to represent the interests of postal customers affected by the closure or consolidation.

''(2) CONSULTATION.—In making an appointment under this subsection, the chief executive of a State shall consult with—

''(A) the mayor (or equivalent official) of any city affected by the closure or consolidation; and

''(B) the commissioner (or equivalent official) of any county, parish, or equivalent political subdivision affected by the closure or consolidation.

''(b) NOTICE.—The Postal Service shall transmit to the chief executive of a State notice of any determination by the Postal Service to close or consolidate a rural post office or postal facility that affects postal customers in the State.

''(c) APPEALS.—

''(1) IN GENERAL.—Notwithstanding section 404(d), a citizen's service protection advocate may appeal to the Postal Regulatory Commission a decision by the Postal Service to close or consolidate a rural post office or postal facility, if the citizen's service protection advocate finds that the closure or consolidation would result in a failure by the Postal Service to comply with the retail

service standards established under section 204(b) of the 21st Century Postal Service Act of 2012.

''(2) TIME FOR APPEAL.—An appeal under paragraph (1) shall be submitted to the Postal Regulatory Commission not later than 30 days after the date on which the Postal Service transmits the notice under subsection (b).

''(3) POSTAL REGULATORY COMMISSION.—

''(A) DETERMINATION REQUIRED.—Not later than 90 days after the date on which the Postal Regulatory Commission receives an appeal under paragraph (1), the Postal Regulatory Commission shall determine whether to grant or deny the appeal.

''(B) EFFECT OF DETERMINATION.—A determination by the Postal Regulatory Commission under subparagraph (A) shall be binding upon the Postal Service.

''(4) PROHIBITION ON CLOSURE OR CONSOLIDATION DURING APPEAL.—Notwithstanding section 404(d), during the period beginning on the date on which a citizen's service protection advocate submits an appeal under paragraph (1) and ending on the date on which the Postal Regulatory Commission makes a determination under paragraph (3), the Postal Service may not close or consolidate the rural post office or postal facility that is the subject of the appeal, except as required for the immediate protection of health and safety.

''(d) ACCESS TO INFORMATION AND ASSISTANCE.—

''(1) IN GENERAL.—Subject to paragraph (2), upon the request of any citizen's service protection advocate appointed under this section, the Postal Service shall provide to the citizen's service protection advocate—

''(A) access to any records, reports, audits, reviews, documents, papers, recommendations, or other materials of the Postal Service relating to the closure or consolidation of the relevant post office or postal facility; and

''(B) assistance in carrying out the duties of the citizen's service protection advocate.

''(2) PRIVACY PROTECTIONS.—The Postal Service may not provide to a citizen's service protection advocate any information, or compilation of information, that is a means of identification, as defined in section 1028(d)(7) of title 18, United States Code.

''(e) COMMUNICATION AND CONSULTATION.—The Postal Service shall—

''(1) provide for regular and efficient communication between a citizen's service protection advocate and the officer or employee of the Postal Service responsible for the closure or consolidation of the relevant post office or postal facility; and

''(2) consult with the citizen's service protection advocate in developing and implementing service changes that affect postal customers affected by the closure or consolidation of the relevant post office or postal facility.

''(f) TERMINATION OF SERVICE.—An individual may not serve as a citizen's service protection advocate with respect to the closure or consolidation of a rural post office or postal facility after the later of—

''(1) the date on which the Postal Service determines not to close or consolidate the rural post office or postal facility;

''(2) the date on which the Postal Regulatory Commission makes a determination under subsection (c)(3); and

''(3) if a citizen's service protection advocate does not submit an appeal under subsection (c), the date on which the Postal Service determines to close or consolidate the rural post office or postal facility; and''.

(b) TABLE OF SECTIONS.—The table of sections for chapter 4 of title 39, United States Code, is amended by adding at the end the following:

''417. Citizen's service protection advocate.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date on which the Postal Service establishes retail service standards under section 204(b).

SA 2023. Mr. PAUL 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 appropriate place, insert the following:

SEC. ____. PROHIBITION ON FOREIGN ASSISTANCE TO EGYPT.

(a) PROHIBITION.—No amounts may be obligated or expended to provide any direct United States assistance to the Government of Egypt unless the President certifies to Congress that—

(1) the Government of Egypt is not holding, detaining, prosecuting, harassing, or preventing the exit from Egypt of any person working for a nongovernmental organization supported by the United States Government on the basis of the person's association with or work for the nongovernmental organization;

(2) the Government of Egypt is not holding any property of a nongovernmental organization described in paragraph (1) or of a person associated with such a nongovernmental organization; and

(3) the Government of Egypt—

(A) has dropped all charges against the persons described in paragraph (1);

(B) is no longer seeking the arrest of such persons; and

(C) is no longer seeking the extradition of such persons to Egypt for trial.

(b) RESCISSION OF FUNDS.—

(1) IN GENERAL.—Subject to paragraph (2), of any amounts previously appropriated for direct United States assistance to the Government of Egypt and available for obligation as of the date of the enactment of this Act, $5,000,000 is hereby rescinded.

(2) CERTIFICATION.—If the President certifies to Congress the total amount of funds paid by the United States Government, nongovernmental organizations supported by the United States Government, and individuals working for such nongovernmental organizations to obtain the release of persons working for nongovernmental organizations detained by the Government of Egypt, the amount rescinded under paragraph (1) shall instead be the amount so certified.

(3) INSUFFICIENT FUNDS.—If the President certifies to Congress that the amount of funds required to be rescinded under paragraph (1) or paragraph (2) is greater than the amount of funds available to be rescinded, the President shall withhold from future funding available for direct United States assistance to the Government of Egypt an amount equal to the difference between the amount required to be rescinded and the amount available to be rescinded and transfer such amount to the Treasury of the United States to be used for deficit reduction.

SA 2024. Mr. PAUL 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:

Strike section 105 and insert the following:

SEC. 105. ENROLLING SENIORS IN THE SAME HEALTH CARE PLANS AS MEMBERS OF CONGRESS.

(a) IN GENERAL.—Chapter 89 of title 5, United States Code, is amended—

(1) in section 8901—

(A) in paragraph (10), by striking ''and'' at the end;

(B) in paragraph (11), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(12) the term 'covered individual' means an individual who, taking into account section 226(k) of the Social Security Act, would have been entitled to, or could have enrolled for, benefits under part A of title XVIII of such Act or could have enrolled under part B of such title if section 1899B had not been enacted.'';

(2) by inserting after section 8901 the following:

''SUBCHAPTER I—FEDERAL EMPLOYEES'';

(3) in section 8902—

(A) in subsection (a)—

(i) by inserting ''(1)'' after ''(a)''; and

(ii) by adding at the end the following:

''(2)(A) In this paragraph, the term 'equivalent health benefits plan' means a health benefits plan proposed to be provided that offers benefits that the Director of the Office of Personnel Management determines are substantially equivalent or superior to benefits offered under, and does not impose requirements that are substantially different than requirements under, a health benefits plan in which an employee could enroll on the date of enactment of this paragraph if the employee resided—

''(i) anywhere in the United States; or

''(ii) in the same region of the United States as the health benefits plan proposed to be provided.

''(B) For contract years beginning on or after January 1, 2014, if a carrier offers to provide an equivalent health benefits plan, the Director shall enter into a contract with the carrier to provide the equivalent health benefits plan.'';

(B) in subsection (e), by striking ''The Office may prescribe'' and inserting ''Subject to subsection (a)(2), the Office may prescribe''; and

(C) by adding at the end the following:

''(p) A contract under this chapter for a contract year beginning on or after January 1, 2014, shall offer benefits for employees, annuitants, members of their families, former spouses, persons having continued coverage under section 8905a of this title, and covered individuals. In administering this subchapter and subchapter II, employees, annuitants, members of their families, former spouses, persons having continued coverage under section 8905a of this title, and covered individuals shall be in the same risk pool.'';

(4) in section 8904—

(A) by striking ''(a) The benefits'' and inserting ''The benefits'';

(B) by striking ''this subsection'' each place it appears and inserting ''this section''; and

(C) by striking subsection (b);

(5) in section 8909(a)(1), by inserting ''and for all payments under section 8921(d)'' before the semicolon;

(6) in section 8910, by striking subsection (d); and

(7) by adding at the end the following:

''SUBCHAPTER II—COVERED INDIVIDUALS

''§ 8921. Health insurance for covered individuals

''(a) For contract years beginning on or after January 1, 2014, and except as otherwise provided in this subchapter, the Director of the Office of Personnel Management shall

ensure that to the greatest extent possible health benefits plans provide benefits for covered individuals to the same extent and in the same manner as provided under subchapter I for employees, annuitants, members of their families, former spouses, and persons having continued coverage under section 8905a of this title.

''(b)(1) The Director shall establish the deadline by which a covered individual shall elect to—

''(A) enroll in a health benefits plan under this chapter based on the status of the individual as a covered individual;

''(B) with the concurrence of the employer or former employer of the covered individual, receive payments under subsection (d) to assist in paying for health insurance provided through the employer or former employer of the covered individual; or

''(C) not enroll in a health benefits plan or receive payments under this chapter.

''(2) Failure to make a timely election under this subsection shall be deemed as an election to not enroll in a health benefits plan or receive payment under this chapter.

''(3) A covered individual—

''(A) may elect to enroll in a health benefits plan as an individual; and

''(B) may not enroll in a health benefits plan for self and family.

''(4)(A) A covered individual who elects not to enroll, or who elects not to continue enrollment, in a health benefits plan under this chapter (including a covered individual who elects to receive payments under subsection (d)) may subsequently enroll in a health benefits plan under this chapter based on the status of the covered individual as a covered individual in accordance with such procedures, and after paying such fees, as the Director of the Office of Personnel Management may establish.

''(B) The fact that a covered individual elects not to enroll, or elects not to continue enrollment, in a health benefits plan under this chapter shall not affect the eligibility of the covered individual for benefits under title II of the Social Security Act (42 U.S.C. 401 et seq.).

''(c)(1)(A) A covered individual who elects to enroll in a health benefits plan under this chapter based on the status of the covered individual as a covered individual shall pay a monthly individual premium payment determined in accordance with subparagraph (B).

''(B) The individual premium payment under subparagraph (A) shall be determined based on income, as follows:

''(i) For an individual with an adjusted gross income (as defined under section 62 of the Internal Revenue Code of 1986) of not more than $85,000, the individual premium payment shall be in an amount equal to the employee contribution for the health benefits plan, as determined under section 8906.

''(ii) For an individual with an adjusted gross income of more than $85,000 and not more than $107,000, the individual premium payment shall be in an amount equal to the sum of—

''(I) the employee contribution for the health benefits plan, as determined under section 8906; and

''(II) the product obtained by multiplying—

''(aa) the Government contribution (as determined under section 8906(b)); by

''(bb) 0.05.

''(iii) For an individual with an adjusted gross income of more than $107,000 and not more than $160,000, the individual premium payment shall be in an amount equal to the sum of—

''(I) the employee contribution for the health benefits plan, as determined under section 8906; and

''(II) the product obtained by multiplying—

''(aa) the Government contribution (as determined under section 8906(b)); by

''(bb) 0.1.

''(iv) For an individual with an adjusted gross income of more than $160,000 and not more than $250,000, the individual premium payment shall be in an amount equal to the sum of—

''(I) the employee contribution for the health benefits plan, as determined under section 8906; and

''(II) the product obtained by multiplying—

''(aa) the Government contribution (as determined under section 8906(b)); by

''(bb) 0.15.

''(v) For an individual with an adjusted gross income of more than $250,000 and not more than $1,000,000, the individual premium payment shall be in an amount equal to the sum of—

''(I) the employee contribution for the health benefits plan, as determined under section 8906; and

''(II) the product obtained by multiplying—

''(aa) the Government contribution (as determined under section 8906(b)); by

''(bb) 0.5.

''(vi) For an individual with an adjusted gross income of more than $1,000,000, the individual premium payment shall be in an amount equal to the sum of—

''(I) the employee contribution for the health benefits plan, as determined under section 8906; and

''(II) the Government contribution (as determined under section 8906(b)).

''(C) The Director of the Office of Personnel Management shall adjust the income amounts under subparagraph (B) annually to reflect changes in the Consumer Price Index for all Urban Consumers published by the Department of Labor.

''(2)(A) For a covered individual who is entitled to monthly benefits under section 202 or 223 of the Social Security Act (42 U.S.C. 402 and 423), the monthly premiums of the covered individual under this subchapter shall (except as provided in subparagraph (B) or (C)) be collected by deducting the amount of the premium from the amount of such monthly benefits.

''(B) For a covered individual who is entitled to receive for a month an annuity under the Railroad Retirement Act of 1974 (whether or not the covered individual is also entitled for such month to a monthly insurance benefit under section 202 of the Social Security Act (42 U.S.C. 402)), the monthly premiums of the covered individual under this subchapter shall (except as provided in subparagraph (C)) be collected by deducting the amount thereof from such annuity or pension.

''(C) If a covered individual to whom subparagraph (A) or (B) applies estimates that the amount which will be available for deduction under such subparagraph for any premium payment period will be less than the amount of the monthly premiums for such period, the covered individual may pay to the Director of the Office of Personnel Management such portion of the monthly premiums for such period as the covered individual desires.

''(D) For a covered individual who is not described in subparagraph (A) or (B) and who elects to enroll in a health benefits plan under this chapter, or with respect to whom subparagraph (C) applies, the covered individual shall pay monthly premiums to the Director of the Office of Personnel Management at such times, and in such manner, as the Director shall by regulations prescribe.

''(E) Amounts deducted or paid under this paragraph shall be deposited in the Treasury to the credit of the Employees Health Benefits Fund established under section 8909.

''(F) After consultation with the Director of the Office of Personnel Management, the Secretary of Health and Human Services shall establish procedures for making and depositing deductions under this paragraph.

''(3) The Director of the Office of Personnel Management shall establish procedures for terminating the enrollment of a covered individual in a health benefits plan if the covered individual fails to make timely payment of premiums, which shall allow such a covered individual to reenroll in a health benefits plan under such terms and conditions as the Director may prescribe.

''(d) The Director of the Office of Personnel Management shall make periodic payments to the employer or former employer providing health insurance to a covered individual who makes an election under subsection (b)(1)(B) in a total amount not to exceed the lesser of—

''(1) the cost to the employer or former employer of providing health insurance to the covered individual; and

''(2) the average Government contribution for an individual enrolled in a health benefits plan under this chapter that is available to individuals residing anywhere in the United States.

''(e) For fiscal year 2014 and each fiscal year thereafter, there are appropriated to the Employees Health Benefits Fund established under section 8909, out of any funds in the Treasury not otherwise appropriated—

''(1) an amount equal to—

''(A) the taxes imposed by sections 3101(b) and 3111(b) of the Internal Revenue Code of 1986 with respect to wages reported to the Secretary of the Treasury pursuant to subtitle F of such Code after December 31, 2013, as determined by the Secretary of the Treasury by applying the applicable rates of tax under such sections to such wages, which wages shall be certified by the Commissioner of Social Security on the basis of records of wages established and maintained by the Commissioner of Social Security in accordance with such reports;

''(B) the taxes imposed by section 1401(b) of the Internal Revenue Code of 1986 with respect to self-employment income reported to the Secretary of the Treasury on tax returns under subtitle F of such Code, as determined by the Secretary of the Treasury by applying the applicable rate of tax under such section to such self-employment income, which self-employment income shall be certified by the Commissioner of Social Security on the basis of records of self-employment established and maintained by the Commissioner of Social Security in accordance with such returns; and

''(C) any amounts that, on or after January 1, 2014, are to be deposited in the Federal Hospital Insurance Trust Fund established under section 1817 of the Social Security Act (42 U.S.C. 1395i) under any other provision of law; and

''(2) a Government contribution equal to the difference obtained by subtracting—

''(A) the sum of—

''(i) the total amount of premiums paid by covered individuals under subsection (c)(2) for the fiscal year; and

''(ii) the amount appropriated under paragraph (1); from

''(B) the sum of—

''(i) the total cost for the fiscal year of subscription charges for health benefits plans for covered individuals enrolled in a health benefits plan based on the status of the covered individuals as covered individuals; and

''(ii) the total amount of payments for the fiscal year under subsection (d).

''(f) The Director of the Office of Personnel Management shall establish, in consultation with the Secretary of Health and Human Services acting through the Administrator of the Centers for Medicare & Medicaid Services, procedures to ensure that health benefits plans coordinate with State Medicaid

programs with respect to the provision of cost-sharing and other medical assistance for covered individuals enrolled in health benefit plans who are also eligible for medical assistance and enrolled in a State Medicaid program.

''SUBCHAPTER III—HIGH RISK POOL

''§ 8941. Reimbursement of costs for high risk individuals

''(a) In this section, the term 'high risk individual' means an individual—

''(1) enrolled in a health benefits plan under this chapter for a contract year; and

''(2) who, of all individuals enrolled in a health benefits plan under this chapter for the contract year, is in the highest 5 percent in terms of benefits paid by a carrier under a health benefits plan relating to the contract year.

''(b) After the end of each contract year beginning on or after January 1, 2014, the Director of the Office of Personnel Management shall—

''(1) identify the high risk individuals for the contract year; and

''(2) pay to a carrier contracting to provide a health benefits plan to a high risk individual for the contract year 90 percent of the benefits paid by the carrier relating to the high risk individual.

''(c)(1) For fiscal year 2014 and each fiscal year thereafter, there are appropriated to the Director of the Office of Personnel Management from the Federal Hospital Insurance Trust Fund established under section 1817 of the Social Security Act (42 U.S.C. 1395i) such sums as are necessary to carry out this section.

''(2) If the amounts appropriated under paragraph (1) are insufficient to carry out this section, for fiscal year 2014 and each fiscal year thereafter, there are appropriated to the Director of the Office of Personnel Management, out of any funds in the Treasury not otherwise appropriated, such sums as are necessary to carry out this section.''.

(b) EXEMPTION FROM INSURANCE REQUIREMENTS.—

(1) AMENDMENT TO TITLE 5.—Chapter 89 of title 5, United States Code, is amended by inserting after section 8901 the following:

''§ 8901A. Exemption from insurance requirements

''Title I of the Patient Protection and Affordable Care Act, subtitle A of title X of such Act, and the amendments made by such title I and subtitle A shall not apply to health benefits plans.''.

(2) CONFORMING AMENDMENT.—Section 2709 of the Public Health Service Act (42 U.S.C. 300gg–8) (as added by section 10103 of the Patient Protection and Affordable Care Act) is amended—

(A) by striking subsection (g); and

(B) by redesignating subsection (h) as subsection (g).

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 89 of title 5, United States Code, is amended—

(1) in the table of sections—

(A) by inserting after the item relating to section 8901 the following:

''8901A. Exemption from insurance requirements.

''SUBCHAPTER I—FEDERAL EMPLOYEES'';

and

(B) by adding at the end the following:

''SUBCHAPTER II—COVERED INDIVIDUALS

''8921. Health insurance for covered individuals.

''SUBCHAPTER III—HIGH RISK POOL

''8941. Reimbursement of costs for high risk individuals.'';

(2) in section 8902a(d)(1)—

(A) in subparagraph (A), by adding ''or'' at the end;

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B); and

(3) by striking section 8910(d).

(d) EFFECTIVE DATE; APPLICABILITY.—The amendments made by this section shall take effect on the date of enactment of this Act and apply on and after January 1, 2014.

SA 2025. Mr. PAUL 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 title II, add the following:

SEC. ___. ENDING THE MAILBOX USE MONOPOLY.

Section 1725 of title 18, United States Code, is amended by striking ''established, approved, or accepted'' and all that follows through ''mail route'' and inserting ''or post office box owned by the Postal Service or located on Postal Service property''.

SA 2026. Mr. PAUL 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 appropriate place, insert the following:

SEC. _____. PERFORMANCE-BASED PAY FOR POSTMASTER GENERAL; POSTAL SERVICE BONUS AUTHORITY.

(a) IN GENERAL.—Chapter 10 of title 39, United States Code, is amended by adding at the end the following:

''§ 1012. Performance-based pay for Postmaster General; Postal Service bonus authority

''(a) PERFORMANCE-BASED PAY FOR POSTMASTER GENERAL.—

''(1) DEFINITION.—In this subsection, the term 'base rate' means the annual rate of pay for the Postmaster General in effect on the date of enactment of the 21st Century Postal Service Act of 2012.

''(2) ANNUAL RATE OF PAY.—Except as provided under paragraph (3), the annual rate of pay for the Postmaster General shall be the base rate.

''(3) ADJUSTMENTS.—

''(A) IN GENERAL.—The annual rate of pay for the Postmaster General shall be adjusted only in accordance with this paragraph. An adjustment under this paragraph may be made notwithstanding section 1003(a).

''(B) FISCAL YEARS WITH SURPLUSES.—If there was a surplus in the preceding fiscal year as determined under subsection (c)(1) and the individual serving as the Postmaster General served in that position for all of the preceding fiscal year, the annual rate of pay for the Postmaster General for pay periods beginning on or after October 1 in any fiscal year shall be equal to the base rate increased by the percentage of the surplus for the preceding fiscal year as determined under subsection (c)(2).

''(4) FISCAL YEAR WITH DEFICITS.—If there was a deficit in the preceding fiscal year as determined under subsection (c)(1), the annual rate of pay for the Postmaster General for pay periods beginning on or after October 1 in any fiscal year shall be equal to the base rate decreased by the percentage of the deficit for the preceding fiscal year as determined under subsection (c)(2).

''(b) BONUS AUTHORITY.—

''(1) FISCAL YEARS WITH SURPLUSES.—If there was a surplus in the preceding fiscal year as determined under subsection (c)(1), the Postal Service may provide incentive or performance award payments to employees during a fiscal year, which may not increase the total compensation of an employee relative to the base salary of the employee by a percentage greater than the percentage of the surplus for the preceding fiscal year as determined under subsection (c)(2).

''(2) FISCAL YEARS WITH DEFICITS.—If there was a deficit in the preceding fiscal year as determined under subsection (c)(1), the Postal Service may not provide incentive or performance award payments to employees during a fiscal year.

''(c) DETERMINATIONS BY THE OFFICE OF MANAGEMENT AND BUDGET.—At the end each fiscal year the Director of the Office of Management and Budget shall—

''(1) make a determination of whether there is a surplus or a deficit in the annual budget of the Postal Service submitted under section 2009 for that fiscal year;

''(2) make a determination of the surplus or deficit described under paragraph (1) expressed as a percentage of the budget for that fiscal year; and

''(3) submit notification to the Board of Governors and Congress of the determinations made under paragraphs (1) and (2).''.

(b) FIXING PAY BY BOARD OF GOVERNORS.—Sections 202(c) of title 39, United States Code, is amended in the second sentence by striking ''pay and''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 10 of title 39, United States Code, is amended by adding after the item relating to section 1011 the following:

''1012. Performance-based pay for Postmaster General; Postal Service bonus authority.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided under paragraph (2), the amendments made by this section shall take effect on the date of enactment of this Act.

(2) ADJUSTMENTS; BONUSES.—

(A) ADJUSTMENTS.—Adjustments under section 1012(a) of title 39, United States Code, (as added by subsection (a) of this section) shall apply to pay periods occurring on or after October 1, 2012.

(B) BONUSES.—The limitation on the provision of incentive or performance award payments under Adjust section 1012(b) of title 39, United States Code, (as added by subsection (a) of this section) shall apply to fiscal year 2013 and each fiscal year thereafter.

SA 2027. Mr. PAUL 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 appropriate place, insert the following:

SEC. ___. CAPITOL COMPLEX POST OFFICES.

(a) HOUSE OF REPRESENTATIVES.—

(1) IN GENERAL.—The Postal Service shall not maintain or operate more than 1 post office in the United States Capitol Complex, as defined in section 310(a)(3)(B) of the Legislative Branch Appropriations Act, 1990 (2 U.S.C. 130e(a)(3)(B)), which shall be located in a House Office Building.

(2) CLOSING OF CAPITOL POST OFFICES.—The Postal Service shall close any post office in the United States Capitol Complex, as defined in section 310(a)(3)(B) of the Legislative Branch Appropriations Act, 1990 (2 U.S.C. 130e(a)(3)(B)), not permitted under this subsection, without regard to the requirements under section 404(d) of title 39, United States Code.

(b) SENATE.—

(1) IN GENERAL.—The Sergeant at Arms and Doorkeeper of the Senate may not enter

into, modify, or renew a contract with the Postal Service to maintain or operate more than 1 post office in a Senate Office Building.

(2) EXISTING CONTRACTS.—Nothing in paragraph (1) may be construed to affect a contract entered into by the Sergeant at Arms and Doorkeeper of the Senate and the Postal Service before the date of enactment of this Act.

SA 2028. Mr. PAUL 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 appropriate place, insert the following:

SEC. ____. PILOT PROGRAM TO TEST ALTERNATIVE METHODS FOR THE DELIVERY OF POSTAL SERVICES.

(a) DEFINITION.—In this section, the term ''review board'' means a postal performance review board established under subsection (c)(2).

(b) PILOT PROGRAM.—

(1) IN GENERAL.—The United States Postal Service may conduct a pilot program to test the feasibility and desirability of alternative methods for the delivery of postal services. Subject to the provisions of this section, the pilot program shall not be limited by any lack of specific authority under title 39, United States Code, to take any action contemplated under the pilot program.

(2) WAIVERS.—

(A) IN GENERAL.—The Postal Service may waive any provision of law, rule, or regulation inconsistent with any action contemplated under the pilot program.

(B) CONTENT.—A waiver granted by the Postal Service under subparagraph (A) may include a waiver of requirements relating to—

(i) days of mail delivery;

(ii) the use of cluster-boxes;

(iii) alternative uses of mailboxes; and

(iv) potential customer charges for daily at-home delivery.

(C) REGULATIONS AND CONSULTATION.—The Postal Service shall issue any waiver under subparagraph (A)—

(i) in accordance with regulations under subsection (h); and

(ii) with respect to a waiver involving a provision of title 18, United States Code, in consultation with the Attorney General.

(c) REQUIREMENTS.—

(1) IN GENERAL.—

(A) APPLICATION.—Under the pilot program, alternative methods for the delivery of postal services may be tested only in a community that submits an appropriate application (together with a written plan)—

(i) in such time, form, and manner as the Postal Service by regulation requires; and

(ii) that is approved by the Postal Service.

(B) CONTENTS.—Any application under this paragraph shall include—

(i) a description of the postal services that would be affected;

(ii) the alternative providers selected and the postal services each would furnish (or the manner in which those decisions would be made);

(iii) the anticipated costs and benefits to the Postal Service and users of the mail;

(iv) the anticipated duration of the participation of the community in the pilot program;

(v) a specific description of any actions contemplated for which there is a lack of specific authority or for which a waiver under subsection (b)(2) would be necessary; and

(vi) any other information as the Postal Service may require.

(2) REVIEW BOARDS.—

(A) IN GENERAL.—Under the pilot program, a postmaster within a community may, in accordance with regulations prescribed by the Postal Service, establish a postal performance review board.

(B) FUNCTIONS.—A review board shall—

(i) submit any application under paragraph (1) on behalf of the community that the review board represents; and

(ii) carry out the plan on the basis of which any application with respect to that community is approved.

(C) MEMBERSHIP.—A review board shall consist of—

(i) the postmaster for the community (or, if there is more than 1, the postmaster designated in accordance with regulations under subsection (h));

(ii) at least 1 individual who shall represent the interests of business concerns; and

(iii) at least 1 individual who shall represent the interests of users of the class of mail for which the most expeditious handling and transportation is afforded by the Postal Service.

(iv) CHAIRPERSON.—The postmaster for the community (or postmaster so designated) shall serve as chairperson of the review board.

(3) ALTERNATIVE PROVIDERS.—To be eligible to be selected as an alternative provider of postal services, a provider shall be a commercial enterprise, nonprofit organization, labor organization, or other person that—

(A) possesses the personnel, equipment, and other capabilities necessary to furnish the postal services concerned;

(B) satisfies any security and other requirements as may be necessary to safeguard the mail, users of the mail, and the general public;

(C) submits a bid to the appropriate review board in such time, form, and manner (together with such accompanying information) as the review board may require; and

(D) meets such other requirements as the review board may require, consistent with any applicable regulations under subsection (h).

(4) USE OF POSTAL FACILITIES AND EQUIPMENT.—A postmaster may, at the discretion of the postmaster, allow alternative providers to use facilities and equipment of the Postal Service. Any such use proposed by a person in a bid submitted under paragraph (3)(C) shall, for purposes of the competitive bidding process, be taken into account using the fair market value of such use.

(5) APPLICATIONS FROM COMMUNITIES WITH POTENTIAL CLOSURES.—When reviewing and granting applications, the Postal Service shall give priority to applications from communities identified for potential post office closures.

(d) LIMITATION ON APPLICATIONS.—

(1) IN GENERAL.—Except as provided under paragraph (2), no more than 250 applications may be approved for participation in the pilot program under this section at any 1 time.

(2) INCREASED LIMITATION.—If more than 250 applications for participation in the pilot program are filed during the 90-day period beginning on the date of enactment of this Act, no more than 500 applications may be approved for participation in the pilot program under this section at any 1 time.

(e) TERMINATION OF COMMUNITY PARTICIPATION.—Subject to such conditions as the Postal Service may by regulation prescribe and the terms of any written agreement or contract entered into in conformance with such regulations, the participation of a community in the pilot program may be terminated by the Postal Service or by the review board for that community if the Postal Service or the review board determines that the continued participation of the community is not in the best interests of the public or the Government of the United States.

(f) EVALUATIONS.—

(1) IN GENERAL.—The Postal Service shall evaluate the operation of the pilot program within each community that participates in the pilot program.

(2) CONTENTS.—An evaluation under this subsection shall include an examination, as applicable, of—

(A) the reliability of mail delivery (including the rate of misdeliveries) in the community;

(B) the timeliness of mail delivery (including the time of day that mail is delivered and the time elapsing from the postmarking to delivery of mail) in the community;

(C) the volume of mail delivered in the community; and

(D) any cost savings or additional costs to the Postal Service attributable to the use of alternative providers.

(3) ANALYSIS OF DATA.—Data included in any evaluation under this subsection shall be analyzed—

(A) by community characteristics, time of year, and type of postal service;

(B) by residential, business, and any other type of mail user; and

(C) on any other basis as the Postal Service may determine.

(4) SUBMISSION OF EVALUATIONS.—Not later than 90 days after the date on which the pilot program terminates, the Postal Service shall submit each evaluation under this subsection and an overall evaluation of the pilot program to the President and Congress.

(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the obligation of the Postal Service to continue providing universal service, in accordance with otherwise applicable provisions of law, in all aspects not otherwise provided for under this section.

(h) REGULATIONS.—The Postal Service may prescribe any regulations necessary to carry out this section.

(i) TERMINATION.—

(1) TERMINATION BY THE POSTAL SERVICE.—The Postmaster General may terminate the pilot program under this section before the date described in paragraph (2)(A), if—

(A) the Postmaster General determines that continuation of the pilot program is not in the best interests of the public or the Government of the United States; and

(B) the Postal Regulatory Commission approves the termination.

(2) TERMINATION AFTER 5 YEARS.—

(A) IN GENERAL.—Except as provided under subparagraph (B), the authority to conduct the pilot program under this section shall terminate 5 years after the date of enactment of this Act.

(B) EXTENSIONS.—

(i) IN GENERAL.—The Postmaster General may extend the authority to conduct the pilot program under this section, if before the date that the authority to conduct the pilot program would otherwise terminate, the Postmaster General submits a notice of extension to Congress that includes—

(I) the term of the extension; and

(II) the reasons that the extension is in the best interests of the public or the Government of the United States.

(ii) MULTIPLE EXTENSIONS.—The Postmaster General may provide for more than 1 extension under this subparagraph.

SA 2029. Mr. PAUL 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:

In section 401(b), strike paragraphs (3) and (4) and insert the following:

(3) any cost savings that the Postal Service anticipates will be achieved through negotiations with employees of the Postal Service;

(4) projected changes in mail volume; and

(5) the impact of—

(A) regulations the Postmaster General was required by Congress to promulgate; and

(B) congressional action required to facilitate the profitability of the Postal Service.

SA 2030. Mrs. MCCASKILL submitted an amendment intended to be proposed by her 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:

Strike section 302 and insert the following:

SEC. 302. FEDERAL WORKERS COMPENSATION REFORMS FOR RETIREMENT-AGE EMPLOYEES.

(a) CONVERSION OF ENTITLEMENT AT RETIREMENT AGE.—

(1) DEFINITIONS.—Section 8101 is amended—

(A) in paragraph (18), by striking ''and'' at the end;

(B) in paragraph (19), by striking ''and'' at the end;

(C) in paragraph (20), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(21) 'retirement age' has the meaning given that term under section 216(l)(1) of the Social Security Act (42 U.S.C. 416(l)(1));

''(22) 'covered claim for total disability' means a claim for a period of total disability that commenced before the date of enactment of the Workers' Compensation Reform Act of 2012;

''(23) 'covered claim for partial disability' means a claim for a period of partial disability that commenced before the date of enactment of the Workers' Compensation Reform Act of 2012; and

''(24) 'individual who has an exempt disability condition' means an individual—

''(A) who—

''(i) is eligible to receive continuous periodic compensation for total disability under section 8105 on the date of enactment of the Workers' Compensation Reform Act of 2012; and

''(ii) meets the criteria under section 8105(c);

''(B) who, on the date of enactment of the Workers' Compensation Reform Act of 2012—

''(i) is eligible to receive continuous periodic compensation for total disability under section 8105; and

''(ii) has sustained a currently irreversible severe mental or physical disability for which the Secretary of Labor has authorized, for at least the 1-year period ending on the date of enactment of the Workers' Compensation Reform Act of 2012, constant in-home care or custodial care, such as placement in a nursing home; or

''(C) who is eligible to receive continuous periodic compensation for total disability under section 8105—

''(i) for not less than the 3-year period ending on the date of enactment of the Workers' Compensation Reform Act of 2012; or

''(ii) if the individual became eligible to receive continuous periodic compensation for total disability under section 8105 during the period beginning on the date that is 3 years before the date of enactment of the Workers' Compensation Reform Act of 2012 and ending on such date of enactment, for not less than the 3-year period beginning on the date on which the individual became eligible.''.

(2) TOTAL DISABILITY.—Section 8105 is amended—

(A) in subsection (a), by striking ''If'' and inserting ''IN GENERAL.—Subject to subsection (b), if'';

(B) by redesignating subsection (b) as subsection (c); and

(C) by inserting after subsection (a) the following:

''(b) CONVERSION OF ENTITLEMENT AT RETIREMENT AGE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the basic compensation for total disability for an employee who has attained retirement age shall be 50 percent of the monthly pay of the employee.

''(2) EXCEPTIONS.—

''(A) COVERED RECIPIENTS WHO ARE RETIREMENT AGE, HAVE AN EXEMPT DISABILITY CONDITION, OR FACE FINANCIAL HARDSHIP.—Paragraph (1) shall not apply to a covered claim for total disability by an employee if the employee—

''(i) on the date of enactment of the Workers' Compensation Reform Act of 2012, has attained retirement age;

''(ii) is an individual who has an exempt disability condition; or

''(iii) is a member of a household that would meet the income and assets requirements for eligibility for the supplemental nutrition assistance program as described in section 5 of the Food and Nutrition Act of 2008 (7 U.S.C. 2014) (not including any provisions permitting eligibility due to benefits received under any other law) if the basic compensation for total disability of the employee were provided in accordance with paragraph (1).

''(B) TRANSITION PERIOD FOR CERTAIN EMPLOYEES.—For a covered claim for total disability by an employee who is not an employee described in subparagraph (A), the employee shall receive the basic compensation for total disability provided under subsection (a) until the later of—

''(i) the date on which the employee attains retirement age; and

''(ii) the date that is 3 years after the date of enactment of the Workers' Compensation Reform Act of 2012.''.

(3) PARTIAL DISABILITY.—Section 8106 is amended—

(A) in subsection (a), by striking ''If'' and inserting ''IN GENERAL.—Subject to subsection (b), if'';

(B) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(C) by inserting after subsection (a) the following:

''(b) CONVERSION OF ENTITLEMENT AT RETIREMENT AGE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the basic compensation for partial disability for an employee who has attained retirement age shall be 50 percent of the difference between the monthly pay of the employee and the monthly wage-earning capacity of the employee after the beginning of the partial disability.

''(2) EXCEPTIONS.—

''(A) COVERED RECIPIENTS WHO ARE RETIREMENT AGE OR FACE FINANCIAL HARDSHIP.—Paragraph (1) shall not apply to a covered claim for partial disability by an employee if the employee—

''(i) on the date of enactment of the Workers' Compensation Reform Act of 2012, has attained retirement age; or

''(ii) is a member of a household that would meet the income and assets requirements for eligibility for the supplemental nutrition assistance program as described in section 5 of the Food and Nutrition Act of 2008 (7 U.S.C. 2014) (not including any provisions permitting eligibility due to benefits received under any other law) if the basic compensation for total disability of the employee were provided in accordance with paragraph (1).

''(B) TRANSITION PERIOD FOR CERTAIN EMPLOYEES.—For a covered claim for partial disability by an employee who is not an employee described in subparagraph (A), the employee shall receive basic compensation for partial disability in accordance with subsection (a) until the later of—

''(i) the date on which the employee attains retirement age; and

''(ii) the date that is 3 years after the date of enactment of the Workers' Compensation Reform Act of 2012.''.y

After section 313, insert the following:

SEC. 314. TERRORISM INJURIES; ZONES OF ARMED CONFLICT.

(a) COVERING TERRORISM INJURIES.—Section 8102(b) of title 5, United States Code, is amended in the matter preceding paragraph (1)—

(1) by inserting ''or from an attack by a terrorist or terrorist organization, either known or unknown,'' after ''force or individual,''; and

(2) by striking ''outside'' and all that follows through ''1979)'' and inserting ''outside of the United States''.

(b) CONTINUATION OF PAY IN A ZONE OF ARMED CONFLICT.—Section 8118 of title 5, United States Code, as amended by section 308(b) of this Act, is amended—

(1) in subsection (b), by striking ''Continuation'' and inserting ''Except as provided under subsection (d)(2), continuation'';

(2) in subsection (c), as redesignated by section 308(b)(4) of this Act, by striking ''subsection (a)'' and inserting ''subsection (a) or (d)'';

(3) by redesignating subsection (d), as redesignated by section 308(b)(4) of this Act, as subsection (e); and

(4) inserting after subsection (c) the following:

''(d) CONTINUATION OF PAY IN A ZONE OF ARMED CONFLICT.—

''(1) IN GENERAL.—Notwithstanding subsection (a), the United States shall authorize the continuation of pay of an employee described in subparagraph (A), (C), (D), or (F) of section 8101(1), who—

''(A) files a claim for a period of wage loss due to an injury in performance of duty in a zone of armed conflict (as determined by the Secretary of Labor under paragraph (3)); and

''(B) files the claim for such wage loss benefit with the immediate superior of the employee not later than 45 days after the later of—

''(i) the termination of the assignment of the employee to the zone of armed conflict; or

''(ii) the return of the employee to the United States.

''(2) CONTINUATION OF PAY.—Notwithstanding subsection (b), continuation of pay under this subsection shall be furnished for a period not to exceed 135 days without any break in time or waiting period, unless controverted under regulations prescribed by the Secretary of Labor.

''(3) DETERMINATION OF ZONES OF ARMED CONFLICT.—For purposes of this subsection, the Secretary of Labor, in consultation with the Secretary of State and the Secretary of Defense, shall determine whether a foreign country or other foreign geographic area outside of the United States (as defined in section 202(a)(7) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4302(a)(7)) is a zone of armed conflict based on whether—

''(A) the Armed Forces of the United States are involved in hostilities in the country or area;

''(B) the incidence of civil insurrection, civil war, terrorism, or wartime conditions threatens physical harm or imminent danger to the health or well-being of United States civilian employees in the country or area;

''(C) the country or area has been designated a combat zone by the President under section 112(c) of the Internal Revenue Code of 1986;

''(D) a contingency operation involving combat operations directly affects civilian employees in the country or area; or

''(E) there exist other relevant conditions and factors.''.

SA 2031. Mrs. MCCASKILL (for herself, Mr. MERKLEY, Mr. BAUCUS, Mr. BEGICH, Mr. TESTER, and Mr. SANDERS) submitted an amendment intended to be proposed by her 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 appropriate place, insert the following:

SEC. ___. RURAL POST OFFICES.

(a) CONDITIONS FOR CLOSING RURAL POST OFFICES.—Section 404(d) of title 39, United States Code, as amended by section 205 of this Act, is amended—

(1) in paragraph (3)—

(A) in the first sentence, by inserting ''and, with respect to a rural post office, a summary of the determinations required under paragraph (9)'' after ''paragraph (2) of this subsection''; and

(B) in the second sentence, by striking ''determination and findings'' and inserting ''determination, findings, and summary''; and

(2) by adding at the end the following:

''(9) The Postal Service may not make a determination under subsection (a)(3) to close a post office located in a rural area, as defined by the Census Bureau, unless the Postal Service determines that—

''(A) seniors served by the post office would continue to receive the same or substantially similar access to prescription medication sent through the mail as before the closing;

''(B) businesses located in the community served by the post office would not suffer financial loss as a result of the closing;

''(C) the economic loss to the community served by the post office as a result of the closing does not exceed the cost to the Postal Service of not closing the post office;

''(D) the area served by the post office has adequate access to wired broadband Internet service, as identified on the National Broadband Map of the National Telecommunications and Information Administration;

''(E) seniors and persons with disabilities who live near the post office would continue to receive the same or substantially similar access to postal services as before the closing; and

''(F) the closing would not result in more than 10 miles distance (as measured on roads with year-round access) between any 2 post offices.''.

(b) MORATORIUM.—Notwithstanding section 205(b) of this Act, or any other provision of law, during the 24-month period beginning on the date of enactment of this Act, the Postal Service may not close a post office located in a rural area, as defined by the Census Bureau, except as required for the immediate protection of health and safety.

SA 2032. Mr. TESTER (for himself and Mr. PRYOR) 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 appropriate place, insert the following:

SEC. _____. EXECUTIVE COMPENSATION.

(a) LIMITATIONS ON COMPENSATION.—Section 1003 of title 39, United States Code, is amended—

(1) in subsection (a), by striking the last sentence; and

(2) by adding at the end the following:

''(e) LIMITATIONS ON COMPENSATION.—

''(1) RATES OF BASIC PAY.—

''(A) IN GENERAL.—Subject to subparagraph (B), an officer or employee of the Postal Service may not be paid at a rate of basic pay that exceeds the rate of basic pay for level II of the Executive Schedule under section 5313 of title 5.

''(B) VERY SENIOR EXECUTIVES.—Not more than 6 officers or employees of the Postal Service that are in very senior executive positions, as determined by the Board of Governors, may be paid at a rate of basic pay that does not exceed the rate of basic pay for level I of the Executive Schedule under section 5312 of title 5.

''(2) BENEFITS.—For any fiscal year, an officer or employee of the Postal Service who is in a critical senior executive or equivalent position, as designated under section 3686(c), may not receive fringe benefits (within the meaning given that term under section 1005(f)) that are greater than the fringe benefits received by supervisory and other managerial personnel who are not subject to collective-bargaining agreements under chapter 12.''.

(b) LIMITATION ON BONUS AUTHORITY.—Section 3686 of title 39, United States Code, is amended—

(1) in subsection (a), by striking ''The Postal Service'' and inserting ''Subject to subsection (f), the Postal Service''; and

(2) by adding at the end the following:

''(f) LIMITATION ON BONUS AUTHORITY.—

''(1) DEFINITION.—In this subsection, the term 'covered year' means the fiscal year following a fiscal year relating to which the Office of Management and Budget determines the Postal Service has not implemented the measures needed to achieve long-term solvency, as defined in section 208(e) of the 21st Century Postal Service Act of 2012.

''(2) LIMITATION.—The Postal Service may not provide a bonus or other reward under this section to an officer or employee of the Postal service in a critical senior executive or equivalent position, as designated under subsection (c), during a covered year.''.

(c) EFFECTIVE DATE; APPLICABILITY.—The amendments made by subsections (a) and (b) shall—

(1) take effect on the date of enactment of this Act; and

(2) apply to any contract entered or modified by the Postal Service on or after the date of enactment of this Act.

(d) SUNSET.—Effective 2 years after the date of enactment of this Act—

(1) section 1003 of title 39, United States Code, is amended—

(A) in subsection (a), by adding at the end the following: ''No officer or employee shall be paid compensation at a rate in excess of the rate for level I of the Executive Schedule under section 5312 of title 5.''; and

(B) by striking subsection (e); and

(2) section 3686 of title 39, United States Code, is amended—

(A) in subsection (a), by striking ''Subject to subsection (f), the Postal Service'' and inserting ''The Postal Service''; and

(B) by striking subsection (f).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on April 17, 2012, at 10 a.m., to conduct a committee hearing entitled ''Export-Import Bank Reauthorization: Saving American Jobs and Supporting American Exporters.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 17, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

AD HOC SUBCOMMITTEE ON CONTRACTING OVERSIGHT

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Contracting Oversight of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on April 17, 2012, at 10:30 a.m. to conduct a hearing entitled, ''The Comprehensive Contingency Contracting Reform Act of 2012 (S. 2139).''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air and Nuclear Safety of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on April 17, 2012 at 10 in Dirksen 406 to conduct a hearing entitled, ''Review of Mercury Pollution's Impacts to Public Health and the Environment.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMPETITIVENESS, INNOVATION, AND EXPORT PROMOTION

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Subcommittee on Competitiveness, Innovation, and Export Promotion of the Committee on Commerce, Science, and Transportation be authorized to hold a meeting during the session of the Senate on April 17, 2012, at 10 a.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, ''Promoting American Competitiveness: Filling Jobs Today and Training Workers for Tomorrow.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. LIEBERMAN. 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 April 17, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND HUMAN RIGHTS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights, and Human Rights, be authorized to meet during the session of the Senate, on April 17, 2012, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Ending Racial Profiling in America.''

The PRESIDING OFFICER. Without objection, it is so ordered.

21ST CENTURY POSTAL SERVICE ACT

AMENDMENT NO. 2000, AS MODIFIED

Mr. REID. Mr. President, due to a clerical error, the printout of amendment No. 2000, which was filed at the desk last evening, had missing pages.

I ask unanimous consent that the amendment be modified with the additional pages at the desk; further, that the cloture motion filed earlier today with respect to amendment No. 2000 be applicable to amendment No. 2000, as modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2000), as modified, is as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''21st Century Postal Service Act of 2012''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.

TITLE I—POSTAL WORKFORCE MATTERS

Sec. 101. Treatment of postal funding surplus for Federal Employees Retirement System.
Sec. 102. Incentives for voluntary separation.
Sec. 103. Restructuring of payments for retiree health benefits.
Sec. 104. Postal Service Health Benefits Program.
Sec. 105. Medicare coordination efforts for Postal Service employees and retirees.
Sec. 106. Arbitration; labor disputes.

TITLE II—POSTAL SERVICES AND OPERATIONS

Sec. 201. Maintenance of delivery service standards.
Sec. 202. Preserving mail processing capacity.
Sec. 203. Establishment of retail service standards.
Sec. 204. Expanded retail access.
Sec. 205. Preserving community post offices.
Sec. 206. Area and district office structure.
Sec. 207. Conversion of door delivery points.
Sec. 208. Limitations on changes to mail delivery schedule.
Sec. 209. Time limits for consideration of service changes.
Sec. 210. Public procedures for significant changes to mailing specifications.
Sec. 211. Nonpostal products and services.
Sec. 212. Chief Innovation Officer; innovation strategy.
Sec. 213. Strategic Advisory Commission on Postal Service Solvency and Innovation.

TITLE III—FEDERAL EMPLOYEES' COMPENSATION ACT

Sec. 301. Short title; references.
Sec. 302. Federal workers compensation reforms for retirement-age employees.
Sec. 303. Augmented compensation for dependents.
Sec. 304. Schedule compensation payments.
Sec. 305. Vocational rehabilitation.
Sec. 306. Reporting requirements.
Sec. 307. Disability management review; independent medical examinations.
Sec. 308. Waiting period.
Sec. 309. Election of benefits.
Sec. 310. Sanction for noncooperation with field nurses.
Sec. 311. Subrogation of continuation of pay.
Sec. 312. Integrity and compliance.
Sec. 313. Amount of compensation.
Sec. 314. Technical and conforming amendments.
Sec. 315. Regulations.
Sec. 316. Effective date.

TITLE IV—OTHER MATTERS

Sec. 401. Solvency plan.
Sec. 402. Postal rates.
Sec. 403. Co-location with Federal agencies.
Sec. 404. Cooperation with State and local governments; intra-Service agreements.
Sec. 405. Shipping of wine, beer, and distilled spirits.
Sec. 406. Annual report on United States mailing industry.
Sec. 407. Use of negotiated service agreements.
Sec. 408. Contract disputes.
Sec. 409. Contracting provisions.

SEC. 3. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) COMMISSION.—The term ''Commission'' means the Postal Regulatory Commission.

(2) POSTAL SERVICE.—The term ''Postal Service'' means the United States Postal Service.

TITLE I—POSTAL WORKFORCE MATTERS

SEC. 101. TREATMENT OF POSTAL FUNDING SURPLUS FOR FEDERAL EMPLOYEES RETIREMENT SYSTEM.

Section 8423(b) of title 5, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following:

''(5)(A) In this paragraph, the term 'postal funding surplus' means the amount by which the amount computed under paragraph (1)(B) is less than zero.

''(B)(i) Beginning with fiscal year 2011, for each fiscal year in which the amount computed under paragraph (1)(B) is less than zero, upon request of the Postmaster General, the Director shall transfer to the United States Postal Service from the Fund an amount equal to the postal funding surplus for that fiscal year for use in accordance with this paragraph.

''(ii) The Office shall calculate the amount under paragraph (1)(B) for a fiscal year by not later than June 15 after the close of the fiscal year, and shall transfer any postal funding surplus to the United States Postal Service within 10 days after a request by the Postmaster General.

''(C) For each of fiscal years 2011, 2012, 2013, and 2014 if the amount computed under paragraph (1)(B) is less than zero, a portion of the postal funding surplus for the fiscal year shall be used by the United States Postal Service for the cost of providing incentives for voluntary separation, in accordance with section 102 of the 21st Century Postal Service Act of 2012 and sections 8332(p) and 8411(m) of this title, to employees of the United States Postal Service who voluntarily separate from service before October 1, 2015.

''(D) Any postal funding surplus for a fiscal year not expended under subparagraph (C) may be used by the United States Postal Service for the purposes of—

''(i) repaying any obligation issued under section 2005 of title 39; or

''(ii) making required payments to—

''(I) the Employees' Compensation Fund established under section 8147;

''(II) the Postal Service Retiree Health Benefits Fund established under section 8909a;

''(III) the Employees Health Benefits Fund established under section 8909; or

''(IV) the Civil Service Retirement and Disability Fund.''.

SEC. 102. INCENTIVES FOR VOLUNTARY SEPARATION.

(a) VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—The Postal Service may provide voluntary separation incentive payments to employees of the Postal Service who voluntarily separate from service before October 1, 2015 (including payments to employees who retire under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code, before October 1, 2015), which may not exceed the maximum amount provided under section 3523(b)(3)(B) of title 5, United States Code, for any employee.

(b) ADDITIONAL SERVICE CREDIT.—

(1) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8332 of title 5, United States Code, is amended by adding at the end the following:

''(p)(1)(A) For an employee of the United States Postal Service who is covered under this subchapter and voluntarily separates from service before October 1, 2015, the Office, if so directed by the United States Postal Service, shall add not more than 1 year to the total creditable service of the employee for purposes of determining entitlement to and computing the amount of an annuity under this subchapter (except for a disability annuity under section 8337).

''(B) An employee who receives additional creditable service under this paragraph may not receive a voluntary separation incentive payment from the United States Postal Service.

''(2) The United States Postal Service shall ensure that the average actuarial present value of the additional liability of the United States Postal Service to the Fund resulting from additional creditable service provided under paragraph (1) or section 8411(m)(1) is not more than $25,000 per employee provided additional creditable service under paragraph (1) or section 8411(m)(1).

''(3)(A) Subject to subparagraph (B), and notwithstanding any other provision of law, no deduction, deposit, or contribution shall be required for service credited under this subsection.

''(B) The actuarial present value of the additional liability of the United States Postal Service to the Fund resulting from this subsection shall be included in the amount calculated under section 8348(h)(1)(A).''.

(2) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—Section 8411 of title 5, United States Code, is amended by adding at the end the following:

''(m)(1)(A) For an employee of the United States Postal Service who is covered under this chapter and voluntarily separates from service before October 1, 2015, the Office, if so directed by the United States Postal Service, shall add not more than 2 years to the total

creditable service of the employee for purposes of determining entitlement to and computing the amount of an annuity under this chapter (except for a disability annuity under subchapter V of that chapter).

''(B) An employee who receives additional creditable service under this paragraph may not receive a voluntary separation incentive payment from the United States Postal Service.

''(2) The United States Postal Service shall ensure that the average actuarial present value of the additional liability of the United States Postal Service to the Fund resulting from additional creditable service provided under paragraph (1) or section 8332(p)(1) is not more than $25,000 per employee provided additional creditable service under paragraph (1) or section 8332(p)(1).

''(3)(A) Subject to subparagraph (B), and notwithstanding any other provision of law, no deduction, deposit, or contribution shall be required for service credited under this subsection.

''(B) The actuarial present value of the additional liability of the United States Postal Service to the Fund resulting from this subsection shall be included in the amount calculated under section 8423(b)(1)(B).''.

(c) GOALS.—

(1) IN GENERAL.—The Postal Service shall offer incentives for voluntary separation under this section and the amendments made by this section as a means of ensuring that the size and cost of the workforce of the Postal Service is appropriate to the work required of the Postal Service, including consideration of—

(A) the closure and consolidation of postal facilities;

(B) the ability to operate existing postal facilities more efficiently, including by reducing the size or scope of operations of postal facilities in lieu of closing postal facilities; and

(C) the number of employees eligible, or projected in the near-term to be eligible, for retirement, including early retirement.

(2) PERCENTAGE GOAL.—The Postal Service shall offer incentives for voluntary separation under this section to a sufficient number of employees as would reasonably be expected to lead to an 18 percent reduction in the total number of career employees of the Postal Service by the end of fiscal year 2015.

(3) DEFINITION.—In this subsection, the term ''career employee of the Postal Service'' means an employee of the Postal Service—

(A) whose appointment is not for a limited period; and

(B) who is eligible for benefits, including retirement coverage under chapter 83 or 84 of title 5, United States Code.

(d) FUNDING.—The Postal Service shall carry out subsection (a) and sections 8332(p) and 8411(m) of title 5, United States Code, as added by subsection (b) of this section, using funds made available under section 8423(b)(5)(C) of title 5, United States Code, as amended by section 101 of this Act.

SEC. 103. RESTRUCTURING OF PAYMENTS FOR RETIREE HEALTH BENEFITS.

(a) CONTRIBUTIONS.—Section 8906(g)(2)(A) of title 5, United States Code, is amended by striking ''through September 30, 2016, be paid by the United States Postal Service, and thereafter shall'' and inserting ''after the date of enactment of the 21st Century Postal Service Act of 2012''.

(b) POSTAL SERVICE RETIREE HEALTH BENEFITS FUND.—Section 8909a of title 5, United States Code, is amended—

(1) in subsection (d)—

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

''(2)(A) Not later than 180 days after the date of enactment of the 21st Century Postal Service Act of 2012, or March 31, 2013, whichever is later, the Office shall compute, and by June 30 of each succeeding year, the Office shall recompute, a schedule including a series of annual installments which provide for the liquidation of the amount described under subparagraph (B) (regardless of whether the amount is a liability or surplus) by September 30, 2052, or within 15 years, whichever is later, including interest at the rate used in the computations under this subsection.

''(B) The amount described in this subparagraph is the amount, as of the date on which the applicable computation or recomputation under subparagraph (A) is made, that is equal to the difference between—

''(i) 80 percent of the Postal Service actuarial liability as of September 30 of the most recently ended fiscal year; and

''(ii) the value of the assets of the Postal Retiree Health Benefits Fund as of September 30 of the most recently ended fiscal year.''.

(B) in paragraph (3)—

(i) in subparagraph (A)—

(I) in clause (iii), by adding ''and'' at the end;

(II) in clause (iv), by striking the semicolon at the end and inserting a period; and

(III) by striking clauses (v) through (x); and

(ii) in subparagraph (B), by striking ''2017'' and inserting ''2013'';

(C) by amending paragraph (4) to read as follows:

''(4) Computations under this subsection shall be based on—

''(A) economic and actuarial methods and assumptions consistent with the methods and assumptions used in determining the Postal surplus or supplemental liability under section 8348(h); and

''(B) any other methods and assumptions, including a health care cost trend rate, that the Director of the Office determines to be appropriate.''; and

(D) by adding at the end the following:

''(7) In this subsection, the term 'Postal Service actuarial liability' means the difference between—

''(A) the net present value of future payments required under section 8906(g)(2)(A) for current and future United States Postal Service annuitants; and

''(B) the net present value as computed under paragraph (1) attributable to the future service of United States Postal Service employees.''; and

(2) by adding at the end the following:

''(e) Subsections (a) through (d) of this section shall be subject to section 104 of the 21st Century Postal Service Act of 2012.''.

SEC. 104. POSTAL SERVICE HEALTH BENEFITS PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term ''covered employee'' means an employee of the Postal Service who is represented by a bargaining representative recognized under section 1203 of title 39, United States Code;

(2) the term ''Federal Employee Health Benefits Program'' means the health benefits program under chapter 89 of title 5, United States Code; and

(3) the term ''Postal Service Health Benefits Program'' means the health benefits program that may be agreed to under subsection (b)(1).

(b) COLLECTIVE BARGAINING.—

(1) IN GENERAL.—Consistent with section 1005(f) of title 39, United States Code, the Postal Service may negotiate jointly with all bargaining representatives recognized under section 1203 of title 39, United States Code, and enter into a joint collective bargaining agreement with those bargaining representatives to establish the Postal Service Health Benefits Program that satisfies the conditions under subsection (c). The Postal Service and the bargaining representatives shall negotiate in consultation with the Director of the Office of Personnel Management.

(2) CONSULTATION WITH SUPERVISORY AND MANAGERIAL PERSONNEL.—In the course of negotiations under paragraph (1), the Postal Service shall consult with each of the organizations of supervisory and other managerial personnel that are recognized under section 1004 of title 39, United States Code, concerning the views of the personnel represented by each of those organizations.

(3) ARBITRATION LIMITATION.—Notwithstanding chapter 12 of title 39, United States Code, there shall not be arbitration of any dispute in the negotiations under this subsection.

(4) TIME LIMITATION.—The authority under this subsection shall extend until September 30, 2012.

(c) POSTAL SERVICE HEALTH BENEFITS PROGRAM.—The Postal Service Health Benefits Program—

(1) shall—

(A) be available for participation by all covered employees;

(B) be available for participation by any officer or employee of the Postal Service who is not a covered employee, at the option solely of that officer or employee;

(C) provide adequate and appropriate health benefits;

(D) be administered in a manner determined in a joint agreement reached under subsection (b); and

(E) provide for transition of coverage under the Federal Employee Health Benefits Program of covered employees to coverage under the Postal Service Health Benefits Program on January 1, 2013;

(2) may provide dental benefits; and

(3) may provide vision benefits.

(d) AGREEMENT AND IMPLEMENTATION.—If a joint agreement is reached under subsection (b)—

(1) the Postal Service shall implement the Postal Service Health Benefits Program;

(2) the Postal Service Health Benefits Program shall constitute an agreement between the collective bargaining representatives and the Postal Service for purposes of section 1005(f) of title 39, United States Code; and

(3) covered employees may not participate as employees in the Federal Employees Health Benefits Program.

(e) GOVERNMENT PLAN.—The Postal Service Health Benefits Program shall be a government plan as that term is defined under section 3(32) of Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(32)).

(f) REPORT.—Not later than June 30, 2013, the Postal Service shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives that—

(1) reports on the implementation of this section; and

(2) requests any additional statutory authority that the Postal Service determines is necessary to carry out the purposes of this section.

SEC. 105. MEDICARE COORDINATION EFFORTS FOR POSTAL SERVICE EMPLOYEES AND RETIREES.

(a) ADDITIONAL ENROLLMENT OPTIONS UNDER FEDERAL EMPLOYEES HEALTH BENEFITS PLANS.—Chapter 89 of title 5, United States Code, is amended by inserting after section 8903b the following:

''SEC. 8903c. COORDINATION WITH MEDICARE FOR POSTAL SERVICE EMPLOYEES AND ANNUITANTS.

''(a) DEFINITIONS.—In this section—

''(1) the term 'contract year' means a calendar year in which health benefits plans are administered under this chapter;

''(2) the term 'Medicare part A' means the Medicare program for hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.);

''(3) the term 'Medicare part B' means the Medicare program for supplementary medical insurance benefits under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.); and

''(4) the term 'Postal Service employee or annuitant' means an individual who is—

''(A) an employee of the Postal Service; or

''(B) an annuitant covered under this chapter whose Government contribution is paid by the Postal Service under section 8906(g)(2).

''(b) ENROLLMENT OPTIONS.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—For contract years beginning on or after January 1, 2014, the Office shall establish enrollment options for health benefits plans that are open only to Postal Service employees and annuitants, and family members of a Postal Service employee or annuitant, who are enrolled in Medicare part A and Medicare part B.

''(B) ADDITIONAL PLANS.—The enrollment options established under this subsection shall be in addition to any other health benefit plan or enrollment option otherwise available to Postal Service employees or annuitants under this chapter and shall not affect the eligibility of a Postal Service employee or annuitant for any another health benefit plan or enrollment option under this chapter.

''(2) ENROLLMENT ELIGIBILITY.—Any Postal Service employee or annuitant, or family member of a Postal Service employee or annuitant, who is enrolled in Medicare part A and Medicare part B may enroll in 1 of the enrollment options established under paragraph (1).

''(3) VALUE OF COVERAGE.—The Office shall ensure that the aggregate actuarial value of coverage under the enrollment options established under this subsection, in combination with the value of coverage under Medicare part A and Medicare part B, shall be not less than the actuarial value of the most closely corresponding enrollment options for each plan available under section 8905, in combination with the value of coverage under Medicare part A and Medicare part B.

''(4) ENROLLMENT OPTIONS.—

''(A) IN GENERAL.—The enrollment options established under paragraph (1) shall include—

''(i) an individual option, for Postal Service employees or annuitants enrolled in Medicare part A and Medicare part B;

''(ii) a self and family option, for Postal Service employees or annuitants and family members who are each enrolled in Medicare part A and Medicare part B; and

''(iii) a self and family option, for Postal Service employees or annuitants—

''(I) who are enrolled in Medicare part A and Medicare part B; and

''(II) the family members of whom are not enrolled in Medicare part A or Medicare part B.

''(B) SPECIFIC SUB-OPTIONS.—The Office may establish more specific enrollment options within the types of options described under subparagraph (A).

''(5) REDUCED PREMIUMS TO ACCOUNT FOR MEDICARE COORDINATION.—In determining the premiums for the enrollment options under paragraph (4), the Office shall—

''(A) establish a separate claims pool for individuals eligible for coverage under any of those options; and

''(B) ensure that—

''(i) the premiums are reduced from the premiums otherwise established under this chapter to directly reflect the full cost savings to the health benefits plans due to the complete coordination of benefits with Medicare part A and Medicare part B for Postal Service employees or annuitants, or family members of Postal Service employees or annuitants, who are enrolled in Medicare part A and Medicare part B; and

''(ii) the cost savings described under clause (i) result solely in the reduction of—

''(I) the premiums paid by the Postal Service employee or annuitant; and

''(II) the Government contributions paid by the Postal Service or other employer.

''(c) POSTAL SERVICE CONSULTATION.—The Office shall establish the enrollment options and premiums under this section in consultation with the Postal Service.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 89 of title 5, United States Code, is amended by inserting after the item relating to section 8903b the following:

''8903c. Coordination with Medicare for Postal Service employees and annuitants.''.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to contract years beginning on or after January 1, 2014.

(d) SPECIAL ENROLLMENT PERIOD FOR POSTAL SERVICE EMPLOYEES AND ANNUITANTS.—

(1) SPECIAL ENROLLMENT PERIOD.—Section 1837 of the Social Security Act (42 U.S.C. 1395p) is amended by adding at the end the following new subsection:

''(m)(1) In the case of any individual who, as of the date of enactment of the 21st Century Postal Service Act of 2012, is a Postal Service employee or annuitant (as defined in section 8903c(a) of title 5, United States Code) at the time the individual is entitled to part A under section 226 or section 226A and who is eligible to enroll but who has elected not to enroll (or to be deemed enrolled) during the individual's initial enrollment period, there shall be a special enrollment period described in paragraph (2).

''(2) The special enrollment period described in this paragraph, with respect to an individual, is the 1-year period beginning on July 1, 2013.

''(3) In the case of an individual who enrolls during the special enrollment period provided under paragraph (1), the coverage period under this part shall begin on the first day of the month in which the individual enrolls.''.

(2) WAIVER OF INCREASE OF PREMIUM.—Section 1839(b) of the Social Security Act (42 U.S.C. 1395r(b)) is amended by striking ''(i)(4) or (1)'' and inserting ''(i)(4), (l), or (m)''.

(e) EDUCATIONAL PROGRAM.—The Postmaster General, in consultation with the Director of the Office of Personnel Management and the Administrator of the Centers for Medicare & Medicaid Services, shall develop an educational program to encourage the voluntary use of the Medicare program for hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.) (commonly known as ''Medicare Part A'') and the Medicare program for supplementary medical insurance benefits under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.) (commonly known as ''Medicare Part B'') for eligible Postal Service employees and annuitants that may benefit from enrollment, the objective of which shall be to—

(1) educate employees and annuitants on how Medicare benefits interact with and can supplement the benefits of the employee or annuitant under the Federal Employees Health Benefit Program; and

(2) reduce costs to the Federal Employees Health Benefit Program, beneficiaries, and the Postal Service by coordinating services with the Medicare program.

SEC. 106. ARBITRATION; LABOR DISPUTES.

Section 1207(c) of title 39, United States Code, is amended—

(1) in paragraph (2)—

(A) by inserting ''(A)'' after ''(2)'';

(B) by striking the last sentence and inserting ''The arbitration board shall render a decision not later than 45 days after the date of its appointment.''; and

(C) by adding at the end the following:

''(B) In rendering a decision under this paragraph, the arbitration board shall consider such relevant factors as the financial condition of the Postal Service.''; and

(2) by adding at the end the following:

''(4) Nothing in this section may be construed to limit the relevant factors that the arbitration board may take into consideration in rendering a decision under paragraph (2).''.

TITLE II—POSTAL SERVICES AND OPERATIONS

SEC. 201. MAINTENANCE OF DELIVERY SERVICE STANDARDS.

(a) DEFINITIONS.—For purposes of this section—

(1) the term ''plant service area'' means the geographic area served by a single sectional center facility, or a corresponding successor facility, as designated by the Postal Service; and

(2) the term ''continental United States'' means the 48 contiguous States and the District of Columbia.

(b) INTERIM MAINTENANCE OF STANDARDS.—During the 3-year period beginning on the date of enactment of this Act, the Postal Service—

(1) shall maintain the service standards described in subsection (c);

(2) may not establish a new or revised service standard for market-dominant products under section 3691 of title 39, United States Code, that is inconsistent with the requirements under subsection (c); and

(3) shall include in any new or revised overnight service standard established for market-dominant products under section 3691 of title 39, United States Code, a policy on changes to critical entry times at post offices and business mail entry units that ensures that any such changes maintain meaningful access to the services provided under the service standard required to be maintained under subsection (c).

(c) SERVICE STANDARDS.—

(1) OVERNIGHT STANDARD FOR FIRST-CLASS MAIL AND PERIODICALS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Postal Service shall maintain an overnight service standard that provides overnight service for first-class mail and periodicals that—

(i) originate and destinate in the same plant service area; and

(ii) enter the mails before the critical entry time established and published by the Postal Service.

(B) AREAS OUTSIDE THE CONTINENTAL UNITED STATES.—The requirements of subparagraph (A) shall not apply to areas outside the continental United States—

(i) in the case of mail that originates or destinates in a territory or possession of the United States that is part of a plant service area having a sectional center facility that—

(I) is not located in the territory or possession; and

(II) was not located in the territory or possession on January 1, 2012; and

(ii) in the case of mail not described in clause (i), except to the extent that the requirements are consistent with the service

standards under part 121 of title 39, Code of Federal Regulations, as in effect on January 1, 2012.

(2) TWO-DAY DELIVERY FOR FIRST-CLASS MAIL.—The Postal Service shall maintain a service standard that provides that first-class mail not delivered overnight will be delivered within 2 delivery days, to the maximum extent feasible using the network of postal facilities maintained to meet the requirements under paragraph (1).

(3) MAXIMUM DELIVERY TIME FOR FIRST-CLASS MAIL.—

(A) IN GENERAL.—The Postal Service shall maintain a service standard that provides that first-class mail will be delivered—

(i) within a maximum of 3 delivery days, for mail that originates and destinates within the continental United States; and

(ii) within a maximum period of time consistent with service standards under part 121 of title 39, Code of Federal Regulations, as in effect on January 1, 2012, for mail originating or destinating outside the continental United States.

(B) REVISIONS.—Notwithstanding subparagraph (A)(ii), the Postal Service may revise the service standards under part 121 of title 39, Code of Federal Regulations for mail described in subparagraph (A)(ii) to take into account transportation conditions (including the availability of transportation) or other circumstances outside the control of the Postal Service.

SEC. 202. PRESERVING MAIL PROCESSING CAPACITY.

Section 404 of title 39, United States Code, is amended by adding after subsection (e) the following:

''(f) CLOSING OR CONSOLIDATION OF CERTAIN POSTAL FACILITIES.—

''(1) POSTAL FACILITY.—In this subsection, the term 'postal facility'—

''(A) means any Postal Service facility that is primarily involved in the preparation, dispatch, or other physical processing of mail; and

''(B) does not include—

''(i) any post office, station, or branch; or

''(ii) any facility used only for administrative functions.

''(2) AREA MAIL PROCESSING STUDY.—

''(A) NEW AREA MAIL PROCESSING STUDIES.—After the date of enactment of this subsection, before making a determination under subsection (a)(3) as to the necessity for the closing or consolidation of any postal facility, the Postal Service shall—

''(i) conduct an area mail processing study relating to that postal facility that includes a plan to reduce the capacity of the postal facility, but not close the postal facility;

''(ii) publish the study on the Postal Service website; and

''(iii) publish a notice that the study is complete and available to the public, including on the Postal Service website.

''(B) COMPLETED OR ONGOING AREA MAIL PROCESSING STUDIES.—

''(i) IN GENERAL.—In the case of a postal facility described in clause (ii), the Postal Service shall—

''(I) consider a plan to reduce the capacity of the postal facility without closing the postal facility; and

''(II) publish the results of the consideration under subclause (I) with or as an amendment to the area mail processing study relating to the postal facility.

''(ii) POSTAL FACILITIES.—A postal facility described in this clause is a postal facility for which, on or before the date of enactment of this subsection—

''(I) an area mail processing study that does not include a plan to reduce the capacity of the postal facility without closing the postal facility has been completed;

''(II) an area mail processing study is in progress; or

''(III) a determination as to the necessity for the closing or consolidation of the postal facility has not been made.

''(3) NOTICE, PUBLIC COMMENT, AND PUBLIC HEARING.—If the Postal Service makes a determination under subsection (a)(3) to close or consolidate a postal facility, the Postal Service shall—

''(A) provide notice of the determination to—

''(i) Congress; and

''(ii) the Postal Regulatory Commission;

''(B) provide adequate public notice of the intention of the Postal Service to close or consolidate the postal facility;

''(C) ensure that interested persons have an opportunity to submit public comments during a 45-day period after the notice of intention is provided under subparagraph (B);

''(D) before the 45-day period described in subparagraph (C), provide for public notice of that opportunity by—

''(i) publication on the Postal Service website;

''(ii) posting at the affected postal facility; and

''(iii) advertising the date and location of the public community meeting under subparagraph (E); and

''(E) during the 45-day period described in subparagraph (C), conduct a public community meeting that provides an opportunity for public comments to be submitted verbally or in writing.

''(4) FURTHER CONSIDERATIONS.—Not earlier than 30 days after the end of the 45-day period for public comment under paragraph (3), the Postal Service, in making a determination to close or consolidate a postal facility, shall consider—

''(A) the views presented by interested persons under paragraph (3);

''(B) the effect of the closing or consolidation on the affected community, including any disproportionate impact the closing or consolidation may have on a State, region, or locality;

''(C) the effect of the closing or consolidation on the travel times and distances for affected customers to access services under the proposed closing or consolidation;

''(D) the effect of the closing or consolidation on delivery times for all classes of mail;

''(E) any characteristics of certain geographical areas, such as remoteness, broadband internet availability, and weather-related obstacles to using alternative facilities, that may result in the closing or consolidation having a unique effect; and

''(F) any other factor the Postal Service determines is necessary.

''(5) JUSTIFICATION STATEMENT.—Before the date on which the Postal Service closes or consolidates a postal facility, the Postal Service shall post on the Postal Service website a closing or consolidation justification statement that includes—

''(A) a response to all public comments received with respect to the considerations described under paragraph (4);

''(B) a description of the considerations made by the Postal Service under paragraph (4); and

''(C) the actions that will be taken by the Postal Service to mitigate any negative effects identified under paragraph (4).

''(6) CLOSING OR CONSOLIDATION OF POSTAL FACILITIES.—

''(A) IN GENERAL.—Not earlier than the 15 days after posting the final determination and the justification statement under paragraph (5) with respect to a postal facility, the Postal Service may close or consolidate the postal facility.

''(B) ALTERNATIVE INTAKE OF MAIL.—If the Postal Service closes or consolidates a postal facility under subparagraph (A), the Postal Service shall make reasonable efforts to ensure continued mail receipt from customers of the closed or consolidated postal facility at the same location or at another appropriate location in close geographic proximity to the closed or consolidated postal facility.

''(C) LIMITATIONS.—During the 3-year period beginning on the date of enactment of the 21st Century Postal Service Act of 2012, the Postal Service may not close or consolidate a postal facility if the closing or consolidation prevents the Postal Service from maintaining service standards as required under section 201 of the 21st Century Postal Service Act of 2012.

''(7) REVIEW BY POSTAL REGULATORY COMMISSION.—In accordance with section 3662—

''(A) an interested person may lodge a complaint with the Postal Regulatory Commission if the person believes that the closure or consolidation of a postal facility is not in conformance with applicable service standards, including the service standards established under section 201 of the 21st Century Postal Service Act of 2012; and

''(B) if the Postal Regulatory Commission finds a complaint lodged by an interested person to be justified, the Commission shall order the Postal Service to take appropriate action to achieve compliance with applicable service standards, including the service standards established under section 201 of the 21st Century Postal Service Act of 2012, or to remedy the effects of any noncompliance.

''(8) POSTAL SERVICE WEBSITE.—For purposes of any notice required to be published on the Postal Service website under this subsection, the Postal Service shall ensure that the Postal Service website—

''(A) is updated routinely; and

''(B) provides any person, at the option of the person, the opportunity to receive relevant updates by electronic mail.

''(9) PROTECTION OF CERTAIN INFORMATION.—Nothing in this subsection may be construed to require the Postal Service to disclose—

''(A) any proprietary data, including any reference or citation to proprietary data; or

''(B) any information relating to the security of a postal facility.''.

SEC. 203. ESTABLISHMENT OF RETAIL SERVICE STANDARDS.

(a) DEFINITION.—In this section, the term ''retail postal service'' means service that allows a postal customer to—

(1) purchase postage;

(2) enter packages into the mail; and

(3) procure other services offered by the Postal Service.

(b) ESTABLISHMENT OF RETAIL SERVICE STANDARDS.—Not later than 6 months after the date of enactment of this Act, the Postal Service shall exercise its authority under section 3691 of title 39, United States Code, to establish service standards for market-dominant products in order to guarantee customers of the Postal Service regular and effective access to retail postal services nationwide (including in territories and possessions of the United States) on a reasonable basis.

(c) CONTENTS.—The service standards established under subsection (b) shall—

(1) be consistent with—

(A) the obligations of the Postal Service under section 101(b) of title 39, United States Code; and

(B) the contents of the plan developed under section 302 of the Postal Accountability and Enhancement Act of 2006 (39 U.S.C. 3691 note), and any updated or revised plan developed under section 204 of this Act; and

(2) take into account factors including—

(A) geography, including the establishment of standards for the proximity of retail postal services to postal customers, including a consideration of the reasonable maximum time a postal customer should expect to travel to access a postal retail location;

(B) the importance of facilitating communications for communities with limited or no access to Internet, broadband, or cellular telephone services;

(C) population, including population density, demographic factors such as the age, disability status, and degree of poverty of individuals in the area to be served by a location providing postal retail services, and other factors that may impact the ability of postal customers, including businesses, to travel to a postal retail location;

(D) the feasibility of offering retail access to postal services in addition to post offices, as described in section 302(d) of the Postal Accountability and Enhancement Act of 2006 (39 U.S.C. 3691 note);

(E) the requirement that the Postal Service serve remote areas and communities with transportation challenges, including communities in which the effects of inclement weather or other natural conditions might obstruct or otherwise impede access to retail postal services; and

(F) the ability of postal customers to access retail postal services in areas that were served by a post office that was closed or consolidated during the 1 year period ending on the date of enactment of this Act.

SEC. 204. EXPANDED RETAIL ACCESS.

(a) UPDATED PLAN.—Not later than 1 year after the date of enactment of this Act, the Postal Service shall, in consultation with the Commission, develop and submit to Congress a revised and updated version of the plan to expand and market retail access to postal services required under section 302(d) of the Postal Accountability and Enhancement Act of 2006 (39 U.S.C. 3691 note).

(b) CONTENTS.—The plan required under subsection (a) shall—

(1) include a consideration of methods to expand and market retail access to postal services described in paragraphs (1) through (8) of section 302(d) of the Postal Accountability and Enhancement Act of 2006 (39 U.S.C. 3691 note);

(2) where possible, provide for an improvement in customer access to postal services;

(3) consider the impact of any decisions by the Postal Service relating to the implementation of the plan on rural areas, communities, and small towns; and

(4) ensure that—

(A) rural areas, communities, and small towns continue to receive regular and effective access to retail postal services after implementation of the plan; and

(B) the Postal Service solicits community input in accordance with applicable provisions of Federal law.

(c) FURTHER UPDATES.—The Postal Service, in consultation with the Commission, shall—

(1) update the plan required under subsection (a) as the Postal Service determines is appropriate; and

(2) submit each update under paragraph (1) to Congress.

SEC. 205. PRESERVING COMMUNITY POST OFFICES.

(a) CLOSING POST OFFICES.—Section 404(d) of title 39, United States Code, is amended to read as follows:

''(d)(1) The Postal Service, prior to making a determination under subsection (a)(3) of this section as to the necessity for the closing or consolidation of any post office, shall—

''(A) consider whether—

''(i) to close the post office or consolidate the post office and another post office located within a reasonable distance;

''(ii) instead of closing or consolidating the post office—

''(I) to reduce the number of hours a day that the post office operates; or

''(II) to continue operating the post office for the same number of hours a day;

''(iii) to procure a contract providing full, or less than full, retail services in the community served by the post office; or

''(iv) to provide postal services to the community served by the post office through a rural carrier;

''(B) provide postal customers served by the post office an opportunity to participate in a nonbinding survey conducted by mail on a preference for an option described in subparagraph (A); and

''(C) if the Postal Service determines to close or consolidate the post office, provide adequate notice of its intention to close or consolidate such post office at least 60 days prior to the proposed date of such closing or consolidation to persons served by such post office to ensure that such persons will have an opportunity to present their views.

''(2) The Postal Service, in making a determination whether or not to close or consolidate a post office—

''(A) shall consider—

''(i) the effect of such closing or consolidation on the community served by such post office;

''(ii) the effect of such closing or consolidation on employees of the Postal Service employed at such office;

''(iii) whether such closing or consolidation is consistent with the policy of the Government, as stated in section 101(b) of this title, that the Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining;

''(iv) the extent to which the community served by the post office lacks access to Internet, broadband and cellular phone service;

''(v) the economic savings to the Postal Service resulting from such closing or consolidation; and

''(vi) such other factors as the Postal Service determines are necessary; and

''(B) may not consider compliance with any provision of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

''(3) Any determination of the Postal Service to close or consolidate a post office shall be in writing and shall include the findings of the Postal Service with respect to the considerations required to be made under paragraph (2) of this subsection. Such determination and findings shall be made available to persons served by such post office.

''(4) The Postal Service shall take no action to close or consolidate a post office until 60 days after its written determination is made available to persons served by such post office.

''(5) A determination of the Postal Service to close or consolidate any post office, station, or branch may be appealed by any person served by such office, station, or branch to the Postal Regulatory Commission within 30 days after such determination is made available to such person. The Commission shall review such determination on the basis of the record before the Postal Service in the making of such determination. The Commission shall make a determination based upon such review no later than 120 days after receiving any appeal under this paragraph. The Commission shall set aside any determination, findings, and conclusions found to be—

''(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law;

''(B) without observance of procedure required by law;

''(C) not in conformance with the retail service standards established under section 203 of the 21st Century Postal Service Act of 2012; or

''(D) unsupported by substantial evidence on the record.

The Commission may affirm the determination of the Postal Service or order that the entire matter be returned for further consideration, but the Commission may not modify the determination of the Postal Service. The Commission may suspend the effectiveness of the determination of the Postal Service until the final disposition of the appeal. The provisions of section 556, section 557, and chapter 7 of title 5 shall not apply to any review carried out by the Commission under this paragraph.

''(6) For purposes of paragraph (5), any appeal received by the Commission shall—

''(A) if sent to the Commission through the mails, be considered to have been received on the date of the Postal Service postmark on the envelope or other cover in which such appeal is mailed; or

''(B) if otherwise lawfully delivered to the Commission, be considered to have been received on the date determined based on any appropriate documentation or other indicia (as determined under regulations of the Commission).

''(7) Nothing in this subsection shall be construed to limit the right under section 3662—

''(A) of an interested person to lodge a complaint with the Postal Regulatory Commission under section 3662 concerning nonconformance with service standards, including the retail service standards established under section 203 of the 21st Century Postal Service Act of 2012; or

''(B) of the Postal Regulatory Commission, if the Commission finds a complaint lodged by an interested person to be justified, to order the Postal Service to take appropriate action to achieve compliance with applicable requirements, including the retail service standards established under section 203 of the 21st Century Postal Service Act of 2012, or to remedy the effects of any noncompliance.''.

(b) PROHIBITION ON CLOSING POST OFFICES.—Notwithstanding section 404(d) of title 39, United States Code, as amended by this section, during the period beginning on the date of enactment of this Act and ending on the date on which the Postal Service establishes the retail service standards under section 203 of this Act, the Postal Service may not close a post office, except as required for the immediate protection of health and safety.

(c) HISTORIC POST OFFICES.—Section 404(d) of title 39, United States Code, as amended by this section, is amended by adding at the end the following:

''(8)(A) In this paragraph, the term 'historic post office building' means a post office building that is a certified historic structure, as that term is defined in section 47(c)(3) of the Internal Revenue Code of 1986.

''(B) In the case of a post office that has been closed and that is located within a historic post office building, the Postal Service shall provide Federal agencies and State and local government entities the opportunity to lease the historic post office building, if—

''(i) the Postal Service is unable to sell the building at an acceptable price within a reasonable period of time after the post office has been closed; and

''(ii) the Federal agency or State or local government entity that leases the building agrees to—

''(I) restore the historic post office building at no cost to the Postal Service;

''(II) assume responsibility for the maintenance of the historic post office building; and

''(III) make the historic post office building available for public use.''.

SEC. 206. AREA AND DISTRICT OFFICE STRUCTURE.

(a) PLAN REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Postal Service shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Governmental Reform of the House of Representatives—

(1) a comprehensive strategic plan to govern decisions relating to area and district office structure that considers efficiency, costs, redundancies, mail volume, technological advancements, operational considerations, and other issues that may be relevant to establishing an effective area and district office structure; and

(2) a 10-year plan, including a timetable, that provides for consolidation of area and district offices within the continental United States (as defined in section 201(a)) wherever the Postal Service determines a consolidation would—

(A) be cost effective; and

(B) not substantially and adversely affect the operations of the Postal Service.

(b) CONSOLIDATION.—Beginning not later than 1 year after the date of enactment of this Act, the Postal Service shall, consistent with the plans required under and the criteria described in subsection (a)—

(1) consolidate district offices that are located within 50 miles of each other;

(2) consolidate area and district offices that have less than the mean mail volume and number of work hours for all area and district offices; and

(3) relocate area offices to headquarters.

(c) UPDATES.—The Postal Service shall update the plans required under subsection (a) not less frequently than once every 5 years.

(d) STATE LIAISON.—If the Postal Service does not maintain a district office in a State, the Postal Service shall designate at least 1 employee of the district office responsible for Postal Service operations in the State to represent the needs of Postal Service customers in the State.

SEC. 207. CONVERSION OF DOOR DELIVERY POINTS.

(a) IN GENERAL.—Subchapter VII of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

''§ 3692. Conversion of door delivery points

''(a) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) CENTRALIZED DELIVERY POINT.—The term 'centralized delivery point' means a group or cluster of mail receptacles at 1 delivery point that is within reasonable proximity of the street address associated with the delivery point.

''(2) CURBLINE DELIVERY POINT.—The term 'curbline delivery point' means a delivery point that is—

''(A) adjacent to the street address associated with the delivery point; and

''(B) accessible by vehicle on a street that is not a private driveway.

''(3) DOOR DELIVERY POINT.—The term 'door delivery point' means a delivery point at a door of the structure at a street address.

''(4) SIDEWALK DELIVERY POINT.—The term 'sidewalk delivery point' means a delivery point on a sidewalk adjacent to the street address associated with the delivery point.

''(b) CONVERSION.—Except as provided in subsection (c), and in accordance with the solvency plan required under section 401 of the 21st Century Postal Service Act of 2012 and standards established by the Postal Service, the Postal Service is authorized to, to the maximum extent feasible, convert door delivery points to—

''(1) curbline delivery points;

''(2) sidewalk delivery points; or

''(3) centralized delivery points.

''(c) EXCEPTIONS.—

''(1) CONTINUED DOOR DELIVERY.—The Postal Service may allow for the continuation of door delivery due to—

''(A) a physical hardship of a customer;

''(B) weather, in a geographic area where snow removal efforts could obstruct access to mailboxes near a road;

''(C) circumstances in an urban area that preclude efficient use of curbline delivery points;

''(D) other exceptional circumstances, as determined in accordance with regulations issued by the Postal Service; or

''(E) other circumstances in which the Postal Service determines that alternatives to door delivery would not be practical or cost effective.

''(2) NEW DOOR DELIVERY POINTS.—The Postal Service may provide door delivery to a new delivery point in a delivery area that received door delivery on the day before the date of enactment of this section, if the delivery point is established before the delivery area is converted from door delivery under subsection (b).

''(d) SOLICITATION OF COMMENTS.—The Postal Service shall establish procedures to solicit, consider, and respond to input from individuals affected by a conversion under this section.

''(e) REVIEW.—Subchapter V of this chapter shall not apply with respect to any action taken by the Postal Service under this section.

''(f) REPORT.—Not later than 60 days after the end of each fiscal year through fiscal year 2015, the Postal Service shall submit to Congress and the Inspector General of the Postal Service a report on the implementation of this section during the preceding fiscal year that—

''(1) includes the number of door delivery points—

''(A) that existed at the end of the fiscal year preceding the preceding fiscal year;

''(B) that existed at the end of the preceding fiscal year;

''(C) that, during the preceding fiscal year, converted to—

''(i) curbline delivery points or sidewalk delivery points;

''(ii) centralized delivery points; and

''(iii) any other type of delivery point; and

''(D) for which door delivery was continued under subsection (c)(1);

''(2) estimates any cost savings, revenue loss, or decline in the value of mail resulting from the conversions from door delivery that occurred during the preceding fiscal year;

''(3) describes the progress of the Postal Service toward achieving the conversions authorized under subsection (b); and

''(4) provides such additional information as the Postal Service considers appropriate.''.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter VII of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

''3692. Conversion of door delivery points.''.

SEC. 208. LIMITATIONS ON CHANGES TO MAIL DELIVERY SCHEDULE.

(a) LIMITATION ON CHANGE IN SCHEDULE.—Notwithstanding any other provision of law—

(1) the Postal Service may not establish a general, nationwide delivery schedule of 5 or fewer days per week to street addresses under the authority of the Postal Service under title 39, United States Code, earlier than the date that is 24 months after the date of enactment of this Act; and

(2) on or after the date that is 24 months after the date of enactment of this Act, the Postal Service may establish a general, nationwide 5-day-per-week delivery schedule to street addresses under the authority of the Postal Service under section 3691 of title 39, United States Code, only in accordance with the requirements and limitations under this section.

(b) PRECONDITIONS.—If the Postal Service intends to establish a change in delivery schedule under subsection (a)(2), the Postal Service shall—

(1) identify customers and communities for whom the change may have a disproportionate, negative impact, including the customers identified as ''particularly affected'' in the Advisory Opinion on Elimination of Saturday Delivery issued by the Commission on March 24, 2011;

(2) develop, to the maximum extent possible, measures to ameliorate any disproportionate, negative impact the change would have on customers and communities identified under paragraph (1), including, where appropriate, providing or expanding access to mailboxes for periodical mailers on days on which the Postal Service does not provide delivery;

(3) implement measures to increase revenue and reduce costs, including the measures authorized under the amendments made by sections 101, 102, 103, 207, and 211 of this Act;

(4) evaluate whether any increase in revenue or reduction in costs resulting from the measures implemented under paragraph (3) are sufficient to allow the Postal Service, without implementing a change in delivery schedule under subsection (a), to achieve long-term solvency; and

(5) not earlier than 15 months after the date of enactment of this Act and not later than 9 months before the effective date proposed by the Postal Service for the change, submit a report on the steps the Postal Service has taken to carry out this subsection to—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives;

(B) the Comptroller General of the United States; and

(C) the Commission.

(c) REVIEW.—

(1) GOVERNMENT ACCOUNTABILITY OFFICE.—Not later than 3 months after the date on which the Postal Service submits a report under subsection (b)(5), the Comptroller General shall submit to the Commission and to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report that contains findings relating to each of the following:

(A) Whether the Postal Service has adequately complied with subsection (b)(3), taking into consideration the statutory authority of and limitations on the Postal Service.

(B) The accuracy of any statement by the Postal Service that the measures implemented under subsection (b)(3) have increased revenues or reduced costs, and the accuracy of any projection by the Postal Service relating to increased revenue or reduced costs resulting from the measures implemented under subsection (b)(3).

(C) The adequacy and methodological soundness of any evaluation conducted by the Postal Service under subsection (b)(4) that led the Postal Service to assert the necessity of a change in delivery schedule under subsection (a)(2).

(D) Whether, based on an analysis of the measures implemented by the Postal Service

to increase revenues and reduce costs, projections of increased revenue and cost savings, and the details of the profitability plan required under section 401, a change in delivery schedule is necessary to allow the Postal Service to achieve long-term solvency.

(2) POSTAL REGULATORY COMMISSION.—

(A) REQUEST.—Not later than 6 months before the proposed effective date of a change in delivery schedule under subsection (a), the Postal Service shall submit to the Commission a request for an advisory opinion relating to the change.

(B) ADVISORY OPINION.—

(i) IN GENERAL.—The Commission shall—

(I) issue an advisory opinion with respect to a request under subparagraph (A), in accordance with the time limits for the issuance of advisory opinions under section 3661(b)(2) of title 39, United States Code, as amended by this Act; and

(II) submit the advisory opinion to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

(ii) REQUIRED DETERMINATIONS.—An advisory opinion under clause (i) shall determine—

(I) whether the measures developed under subsection (b)(2) ameliorate any disproportionate, negative impact that a change in schedule may have on customers and communities identified under subsection (b)(1); and

(II) based on the report submitted by the Comptroller General under paragraph (1)—

(aa) whether the Postal Service has implemented measures to increase revenue and reduce costs as required under subsection (b)(3);

(bb) whether the implementation of the measures described in item (aa) has increased revenues or reduced costs, or is projected to further increase revenues or reduce costs in the future; and

(cc) whether a change in schedule under subsection (a)(2) is necessary to allow the Postal Service to achieve long-term solvency.

(3) PROHIBITION ON IMPLEMENTATION OF CHANGE IN SCHEDULE.—The Postal Service may not implement a change in delivery schedule under subsection (a)(2)—

(A) before the date on which the Comptroller General submits the report required under paragraph (1); and

(B) unless the Commission determines under paragraph (2)(B)(ii)(II)(cc) that the Comptroller General has concluded that the change is necessary to allow the Postal Service to become profitable by fiscal year 2015 and to achieve long-term solvency, without regard to whether the Commission determines that the change is advisable.

(d) ADDITIONAL LIMITATIONS.—

(1) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

(A) authorize the reduction, or require an increase, in delivery frequency for any route for which the Postal Service provided delivery on fewer than 6 days per week on the date of enactment of this Act;

(B) authorize any change in—

(i) the days and times that postal retail service or any mail acceptance is available at postal retail facilities or processing facilities; or

(ii) the locations at which postal retail service or mail acceptance occurs at postal retail facilities or processing facilities;

(C) authorize any change in the frequency of delivery to a post office box;

(D) prohibit the collection or delivery of a competitive mail product on a weekend, a recognized Federal holiday, or any other specific day of the week; or

(E) prohibit the Postal Service from exercising its authority to make changes to processing or retail networks.

(2) PROHIBITION ON CONSECUTIVE DAYS WITHOUT MAIL DELIVERY.—The Postal Service shall ensure that, under any change in schedule under subsection (a)(2), at no time shall there be more than 2 consecutive days without mail delivery to street addresses, including recognized Federal holidays.

(e) DEFINITION.—In this section, the term ''long-term solvency'' means the ability of the Postal Service to pay debts and meet expenses, including the ability to perform maintenance and repairs, make investments, and maintain financial reserves, as necessary to fulfill the requirements and comply with the policies of title 39, United States Code, and other obligations of the Postal Service over the long term.

SEC. 209. TIME LIMITS FOR CONSIDERATION OF SERVICE CHANGES.

Section 3661 of title 39, United States Code, is amended by striking subsections (b) and (c) and inserting the following:

''(b) PROPOSED CHANGES FOR MARKET-DOMINANT PRODUCTS.—

''(1) SUBMISSION OF PROPOSAL.—If the Postal Service determines that there should be a change in the nature of postal services relating to market-dominant products that will generally affect service on a nationwide or substantially nationwide basis, the Postal Service shall submit a proposal to the Postal Regulatory Commission requesting an advisory opinion on the change.

''(2) ADVISORY OPINION.—Upon receipt of a proposal under paragraph (1), the Postal Regulatory Commission shall—

''(A) provide an opportunity for public comment on the proposal; and

''(B) issue an advisory opinion not later than—

''(i) 90 days after the date on which the Postal Regulatory Commission receives the proposal; or

''(ii) a date that the Postal Regulatory Commission and the Postal Service may, not later than 1 week after the date on which the Postal Regulatory Commission receives the proposal, determine jointly.

''(3) RESPONSE TO OPINION.—The Postal Service shall submit to the President and to Congress a response to an advisory opinion issued under paragraph (2) that includes—

''(A) a statement of whether the Postal Service plans to modify the proposal to address any concerns or implement any recommendations made by the Commission; and

''(B) for any concern that the Postal Service determines not to address and any recommendation that the Postal Service determines not to implement, the reasons for the determination.

''(4) ACTION ON PROPOSAL.—The Postal Service may take action regarding a proposal submitted under paragraph (1)—

''(A) on or after the date that is 30 days after the date on which the Postal Service submits the response required under paragraph (3);

''(B) on or after a date that the Postal Regulatory Commission and the Postal Service may, not later than 1 week after the date on which the Postal Regulatory Commission receives a proposal under paragraph (2), determine jointly; or

''(C) after the date described in paragraph (2)(B), if—

''(i) the Postal Regulatory Commission fails to issue an advisory opinion on or before the date described in paragraph (2)(B); and

''(ii) the action is not otherwise prohibited under Federal law.

''(5) MODIFICATION OF TIMELINE.—At any time, the Postal Service and the Postal Regulatory Commission may jointly redetermine a date determined under paragraph (2)(B)(ii) or (4)(B).''.

SEC. 210. PUBLIC PROCEDURES FOR SIGNIFICANT CHANGES TO MAILING SPECIFICATIONS.

(a) NOTICE AND OPPORTUNITY FOR COMMENT REQUIRED.—Effective on the date on which the Postal Service issues a final rule under subsection (c), before making a change to mailing specifications that could pose a significant burden to the customers of the Postal Service and that is not reviewed by the Commission, the Postal Service shall—

(1) publish a notice of the proposed change to the specification in the Federal Register;

(2) provide an opportunity for the submission of written comments concerning the proposed change for a period of not less than 30 days;

(3) after considering any comments submitted under paragraph (2) and making any modifications to the proposed change that the Postal Service determines are necessary, publish—

(A) the final change to the specification in the Federal Register;

(B) responses to any comments submitted under paragraph (2); and

(C) an analysis of the financial impact that the proposed change would have on—

(i) the Postal Service; and

(ii) the customers of the Postal Service that would be affected by the proposed change; and

(4) establish an effective date for the change to mailing specifications that is not earlier than 30 days after the date on which the Postal Service publishes the final change under paragraph (3).

(b) EXCEPTION FOR GOOD CAUSE.—If the Postal Service determines that there is an urgent and compelling need for a change to a mailing specification described in subsection (a) in order to avoid demonstrable harm to the operations of the Postal Service or to the public interest, the Postal Service may—

(1) change the mailing specifications by—

(A) issuing an interim final rule that—

(i) includes a finding by the Postal Service that there is good cause for the interim final rule;

(ii) provides an opportunity for the submission of written comments on the interim final rule for a period of not less than 30 days; and

(iii) establishes an effective date for the interim final rule that is not earlier than 30 days after the date on which the interim final rule is issued; and

(B) publishing in the Federal Register a response to any comments submitted under subparagraph (A)(ii); and

(2) waive the requirement under paragraph (1)(A)(iii) or subsection (a)(4).

(c) RULES RELATING TO NOTICE AND COMMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Postal Service shall issue rules governing the provision of notice and opportunity for comment for changes in mailing specifications under subsection (a).

(2) RULES.—In issuing the rules required under paragraph (1), the Postal Service shall—

(A) publish a notice of proposed rulemaking in the Federal Register that includes proposed definitions of the terms ''mailing specifications'' and ''significant burden'';

(B) provide an opportunity for the submission of written comments concerning the proposed change for a period of not less than 30 days; and

(C) publish—

(i) the rule in final form in the Federal Register; and

(ii) responses to the comments submitted under subparagraph (B).

SEC. 211. NONPOSTAL PRODUCTS AND SERVICES.

(a) IN GENERAL.—Section 404 of title 39, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (6) through (8) as paragraphs (7) through (9), respectively; and

(B) by inserting after paragraph (5) the following:

''(6) after the date of enactment of the 21st Century Postal Service Act of 2012, and except as provided in subsection (e), to provide other services that are not postal services, after the Postal Regulatory Commission—

''(A) makes a determination that the provision of such services—

''(i) uses the processing, transportation, delivery, retail network, or technology of the Postal Service;

''(ii) is consistent with the public interest and a demonstrated or potential public demand for—

''(I) the Postal Service to provide the services instead of another entity providing the services; or

''(II) the Postal Service to provide the services in addition to another entity providing the services;

''(iii) would not create unfair competition with the private sector, taking into consideration the extent to which the Postal Service will not, either by legal obligation or voluntarily, comply with any State or local requirements that are generally applicable to persons that provide the services;

''(iv) will be undertaken in accordance with all Federal laws generally applicable to the provision of such services; and

''(v) has the potential to improve the net financial position of the Postal Service, based on a market analysis provided to the Postal Regulatory Commission by the Postal Service; and

''(B) for services that the Postal Regulatory Commission determines meet the criteria under subparagraph (A), classifies each such service as a market-dominant product, competitive product, or experimental product, as required under chapter 36 of title 39, United States Code;''; and

(2) in subsection (e)(2), by striking ''Nothing'' and all that follows through ''except that the'' and inserting ''The''.

(b) COMPLAINTS.—Section 3662(a) of title 39, United States Code, is amended by inserting ''404(a)(6)(A),'' after ''403(c),''.

(c) MARKET ANALYSIS.—During the 5-year period beginning on the date of enactment of this Act, the Postal Service shall submit a copy of any market analysis provided to the Commission under section 404(a)(6)(A)(v) of title 39, United States Code, as amended by this section, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

SEC. 212. CHIEF INNOVATION OFFICER; INNOVATION STRATEGY.

(a) CHIEF INNOVATION OFFICER.—

(1) IN GENERAL.—Chapter 2 of title 39, United States Code, is amended by adding at the end the following:

''§ 209. Chief innovation officer

''(a) ESTABLISHMENT.—There shall be in the Postal Service a Chief Innovation Officer appointed by the Postmaster General.

''(b) QUALIFICATIONS.—The Chief Innovation Officer shall have proven expertise and a record of accomplishment in areas such as—

''(1) the postal and shipping industry;

''(2) innovative product research and development;

''(3) brand marketing strategy;

''(4) new and emerging technology, including communications technology; or

''(5) business process management.

''(c) DUTIES.—The Chief Innovation Officer shall lead the development and implementation of—

''(1) innovative postal products and services, particularly products and services that use new and emerging technology, including communications technology, to improve the net financial position of the Postal Service; and

''(2) nonpostal products and services authorized under section 404(a)(6) that have the potential to improve the net financial position of the Postal Service.

''(d) DEADLINE.—The Postmaster General shall appoint a Chief Innovation Officer not later than 90 days after the date of enactment of the 21st Century Postal Service Act of 2012.

''(e) CONDITION.—

''(1) IN GENERAL.—The Chief Innovation Officer may not hold any other office or position in the Postal Service while serving as Chief Innovation Officer.

''(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit an individual who holds another office or position in the Postal Service at the time the individual is appointed Chief Innovation Officer from serving as the Chief Innovation Officer under this section.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 2 of title 39, United States Code, is amended by adding at the end the following:

''209. Chief innovation officer.''.

(b) INNOVATION STRATEGY.—

(1) INITIAL REPORT ON INNOVATION STRATEGY.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Postmaster General, acting through the Chief Innovation Officer, shall submit a report that contains a comprehensive strategy (referred to in this subsection as the ''innovation strategy'') for improving the net financial position of the Postal Service through innovation, including the offering of new postal and nonpostal products and services, to—

(i) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(ii) the Committee on Oversight and Government Reform of the House of Representatives.

(B) MATTERS TO BE ADDRESSED.—At a minimum, the report on innovation strategy required under subparagraph (A) shall describe—

(i) the specific innovative postal and nonpostal products and services to be developed and offered by the Postal Service, including—

(I) the nature of the market demand to be satisfied by each product or service; and

(II) the estimated date by which each product or service will be introduced;

(ii) the cost of developing and offering each product or service;

(iii) the anticipated sales volume for each product or service;

(iv) the anticipated revenues and profits to be generated by each product or service;

(v) the likelihood of success of each product or service and the risks associated with the development and sale of each product or service;

(vi) the trends anticipated in market conditions that may affect the success of each product or service during the 5-year period beginning on the date of the submission of the report under subparagraph (A);

(vii) any innovations designed to improve the net financial position of the Postal Service, other than the offering of new products and services; and

(viii) the metrics that will be used to assess the effectiveness of the innovation strategy.

(2) ANNUAL REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of the submission of the initial report containing the innovation strategy under paragraph (1), and annually thereafter for 10 years, the Postmaster General, acting through the Chief Innovation Officer, shall submit a report on the implementation of the innovation strategy to—

(i) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(ii) the Committee on Oversight and Government Reform of the House of Representatives.

(B) MATTERS TO BE ADDRESSED.—At a minimum, an annual report submitted under subparagraph (A) shall include—

(i) an update of the initial report on innovation strategy submitted under paragraph (1);

(ii) a description of the progress made by the Postal Service in implementing the products, services, and other innovations described in the initial report on innovation strategy;

(iii) an analysis of the performance of each product, service, or other innovation described in the initial report on innovation strategy, including—

(I) the revenue generated by each product or service developed in accordance with the innovation strategy under this section and the cost of developing and offering each product or service for the preceding year;

(II) trends in each market in which a product or service is intended to satisfy a demand;

(III) each product or service identified in the innovation strategy that is to be discontinued, the date on which each discontinuance will occur, and the reasons for each discontinuance;

(IV) each alteration that the Postal Service plans to make to a product or service identified in the innovation strategy to address changing market conditions and an explanation of how each alteration will ensure the success of the product or service;

(V) the performance of innovations other than new products and services that are designed to improve the net financial position of the Postal Service; and

(VI) the performance of the innovation strategy according to the metrics described in paragraph (1)(B)(viii).

SEC. 213. STRATEGIC ADVISORY COMMISSION ON POSTAL SERVICE SOLVENCY AND INNOVATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the Postal Service a Strategic Advisory Commission on Postal Service Solvency and Innovation (in this section referred to as the ''Advisory Commission'').

(2) INDEPENDENCE.—The Advisory Commission shall not be subject to the supervision of the Board of Governors of the Postal Service (in this section referred to as the ''Board of Governors''), the Postmaster General, or any other officer or employee of the Postal Service.

(b) PURPOSE.—The purpose of the Advisory Commission is—

(1) to provide strategic guidance to the President, Congress, the Board of Governors, and the Postmaster General on enhancing the long-term solvency of the Postal Service; and

(2) to foster innovative thinking to address the challenges facing the Postal Service.

(c) MEMBERSHIP.—

(1) COMPOSITION.—The Advisory Commission shall be composed of 7 members, of whom—

(A) 3 members shall be appointed by the President, who shall designate 1 member appointed under this subparagraph to serve as Chairperson of the Advisory Commission; and

(B) 1 member shall be appointed by each of—

(i) the majority leader of the Senate;

(ii) the minority leader of the Senate;

(iii) the Speaker of the House of Representatives; and

(iv) the minority leader of the House of Representatives.

(2) QUALIFICATIONS.—Members of the Advisory Commission shall be prominent citizens having—

(A) significant depth of experience in such fields as business and public administration;

(B) a reputation for innovative thinking;

(C) familiarity with new and emerging technologies; and

(D) experience with revitalizing organizations that experienced significant financial challenges or other challenges.

(3) INCOMPATIBLE OFFICES.—An individual who is appointed to the Advisory Commission may not serve as an elected official or an officer or employee of the Federal Government while serving as a member of the Advisory Commission, except in the capacity of that individual as a member of the Advisory Commission.

(4) DEADLINE FOR APPOINTMENT.—Each member of the Advisory Commission shall be appointed not later than 45 days after the date of enactment of this Act.

(5) MEETINGS; QUORUM; VACANCIES.—

(A) MEETINGS.—The Advisory Commission shall meet at the call of the Chairperson or a majority of the members of the Advisory Commission.

(B) QUORUM.—4 members of the Advisory Commission shall constitute a quorum.

(C) VACANCIES.—Any vacancy in the Advisory Commission shall not affect the powers of the Advisory Commission, but shall be filled as soon as practicable in the same manner in which the original appointment was made.

(d) DUTIES AND POWERS.—

(1) DUTIES.—The Advisory Commission shall—

(A) study matters that the Advisory Commission determines are necessary and appropriate to develop a strategic blueprint for the long-term solvency of the Postal Service, including—

(i) the financial, operational, and structural condition of the Postal Service;

(ii) alternative strategies and business models that the Postal Service could adopt;

(iii) opportunities for additional postal and nonpostal products and services that the Postal Service could offer;

(iv) innovative services that postal services in foreign countries have offered, including services that respond to the increasing use of electronic means of communication; and

(v) the governance structure, management structure, and management of the Postal Service, including—

(I) the appropriate method of appointment, qualifications, duties, and compensation for senior officials of the Postal Service, including the Postmaster General; and

(II) the number and functions of senior officials of the Postal Service and the number of levels of management of the Postal Service; and

(B) submit the report required under subsection (f).

(2) HEARINGS.—The Advisory Commission may hold such hearings, take such testimony, and receive such evidence as is necessary to carry out this section.

(3) ACCESS TO INFORMATION.—The Advisory Commission may secure directly from the Postal Service, the Board of Governors, the Postal Regulatory Commission, and any other Federal department or agency such information as the Advisory Commission considers necessary to carry out this section. Upon request of the Chairperson of the Advisory Commission, the head of the department or agency shall furnish the information described in the preceding sentence to the Advisory Commission.

(e) PERSONNEL MATTERS.—

(1) ADVISORY COMMISSION MEMBERS.—

(A) COMPENSATION OF MEMBERS.—Each member of the Advisory Commission shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which the member is engaged in the actual performance of the duties of the Advisory Commission.

(B) TRAVEL EXPENSES.—Members of the Advisory Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees serving intermittently in the Government service under section 5703 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Advisory Commission.

(2) STAFF.—

(A) APPOINTMENT AND COMPENSATION.—The Chairperson, in accordance with rules agreed upon by the Advisory Commission, shall appoint and fix the compensation of an executive director and such other personnel as may be necessary to enable the Advisory Commission to carry out the functions of the Advisory Commission, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification of positions and General Schedule pay rates, except that a rate of pay fixed under this subsection may not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(B) DETAILEES.—Any Federal employee, including an employee of the Postal Service, may be detailed to the Advisory Commission without reimbursement, and such detail shall be without interruption or loss of the civil service rights, status, or privilege of the employee.

(C) CONSULTANT SERVICES.—The Advisory Commission may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of such title.

(f) STRATEGIC BLUEPRINT FOR LONG-TERM SOLVENCY.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Advisory Commission shall submit a report that contains a strategic blueprint to—

(A) the President;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate;

(C) the Committee on Oversight and Government Reform of the House of Representatives;

(D) the Board of Governors; and

(E) the Postmaster General.

(2) CONTENTS.—The report submitted under paragraph (1) shall contain a strategic blueprint for the long-term solvency of the Postal Service that includes—

(A) an assessment of the business model of the Postal Service as of the date on which the report is submitted;

(B) an assessment of potential future business models for the Postal Service, including an evaluation of the appropriate balance between—

(i) necessary reductions in costs and services; and

(ii) additional opportunities for growth and revenue;

(C) a strategy for addressing significant current and future liabilities;

(D) identification of opportunities for further reductions in costs;

(E) identification of opportunities for new and innovative products and services;

(F) a strategy for future growth;

(G) a vision of how the Postal Service will operate in a sustainable manner 20 years after the date of enactment of this Act; and

(H) recommendations for any legislative changes necessary to implement the strategic blueprint described in this paragraph.

(g) TERMINATION.—The Advisory Commission shall terminate 90 days after the date on which the Advisory Commission submits the report under subsection (f).

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal years 2013 and 2014 such sums as may be necessary to carry out this section.

TITLE III—FEDERAL EMPLOYEES' COMPENSATION ACT

SEC. 301. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This title may be cited as the ''Workers' Compensation Reform Act of 2012''.

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 5, United States Code.

SEC. 302. FEDERAL WORKERS COMPENSATION REFORMS FOR RETIREMENT-AGE EMPLOYEES.

(a) CONVERSION OF ENTITLEMENT AT RETIREMENT AGE.—

(1) DEFINITIONS.—Section 8101 is amended—

(A) in paragraph (18), by striking ''and'' at the end;

(B) in paragraph (19), by striking ''and'' at the end;

(C) in paragraph (20), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(21) 'retirement age' has the meaning given that term under section 216(l)(1) of the Social Security Act (42 U.S.C. 416(l)(1));

''(22) 'covered claim for total disability' means a claim for a period of total disability that commenced before the date of enactment of the Workers' Compensation Reform Act of 2012;

''(23) 'covered claim for partial disability' means a claim for a period of partial disability that commenced before the date of enactment of the Workers' Compensation Reform Act of 2012; and

''(24) 'individual who has an exempt disability condition' means an individual—

''(A) who—

''(i) is eligible to receive continuous periodic compensation for total disability under section 8105 on the date of enactment of the Workers' Compensation Reform Act of 2012; and

''(ii) meets the criteria under section 8105(c);

''(B) who, on the date of enactment of the Workers' Compensation Reform Act of 2012—

''(i) is eligible to receive continuous periodic compensation for total disability under section 8105; and

''(ii) has sustained a currently irreversible severe mental or physical disability for which the Secretary of Labor has authorized, for at least the 1-year period ending on the date of enactment of the Workers' Compensation Reform Act of 2012, constant in-

home care or custodial care, such as placement in a nursing home; or

''(C) who is eligible to receive continuous periodic compensation for total disability under section 8105—

''(i) for not less than the 3-year period ending on the date of enactment of the Workers' Compensation Reform Act of 2012; or

''(ii) if the individual became eligible to receive continuous periodic compensation for total disability under section 8105 during the period beginning on the date that is 3 years before the date of enactment of the Workers' Compensation Reform Act of 2012 and ending on such date of enactment, for not less than the 3-year period beginning on the date on which the individual became eligible.''.

(2) TOTAL DISABILITY.—Section 8105 is amended—

(A) in subsection (a), by striking ''If'' and inserting ''IN GENERAL.—Subject to subsection (b), if'';

(B) by redesignating subsection (b) as subsection (c); and

(C) by inserting after subsection (a) the following:

''(b) CONVERSION OF ENTITLEMENT AT RETIREMENT AGE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the basic compensation for total disability for an employee who has attained retirement age shall be 50 percent of the monthly pay of the employee.

''(2) EXCEPTIONS.—

''(A) COVERED RECIPIENTS WHO ARE RETIREMENT AGE OR HAVE AN EXEMPT DISABILITY CONDITION.—Paragraph (1) shall not apply to a covered claim for total disability by an employee if the employee—

''(i) on the date of enactment of the Workers' Compensation Reform Act of 2012, has attained retirement age; or

''(ii) is an individual who has an exempt disability condition.

''(B) TRANSITION PERIOD FOR CERTAIN EMPLOYEES.—For a covered claim for total disability by an employee who is not an employee described in subparagraph (A), the employee shall receive the basic compensation for total disability provided under subsection (a) until the later of—

''(i) the date on which the employee attains retirement age; and

''(ii) the date that is 3 years after the date of enactment of the Workers' Compensation Reform Act of 2012.''.

(3) PARTIAL DISABILITY.—Section 8106 is amended—

(A) in subsection (a), by striking ''If'' and inserting ''IN GENERAL.—Subject to subsection (b), if'';

(B) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(C) by inserting after subsection (a) the following:

''(b) CONVERSION OF ENTITLEMENT AT RETIREMENT AGE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the basic compensation for partial disability for an employee who has attained retirement age shall be 50 percent of the difference between the monthly pay of the employee and the monthly wage-earning capacity of the employee after the beginning of the partial disability.

''(2) EXCEPTIONS.—

''(A) COVERED RECIPIENTS WHO ARE RETIREMENT AGE.—Paragraph (1) shall not apply to a covered claim for partial disability by an employee if, on the date of enactment of the Workers' Compensation Reform Act of 2012, the employee has attained retirement age.

''(B) TRANSITION PERIOD FOR CERTAIN EMPLOYEES.—For a covered claim for partial disability by an employee who is not an employee described in subparagraph (A), the employee shall receive basic compensation for partial disability in accordance with subsection (a) until the later of—

''(i) the date on which the employee attains retirement age; and

''(ii) the date that is 3 years after the date of enactment of the Workers' Compensation Reform Act of 2012.''.

SEC. 303. AUGMENTED COMPENSATION FOR DEPENDENTS.

(a) IN GENERAL.—Section 8110 is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

''(b) TERMINATION OF AUGMENTED COMPENSATION.—

''(1) IN GENERAL.—Subject to paragraph (2), augmented compensation for dependants under subsection (c) shall not be provided.

''(2) EXCEPTIONS.—

''(A) TOTAL DISABILITY.—For a covered claim for total disability by an employee—

''(i) the employee shall receive augmented compensation under subsection (c) if the employee is an individual who has an exempt disability condition; and

''(ii) the employee shall receive augmented compensation under subsection (c) until the date that is 3 years after the date of enactment of the Workers' Compensation Reform Act of 2012 if the employee is not an employee described in clause (i).

''(B) PARTIAL DISABILITY.—For a covered claim for partial disability by an employee, the employee shall receive augmented compensation under subsection (c) until the date that is 3 years after the date of enactment of the Workers' Compensation Reform Act of 2012.

''(C) PERMANENT DISABILITY COMPENSATED BY A SCHEDULE.—For a claim for a permanent disability described in section 8107(a) by an employee that commenced before the date of enactment of the Workers' Compensation Reform Act of 2012, the employee shall receive augmented compensation under subsection (c).''.

(b) MAXIMUM AND MINIMUM MONTHLY PAYMENTS.—Section 8112 is amended—

(1) in subsection (a)—

(A) by inserting ''subsections (b) and (c) and'' before ''section 8138'';

(B) by striking ''including augmented compensation under section 8110 of this title but''; and

(C) by striking ''75 percent'' each place it appears and inserting ''66⅔ percent'';

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following:

''(b) EXCEPTIONS.—

''(1) COVERED DISABILITY CONDITION.—For a covered claim for total disability by an employee, if the employee is an individual who has an exempt disability condition—

''(A) the monthly rate of compensation for disability that is subject to the maximum and minimum monthly amounts under subsection (a) shall include any augmented compensation under section 8110; and

''(B) subsection (a) shall be applied by substituting '75 percent' for '66⅔ percent' each place it appears.

''(2) PARTIAL DISABILITY.—For a covered claim for partial disability by an employee, until the date that is 3 years after the date of enactment of the Workers' Compensation Reform Act of 2012—

''(A) the monthly rate of compensation for disability that is subject to the maximum and minimum monthly amounts under subsection (a) shall include any augmented compensation under section 8110; and

''(B) subsection (a) shall be applied by substituting '75 percent' for '66⅔ percent' each place it appears.''; and

(4) in subsection (c), as redesignated by paragraph (2), by striking ''subsection (a)'' and inserting ''subsections (a) and (b)''.

(c) DEATH BENEFITS GENERALLY.—Section 8133 is amended—

(1) in subsections (a) and (e), by striking ''75 percent'' each place it appears and inserting ''66⅔ percent (except as provided in subsection (g))''; and

(2) by adding at the end the following:

''(g) If the death occurred before the date of enactment of the Workers' Compensation Reform Act of 2012, subsections (a) and (e) shall be applied by substituting '75 percent' for '66⅔ percent' each place it appears.''.

(d) DEATH BENEFITS FOR CIVIL AIR PATROL VOLUNTEERS.—Section 8141 is amended—

(1) in subsection (b)(2)(B) by striking ''75 percent'' and inserting ''66⅔ percent (except as provided in subsection (c))'';

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

''(c) If the death occurred before the date of enactment of the Workers' Compensation Reform Act of 2012, subsection (b)(2)(B) shall be applied by substituting '75 percent' for '66⅔ percent'.''.

SEC. 304. SCHEDULE COMPENSATION PAYMENTS.

Section 8107 is amended—

(1) in subsection (a), by striking ''at the rate of 66⅔ percent of his monthly pay'' and inserting ''at the rate specified under subsection (d)''; and

(2) by adding at the end the following:

''(d) RATE FOR COMPENSATION.—

''(1) ANNUAL SALARY.—

''(A) IN GENERAL.—Except as provided in paragraph (2), the rate under subsection (a) shall be the rate of 66⅔ percent of the annual salary level established under subparagraph (B), in a lump sum equal to the present value (as calculated under subparagraph (C)) of the amount of compensation payable under the schedule.

''(B) ESTABLISHMENT.—

''(i) IN GENERAL.—The Secretary of Labor shall establish an annual salary for purposes of subparagraph (A) in the amount the Secretary determines will result in the aggregate cost of payments made under this section being equal to what would have been the aggregate cost of payments under this section if the amendments made by section 304(a) of the Workers' Compensation Reform Act of 2012 had not been enacted.

''(ii) COST OF LIVING ADJUSTMENT.—The annual salary established under clause (i) shall be increased on March 1 of each year by the amount determined by the Secretary of Labor to represent the percent change in the price index published for December of the preceding year over the price index published for the December of the year prior to the preceding year, adjusted to the nearest one-tenth of 1 percent.

''(C) PRESENT VALUE.—The Secretary of Labor shall calculate the present value for purposes of subparagraph (A) using a rate of interest equal to the average market yield for outstanding marketable obligations of the United States with a maturity of 2 years on the first business day of the month in which the compensation is paid or, in the event that such marketable obligations are not being issued on such date, at an equivalent rate selected by the Secretary of Labor, true discount compounded annually.

''(2) CERTAIN INJURIES.—For an injury that occurred before the date of enactment of the Workers' Compensation Reform Act of 2012, the rate under subsection (a) shall be 66⅔ percent of the employee's monthly pay.

''(e) SIMULTANEOUS RECEIPT.—

''(1) TOTAL DISABILITY.—An employee who receives compensation for total disability

under section 8105 may only receive the lump sum of schedule compensation under this section in addition to and simultaneously with the benefits for total disability after the earlier of—

''(A) the date on which the basic compensation for total disability of the employee becomes 50 percent of the monthly pay of the employee under section 8105(b); or

''(B) the date on which augmented compensation of the employee terminates under section 8110(b)(2)(A)(ii), if the employee receives such compensation.

''(2) PARTIAL DISABILITY.—An employee who receives benefits for partial disability under section 8106 may only receive the lump sum of schedule compensation under this section in addition to and simultaneously with the benefits for partial disability after the earlier of—

''(A) the date on which the basic compensation for partial disability of the employee becomes 50 percent of the difference between the monthly pay of the employee and the monthly wage-earning capacity of the employee after the beginning of the partial disability under section 8106(b); or

''(B) the date on which augmented compensation of the employee terminates under section 8110(b)(2)(B), if the employee receives such compensation.''.

SEC. 305. VOCATIONAL REHABILITATION.

(a) IN GENERAL.—Section 8104 is amended—

(1) in subsection (a)—

(A) by striking ''(a) The Secretary of Labor may'' and all that follows through ''undergo vocational rehabilitation.'' and inserting the following:

''(a) IN GENERAL.—

''(1) DIRECTION.—Except as provided in paragraph (2), not earlier than the date that is 6 months after the date on which an individual eligible for wage-loss compensation under section 8105 or 8106 is injured, or by such other date as the Secretary of Labor determines it would be reasonable under the circumstances for the individual to begin vocational rehabilitation, and if vocational rehabilitation may enable the individual to become capable of more gainful employment, the Secretary of Labor shall direct the individual to participate in developing a comprehensive return to work plan and to undergo vocational rehabilitation at a location a reasonable distance from the residence of the individual.'';

(B) by striking ''the Secretary of Health, Education, and Welfare in carrying out the purposes of chapter 4 of title 29'' and inserting ''the Secretary of Education in carrying out the purposes of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.)'';

(C) by striking ''under section 32(b)(1) of title 29'' and inserting ''under section 5 of the Rehabilitation Act of 1973 (29 U.S.C. 704)''; and

(D) by adding at the end the following:

''(2) EXCEPTION.—The Secretary of Labor may not direct an individual who has attained retirement age to participate in developing a comprehensive return to work plan or to undergo vocational rehabilitation.'';

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following:

''(b) CONTENTS OF RETURN TO WORK PLAN.—A return to work plan developed under subsection (a)—

''(1) shall—

''(A) set forth specific measures designed to increase the wage-earning capacity of an individual;

''(B) take into account the prior training and education of the individual and the training, educational, and employment opportunities reasonably available to the individual; and

''(C) provide that any employment undertaken by the individual under the return to work plan be at a location a reasonable distance from the residence of the individual;

''(2) may provide that the Secretary will pay out of amounts in the Employees' Compensation Fund reasonable expenses of vocational rehabilitation (which may include tuition, books, training fees, supplies, equipment, and child or dependent care) during the course of the plan; and

''(3) may not be for a period of more than 2 years, unless the Secretary finds good cause to grant an extension, which may be for not more than 2 years.'';

(4) in subsection (c), as so redesignated—

(A) by inserting ''COMPENSATION.—'' before ''Notwithstanding''; and

(B) by striking '', other than employment undertaken pursuant to such rehabilitation''; and

(5) by adding at the end the following:

''(d) ASSISTED REEMPLOYMENT AGREEMENTS.—

''(1) IN GENERAL.—The Secretary may enter into an assisted reemployment agreement with an agency or instrumentality of any branch of the Federal Government or a State or local government or a private employer that employs an individual eligible for wage-loss compensation under section 8105 or 8106 to enable the individual to return to productive employment.

''(2) CONTENTS.—An assisted reemployment agreement under paragraph (1)—

''(A) may provide that the Secretary will use amounts in the Employees' Compensation Fund to reimburse an employer in an amount equal to not more than 100 percent of the compensation the individual would otherwise receive under section 8105 or 8106; and

''(B) may not be for a period of more than 3 years.

''(e) LIST.—To facilitate the hiring of individuals eligible for wage-loss compensation under section 8105 or 8106, the Secretary shall provide a list of such individuals to the Office of Personnel Management, which the Office of Personnel Management shall provide to all agencies and instrumentalities of the Federal Government.''.

(b) EMPLOYEES' COMPENSATION FUND.—Section 8147 is amended by adding at the end:

''(d) Notwithstanding subsection (b), any benefits or other payments paid to or on behalf of an employee under this subchapter or any extension or application thereof for a recurrence of injury, consequential injury, aggravation of injury, or increase in percentage of impairment to a member for which compensation is provided under the schedule under section 8107 suffered in a permanent position with an agency or instrumentality of the United States while the employment with the agency or instrumentality is covered under an assisted reemployment agreement entered into under section 8104(d) shall not be included in total cost of benefits and other payments in the statement provided to the agency or instrumentality under subsection (b) if the injury was originally incurred in a position not covered by an assisted reemployment agreement.''.

(c) TERMINATION OF VOCATIONAL REHABILITATION REQUIREMENT AFTER RETIREMENT AGE.—Section 8113(b) is amended by adding at the end the following: ''An individual who has attained retirement age may not be required to undergo vocational rehabilitation.''.

(d) MANDATORY BENEFIT REDUCTION FOR NONCOMPLIANCE.—Section 8113(b) is amended by striking ''may reduce'' and inserting ''shall reduce''.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Subchapter III of chapter 15 of title 31, United States Code, is amended by adding at the end the following:

''§ 1538. Authorization for assisted reemployment

''Funds may be transferred from the Employees' Compensation Fund established under section 8147 of title 5 to the applicable appropriations account for an agency or instrumentality of any branch of the Federal Government for the purposes of reimbursing the agency or instrumentality in accordance with an assisted reemployment agreement entered into under section 8104 of title 5.''.

(2) TABLE OF SECTIONS.—The table of sections for chapter 15 of title 31, United States Code, is amended by inserting after the item relating to section 1537 the following:

''1538. Authorization for assisted reemployment.''.

SEC. 306. REPORTING REQUIREMENTS.

(a) IN GENERAL.—Chapter 81 is amended by inserting after section 8106 the following:

''§ 8106a. Reporting requirements

''(a) DEFINITION.—In this section, the term 'employee receiving compensation' means an employee who—

''(1) is paid compensation under section 8105 or 8106; and

''(2) has not attained retirement age.

''(b) AUTHORITY.—The Secretary of Labor shall require an employee receiving compensation to report the earnings of the employee receiving compensation from employment or self-employment, by affidavit or otherwise, in the manner and at the times the Secretary specifies.

''(c) CONTENTS.—An employee receiving compensation shall include in a report required under subsection (a) the value of housing, board, lodging, and other advantages which are part of the earnings of the employee receiving compensation in employment or self-employment and the value of which can be estimated.

''(d) FAILURE TO REPORT AND FALSE REPORTS.—

''(1) IN GENERAL.—An employee receiving compensation who fails to make an affidavit or other report required under subsection (b) or who knowingly omits or understates any part of the earnings of the employee in such an affidavit or other report shall forfeit the right to compensation with respect to any period for which the report was required.

''(2) FORFEITED COMPENSATION.—Compensation forfeited under this subsection, if already paid to the employee receiving compensation, shall be recovered by a deduction from the compensation payable to the employee or otherwise recovered under section 8129, unless recovery is waived under that section.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 81 is amended by inserting after the item relating to section 8106 the following:

''8106a. Reporting requirements.''.

SEC. 307. DISABILITY MANAGEMENT REVIEW; INDEPENDENT MEDICAL EXAMINATIONS.

Section 8123 is amended by adding at the end the following:

''(e) DISABILITY MANAGEMENT REVIEW.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'covered employee' means an employee who is in continuous receipt of compensation for total disability under section 8105 for a period of not less than 6 months; and

''(B) the term 'disability management review process' means the disability management review process established under paragraph (2)(A).

''(2) ESTABLISHMENT.—The Secretary of Labor shall—

''(A) establish a disability management review process for the purpose of certifying and monitoring the disability status and extent of injury of each covered employee; and

''(B) promulgate regulations for the administration of the disability management review process.

''(3) PHYSICAL EXAMINATIONS REQUIRED.—Under the disability management review process, the Secretary of Labor shall periodically require covered employees to submit to physical examinations under subsection (a) by physicians selected by the Secretary. A physician conducting a physical examination of a covered employee shall submit to the Secretary a report regarding the nature and extent of the injury to and disability of the covered employee.

''(4) FREQUENCY.—

''(A) IN GENERAL.—The regulations promulgated under paragraph (2)(B) shall specify the process and criteria for determining when and how frequently a physical examination should be conducted for a covered employee.

''(B) MINIMUM FREQUENCY.—

''(i) INITIAL.—An initial physical examination shall be conducted not more than a brief period after the date on which a covered employee has been in continuous receipt of compensation for total disability under section 8015 for 6 months.

''(ii) SUBSEQUENT EXAMINATIONS.—After the initial physical examination, physical examinations of a covered employee shall be conducted not less than once every 3 years.

''(5) EMPLOYING AGENCY OR INSTRUMENTALITY REQUESTS.—

''(A) IN GENERAL.—The agency or instrumentality employing an employee who has made a claim for compensation for total disability under section 8105 may at any time submit a request for the Secretary of Labor to promptly require the employee to submit to a physical examination under this subsection.

''(B) REQUESTING OFFICER.—A request under subparagraph (A) shall be made on behalf of an agency or instrumentality by—

''(i) the head of the agency or instrumentality;

''(ii) the Chief Human Capital Officer of the agency or instrumentality; or

''(iii) if the agency or instrumentality does not have a Chief Human Capital Officer, an officer with responsibilities similar to those of a Chief Human Capital Officer designated by the head of the agency or instrumentality to make requests under this paragraph.

''(C) INFORMATION.—A request under subparagraph (A) shall be in writing and accompanied by—

''(i) a certification by the officer making the request that the officer has reviewed the relevant material in the employee's file;

''(ii) an explanation of why the officer has determined, based on the materials in the file and other information known to the officer, that requiring a physical examination of the employee under this subsection is necessary; and

''(iii) copies of the materials relating to the employee that are relevant to the officer's determination and request, unless the agency or instrumentality has a reasonable basis for not providing the materials.

''(D) EXAMINATION.—If the Secretary of Labor receives a request under this paragraph before an employee has undergone an initial physical examination under paragraph (4)(B)(i), the Secretary shall promptly require the physical examination of the employee. A physical examination under this subparagraph shall satisfy the requirement under paragraph (4)(B)(i) that an initial physical examination be conducted.

''(E) AFTER INITIAL EXAMINATION.—

''(i) IN GENERAL.—If the Secretary of Labor receives a request under this paragraph after an employee has undergone an initial physical examination under paragraph (4)(B)(i), the Secretary shall—

''(I) review the request and the information, explanation, and other materials submitted with the request; and

''(II) determine whether to require the physical examination of the employee who is the subject of the request.

''(ii) NOT GRANTED.—If the Secretary determines not to grant a request described in clause (i), the Secretary shall promptly notify the officer who made the request and provide an explanation of the reasons why the request was denied.''.

SEC. 308. WAITING PERIOD.

(a) IN GENERAL.—Section 8117 is amended—

(1) in the section heading, by striking ''**Time of accrual of right**'' and inserting ''**Waiting period**'';

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''An employee'' and all that follows through ''is not entitled'' and inserting ''IN GENERAL.—An employee is not entitled to continuation of pay within the meaning of section 8118 for the first 3 days of temporary disability or, if section 8118 does not apply, is not entitled'';

(B) in paragraph (1), by adding ''or'' at the end;

(C) by striking paragraph (2); and

(D) by redesignating paragraph (3) as paragraph (2); and

(3) in subsection (b)—

(A) by striking ''A Postal Service'' the first place it appears and all that follows through ''A Postal Service'' the second place it appears and inserting ''USE OF LEAVE.—An'';

(B) by striking ''that 3-day period'' and inserting ''the first 3 days of temporary disability''; and

(C) by striking ''or is followed by permanent disability''.

(b) CONTINUATION OF PAY.—Section 8118 is amended—

(1) in the section heading, by striking ''**; election to use annual or sick leave**'';

(2) in subsection (b)(1), by striking ''section 8117(b)'' and inserting ''section 8117'';

(3) by striking subsection (c); and

(4) by redesignating subsections (d) as subsection (c).

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 81 is amended by striking the items relating to sections 8117 and 8118 and inserting the following:

''8117. Waiting period.
''8118. Continuation of pay.''.

SEC. 309. ELECTION OF BENEFITS.

(a) IN GENERAL.—Section 8116 is amended by adding at the end the following:

''(e) RETIREMENT BENEFITS.—

''(1) IN GENERAL.—An individual entitled to compensation benefits payable under this subchapter and under chapter 83 or 84 or any other retirement system for employees of the Government, for the same period, shall elect which benefits the individual will receive.

''(2) ELECTION.—

''(A) DEADLINE.—An individual shall make an election under paragraph (1) in accordance with such deadlines as the Secretary of Labor shall establish, which shall be a reasonable period after the individual has received notice of a final determination that the individual is entitled to compensation benefits payable under this subchapter.

''(B) REVOCABILITY.—An election under paragraph (1) shall be revocable, notwithstanding any other provision of law, except for any period during which an individual—

''(i) was qualified for benefits payable under both this subchapter and under a retirement system described in paragraph (1); and

''(ii) was paid benefits under the retirement system after having been notified of eligibility for benefits under this subchapter.

''(3) INFORMED CHOICE.—The Secretary of Labor shall provide information, and shall ensure that information is provided, to an individual described in paragraph (1) about the benefits available to the individual under this subchapter or under chapter 83 or 84 or any other retirement system referred to in paragraph (1) the individual may elect to receive.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Sections 8337(f)(3) and 8464a(a)(3) are each amended by striking ''Paragraphs'' and inserting ''Except as provided under chapter 81, paragraphs''.

SEC. 310. SANCTION FOR NONCOOPERATION WITH FIELD NURSES.

Section 8123, as amended by section 307, is amended by adding at the end the following:

''(f) FIELD NURSES.—

''(1) DEFINITION.—In this subsection, the term 'field nurse' means a registered nurse that assists the Secretary in the medical management of disability claims under this subchapter and provides claimants with assistance in coordinating medical care.

''(2) AUTHORIZATION.—The Secretary may use field nurses to coordinate medical services and vocational rehabilitation programs for injured employees under this subchapter. If an employee refuses to cooperate with a field nurse or obstructs a field nurse in the performance of duties under this subchapter, the right to compensation under this subchapter shall be suspended until the refusal or obstruction stops.''.

SEC. 311. SUBROGATION OF CONTINUATION OF PAY.

(a) IN GENERAL.—Section 8131 is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting ''continuation of pay or'' before ''compensation'';

(2) in subsection (b), by inserting ''continuation of pay or'' before ''compensation''; and

(3) in subsection (c)—

(A) by inserting ''continuation of pay or'' before ''compensation already paid''; and

(B) by inserting ''continuation of pay or'' before ''compensation payable''.

(b) ADJUSTMENT AFTER RECOVERY FROM A THIRD PERSON.—Section 8132 is amended—

(1) in the first sentence—

(A) by inserting ''continuation of pay or'' before ''compensation is payable'';

(B) by inserting ''continuation of pay or'' before ''compensation from the United States'';

(C) by striking ''by him or in his behalf'' and inserting ''by the beneficiary or on behalf of the beneficiary'';

(D) by inserting ''continuation of pay and'' before ''compensation paid by the United States''; and

(E) by striking ''compensation payable to him'' and inserting ''continuation of pay or compensation payable to the beneficiary'';

(2) in the second sentence, by striking ''his designee'' and inserting ''the designee of the beneficiary''; and

(3) in the fourth sentence, by striking ''If compensation'' and all that follows through ''payable to him by the United States'' and inserting ''If continuation of pay or compensation has not been paid to the beneficiary, the money or property shall be credited against continuation of pay or compensation payable to the beneficiary by the United States''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 312. INTEGRITY AND COMPLIANCE.

(a) IN GENERAL.—Subchapter I of chapter 81 is amended by adding at the end the following:

"§ 8153. Integrity and Compliance Program

''(a) DEFINITIONS.—In this section—

''(1) the term 'FECA program' means the Federal Employees Compensation Program administered under this subchapter;

''(2) the term 'improper payment' has the meaning given that term in section 2(f) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note);

''(3) the term 'Inspector General'—

''(A) means an Inspector General described in subparagraph (A), (B), or (I) of section 11(b)(1) of the Inspector General Act of 1978 (5 U.S.C. App.); and

''(B) does not include the Inspector General of an entity having no employees covered under the FECA program.

''(4) the term 'Integrity and Compliance Program' means the Integrity and Compliance Program established under subsection (b);

''(5) the term 'provider' means a provider of medical or other services under the FECA program;

''(6) the term 'Secretary' means the Secretary of Labor; and

''(7) the term 'Task Force' means the FECA Integrity and Compliance Task Force established under subsection (c)(2)(A).

''(b) INTEGRITY AND COMPLIANCE PROGRAM.—Not later than 270 days after the date of enactment of this section, the Secretary shall establish an Integrity and Compliance Program for the purpose of preventing, identifying, and recovering fraudulent and other improper payments for the FECA program, which shall include—

''(1) procedures for identifying potentially improper payments before payment is made to claimants and providers, including, where appropriate, predictive analytics;

''(2) reviews after payment is made to identify potentially improper payments to claimants and providers;

''(3) on-going screening and verification procedures to ensure the continued eligibility of medical providers to provide services under the FECA program, including licensure, Federal disbarment, and the existence of relevant criminal convictions;

''(4) provision of appropriate information, education, and training to claimants and providers on requirements to ensure the integrity of the FECA program, including payments under the FECA program;

''(5) appropriate controls and audits to ensure that providers adopt internal controls and procedures for compliance with requirements under the FECA program;

''(6) procedures to ensure—

''(A) initial and continuing eligibility of claimants for compensation, benefits, or services under the FECA program; and

''(B) ongoing verification of information in databases relating to claimants to ensure accuracy and completeness; and

''(7) sharing and accessing data and information with other agencies and instrumentalities of the United States, including the United States Postal Service.

''(c) INTERAGENCY COOPERATION ON ANTI-FRAUD EFFORTS.—

''(1) IN GENERAL.—In administering the FECA program, including the Integrity and Compliance Program, the Secretary shall cooperate with other agencies and instrumentalities of the United States (including the United States Postal Service) and the Inspectors General of such agencies and instrumentalities to prevent, identify, and recover fraudulent and other improper payments under the FECA program.

''(2) TASK FORCE.—

''(A) IN GENERAL.—There is established a task force, which shall be known as the FECA Integrity and Compliance Task Force.

''(B) MEMBERSHIP.—The members of the Task Force shall be—

''(i) the Secretary, who shall serve as the Chairperson of the Task Force;

''(ii) the Postmaster General, who shall serve as the Vice Chairperson of the Task Force;

''(iii) the Attorney General;

''(iv) the Director of the Office of Management and Budget; and

''(v) other appropriate Federal officials, as determined by the Chairperson and Vice Chairperson of the Task Force.

''(C) ADVISORY MEMBERS.—The following officials shall attend meetings of the Task Force and participate as ad hoc, advisory members, to provide technical assistance and guidance to the Task Force with respect to the duties of the Task Force:

''(i) The Inspector General of the Department of Labor.

''(ii) The Inspector General of the United States Postal Service.

''(iii) The Inspectors General of other appropriate agencies and instrumentalities of the United States that employ a significant number of individuals receiving compensation, benefits, or services under the FECA program, as determined by the Chairperson of the Task Force.

''(D) DUTIES.—The Task Force shall—

''(i) set forth, in writing, a description of the respective roles and responsibilities in preventing, identifying, recovering, and prosecuting fraud under, and otherwise ensuring integrity and compliance of, the FECA program of—

''(I) the Secretary (including subordinate officials such as the Director of the Office of Workers' Compensation Programs);

''(II) the Inspector General of the Department of Labor;

''(III) the Inspectors General of agencies and instrumentalities of the United States that employ claimants under the FECA program;

''(IV) the Attorney General; and

''(V) any other relevant officials;

''(ii) develop procedures for sharing information of possible fraud under the FECA program or other intentional misstatements by claimants or providers under the FECA program, including procedures addressing—

''(I) notification of appropriate officials of the Department of Labor of potential fraud or other intentional misstatements, including provision of supporting information;

''(II) timely and appropriate response by officials of the Department of Labor to notifications described in subclause (I);

''(III) the inclusion of information and evidence relating to fraud and other intentional misstatements in criminal, civil, and administrative proceedings relating to the provision of compensation, benefits, or medical services (including payments to providers) under the FECA program;

''(IV) the coordination of criminal investigations with the administration of the FECA program; and

''(V) the protection of information relating to an investigation of possible fraud under the FECA program from potential disclosure, including requirements that enable investigative files to be appropriately separated from case management files;

''(iii) not later than 1 year after the date of enactment of this section, submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform and the Committee on Education and the Workforce of the House of Representatives a report that includes the description and procedures required under clauses (i) and (ii).

''(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit or restrict any authority of an Inspector General.

''(d) IMPROVEMENTS TO ACCESS OF FEDERAL DATABASES.—

''(1) IN GENERAL.—In order to improve compliance with the requirements under and the integrity of the FECA program, or as required to otherwise detect and prevent improper payments under the FECA program (including for purposes of computer matching under subsection (e)(1)(D)), upon written request—

''(A) the Commissioner of Social Security shall make available to the Secretary, the Postmaster General, and each Inspector General the Social Security earnings information of a living or deceased employee;

''(B) the Director of the Office of Personnel Management shall make available to the Secretary, the Postmaster General, and each Inspector General the information in the databases of Federal employees and retirees maintained by the Director; and

''(C) the Secretary of Veterans Affairs shall make available to the Secretary, the Postmaster General, and each Inspector General the information in the database of disabled individuals maintained by the Secretary of Veterans Affairs.

''(2) NATIONAL DIRECTORY OF NEW HIRES.—Upon written request, the Secretary of Health and Human Services shall make available to the Secretary, the Postmaster General, each Inspector General, and the Comptroller General of the United States the information in the National Directory of New Hires for purposes of carrying out this subchapter, in order to improve compliance with the requirements under and the integrity of the FECA program, or as required to otherwise detect and prevent improper payments under the FECA program (including for purposes of computer matching under subsection (e)(1)(D)). The Comptroller General may obtain information from the National Directory of New Hires for purposes of any audit, evaluation, or investigation, including any audit, evaluation, or investigation relating to program integrity.

''(3) PROCEDURES.—The Secretary shall establish procedures for correlating the identity and status of recipients of compensation, benefits, or services under this subchapter with Social Security earnings information described in paragraph (1)(A).

''(4) PROVISION.—Information requested under this subsection shall be provided—

''(A) in a timely manner;

''(B) at a reasonable cost to the Secretary, the Postmaster General, or an Inspector General;

''(C) without cost to the Comptroller General of the United States; and

''(D) in the manner, frequency, and form reasonably specified by the officer making the request, which, upon request, shall include electronic form.

''(5) ASSESSMENT OF DATA COST-EFFECTIVENESS.—

''(A) IN GENERAL.—The Secretary shall consider and assess procedures for correlating the identity and status of recipients of compensation, benefits, or services under this subchapter with information relating to employees, retirees, and individuals described in subparagraphs (B) and (C) of paragraph (1) and paragraph (2).

''(B) REPORT.—Not later than 1 year after the date of enactment of this section, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform and the Committee on Education and the Workforce

of the House of Representatives a report on the cost-effectiveness of the use of the databases described in subparagraphs (B) and (C) of paragraph (1) and paragraph (2) for program compliance and integrity. The report required under this subparagraph may be included as part of the report required under subsection (f).

''(6) UNITED STATES POSTAL SERVICE FECA ENROLLEE DATABASE.—Not later than 180 days after the date of enactment of this section, in order to track, verify, and communicate with the Secretary and other relevant entities, the Postmaster General shall establish an electronic database of information relating to employees of the United States Postal Service who have applied for or are receiving compensation, benefits, or services under this subchapter.

''(7) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the authority of the Comptroller General of the United States under section 716 of title 31.

''(e) GENERAL PROTOCOLS AND SECURITY.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—In order to ensure strong information security and privacy standards, the Task Force shall establish protocols for the secure transfer and storage of any information provided to an individual or entity under this section.

''(B) CONSIDERATIONS.—In establishing protocols under subparagraph (A), the Task Force shall consider any recommendations submitted to the Secretary by the Inspector General of the Department of Health and Human Services with respect to the secure transfer and storage of information, and to comply with privacy laws and best practices.

''(C) FRAUD CASE PROTECTION.—The Task Force shall establish protocols and procedures to enable information and materials relating to an active investigation of possible fraud relating to the FECA program to be appropriately kept separate from the files for employees relating to the provision of compensation, benefits, or services under the FECA program.

''(D) COMPUTER MATCHING BY FEDERAL AGENCIES FOR PURPOSES OF INVESTIGATION AND PREVENTION OF IMPROPER PAYMENTS AND FRAUD.—

''(i) IN GENERAL.—Except as provided in this subparagraph, in accordance with section 552a (commonly known as the Privacy Act of 1974), the Secretary, the Postmaster General, each Inspector General, and the head of each agency may enter into computer matching agreements that allow ongoing data matching (which shall include automated data matching) in order to assist in the detection and prevention of improper payments under the FECA program.

''(ii) REVIEW.—Not later than 60 days after a proposal for an agreement under clause (i) has been presented to a Data Integrity Board established under section 552a(u) for consideration, the Data Integrity Board shall approve or deny the agreement.

''(iii) TERMINATION DATE.—An agreement under clause (i)—

''(I) shall have a termination date of less than 3 years; and

''(II) during the 3-month period ending on the date on which the agreement is scheduled to terminate, may be renewed by the agencies entering the agreement for not more than 3 years.

''(iv) MULTIPLE AGENCIES.—For purposes of this subparagraph, section 552a(o)(1) shall be applied by substituting 'between the source agency and the recipient agency or non-Federal agency or an agreement governing multiple agencies' for 'between the source agency and the recipient agency or non-Federal agency' in the matter preceding subparagraph (A).

''(v) COST-BENEFIT ANALYSIS.—An agreement under clause (i) may be entered without regard to section 552a(o)(1)(B), relating to a cost-benefit analysis of the proposed matching program.

''(vi) GUIDANCE BY THE OFFICE OF MANAGEMENT AND BUDGET.—Not later than 6 months after the date of enactment of the Workers' Compensation Reform Act of 2012, and in consultation with the Council of Inspectors General on Integrity and Efficiency, the Secretary of Health and Human Services, the Commissioner of Social Security, and the head of any other relevant agency, the Director of the Office of Management and Budget shall—

''(I) issue guidance for agencies regarding implementing this subparagraph, which shall include standards for reimbursement costs, when necessary, between agencies; and

''(II) establish standards and develop standard matching agreements for the purpose of improving the process for establishing data use or computer matching agreements.

''(2) COMPLIANCE.—The Secretary, the Postmaster General, and each Inspector General shall ensure that any information provided to an individual or entity under this section is provided in accordance with protocols established under paragraph (1).

''(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the rights of an individual under section 552a(p).

''(f) REPORT.—Not later than 1 year after the date of enactment of this section, and annually thereafter for 5 years, the Secretary shall submit a report on the activities of the Secretary under this section, including implementation of the Integrity and Compliance Program, to—

''(1) the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(2) the Committee on Oversight and Government Reform and the Committee on Education and the Workforce of the House of Representatives.

''(g) GAO REVIEW.—The Comptroller General of the United States shall—

''(1) conduct periodic reviews of the Integrity and Compliance Program; and

''(2) submit reports on the results of the reviews under paragraph (1) to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform and the Committee on Education and the Workforce of the House of Representatives not later than—

''(A) 2 years after the date of enactment of this section; and

''(B) 3 years after submission of the report under subparagraph (A).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 81 is amended by inserting after the item relating to section 8152 the following:

''8153. Integrity and Compliance Program.''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 313. AMOUNT OF COMPENSATION.

(a) INJURIES TO FACE, HEAD, AND NECK.—Section 8107(c)(21) is amended—

(1) by striking ''not to exceed $3,500'' and inserting ''in proportion to the severity of the disfigurement, not to exceed $50,000,''; and

(2) by adding at the end the following: ''The maximum amount of compensation under this paragraph shall be increased on March 1 of each year by the amount determined by the Secretary of Labor to represent the percent change in the price index published for December of the preceding year over the price index published for the December of the year prior to the preceding year, adjusted to the nearest one-tenth of 1 percent.''.

(b) FUNERAL EXPENSES.—Section 8134(a) is amended—

(1) by striking ''$800'' and inserting ''$6,000''; and

(2) by adding at the end the following: ''The maximum amount of compensation under this subsection shall be increased on March 1 of each year by the amount determined by the Secretary of Labor to represent the percent change in the price index published for December of the preceding year over the price index published for the December of the year prior to the preceding year, adjusted to the nearest one-tenth of 1 percent.''.

(c) APPLICATION.—The amendments made by this section shall apply to injuries or deaths, respectively, occurring on or after the date of enactment of this Act.

SEC. 314. TECHNICAL AND CONFORMING AMENDMENTS.

Chapter 81 is amended—

(1) in section 8101(1)(D), by inserting ''for an injury that occurred before the effective date of section 204(e) of the District of Columbia Self-Government and Governmental Reorganization Act (Public Law 93–198; 87 Stat. 783; 5 U.S.C. 8101 note)'' before the semicolon;

(2) in section 8139, by inserting ''under this subchapter'' after ''Compensation awarded''; and

(3) in section 8148(a), by striking ''section 8106'' and inserting ''section 8106a''.

SEC. 315. REGULATIONS.

(a) IN GENERAL.—As soon as possible after the date of enactment of this Act, the Secretary of Labor shall promulgate regulations (which may include interim final regulations) to carry out this title.

(b) CONTENTS.—The regulations promulgated under subsection (a) shall include, for purposes of the amendments made by sections 302 and 303, clarification of—

(1) what is a claim; and

(2) what is the date on which a period of disability, for which a claim is made, commences.

SEC. 316. EFFECTIVE DATE.

Except as otherwise provided in this title, this title and the amendments made by this title shall take effect 60 days after the date of enactment of this Act.

TITLE IV—OTHER MATTERS

SEC. 401. SOLVENCY PLAN.

(a) PLAN REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Postal Service shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, the Comptroller General of the United States, and the Commission a plan describing, in detail, the actions the Postal Service will take to achieve long-term solvency (as defined in section 208(e) of this Act).

(b) CONSIDERATIONS.—The plan required under subsection (a) shall take into consideration—

(1) the legal authority of the Postal Service;

(2) the changes in the legal authority and responsibilities of the Postal Service under this Act;

(3) any cost savings that the Postal Service anticipates will be achieved through negotiations with employees of the Postal Service;

(4) projected changes in mail volume;

(5) projected changes in the number of employees needed to carry out the responsibilities of the Postal Service; and

(6) the long-term capital needs of the Postal Service, including the need to maintain, repair, and replace facilities and equipment.

(c) UPDATES.—The Postal Service shall update the plan required under subsection (a) not less frequently than quarterly, until the last quarter of fiscal year 2015.

SEC. 402. POSTAL RATES.

(a) COMMISSION STUDY.—

(1) IN GENERAL.—Not earlier than 3 years after the date of enactment of this Act, the Commission shall commence a study to determine—

(A) whether and to what extent any market-dominant classes, products, or types of mail services do not bear the direct and indirect costs attributable to those classes, products, or types of mail services; and

(B) the impact of any excess mail processing, transportation, or delivery capacity of the Postal Service on the direct and indirect costs attributable to any class, product, or type of mail service that bears less than 100 percent of the costs attributable to the class, product, or type of mail service, as determined under subparagraph (A).

(2) REQUIREMENTS.—The Commission shall conduct the study under paragraph (1) in a manner that protects confidential and proprietary business information.

(3) HEARING.—Before completing the study under paragraph (1), the Commission shall hold a public hearing, on the record, in order to better inform the conclusions of the study. The Postal Service, postal customers, and other interested persons may participate in the hearing under this paragraph.

(4) COMPLETION.—Not later than 6 months after the date on which the Commission commences the study under subsection (a), the Commission shall complete the study.

(b) ANNUAL UPDATES REQUIRED.—Not later than 1 year after the date of completion of the study under subsection (a), and annually thereafter, the Commission shall—

(1) determine whether any class of mail bears less than 100 percent of the direct and indirect costs attributable to the class, product, or type of mail service, in the same manner as under subsection (a)(1)(A);

(2) for any class of mail for which the Commission makes a determination under paragraph (1), update the study under subsection (a); and

(3) include the study updated under paragraph (2) in the annual written determination of the Commission under section 3653 of title 39, United States Code.

(c) POSTAL RATES.—

(1) DEFINITION.—In this subsection, the term ''loss-making'', as used with respect to a class of mail, means a class of mail that bears less than 100 percent of the costs attributable to the class of mail, according to the most recent annual determination of the Commission under subsection (a)(1) or (b)(1), adjusted to account for the quantitative effect of excess mail processing, transportation, or delivery capacity of the Postal Service on the costs attributable to the class of mail.

(2) IN GENERAL.—Not later than 1 year after the date on which the study under subsection (a) is completed, and annually thereafter, the Postal Service shall establish postal rates for each loss-making class of mail.

(3) CONSIDERATIONS.—The Postal Service may establish postal rates under paragraph (2) in a manner that ensures, to the extent practicable, that a class of mail described in paragraph (2) is not loss-making by—

(A) using the authority to increase rates under section 3622(d)(1)(A) of title 39, United States Code;

(B) exhausting any unused rate adjustment authority, as defined in section 3622(d)(2)(C) of title 39, United States Code, subject to paragraph (4); and

(C) maximizing incentives to reduce costs and increase efficiency with regard to the processing, transportation, and delivery of such mail by the Postal Service.

(4) UNUSED RATE ADJUSTMENT AUTHORITY.—Section 3622(d)(2)(C) of title 39, United States Code, shall be applied by annually increasing by 2 percentage points any unused rate adjustment authority for a class of mail that bears less than 90 percent of the costs attributable to the class of mail, according to the most recent annual determination of the Commission under subsection (a)(1) or (b)(1), adjusted to account for the quantitative effect of excess mail processing, transportation, or delivery capacity of the Postal Service on the costs attributable to the class of mail.

SEC. 403. CO-LOCATION WITH FEDERAL AGENCIES.

Chapter 5 of subtitle I of title 40, United States Code, is amended by adding at the end the following:

''SUBCHAPTER VII—FEDERAL REAL PROPERTY ASSET MANAGEMENT

''§ 701. Definitions

''In this subchapter:

''(1) AGENCY FIELD OFFICE.—The term 'agency field office' means the field office of a landholding agency.

''(2) COUNCIL.—The term 'Council' means the Federal Real Property Council established under section 702.

''(3) LANDHOLDING AGENCY.—The term 'landholding agency' has the same meaning as in section 501(i) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411(i)).

''(4) POSTAL PROPERTY.—The term 'Postal property' means real property owned by the United States Postal Service.

''§ 702. Establishment of a Federal Real Property Council

''(a) ESTABLISHMENT.—There is within the Office of Management and Budget a council to be known as the 'Federal Real Property Council'.

''(b) PURPOSE.—The purpose of the Council shall be to develop guidance for the asset management program of each executive agency.

''(c) COMPOSITION.—

''(1) IN GENERAL.—The Council shall be composed of—

''(A) the senior real property officers of each executive agency;

''(B) the Deputy Director for Management of the Office of Management and Budget;

''(C) the Controller of the Office of Management and Budget;

''(D) the Administrator of General Services; and

''(E) any other full-time or permanent part-time Federal officials or employees, as the Chairperson determines to be necessary.

''(2) CHAIRPERSON.—The Deputy Director for Management of the Office of Management and Budget shall serve as Chairperson of the Council.

''(3) ADMINISTRATIVE SUPPORT.—The Office of Management and Budget shall provide funding and administrative support for the Council, as appropriate.

''§ 703. Co-location among Postal Service properties

''(a) CO-LOCATION AMONG POSTAL SERVICE PROPERTIES.—

''(1) IDENTIFICATION OF REAL PROPERTY ASSETS.—Each year, the Council shall—

''(A) identify and compile a list of agency field offices that are suitable for co-location with another Federal civilian real property asset; and

''(B) submit the list to the Director of the Office of Management and Budget and the Postmaster General of the United States.

''(2) POSTAL PROPERTY.—

''(A) IN GENERAL.—Not later than 30 days after the completion of a list under paragraph (1), the Director of the Office of Management and Budget, in collaboration with the Postmaster General, shall identify agency field offices on the list that are within reasonable distance of a Postal property.

''(B) REASONABLE DISTANCE.—For purposes of this paragraph, an agency field office shall be considered to be within reasonable distance of a Postal property if the office would be able to fulfill the mission of the office if the office is located at the Postal property.

''(C) REVIEW BY POSTAL SERVICE.—Not later than 90 days after the receipt of the list submitted under subparagraph (B), the Postmaster General shall—

''(i) review the list; and

''(ii) submit to the Director of the Office of Management and Budget a report containing the conclusions of the review.

''(3) TERMS OF CO-LOCATION.—On approval of the recommendations under paragraph (2) by the Postmaster General and the applicable agency head, the co-location of a Postal property and an agency field office shall consist of the Executive agency that owns or leases the agency field office entering into a lease for space within the Postal property with United States Postal Service that has—

''(A) an initial lease term of not less than 5 years; and

''(B) a cost that is within 5 percent of the prevailing market lease rate for a similarly situated space.''.

SEC. 404. COOPERATION WITH STATE AND LOCAL GOVERNMENTS; INTRA-SERVICE AGREEMENTS.

(a) COOPERATION WITH STATE AND LOCAL GOVERNMENTS.—Section 411 of title 39, United States Code, is amended, in the first sentence, by striking ''and the Government Printing Office'' and inserting '', the Government Printing Office, and agencies and other units of State and local governments''.

(b) INTRA-SERVICE AGREEMENTS.—Section 411 of title 39, United States Code, as amended by subsection (a), is amended—

(1) in the section heading, by adding at the end the following: ''**and within the Postal Service**'';

(2) in the second sentence, by striking ''section'' and inserting ''subsection'';

(3) by striking ''Executive agencies'' and inserting the following:

''(a) COOPERATION WITH STATE AND LOCAL GOVERNMENTS.—Executive agencies''; and

(4) by adding at the end the following:

''(b) COOPERATION WITHIN THE POSTAL SERVICE.—The Office of the Inspector General and other components of the Postal Service may enter into agreements to furnish to each other property, both real and personal, and personal and nonpersonal services. The furnishing of property and services under this subsection shall be under such terms and conditions, including reimbursability, as the Inspector General and the head of the component concerned shall deem appropriate.''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 4 of title 39, United States Code, is amended by striking the item relating to section 411 and inserting the following:

''411. Cooperation with other Government agencies and within the Postal Service.''.

SEC. 405. SHIPPING OF WINE, BEER, AND DISTILLED SPIRITS.

(a) MAILABILITY.—

(1) NONMAILABLE ARTICLES.—Section 1716(f) of title 18, United States Code, is amended by striking ''mails'' and inserting ''mails, except to the extent that the mailing is allowable under section 3001(p) of title 39''.

(2) APPLICATION OF LAWS.—Section 1161 of title 18, United States Code, is amended, by inserting '', and, with respect to the mailing

of distilled spirits, wine, or malt beverages (as those terms are defined in section 117 of the Federal Alcohol Administration Act (27 U.S.C. 211)), is in conformity with section 3001(p) of title 39'' after ''Register''.

(b) REGULATIONS.—Section 3001 of title 39, United States Code, is amended by adding at the end the following:

''(p)(1) In this subsection, the terms 'distilled spirits', 'wine', and 'malt beverage' have the same meanings as in section 117 of the Federal Alcohol Administration Act (27 U.S.C. 211).

''(2) Distilled spirits, wine, or malt beverages shall be considered mailable if mailed—

''(A) in accordance with the laws and regulations of—

''(i) the State, territory, or district of the United States where the sender or duly authorized agent initiates the mailing; and

''(ii) the State, territory, or district of the United States where the addressee or duly authorized agent takes delivery; and

''(B) to an addressee who is at least 21 years of age—

''(i) who provides a signature and presents a valid, government-issued photo identification upon delivery; or

''(ii) the duly authorized agent of whom—

''(I) is at least 21 years of age; and

''(II) provides a signature and presents a valid, government-issued photo identification upon delivery.

''(3) The Postal Service shall prescribe such regulations as may be necessary to carry out this subsection.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the earlier of—

(1) the date on which the Postal Service issues regulations under section 3001(p) of title 39, United States Code, as amended by this section; and

(2) 120 days after the date of enactment of this Act.

SEC. 406. ANNUAL REPORT ON UNITED STATES MAILING INDUSTRY.

(a) IN GENERAL.—Chapter 24 of title 39, United States Code, is amended by adding at the end the following:

''§ 2403. Annual report on the fiscal stability of the United States mailing industry

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Postal Regulatory Commission shall submit a report on the fiscal stability of the United States mailing industry with respect to the preceding fiscal year to—

''(1) the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(2) the Committee on Oversight and Government Reform of the House of Representatives.

''(b) ASSISTANCE.—The United States Postal Service and any Federal agency involved in oversight or data collection regarding industry sectors relevant to the report under subsection (a) shall provide any assistance to the Postal Regulatory Commission that the Postal Regulatory Commission determines is necessary in the preparation of a report under subsection (a).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 24 of title 39, United States Code, is amended by adding at the end the following:

''2403. Annual report on the fiscal stability of the United States mailing industry.''.

SEC. 407. USE OF NEGOTIATED SERVICE AGREEMENTS.

Section 3622 of title 39, United States Code, is amended—

(1) in subsection (c)(10)(A)—

(A) in the matter preceding clause (i), by striking ''either'' and inserting ''will'';

(B) in clause (i), by striking ''or'' at the end;

(C) in clause (ii), by striking ''and'' at the end and inserting ''or''; and

(D) by adding at the end the following:

''(iii) preserve mail volume and revenue; and''; and

(2) by adding at the end the following:

''(g) COORDINATION.—The Postal Service and the Postal Regulatory Commission shall coordinate actions to identify methods to increase the use of negotiated service agreements for market-dominant products by the Postal Service consistent with subsection (c)(10).''.

SEC. 408. CONTRACT DISPUTES.

Section 7101(8) of title 41, United States Code, is amended—

(1) in subparagraph (C), by striking ''and'' at the end;

(2) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(E) the United States Postal Service and the Postal Regulatory Commission.''.

SEC. 409. CONTRACTING PROVISIONS.

(a) IN GENERAL.—Part I of title 39, United States Code, is amended by adding at the end the following:

''CHAPTER 7—CONTRACTING PROVISIONS

''Sec.
''701. Definitions.
''702. Advocate for competition.
''703. Delegation of contracting authority.
''704. Posting of noncompetitive purchase requests for noncompetitive contracts.
''705. Review of ethical issues.
''706. Ethical restrictions on participation in certain contracting activity.
''707. Congressional oversight authority.

''§ 701. Definitions

''In this chapter—

''(1) the term 'contracting officer' means an employee of a covered postal entity who has authority to enter into a postal contract;

''(2) the term 'covered postal entity' means—

''(A) the Postal Service; or

''(B) the Postal Regulatory Commission;

''(3) the term 'head of a covered postal entity' means—

''(A) in the case of the Postal Service, the Postmaster General; or

''(B) in the case of the Postal Regulatory Commission, the Chairman of the Postal Regulatory Commission;

''(4) the term 'postal contract' means any contract (including any agreement or memorandum of understanding) entered into by a covered postal entity for the procurement of goods or services; and

''(5) the term 'senior procurement executive' means the senior procurement executive of a covered postal entity.

''§ 702. Advocate for competition

''(a) ESTABLISHMENT AND DESIGNATION.—

''(1) ESTABLISHMENT.—There is established in each covered postal entity an advocate for competition.

''(2) DESIGNATION.—The head of each covered postal entity shall designate for the covered postal entity 1 or more officers or employees (other than the senior procurement executive) to serve as the advocate for competition.

''(b) RESPONSIBILITIES.—The advocate for competition of each covered postal entity shall—

''(1) be responsible for promoting competition to the maximum extent practicable consistent with obtaining best value by promoting the acquisition of commercial items and challenging barriers to competition;

''(2) review the procurement activities of the covered postal entity; and

''(3) prepare and transmit to the head of each covered postal entity, the senior procurement executive of each covered postal entity, the Board of Governors, and Congress, an annual report describing—

''(A) the activities of the advocate under this section;

''(B) initiatives required to promote competition;

''(C) barriers to competition that remain; and

''(D) the number of waivers made by each covered postal entity under section 704(c).

''§ 703. Delegation of contracting authority

''(a) IN GENERAL.—

''(1) POLICY.—Not later than 60 days after the date of enactment of the 21st Century Postal Service Act of 2012, the head of each covered postal entity shall issue a policy on contracting officer delegations of authority for the covered postal entity.

''(2) CONTENTS.—The policy issued under paragraph (1) shall require that—

''(A) notwithstanding any delegation of authority with respect to postal contracts, the ultimate responsibility and accountability for the award and administration of postal contracts resides with the senior procurement executive; and

''(B) a contracting officer shall maintain an awareness of and engagement in the activities being performed on postal contracts of which that officer has cognizance, notwithstanding any delegation of authority that may have been executed.

''(b) POSTING OF DELEGATIONS.—

''(1) IN GENERAL.—The head of each covered postal entity shall make any delegation of authority for postal contracts outside the functional contracting unit readily available and accessible on the website of the covered postal entity.

''(2) EFFECTIVE DATE.—This paragraph shall apply to any delegation of authority made on or after 30 days after the date of enactment of the 21st Century Postal Service Act of 2012.

''§ 704. Posting of noncompetitive purchase requests for noncompetitive contracts

''(a) POSTING REQUIRED.—

''(1) POSTAL REGULATORY COMMISSION.—The Postal Regulatory Commission shall make the noncompetitive purchase request for any noncompetitive award, including the rationale supporting the noncompetitive award, publicly available on the website of the Postal Regulatory Commission—

''(A) not later than 14 days after the date of the award of the noncompetitive contract; or

''(B) not later than 30 days after the date of the award of the noncompetitive contract, if the basis for the award was a compelling business interest.

''(2) POSTAL SERVICE.—The Postal Service shall make the noncompetitive purchase request for any noncompetitive award of a postal contract valued at $250,000 or more, including the rationale supporting the noncompetitive award, publicly available on the website of the Postal Service—

''(A) not later than 14 days after the date of the award; or

''(B) not later than 30 days after the date of the award, if the basis for the award was a compelling business interest.

''(3) ADJUSTMENTS TO THE POSTING THRESHOLD FOR THE POSTAL SERVICE.—

''(A) REVIEW AND DETERMINATION.—Not later than January 31 of each year, the Postal Service shall—

''(i) review the $250,000 threshold established under paragraph (2); and

''(ii) based on any change in the Consumer Price Index for all-urban consumers of the Department of Labor, determine whether an adjustment to the threshold shall be made.

''(B) AMOUNT OF ADJUSTMENTS.—An adjustment under subparagraph (A) shall be made in increments of $5,000. If the Postal Service determines that a change in the Consumer Price Index for a year would require an adjustment in an amount that is less than $5,000, the Postal Service may not make an adjustment to the threshold for the year.

''(4) EFFECTIVE DATE.—This subsection shall apply to any noncompetitive contract awarded on or after the date that is 90 days after the date of enactment of the 21st Century Postal Service Act of 2012.

''(b) PUBLIC AVAILABILITY.—

''(1) IN GENERAL.—Subject to paragraph (2), the information required to be made publicly available by a covered postal entity under subsection (a) shall be readily accessible on the website of the covered postal entity.

''(2) PROTECTION OF PROPRIETARY INFORMATION.—A covered postal entity shall—

''(A) carefully screen any description of the rationale supporting a noncompetitive award required to be made publicly available under subsection (a) to determine whether the description includes proprietary data (including any reference or citation to the proprietary data) or security-related information; and

''(B) remove any proprietary data or security-related information before making publicly available a description of the rational supporting a noncompetitive award.

''(c) WAIVERS.—

''(1) WAIVER PERMITTED.—If a covered postal entity determines that making a noncompetitive purchase request publicly available would risk placing the Postal Service at a competitive disadvantage relative to a private sector competitor, the senior procurement executive, in consultation with the advocate for competition of the covered postal entity, may waive the requirements under subsection (a).

''(2) FORM AND CONTENT OF WAIVER.—

''(A) FORM.—A waiver under paragraph (1) shall be in the form of a written determination placed in the file of the contract to which the noncompetitive purchase agreement relates.

''(B) CONTENT.—A waiver under paragraph (1) shall include—

''(i) a description of the risk associated with making the noncompetitive purchase request publicly available; and

''(ii) a statement that redaction of sensitive information in the noncompetitive purchase request would not be sufficient to protect the Postal Service from being placed at a competitive disadvantage relative to a private sector competitor.

''(3) DELEGATION OF WAIVER AUTHORITY.—A covered postal entity may not delegate the authority to approve a waiver under paragraph (1) to any employee having less authority than the senior procurement executive.

''§ 705. Review of ethical issues

''If a contracting officer identifies any ethical issues relating to a proposed contract and submits those issues and that proposed contract to the designated ethics official for the covered postal entity before the awarding of that contract, that ethics official shall—

''(1) review the proposed contract; and

''(2) advise the contracting officer on the appropriate resolution of ethical issues.

''§ 706. Ethical restrictions on participation in certain contracting activity

''(a) DEFINITIONS.—In this section—

''(1) the term 'covered employee' means—

''(A) a contracting officer; or

''(B) any employee of a covered postal entity whose decisionmaking affects a postal contract as determined by regulations prescribed by the head of a covered postal entity;

''(2) the term 'covered relationship' means a covered relationship described in section 2635.502(b)(1) of title 5, Code of Federal Regulations, or any successor thereto; and

''(3) the term 'final conviction' means a conviction, whether entered on a verdict or plea, including a plea of nolo contendere, for which a sentence has been imposed.

''(b) IN GENERAL.—

''(1) REGULATIONS.—The head of each covered postal entity shall prescribe regulations that—

''(A) require a covered employee to include in the file of any noncompetitive purchase request for a noncompetitive postal contract a written certification that—

''(i) discloses any covered relationship of the covered employee; and

''(ii) the covered employee will not take any action with respect to the noncompetitive purchase request that affects the financial interests of a friend, relative, or person with whom the covered employee is affiliated in a nongovernmental capacity, or otherwise gives rise to an appearance of the use of public office for private gain, as described in section 2635.702 of title 5, Code of Federal Regulations, or any successor thereto;

''(B) require a contracting officer to consult with the ethics counsel for the covered postal entity regarding any disclosure made by a covered employee under subparagraph (A)(i), to determine whether participation by the covered employee in the noncompetitive purchase request would give rise to a violation of part 2635 of title 5, Code of Federal Regulations (commonly referred to as the 'Standards of Ethical Conduct for Employees of the Executive Branch');

''(C) require the ethics counsel for a covered postal entity to review any disclosure made by a contracting officer under subparagraph (A)(i) to determine whether participation by the contracting officer in the noncompetitive purchase request would give rise to a violation of part 2635 of title 5, Code of Federal Regulations (commonly referred to as the 'Standards of Ethical Conduct for Employees of the Executive Branch'), or any successor thereto;

''(D) under subsections (d) and (e) of section 2635.50 of title 5, Code of Federal Regulations, or any successor thereto, require the ethics counsel for a covered postal entity to—

''(i) authorize a covered employee that makes a disclosure under subparagraph (A)(i) to participate in the noncompetitive postal contract; or

''(ii) disqualify a covered employee that makes a disclosure under subparagraph (A)(i) from participating in the noncompetitive postal contract;

''(E) require a contractor to timely disclose to the contracting officer in a bid, solicitation, award, or performance of a postal contract any conflict of interest with a covered employee; and

''(F) include authority for the head of the covered postal entity to a grant a waiver or otherwise mitigate any organizational or personal conflict of interest, if the head of the covered postal entity determines that the waiver or mitigation is in the best interests of the Postal Service.

''(2) POSTING OF WAIVERS.—Not later than 30 days after the head of a covered postal entity grants a waiver described in paragraph (1)(F), the head of the covered postal entity shall make the waiver publicly available on the website of the covered postal entity.

''(c) CONTRACT VOIDANCE AND RECOVERY.—

''(1) UNLAWFUL CONDUCT.—In any case in which there is a final conviction for a violation of any provision of chapter 11 of title 18 relating to a postal contract, the head of a covered postal entity may—

''(A) void that contract; and

''(B) recover the amounts expended and property transferred by the covered postal entity under that contract.

''(2) OBTAINING OR DISCLOSING PROCUREMENT INFORMATION.—

''(A) IN GENERAL.—In any case where a contractor under a postal contract fails to timely disclose a conflict of interest to the appropriate contracting officer as required under the regulations promulgated under subsection (b)(1)(D), the head of a covered postal entity may—

''(i) void that contract; and

''(ii) recover the amounts expended and property transferred by the covered postal entity under that contract.

''(B) CONVICTION OR ADMINISTRATIVE DETERMINATION.—A case described under subparagraph (A) is any case in which—

''(i) there is a final conviction for an offense punishable under section 27(e) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(e)); or

''(ii) the head of a covered postal entity determines, based upon a preponderance of the evidence, that the contractor or someone acting for the contractor has engaged in conduct constituting an offense punishable under section 27(e) of that Act.

''§ 707. Congressional oversight authority

''The Postal Service may not enter into any contract that restricts the ability of Congress to exercise oversight authority.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part I of title 39, United States Code, is amended by adding at the end the following:

''7. Contracting Provisions ..... 701''.

GOLD STAR WIVES DAY

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to S. Res. 420.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 420) designating April 5, 2012, as ''Gold Star Wives Day.''

Without objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 420) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 420

Whereas the Senate honors the sacrifices made by the spouses and families of the fallen members of the Armed Forces of the United States;

Whereas Gold Star Wives of America, Inc. represents the spouses and families of the members and veterans of the Armed Forces of the United States who have died on active duty or as a result of a service-connected disability;

Whereas the primary mission of Gold Star Wives of America, Inc. is to provide services, support, and friendship to the spouses of the fallen members and veterans of the Armed Forces of the United States;

Whereas, in 1945, Gold Star Wives of America, Inc. was organized with the help of Eleanor Roosevelt to assist the families left behind by the fallen members and veterans of the Armed Forces of the United States;

Whereas the first meeting of Gold Star Wives of America, Inc. was held on April 5, 1945;

Whereas April 5, 2012, marks the 67th anniversary of the first meeting of Gold Star Wives of America, Inc.;

Whereas the members and veterans of the Armed Forces of the United States bear the burden of protecting the freedom of the people of the United States; and

Whereas the sacrifices of the families of the fallen members and veterans of the Armed Forces of the United States should never be forgotten: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 5, 2012, as ''Gold Star Wives Day'';

(2) honors and recognizes—

(A) the contributions of the members of Gold Star Wives of America, Inc.; and

(B) the dedication of the members of Gold Star Wives of America, Inc. to the members and veterans of the Armed Forces of the United States; and

(3) encourages the people of the United States to observe Gold Star Wives Day to promote awareness of—

(A) the contributions and dedication of the members of Gold Star Wives of America, Inc. to the members and veterans of the Armed Forces of the United States; and

(B) the important role Gold Star Wives of America, Inc. plays in the lives of the spouses and families of the fallen members and veterans of the Armed Forces of the United States.

GLOBAL YOUTH SERVICE DAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to S. Res. 421.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 421) designating April 20 through 22, 2012, as ''Global Youth Service Day.''

There being no objection, the Senate proceeded to consider the resolution.

Ms. MURKOWSKI. Mr. President, I rise to speak about a resolution I have submitted designating April 20 through 22, 2012, as Global Youth Service Day.'' My resolution recognizes and commends the significant community service efforts that youth are making in communities across the country and around the world on this weekend in April and every day. This resolution also encourages the citizens of the United States to acknowledge and support these volunteer efforts. Passage of this resolution sends a very strong message of support to the thousands of youth across our great Nation who are contributing positively to their communities—your efforts are recognized and appreciated.

Beginning Friday, April 20, youth from across the United States and around the world will carry out community service projects in areas ranging from hunger to literacy to the environment. Through this service, many will embark on a lifelong path of service and civic engagement in more than 100 countries around the world.

Mr. President, the participation of youth in service to their communities is more than just a way to spend a Saturday afternoon. All year long, young people across America, indeed—across the globe—identify and address the needs of their communities, make positive differences in the world around them, learn leadership and organizational skills, and gain insights into the problems of their fellow citizens.

The positive effects of this service are not limited to the projects our young people complete. Youth who are engaged in volunteer service and service-learning activities do better in school than their classmates who do not volunteer because they see a direct connection to what they are learning and the real world in which they live. Youth who engage in volunteering and other positive activities are also more likely to avoid risky behaviors, such as drug and alcohol use, crime, and promiscuity. Service within the community also contributes positively to young people's character development, civic participation, and philanthropic activity as adults.

Youth service also plays a role in encouraging our young people to stay in school. A survey by Civic Enterprises found that 47 percent of high school dropouts reported that boredom in school was a primary reason why they dropped out. High quality service-learning activities can, however, help young people see that school matters to them personally.

It is important, therefore, that the Senate encourage youth to engage in community service and to congratulate them for the service they provide.

In an effort to recognize and support youth volunteers in my State, I am proud to acknowledge some of the young people who have participated in community service activities over the past year. Last year, the members of the Youth Advisory Board for Anchorage's Promise partnered with various community and faith-based organizations in Anchorage and held a ''Solidarity Sleep Out'' event that taught both middle school and high school students what it means to be homeless and what can be done to help. I am told that the impact of this event was huge and long-lasting. This year, these young leaders have decided to focus on the problems of suicide and bullying—two major issues facing Anchorage and our entire State. Their goal is to find ways to bring more awareness, resources, and funding to these two issues.

In addition to these efforts, young people from across my home State and this country have and will continue to engage in projects such as helping the homeless, the hungry, and the elderly. In fact, young people from across Alaska turn their energy and initiative to projects such as restoring salmon streams, combating domestic violence, raising money for community needs, and providing other significant acts of service for their peers and for adults.

I am so proud of all of these young Alaskans. I value their idealism, energy, creativity, and unique perspectives as they volunteer to make their communities better and assist those in need.

Many similarly wonderful activities will be taking place all across the Nation. I encourage all of my colleagues to learn about and applaud the selfless and creative youth who are contributing in their own States this year.

Mr. REID. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 421) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 421

Whereas Global Youth Service Day is an annual event that celebrates and mobilizes the millions of children and young people who improve their communities each day of the year through community service and service-learning projects;

Whereas Global Youth Service Day, a program of Youth Service America, is the largest and longest-running service event in the world dedicated to engaging youth ages 5 through 25;

Whereas, in 2012, Global Youth Service Day is being observed for the 24th consecutive year in the United States and for the 13th year globally in more than 100 countries;

Whereas nearly ⅓ of the population of the United States (approximately 104,000,000 people) and nearly ½ of population of the world is under the age of 25;

Whereas Global Youth Service Day assists children and young people to position themselves as active citizens and community leaders as they apply their knowledge, skills, idealism, energy, creativity, and unique perspectives to serve their communities and help address a myriad of critical issues;

Whereas thousands of students and teachers in conjunction with local schools, colleges, and universities are planning Global Youth Service Day activities as part of a Semester of Service, an extended service-learning campaign launched on Martin Luther King, Jr. Day of Service, in which young people spend the semester addressing a meaningful community need connected to intentional learning goals or academic standards over the course of not less than 70 hours;

Whereas Global Youth Service Day participants are serving in conjunction with other community events, including Earth Day, J-Serve, Great American Bake Sale National Challenge Weekend, National Volunteer Week, Kiwanis One Day, Alpha Phi Omega's Spring Youth Service Day, Sigma Alpha Epsilon's True Gentleman Day of Service, National Day of Silence, National Environmental Education Week, National Park Week, National Student Leadership Week, and World Malaria Day;

Whereas Global Youth Service Day engages millions of young people worldwide with the support of the Global Youth Service Network of Youth Service America, including more than 200 National and Global Partners, 125 State and local Lead Agencies and Lead Organizers, and thousands of local schools, afterschool programs, youth development organizations, community organizations, faith-

based organizations, government agencies, businesses, neighborhood associations, tribes, and families;

Whereas Youth Service America will provide support to more than 800 schools and community organizations, including State Farm GYSD Lead Agency and Good Neighbor grants, UnitedHealth Heroes grants, Sodexo Foundation Youth, Lead Organizer, and School Engagement grants, Disney Friends for Change grants, and Learn and Serve America STEMester of Service grants;

Whereas, in 2011, youth volunteers who engaged in Global Youth Service Day projects served an estimated 1,417,000 hours of service that benefitted at least 885,000 individuals and contributed $30,267,120 worth of time to their communities;

Whereas high-quality community service and service-learning programs increase—

(1) the academic engagement and achievement of young people;

(2) the workforce readiness and 21st century skills of young people;

(3) the civic knowledge and engagement of young people;

(4) the intercultural understanding and global citizenship of young people; and

(5) the connectedness and commitment of young people to their communities; and

Whereas the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) calls on the Corporation for National and Community Service, other Federal agencies and departments, and the President of the United States to recognize and support youth-led activities: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and commends the significant contributions of young people of the United States and the world and encourages the continued engagement and support of young people dedicated to serving their neighbors, their communities, and their countries;

(2) designates April 20 through 22, 2012, as ''Global Youth Service Day''; and

(3) calls on the people of the United States to observe Global Youth Service Day by—

(A) encouraging young people to participate in community service and service-learning projects and to join their peers in those projects;

(B) recognizing the volunteer efforts of the young people of the United States throughout the year; and

(C) supporting the volunteer efforts of young people and engaging them in meaningful community service, service-learning, and decision-making opportunities as an investment in the future of the United States.

CONGRATULATING THE UNIVERSITY OF KENTUCKY MEN'S BASKETBALL TEAM

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 422, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 422) commending and congratulating the University of Kentucky Men's Basketball Team for winning its eighth Division I National Collegiate Athletic Association Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 422) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 422

Whereas on April 2, 2012, the University of Kentucky Wildcats defeated the University of Kansas Jayhawks, 67 to 59, in the final game of the National Collegiate Athletic Association (referred to in this preamble as ''NCAA'') Division I Men's Basketball Tournament in New Orleans, Louisiana;

Whereas the Kentucky Wildcats have won 8 national titles, the second most in NCAA Division I men's basketball history;

Whereas the Kentucky Wildcats are the only men's Division I college basketball program to have won NCAA national championships under 5 different coaches;

Whereas freshman center Anthony Davis was—

(1) the recipient of the John R. Wooden Award, the Naismith Trophy, and the Adolph F. Rupp Trophy, all for national player of the year;

(2) named the United States Basketball Writers Association player of the year, Associated Press player of the year, and Basketball Times player of the year; and

(3) selected to the Associated Press All-America first team and as the Most Outstanding Player of the NCAA Final Four tournament;

Whereas forward Michael Kidd-Gilchrist, guard Doron Lamb, and center Anthony Davis were selected as members of the NCAA Final Four All-Tournament team;

Whereas senior guard Darius Miller of Maysville, Kentucky set a school record for career games played with the Kentucky Wildcats men's basketball team at 152;

Whereas each player, coach, athletic trainer, and staff member of the University of Kentucky basketball team dedicated their season and their tireless efforts to the successful season of the team and the NCAA championship;

Whereas residents of the Commonwealth of Kentucky and Wildcats fans worldwide are commended for their long-standing support, perseverance, and pride in the team; and

Whereas Coach John Calipari and the University of Kentucky Wildcats have brought pride and honor to the Commonwealth of Kentucky, which is rightly known as the college basketball capital of the world: Now, therefore, be it

Resolved, That the Senate—

(1) commends and congratulates the University of Kentucky Wildcats on its outstanding accomplishment; and

(2) respectfully requests that the Secretary of the Senate transmit a copy of this resolution to the president of the University of Kentucky.

CONGRATULATING WESTERN WASHINGTON UNIVERSITY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 423, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 422) congratulating Western Washington University for winning the 2012 National Collegiate Athletic Association Division II Men's Basketball Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statement related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 423) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 423

Whereas, on March 24, 2012, for the first time in the 110-year history of the Western Washington University men's basketball program, the Western Washington University Vikings won the National Collegiate Athletic Association (commonly referred to as the ''NCAA'') Division II Men's Basketball Championship with a victory over the University of Montevallo by a score of 72 to 65;

Whereas Western Washington University guard John Allen, one of the most accurate free-throw shooters in the country, with a free-throw percentage of 88.7 percent, made 4 free throws in a row to end a late comeback by the University of Montevallo in the fourth quarter;

Whereas the Vikings finished the 2012 season with an impressive record of 31 wins and 5 losses;

Whereas head coach Brad Jackson was named the National Association of Basketball Coaches Division II Coach of the Year;

Whereas the members of the 2012 Western Washington University men's basketball team are excellent representatives of a university that, as one of the premier academic institutions in the State of Washington, produces many outstanding student-athletes, leaders, and scholars; and

Whereas the members of the 2012 Western Washington University men's basketball team have brought great honor to themselves, their families, Western Washington University, and the State of Washington: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates Western Washington University for winning the 2012 National Collegiate Athletic Association Division II Men's Basketball Championship;

(2) recognizes the achievements of the players, coaches, students, and staff whose hard work and dedication helped Western Washington University win the championship; and

(3) respectfully requests that the Secretary of the Senate transmit an enrolled copy of this resolution to—

(A) Bruce Shepard, President of Western Washington University;

(B) Lynda Goodrich, Director of Athletics of Western Washington University; and

(C) Brad Jackson, head coach of the Western Washington University men's basketball team.

ORDERS FOR WEDNESDAY, APRIL 18, 2012

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until Wednesday, April 18, at 9:30

a.m.; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, 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. 1925, the Violence Against Women Reauthorization Act, with the first hour equally divided and controlled between the two leaders or their designees, with the majority control controlling the first 30 minutes and the Republicans the second 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, today cloture was filed on the substitute amendment to the postal reform bill and the underlying bill. If no agreement is reached, the first cloture vote will be Thursday morning. I hope that agreement can be reached.

For the information of all Senators, the filing deadline for first-degree amendments to the substitute, as modified, is 1 p.m.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:49 p.m., adjourned until Wednesday, April 18, 2012, at 9:30 a.m.

EXTENSIONS OF REMARKS

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2013

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

The House in Committee of the Whole House on the state of the Union had under consideration the bill (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:

Mr. KUCINICH. Mr. Chair, I rise in support of the Budget offered by the Congressional Progressive Caucus. This budget and the others we are considering tonight and tomorrow morning speak volumes about the country we would like to see. The Budget for All is the only budget under consideration that cuts war funding, funding from the bloated Defense budget, and a slew of subsidies for corporations and for the rich.

This bill includes language that mirrors my own efforts in Congress. The first is an example of a corporate subsidy that is rescinded by this budget. It removes the tax deduction for advertising and marketing junk food and fast food to children. We should not be using taxpayer money—about $2 billion every year—to make the childhood obesity crisis even worse for the sake of boosting the profits of the junk food and fast food industry. If this tax break were to be revoked, it has been estimated that the number of overweight children in the U.S. would be reduced by more than 5–7 percent.

This bill also provides relief for states struggling with financial crises by allowing them to move to a single-payer model of health care. If the residents of a state demand it because they want their businesses to be more competitive, they want higher quality health care, and they want coverage for everyone in the state, the federal government should not stand in their way. This is an issue I have worked on for years now. I was able to win, by a bipartisan vote, an amendment to the health care reform bill in 2009 that would have helped states go to a single payer health care system. Though it was stripped out by the Administration, it was one of the first single-payer Congressional victories in U.S. history and it showed there is an appetite in Congress for moving forward.

Finally, and most importantly, this budget provides for full public financing of elections, mirroring a constitutional amendment I have introduced. Public financing of elections benefits the public. Private financing of elections benefits private interests.

I urge my colleagues to support the FY 2013 Budget for All.

HONORING EARL SCRUGGS

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to honor the life and legacy of Earl Scruggs, who passed away on March 28, 2012. He was a noted banjo player whose style changed the way the banjo is played and whose music will endure for generations.

Born on January 6, 1924 in western North Carolina, Scruggs came into a musical family. His parents, brothers and sisters all had musical talents and traditional music was heard all around him. His love for music started at an early age after watching his older brothers master the banjo, which promoted his interest in playing. The support and practice he received at home with his family produced an artist who would go on to leave an indelible mark on traditional American and bluegrass music.

Scruggs began his remarkable 67-year career in music in 1945 when he began playing with Bill Monroe, the father of Bluegrass music, and his band the Blue Grass Boys. On these earliest recordings, his peculiar style of playing the banjo, which brought out a syncopated rolling rhythm using three fingers as opposed to the old ''clawhammer'' style, was immediately recognized as a fresh approach to playing the instrument. This style has been imitated by so many players that today it is referred to as the ''Scruggs style'' and is the preferred style among many musicians in traditional and bluegrass music. Bluegrass music is an essential part of the heritage of my congressional district in Southern and Eastern Kentucky, and many of the musicians in my region were influenced by him and play the banjo in his style.

In 1948, Scruggs joined forces with band mate Lester Flatt to form Flatt & Scruggs, and the two played together for over 20 years. In the 1970s, he formed the band Earl Scruggs Revue and expanded his audiences into genres where the banjo is not commonly heard, and even shared the stage with many folk, rock, and pop acts of the time, broadening the reach of traditional and bluegrass music. Even those who are not familiar with bluegrass music have likely heard Scruggs' playing on ''The Ballad of Jed Clampett,'' which was the theme song for The Beverly Hillbillies television program, as well as his Grammy Award winning ''Foggy Mountain Breakdown.''

Earl Scruggs was a two time Grammy Award winner, inducted into the Country Music Hall of Fame, and the Bluegrass Music Hall of Honor, as well as a recipient of the National Medal of Arts in 1992. His presence on stage will be sorely missed, but his music will last for many years to come.

DR. ROBERT DILLMAN

HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. BARLETTA. Mr. Speaker, I rise today to honor Dr. Robert Dillman, who will be retiring as President of East Stroudsburg University on June 30, 2012, after sixteen years of serving the university and our region. East Stroudsburg University is one of the fourteen state universities that compose the Pennsylvania State System of Higher Education. It offers 7,387 students a world class education. Dr. Dillman, a native of Brooklyn, N.Y., came to East Stroudsburg University after several years of experience in higher education, and undoubtedly left his mark. Dr. Dillman demonstrated extraordinary leadership at East Stroudsburg University. By recognizing the importance of science and technology, he positioned the university as a key economic development force in Northeastern Pennsylvania. During his tenure, East Stroudsburg University became the first university in the United States to offer an undergraduate degree in computer security. The university also established its award-winning Business Accelerator Program, which joined the Ben Franklin Business Incubator Network and the University City Science Center's Port of Technology. In addition, President Dillman led the expansion of the Division of Research and Economic Development, which serves as a vital educational resource for technology-based entrepreneurs. Furthermore, he spearheaded the establishment of the university's world-class Science and Technology Center, which houses the departments of computer security and biotechnology, accommodates other sciences with classrooms, equipment, and labs, and is home to a state-of-the-art planetarium and a soon-to-come natural sciences museum.

Dr. Dillman made substantive changes to the campus environment at East Stroudsburg by giving numerous faculty, staff, students, and community members the opportunity to take the world-renowned professional development workshop titled Seven Habits for Highly Effective People, which he brought to the university. As a result, university administrators are better equipped to effectively reach out to students, while the students themselves are more prepared to enter the professional world upon graduation.

Mr. Speaker, today, Dr. Robert Dillman stands as an important bearer of change to Northeastern Pennsylvania and the nation. I commend him for his years of committed service to East Stroudsburg University, his state, and country.

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

CONGRATULATIONS TO THE SWEENY CIVIC CLUB

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. PAUL. Mr. Speaker, on April 29, 2012, the Sweeny Civic Club, the oldest female civic service organization in Brazoria County, Texas, will celebrate the 100th anniversary of its founding by six Texas women whose goal was to form an organization ''to do good works and charitable deeds.'' I am pleased to congratulate the members of the club on their century of service to the community of Sweeny, Texas.

The Sweeny Civic Club led the effort to create the Sweeney public school system and the Sweeney Public library. Supporting education remains a passion of the Sweeny Civic Club to this day. The club's work to ensure the children of Sweeney obtain a first-class education alone makes them worthy of commendation. However, the Sweeney Civic Club's contributions are hardly limited to education. The Sweeny Civic Club has played a vital role in making sure the people of Sweeny have access to quality health care by working to build and support the Sweeny Community Hospital. They also played a key role in building the Sweeny Cemetery. These are just some of the many ways the members of the club have worked to fulfill their objective ''to promote civic and social improvement through organized efforts and to promote the interests and improvement of the City of Sweeney.''

The highlight of the 100th anniversary celebration will be the unveiling and dedication of ''Lady Civic,'' a life-sized statue of a women dress in 19th century fashion. ''Lady Civics'' symbolizes the Sweeny Civic Club's founders, and is the club's latest gift to the city of Sweeney. This statue is a fitting tribute to all the women who have worked with the Sweeny Civics Club, freely dedicating their time and talents to improving the lives of their fellow residents of Sweeny.

The Sweeny Civic Club's 1900 years of service to their community stands as a shining example of how citizens acting together can better their communities. The Sweeny Civic Club's many accomplishes should serve as model and inspiration to us all. It is therefore my pleasure to offer my congratulations to the Sweeney Civic Club on their centennial and extend my best wishes for many more years of service to the people of Sweeney.

HONORING CARNELL EDWARD SMITH, 54TH ILLUSTRIOUS POTENTATE OF OMAN TEMPLE NO. 72 OASIS OF FLINT-DESERT OF MICHIGAN

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. KILDEE. Mr. Speaker, I rise today to honor Carnell Edward Smith on the occasion of the Oman Temple No. 72 Annual Potentate Ball on May 5, 2012 where Shriners in my hometown of Flint, Michigan will celebrate the esteemed Illustrious Potentate Smith.

The Shriners of Oman Temple No. 72 of the Ancient Egyptian Arabian Order Nobles of the Mystic Shrine have a long and distinguished 54-year history of charitable work and community outreach that has been a Shrine Organization tradition since 1893. Educational scholarships, illiteracy programs, medical research, anti-drug programs, crime prevention and the fight against the Sickle Cell disease and diabetes are just a few of the contributions Shriners across America have made throughout their long history.

Illustrious Potentate Carnell Edward Smith, who received his Master of Business Administration in 2007, is currently enrolled in a program of applied management and decision science leading to a Doctorate of Philosophy. He has been a dedicated Mason for more than 10 years and it is fitting that this talented community servant is being honored as Oman Temple No. 72 58th Illustrious Potentate.

Carnell Edward Smith serves my constituents on a daily basis as a skilled Internet, data and hardware technology specialist with the City of Flint. Over the years he has been involved in numerous charitable activities benefiting the American Diabetes Association, Big Brothers Big Sisters, Meals on Wheels and providing Thanksgiving dinner for needy families in his community. Working with a local community group, Illustrious Potentate Smith helped adopt a classroom at Carpenter Elementary School to provide financial support for students. Carnell Edward Smith is a remarkable and accomplished leader and an exemplary model for Shriners and all of us who value community service and civic dedication.

Mr. Speaker, please join me in recognizing the Illustrious Potentate Carnell Edward Smith, a distinguished leader from my hometown of Flint, Michigan who is being honored at the Oman Temple No. 72 Annual Potentate Ball.

PERSONAL EXPLANATION

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. FRANKS of Arizona. Mr. Speaker, had I been present for rollcall vote No. 152, I would have voted ''yes.''

BOROUGH OF DUNMORE, PENNSYLVANIA

HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. BARLETTA. Mr. Speaker, I rise to honor the Borough of Dunmore, Pennsylvania, which celebrated its 150th anniversary of being incorporated as an independent borough on April 10, 2012. Dunmore is a vital part of Northeastern Pennsylvania, and it has a proud history.

Although Dunmore was incorporated as a borough in 1862, its roots date back as far as 1783, when founder William Allsworth first settled in the area. Allsworth opened a tavern that served the subsequent settlers and travelers. Like many other communities in the region, Dunmore underwent a great change once anthracite coal became a major source of energy used to power our nation. During the Industrial Revolution, immigrants from Europe settled in Dunmore in hope of starting a new life. In the process, they built a strong community that would last for future generations.

Over the years, Dunmore's men and women have defended this nation in times of conflict. In fact, Dunmore resident, Carol Ann Drazba, was the first female casualty of the Vietnam War when her helicopter crashed in 1966. Dunmore's youth need only to look to NASA astronaut, Paul Richards, who graduated from Dunmore High School in 1982, for inspiration to see what is possible when they are determined to succeed. Rising to the occasion is what Dunmore's residents do every day through their hard work and dedication to improve their community.

Although the trolley cars and steam engines may be gone, many Dunmore establishments have stood the test of time. Financial institutions like Fidelity Deposit and Discount Bank and the First National Bank of Dunmore have served customers from their locations on Dunmore Corners for more than 100 years. Also, Dunmore High School, though newly renovated, has remained in the same statuesque building since 1937. In addition, Holy Cross High School resides in the former Bishop O'Hara High School and Dunmore Central Catholic buildings, which were built in 1964. The high school continues to educate students from throughout Lackawanna County under the Diocese of Scranton.

Mr. Speaker, today, Dunmore remains an important community in Northeastern Pennsylvania due to both its history and future. I commend Dunmore's residents for their 150 years of being a vital part of our region, and I wish them continued success.

IN RECOGNITION OF HOUSE PARLIAMENTARIAN JOHN SULLIVAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of John Sullivan upon the completion of his exemplarily service as Parliamentarian of the House of Representatives. For 25 years Parliamentarian Sullivan's unsurpassed knowledge and dedication to the integrity of his office has proven to be an indispensible asset to the work of this institution.

It is clear that Parliamentarian Sullivan cares deeply for this country. Before becoming Parliamentarian, Mr. Sullivan had served in the Office of the Parliamentarian for seventeen years. He also acted as counsel to the Armed Services Committee, as well as Judge Advocate in the U.S. Air Force for seven years.

Parliamentarian Sullivan has earned the admiration of many through his demonstrated ability to provide essential and unbiased advice which few others could provide. In a town often divided along partisan lines, Parliamentarian Sullivan has faithfully served as the rare voice of independence which has garnered respect from both sides of the aisle. His commitment to his post and colleagues has ensured that the office which he is leaving is sufficiently capable of maintaining his high standard of performance.

Mr. Speaker and Colleagues please join me in recognizing the career of House Parliamentarian John Sullivan and wishing him and his family all the best in the future.

HONORING THE SISTERS OF LORETTO

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Ms. LEE of California. Mr. Speaker, I rise today to honor the extraordinary and continued legacy of the Sisters of Loretto upon their 200th Anniversary and Jubilee. With a current global reach in education ministry spanning multiple continents, the Sisters of Loretto and their extended network spend each day on a spiritual mission to promote peace and justice, environmental stewardship, and, above all, high-quality education for children everywhere.

On April 25, 1812, the Sisters of Loretto at the Foot of the Cross came to fruition through the humble and steadfast commitment of three American frontier women in central Kentucky named Mary Rhodes, Ann Havern and Christina Stuart. With the long-time counsel and support of local pastor, Father Charles Nerinckx, the women dedicated their lives to communal living and prayer. Little did they know at the time, that their lifetime commitment to teaching local poor children and housing orphans would spur a global movement.

The women's selfless work under extreme frontier conditions inspired scores of other women to join the religious order. In a model of faith and service, the Sisters made their special purpose the education and instruction of girls and young women of every faith and economic means, including those still enslaved under the law. Over the next two decades, membership grew to 130 women overseeing nine frontier schools in Kentucky and Missouri. And over the next century, they founded 99 additional schools in territories that would become 13 different states.

The Sisters of Loretto continued to expand the work of education westward, first by steamboat to Missouri and Louisiana. Then, by wagon train to New Mexico, mail coach to Colorado, and by train to Texas, Arizona and California. Ultimately, the order contributed to burgeoning systems of American education in more than 40 states. In one chapter of Sisters of Loretto history from 1898 to 1922, the visionary leadership of Superior General Mother Praxedes Carty SL brought greater emphasis to women's higher education goals. Mother Praxedes was one of the first leaders of her time to insist that Loretto Sisters would need master's- and doctorate-level educational training for their teaching. In 1916, a time when universities were almost exclusively off-limits to women, Mother Praxedes erected Loretto College for women in St. Louis, Missouri (now known as Webster University).

From being among the first invited women participants at Vatican II to moving toward greater, independent social peace and justice efforts in the 20th century, the organization has had a presence in China (as early as 1923), Europe, South and Central America (Guatemala, Bolivia and Peru), as well as in recent years, Uganda, Pakistan and Ghana, where they co-opened Blessed Trinity Leadership Academy in 2009. The Sisters of Loretto have formed amazing partnerships with local organizations on the ground and have galvanized a network of co-member volunteers. To name a few of its many roles, the Loretto Community NGO has consultative status at the United Nations and comprises a Loretto Hunger Fund, as well as a Committee for Racial Justice. The Sisters have also built memorials for victims of slavery as well as those who have died from AIDS.

Clearly, the trailblazing roots of this frontier organization, have persisted and flourished over the last 200 years. Altogether, the Sisters of Loretto and their colleagues have founded nearly 300 U.S. schools, colleges, centers and service programs, supporting the education and growth of close to one million American citizens. And, as a proud former student of the Sisters of Loretto at St. Joseph School in El Paso, Texas, and 2002 recipient of their Mary Rhodes Award for peace and justice, I know firsthand what their movement for quality women's education has done for our nation, and the world. They planted the seeds for my work for peace and justice. And for that, I am deeply grateful.

Therefore, on behalf of California's 9th Congressional District, I salute the Sisters of Loretto and thank them for their immense service. I congratulate all of you upon this incredible milestone, and join you in looking ahead toward centuries' more work from the Sisters of Loretto in pursuit of education, enlightenment, peace and progress.

PERSONAL EXPLANATION

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. SCHIFF. Mr. Speaker, I was unavoidably absent from the House on April 16, 2012 due to important commitments in my district.

On rollcall 152, had I been present I would have voted ''yea'' on H.R. 3001, the Raoul Wallenberg Centennial Celebration Act.

On rollcall 153, had I been present I would have voted ''yea'' on H.R. 4040, providing for the award of a gold medal on behalf of Congress to Jack Nicklaus in recognition of his service to the Nation.

IN RECOGNITION OF THE LATE HONORABLE DONALD M. PAYNE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the late Honorable Donald M. Payne, so that we may commemorate his extraordinary life of dedication and commitment to service.

Born in 1952 in Newark, New Jersey, he graduated from Seton Hall University and pursued post graduate studies at Springfield College. A former English and social studies teacher, he also coached football at Malcolm X Shabazz High School, which was then called South Side High School. He was Vice-President of Urban Data Systems Inc. as well as an executive at Prudential Financial. In 1970, he became the first African-American president of the National Council of YMCAs.

Representative Payne entered public life in 1972 when he was elected to the Essex County Board of Chosen Freeholders. Ten years later he was elected to the Newark Municipal Council where he served three terms. In 1988, Donald became the Representative of New Jersey's 10th Congressional District, and the first African-American to represent New Jersey in Congress. As Chair of the Congressional Black Caucus, he was a relentless defender and supporter of education related issues. He was an inspiration and a friend.

He was preceded in death by his wife, Hazel Johnson, and is succeeded by son Donald Jr., daughters Wanda and Nicole, four grandchildren and one great-grandchild.

Mr. Speaker and Colleagues please join me in sending our condolences to the family and friends of Donald M. Payne who so faithfully cared for and served his community.

HONORING THEODORA J. KALIKOW

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. MICHAUD. Mr. Speaker, I rise today to recognize the accomplishments of Dr. Theodora J. Kalikow on the occasion of her retirement as President of the University of Maine at Farmington.

Since Dr. Kalikow's arrival at the University of Maine at Farmington in 1994, the university has gained national recognition as one of America's top public liberal arts colleges and is a superior model of educational excellence and academic opportunity.

As President, Dr. Kalikow has overseen the addition of many new degree programs and has presided over the construction of new campus facilities, including a community arts center, an education center, and a residence hall. She has also focused on expanding student opportunities for internships and undergraduate research.

Another of Dr. Kalikow's notable accomplishments at UMF has been her tireless pursuit of high environmental sustainability standards. Under her leadership, the University of Maine at Farmington is now recognized as one of America's ''Top Green Colleges'' by the Princeton Review. Dr. Kalikow's environmental efforts earned her the Green Building Leadership Award from the Maine Chapter of the U.S. Green Building Council in 2007.

Dr. Kalikow has received recognition within the state of Maine for her contributions to the community of Farmington and to the state at large. In 2001, she was inducted into the Maine Women's Hall of Fame. She has also been the recipient of the University of Maine's Maryann Hartman Award and the University of New England's Deborah Morton Award.

Mr. Speaker, please join me in honoring Dr. Theodora J. Kalikow for her many years of dedication and service to the state of Maine.

HONORING THE 11TH ANNUAL AMERICA'S YOUNG HEROES CONTEST

HON. THEODORE E. DEUTCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. DEUTCH. Mr. Speaker, I rise today in celebration of the 11th annual America's Young Heroes contest, which honors students who have created visual art, film, poetry and essays to promote self-empowerment and combat bullying. These students have undoubtedly fostered more tolerant communities in South Florida as well as across the country, and I applaud their efforts.

Last year in the United States, nearly 5.7 million middle school and high school students were bullied. Even more tragic is the fact that almost one in five teens who were victims of bullying contemplated ending their own lives. America's Young Heroes provides a vital platform for teens to address these problems in a way that helps promote positive change.

I congratulate the organizers and participants of the America's Young Heroes contest for operating under the shared belief that in America, no child should be afraid to go to school because he or she is experiencing bullying. It is my hope that because of their efforts, we can work towards a future where all schools are a safe place for students to learn and grow.

RAOUL WALLENBERG CENTENNIAL ACT

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 16, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the 100th anniversary of Raoul Wallenberg's birth. Raoul Wallenberg continues to be one of the most respected and courageous humanitarians to have sacrificed his life to save thousands of Hungarian Jews during the Holocaust.

Born on August 4, 1912 in Stockholm, Sweden, Wallenberg was a Swedish diplomat and a true humanitarian who creatively and courageously came up with measures to protect Hungarian Jews from persecution and death during the German invasion of Hungary during World War II. He hung Swedish flags in front of nearly 30 houses, declaring them Swedish territory—turning these ''Swedish houses'' into protected territory in which Hungarian Jews could seek shelter. He also distributed thousands of Swedish ''protective passes,'' even as some were in the midst of being deported, prompting their release from German authorities and saving their lives.

Posthumously, Mr. Wallenberg has been honored by countries throughout the world in numerous capacities. There are awards, streets, parks and schools named after him, countless memorials erected in his honor, and in 1981, Congress passed legislation to make him an Honorary Citizen of the United States. His life is celebrated annually on October 5th in more than a dozen states. His bravery continues to be an inspiration.

Mr. Speaker and colleagues, please join me in recognizing the 100th anniversary of the birth of Raoul Wallenberg; may his courage serve as a guide to all of us who are committed to the protection of human rights.

REGARDING THE BEHAVIOR OF GENERAL SERVICES ADMINISTRATION EMPLOYEES

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Ms. BERKLEY. Mr. Speaker, I rise today to strongly condemn reckless spending by a group of employees from GSA, the General Services Administration, whose actions are now the subject of multiple hearings in both the House and Senate.

The misuse of taxpayer dollars by these GSA employees is truly deplorable. And it comes at a time when families in Nevada and across our Nation are tightening their belts. The lesson from this outrageous incident is clear: government must spend every penny in ways that serve the American people's interests, not the interests of those entrusted with overseeing the use of these taxpayer resources.

President Obama has acted swiftly in demanding accountability from top GSA officials who failed in their leadership roles and I commend his response to the reckless GSA spending that has been revealed.

Unfortunately, some of the comments that have been made surrounding the GSA scandal are meant to create the impression that Las Vegas itself is part of the problem.

I want to make one thing clear to those looking to use these events as an opportunity to bash Las Vegas or to point fingers in our direction—Las Vegas is not to blame.

Mr. Speaker, it's not where GSA went, it's what GSA spent.

And the issue is not Las Vegas, it's the actions of certain GSA employees who must be held accountable for their stunning lack of good judgment, blatant disregard for cost and for thumbing their noses at the rules.

There is no better destination on Planet Earth for meetings, conferences, or conventions than my hometown. No city does it better than Las Vegas.

And the problem is not the men and women in my community who work in the tourism industry and who provide hospitality to tens of millions of visitors from around the globe each year. These moms and dads bring home paychecks from an industry that is vital to the economy of Las Vegas—the community I represent—and to cities all across Nevada.

So, while I join my colleagues in calling for a thorough investigation into this incident, I hope the focus will remain on the actions of GSA employees and their behavior, and not on the location where these misdeeds took place.

WORLD CIRCUS DAY—APRIL 21, 2012

HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. BUCHANAN. Mr. Speaker, I rise today to recognize April 21, 2012 as World Circus Day, a day of celebration when children of all ages celebrate the art, culture, and laughter of the circus. With over 40 countries celebrating, we recognize an art form that not only amazes and entertains, but also builds bridges between cultures and people across the globe.

In 2008, the World Circus Federation was created and established World Circus Day as an opportunity to celebrate circus culture and heritage.

The circus in America is a beloved and enduring art form. For over 200 years, the circus has entertained generations with amazing feats of physical skill, comedy, theater, and music, while exposing us to the cultures and wonders of the world.

Today's circus continues to amaze and inspire children of all ages by bridging generations and cultures in the pursuit of the very best in circus arts and skill. From St. Louis's own Circus Harmony working with urban youth, to the Galilee Circus which uses circus arts to bring Jewish and Arab children together, social circus exemplifies the very best of the circus culture as a means of creating friendships and understanding that transcends borders, economics, politics, and religion.

The great state of Florida is home to many of the best-known and longest-operating circuses in the country, including the Ringling Bros. and Barnum & Bailey Circus, Clyde Beatty-Cole Bros. and Circus Sarasota. Many of these famous circuses and the artists who perform with them call the 13th District of Florida ''home.''

Known as ''Circus City USA,'' Sarasota boasts the world-renowned John and Mable Ringling Museum, the legacy of famed circus impresario John Ringling, whose vision for establishing Sarasota as a thriving cultural center is still alive today. Now under the stewardship of Florida State University, the Ringling Museum is home to a vast collection of European art and sculpture as well as its famed Tibbals Learning Center, home to the Howard Bros. Circus model—the largest miniature circus in the world.

Internationally recognized, our hometown Circus Sarasota is a non-profit organization dedicated to the preservation and continuation of circus arts in our community. Founded by circus great Dolly Jacobs, daughter of famous Ringling Bros. clown Lou Jacobs, and partner Pedro Reis, Circus Sarasota's ''Laughter Unlimited'' program exemplifies the notion that ''laughter is the best medicine,'' reaching out to hospitals and senior centers to bring joy and comfort. Its annual circus performances showcase some of the finest circus talent in the world today.

Circus Sarasota is also home to the Sarasota Sailor Circus, in operation since 1949 and the oldest continuously running youth circus in America.

From the iconic Ringling Bridge across Sarasota Bay to the main thoroughfare Ringling Boulevard, the Ringling Bros and Barnum & Bailey legacy is also ever present. Beginning with John Ringling's decision to relocate

his annual winterquarters rehearsals to Sarasota in 1927, Ringling Bros. remains in many ways synonymous with our area. John and Charles Ringling—two of the five original Ringling brothers who turned a small traveling circus into an international entertainment empire—wielded incredible influence on the economy, development, culture, and character of this same quaint village on beautiful Sarasota Bay.

Now in its 142nd year, and under the stewardship of the Feld family, the Greatest Show on Earth continues to call the Sarasota area home.

Almost everywhere you look in Sarasota, our circus heritage is evident. The ever popular Circus Ring of Fame, established in 1988 at St. Armand's circle, pays tribute to the greats of the circus world, including such Sarasota notables as famed animal trainer, Gunter Gebel-Williams, clowns Lou Jacobs and Emmett Kelley and great artists such as the Flying Wallendas and the Zacchinis.

Mr. Speaker, on behalf of the generations of circus artists, producers, and animal trainers that call the 13th District of Florida home, I take this opportunity to wish you all a very happy World Circus Day!

IN RECOGNITION OF THE COUNCIL ON AMERICAN-ISLAMIC RELATIONS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. KUCINICH. Mr. Speaker, I rise today to recognize the Council on American-Islamic Relations (CAIR) Ohio Chapter.

CAIR is a nationwide, nonprofit organization whose mission is to ''enhance the understanding of Islam, encourage dialogue, protect civil liberties, empower American Muslims and build coalitions that promote justice and mutual understanding.'' For the past ten years, CAIR Ohio has played an instrumental role in helping to bridge the divides between Greater Cleveland's diverse communities.

CAIR Ohio's Tenth Annual Banquet will provide a platform for vibrant discourse led by this year's distinguished speakers: Mr. Faisal Kutty, of Valparaiso University School of Law, Osgoode Hall Law School of York University and KSM Law and Imam Abu Farah of the American Muslim Youth Leadership Council and CAIR-Tampa. I commend these speakers for their efforts to promote civil liberties and social justice.

Mr. Speaker and colleagues, please join me in recognizing the Council on American-Islamic Relations Ohio Chapter for their tenth years of outstanding achievement. May their efforts to promote dialogue and create a more inclusive world continue to endure.

HONORING THE CHESHIRE FIRE DEPARTMENT

HON. CHRISTOPHER S. MURPHY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. MURPHY of Connecticut. Mr. Speaker, as a Cheshire resident, I rise today to commemorate the 100th anniversary of the Cheshire Fire Department.

Following a devastating fire at the old Waverly Inn the citizens of Cheshire came together on the 13th of February, 1912 to discuss how to protect their community from the threat of fires. This first community meeting would lead to the organization of the Cheshire Fire Department on February 27th of that year and the chartering of its first twenty-seven members a month later. The Department's first call would come that April to respond to a chimney fire at the home of one of the Department's trustees, Mr. A.S. Bennett.

Over the past century the Cheshire Fire Department has grown from its original hand-drawn Chemical Cart and Hook and Ladder Truck (the Department wouldn't have a motorized Fire Truck until 1916) to a modern force with seven engines and several other vehicles across three stations. Throughout its history the Department has remained an organization deeply connected with the community it serves. The 100 firefighters of the Department are all volunteers who dedicate their time, and risk their lives, for the safety of their neighbors. In fact, Fire Chief Jack Casner is the first paid career fire chief in the Department's history.

The volunteers and professionals of the Cheshire Fire Department continually strive to provide the utmost level of safety and security to their community. As the north side of Cheshire has seen a dramatic growth in business development, the Department has initiated plans to open a fourth fire station in north Cheshire to improve response times and quality of service. This ability to adapt and expand while remaining focused on the needs of the community has characterized the Cheshire Fire Department throughout its now 100-year history and is why the Fire Department is the oldest continually operating municipal department in Cheshire.

In reflection of the 100 years of tireless dedication to community and public safety in Cheshire, I ask my colleagues to join me in recognizing and honoring this 100 year anniversary of the Cheshire Fire Department, the lives and properties saved by its efforts, and the daily risks its volunteers take to protect the town of Cheshire.

CONGRATULATING MR. WILLIAM HENRY ''BABE'' WOOLARD ON THE OCCASION OF HIS 90TH BIRTHDAY

HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. BUTTERFIELD. Mr. Speaker, I rise today to send warm regards to Mr. William Henry ''Babe'' Woolard who celebrated his 90th birthday on February 29, 2012. Babe is in the very unique position of being born during a Leap Year and on Leap Day. In fact, he celebrates his birthday only every four years so he has only experienced 23 actual birthdays.

Babe was born to Mr. Henderson and Ms. Ida Woolard on February 29, 1922 in Williamston, North Carolina and is one of six children. Like many in eastern North Carolina, Babe went in to farming and was a farmer for the Lilley Families in the Lilley's Quarter section of Williamston. Later, he inherited the Woolard family farm located in the Farm Life Community of Williamston and Babe and his son Willie continue to farm the land today.

Like many Americans of his generation, Babe was called to serve his country during World War I. He bravely defended the United States and its allies against the tyranny perpetrated by the Axis of Evil by serving in the U.S. Army with the all Black 3,685th Trucking Division. I commend him for his bravery and thank him for his selfless service to this great country.

When he returned from his service in Europe with the U.S. Army, Babe married Ms. Verna Mae Brown. The two reared seven children together—Hattie, Verna, Dianne, Mary, Doris, Angela, and Willie—and they settled back in Babe's hometown of Williamston. Babe and Verna Mae were married for 70 wonderful years filled with love, caring, and compassion until she passed away on June 20, 2011.

Babe is many things, but above all else he is a man of God. He has attended Cedar Hill Missionary Baptist Church in Williamston most of his life. The fellowship and community provided by his church has sustained Babe through the highs and lows of life. I admire his faith.

Mr. Speaker, I ask my colleagues to join me in congratulating Mr. William Henry Woolard on his 90th birthday—or his 23rd birthday. No matter how you add it up, Babe has always lived his life to the fullest. May he celebrate this and many more birthdays in the future.

IN REMEMBRANCE OF THE HONORABLE LILLIAN W. BURKE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of the Honorable Lillian W. Burke, the first African American female judge in the State of Ohio.

Judge Burke was born in 1917 in Pittsburgh, Pennsylvania. In 1946, she graduated from The Ohio State University with a degree in education and subsequently began working as a teacher in Cleveland Public Schools. While teaching, Judge Burke also attended Cleveland Marshall College of Law. She graduated with her law degree and passed the Ohio Bar in 1951.

Soon thereafter, Judge Burke served as the assistant attorney general for three years before being appointed to the Ohio Industrial Commission. Judge Burke was appointed to the Cleveland Municipal Court in 1969. She served on the bench until her retirement in 1987.

In addition to her trailblazing career as a judge, Judge Burke was deeply involved in the Greater Cleveland community. She worked with the Cleveland Restoration Society, City Planning Commission, Cleveland Foundation African-American Outreach Advisory Committee, National Council of Negro Women, City Club and National Association for the Advancement of Colored People. Judge Burke also set up the Lillian Walker Burke Scholarship for students of John Marshall College of Law.

Mr. Speaker and colleagues, please join me in honoring the memory of the Honorable Lillian W. Burke. Her career will continue to serve as an inspiration for years to come.

RECOGNIZING APRIL AS PARKINSON'S AWARENESS MONTH

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mrs. MALONEY. Mr. Speaker, as a co-chair of the Congressional Caucus on Parkinson's Disease, I am pleased to recognize April as Parkinson's Awareness Month. It is critical that we raise awareness of this debilitating disease and continue to work towards discovering treatments and eventually, a cure.

As the second most common neurodegenerative disease in the United States, it's estimated that there are between 500,000 and 1.5 million Americans living with Parkinson's and as the baby boomer generation ages, this number will only increase.

Parkinson's disease is a chronic, progressive neurological disease that debilitates those living with Parkinson's and affects their families, as well. There is no therapy or drug to slow its progression and a cure has yet to be found. As the loved one of someone afflicted by Parkinson's disease, I witnessed personally the toll that Parkinson's disease took on my father. As a result, I know firsthand that we must provide support to the loved ones, caregivers and researchers attempting to improve the welfare of those living with Parkinson's.

I call for continued research funding to identify treatments and a cure. I also applaud the many advocates, medical staff, volunteers, and organizations who work tirelessly to advance the quality of life for those living with Parkinson's disease and their loved ones.

STOP TRADING ON CONGRESSIONAL KNOWLEDGE (STOCK) ACT

HON. TIMOTHY J. WALZ

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. WALZ. Mr. Speaker, I rise today on behalf of myself and Representative LOUISE M. SLAUGHTER to note the end of a successful journey in good government reform. Six years ago, the Stop Trading on Congressional Knowledge (STOCK) Act was introduced for the first time in the House of Representatives. We reintroduced this bill for the fourth time on March 17, 2011 and a little over a year later, we are proud to see the language we introduced to ban insider trading, signed into law.

Since the President signed the bill (S. 2038, 112th Congress; P.L. 112–105) on April 4th, 2012, we would like to submit for the record our intent in regards to banning Congressional insider trading with the STOCK Act. This overwhelming bipartisan legislation is a significant accomplishment for Congress, and we would like to have the record state our original intent.

Though Members of Congress and their staffs, executive branch employees, and federal judges and other federal judicial employees were not exempt from the insider trading prohibitions at the time, we deemed it important to affirm explicitly that no such exemption existed and that these individuals do in fact owe a duty of trust and confidence to the U.S. government and the American people. [See, e.g., Statement of Robert Khuzami, SEC Director of Enforcement, to Committee on Homeland Security and Governmental Affairs (Dec. 1, 2011); SEC v. Cheng Yi Liang, et al., Exchange Act Rel. No. 21097 (March 29, 2011 (bringing insider trading charges against a FDA employee alleging that he violated a duty of trust and confidence owed to the federal government under certain governmental rules of conduct when he traded in advance of confidential FDA drug approval announcements); United States v. Royer, 549 F.3d 886 (2d. Cir. 2008) (affirming a conviction of an FBI agent for tipping information about ongoing investigations and information on law enforcement databases); SEC v. John Acree, Litigation Rel. No. 14231, 57 SEC Docket 1579 (Sept. 13, 1994) (announcing a settled action with a former employee of the Office of the Comptroller of the Currency for trading on the basis of material non-public information concerning banks); United States v. Rough, Crim. No. 88–425 (D.N.J. 1988) (indictment of former New York Federal Reserve Bank member for revealing highly sensitive nonpublic information regarding changes in the Fed's discount rate); SEC v. Saunders, Litigation Rel. No. 9744, 26 SEC Docket 75 (September 2, 1982) (announcing settled action with the former Director for Communications for a division of the Naval Electronics Systems Command for purchasing securities while in possession of material nonpublic information concerning a contract award); Code of Conduct for United States Judges, Canon 4(D)(5) (stating "A judge should not disclose or use nonpublic information acquired in a judicial capacity for any purpose unrelated to the judge's official duties"); Code of Conduct for Judicial Employees, Canon 3(D) (stating "A judicial employee should never disclose any confidential information received in the course of official duties except as required in the performance of such duties, nor should a judicial employee employ such information for personal gain.").]

In affirming that the insider trading prohibitions applied to these individuals in the same way they apply to everyone else, we made it perfectly clear that nothing in the Act—not the affirmation of the duties, nor the instructions to issue interpretive guidance, nor the interpretive guidance that may be issued as a result—can be construed to limit or impair the construction of the antifraud provisions of the securities laws or the authority of the SEC under those provisions. We included an unambiguous rule of construction applicable to the entire Act, as well as unambiguous savings clauses in the amendments being made to the Exchange Act, that make that clear.

Thus, when the Act instructs the Ethics Committee, Office of Government Ethics or Judicial Conference of the U.S. to issue interpretive guidance to clarify that government officials cannot use nonpublic information as a means for making a "private profit", this is not intended to—and in fact does not—limit or more narrowly define any insider trading requirements that currently exist in the law, nor limit or more narrowly define any ethical prohibitions that may currently exist. Similarly, when the Act says that nothing in the Act shall be in derogation of the obligations, duties or functions of Members or employees of Congress, this is not intended to permit Members or staff to use this provision as a shield to forestall liability for insider trading.

IN REMEMBRANCE OF MR. TYRONE "HAWK" HAWKINS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in honor and memory of Tyrone "Hawk" Hawkins, who worked for over two decades at the Parmadale Institute, a facility that provides a modern, safe, and secure residential and behavioral health treatment environment for adolescents.

Mr. Hawkins was born on April 21, 1952 as the fourth child to Thomas and Ethel Hawkins. Mr. Hawkins grew up in Cleveland, Ohio and graduated from John F. Kennedy High School in 1971. In 1976, he earned a degree in Social Work from Cleveland State University.

Mr. Hawkins had a passion for working with children, which led him to begin a career at Hillcrest School in Cincinnati. In 1990, Mr. Hawkins began working at the Parmadale Institute, helping thousands of children with their behavioral health needs. Mr. Hawkins' compassion and understanding were a constant at Parmadale, where he often stayed long past closing time talking to the children and staff.

I offer my most sincere condolences to his wife, Jacqueline; daughter, Tanisha; and his grandchildren. Mr. Hawkins will be dearly missed by his family and friends, especially the staff and children of Parmadale.

Mr. Speaker and colleagues, please join me in honoring Tyrone Hawkins, who served the children of his community with love and devotion.

HONORING MARIA ANTONIA "TONI" JUAREZ

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. CUELLAR. Mr. Speaker, I rise today to honor the late Maria Antonia "Toni" Juarez, a devoted teacher and friend to the community in South Texas. Ms. Juarez modeled the virtue of charity throughout her lifetime and the impact of her care for children and those in need will resonate even after her passing.

As a Laredo native, Ms. Juarez was active in the community. At the young age of six, she was already involved in assisting her parish, San Jose Church by teaching catechism. Her Saturday mornings were dedicated to cleaning the Church and her evenings were spent practicing choir or participating in meetings devoted to Saint Theresa. She graduated from Saint Augustine High School in 1953 where she met her husband, Beto Juarez and married a year after graduation.

Ms. Juarez resumed her education at the University of Texas between 1967 and 1969 while serving as Preschool Head Teacher in

the City of Austin Child Development Program. Her family, including her six children and husband spent another academic year, 1969–1970, in Guadalajara. While in Mexico, she continued to catalogue archival materials and to serve as preschool consultant and trainer at the American School of Guadalajara and completed Montessori training by correspondence. The couple and their six children then moved to Davis, California from 1970 to 1975 where she was offered the job of Preschool Head Teacher. In 1975 she was appointed Regional Education Coordinator at Woodland for the Butte County Schools. Even though she was working full-time, she managed to obtain her Bachelor of Arts degree in Child Development from Sacramento State University in 1974.

In 1975, the family returned to Laredo where Ms. Juarez was appointed Child Development Program Director for the city of Laredo. She became a full-time graduate student thereafter and earned her Master of Arts degree in Early Childhood Education and Reading from Laredo State University in 1987. Her work as a kindergarten teacher at United Independent School District in 1987–1988 was one of the most enriching experiences. Offered a position as adjunct instructor at Laredo State University, she jumped at the chance of training future teachers to carry out the work she loves in child development.

One of Ms. Juarez's greatest commitments was her contribution to the Laredo Children's Museum Board of Trustees, having served as a member of the board since the early 1990s. Simultaneously, she was devoted to teaching religious courses to San Martin de Porres Church and Adult Education and Ministry Formation for the Diocese of Laredo until her passing.

Mr. Speaker, I am honored to have had the opportunity to recognize the late Antonia "Toni" Juarez. Her devotion to children, her family and the community have truly impacted many lives.

HONORABLE RICHARD CONABOY AND MRS. MARION CONABOY

HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. BARLETTA. Mr. Speaker, I rise to honor the Honorable Richard Conaboy and Mrs. Marion Conaboy, two of the 2012 recipients of the Governor Robert P. Casey Medal for a Lifetime of Service. This award is presented annually by the Neighborhood Housing Services of Lackawanna County and given for a person's contributions to the region throughout the years. The Neighborhood Housing Services serves individuals and families through homeownership education and promotion, property rehabilitation and affordable lending.

For more than half of a century, Judge Conaboy served as a fair jurist and an extraordinary community leader. The Conaboys, as a couple, have mastered the public-private partnership. While Judge Conaboy served on the bench, Mrs. Conaboy served as the matriarch of a large and loving Scranton family. They are the parents of 12 children and grandparents of 48 grandchildren.

Judge Conaboy earned his bachelor's degree in 1945 at the University of Scranton and graduated from the Catholic University of America in 1950 with a law degree. In addition, he is a former chairman of the Board of Directors of the University of Scranton, Marywood College, and the Scranton School District. During his six decade career, Judge Conaboy has serviced clients at the local, state, and federal level.

Furthermore, Judge and Mrs. Conaboy are both deeply admired for their strong faith and continual devotion to family. Together, they have served our community loyally as they continue to serve their family.

Mr. Speaker, today, the Honorable Richard Conaboy and Mrs. Marion Conaboy stand as leaders in northeastern Pennsylvania. I commend them for their years of admirable service to our community and country, and I wish them continued success in the future.

IN HONOR AND REMEMBRANCE OF HIS HOLINESS POPE SHENOUDA III

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of His Holiness Pope Shenouda III of the Coptic Orthodox Church, who was a religious and spiritual leader.

His Holiness was born Nazeer Gayed on August 3, 1923, in Egypt. Actively involved in the Church throughout his entire life, Pope Shenouda III joined the Coptic Orthodox Seminary after graduation from Cairo University.

On July 18, 1954, His Holiness became a monk, and later a monk priest, and was known as Fr. Antonious El-Syriani. He then became a hermit and lived in a cave for a period of six years. On September 30, 1962, he was consecrated Bishop of Christian Education and President of the Coptic Orthodox Theological Seminary.

On November 14, 1971, His Holiness was consecrated as the 117th Pope of Alexandria and Patriarch of the See of St. Mark. During his tenure as Pope, His Holiness worked tirelessly on behalf of the youth of the Church. He also published 101 books throughout his life spreading the message of the Coptic Church worldwide.

Mr. Speaker and colleagues, please join me in honoring the tireless work and life of His Holiness Pope Shenouda III, and his dedication to the Coptic Orthodox Church.

A TRIBUTE TO THE LIFE OF THE HONORABLE THOMAS A. GLAZE

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Ms. ESHOO. Mr. Speaker, I rise today to honor the late Thomas A. Glaze, a retired Justice of the Arkansas Supreme Court, who died on March 30, 2012, in North Little Rock, Arkansas, surrounded by his family.

Judge Glaze served a total of 30 years on the bench, 22 of them on the Supreme Court of Arkansas. He was an advocate for fair elections, for legal assistance for the poor, for foster children, and for all children. He taught law and coached young boys' baseball teams, gaining inspiration from the boys he coached. He was a champion of the underdog, the underserved, and his community, and his family was always his first love.

The per-curiam order memorializing his judicial career which was adopted by his colleagues on the Court upon his retirement sums up Justice Glaze's career.

> Justice Glaze is known by his colleagues in the legal community as a defender of those unable to protect themselves. A voice for children in need, he was an early proponent of foster care reform in this state. Justice Glaze advocated for the establishment of full-fledged courts for children's issues and has long encouraged the appointment of attorneys ad litem to represent children. John F. Kennedy said, ''let the public service be a proud and lively career''. It has been so for Justice Tom Glaze. To analogize his legal career to the game of baseball, which has always been close to his heart, Tom Glaze pitched a ''complete and perfect game''.

Judge Glaze leaves his wife Phyllis, his daughters, Julie Glaze Houlihan (John), Amy Glaze, and Ashley Glaze (Brett), and his sons Mike and Steve. I'm privileged to know Steve, who is married to my Washington Chief of Staff, Terri. Judge Glaze was also the devoted grandfather of eight.

Mr. Speaker, I ask my colleagues to join me in extending our deepest and most sincere sympathy to Steve and Terri Glaze and the entire Glaze family. Our nation has lost a man of justice who loved his country and its Constitution, and whose public life and service stand as a national model of a true patriot.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 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 $15,654,638,525,397.64. We have added over 5 trillion dollars to our debt in just over 3 years. This is debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

PEACE AND PROSPERITY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. KUCINICH. Mr. Speaker, on tax day, remember the ramifications of waging wars abroad. In 2011, thirty-nine percent of our income tax dollars went to the Pentagon and war; only 9% for trade, commerce, education and employment programs.

The Center for Arms Control-Proliferation estimates that the wars in Iraq and Afghanistan have cost the average family of four almost $13,000. National unemployment rates continue to be between 9 and 10%, while our families struggle to pay their mortgages, send their kids to school and feed their families.

Compared to the approximately $159 billion budgeted in Fiscal Year 2011 for wars, the $6 billion Congress budgeted for the Workforce Investment Act—primary federal program supporting workforce development—is paltry.

We have nearly 23 million Americans either unemployed or underemployed, and about 5.5 million who are who have been unemployed for 27 weeks or more. Wake up America, wars are ruining our economy.

On tax day, remember our government has a responsibility to use our money wisely, not to waste hard-earned tax dollars on unnecessary wars.

The answer to war and economic decline is peace and prosperity.

SUPPORTING PROTECT YOUR PHARMACY NOW! WEEK

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. KING of New York. Mr. Speaker, I rise today in support of the fifth annual Protect Your Pharmacy Now! week. With pharmacy crime on the rise, it is important to acknowledge this problem and reflect on ways to improve safety measures.

The Protect Your Pharmacy Now! initiative offers resources to help pharmacies protect themselves and deter criminal activity. I applaud the National Community Pharmacists Association for making these resources available and for engaging and educating local pharmacies on this important issue.

As we have seen most recently with the tragic incident in my district, it is essential to protect pharmacies and the general public from these dangerous situations. While there is no one-size-fits-all approach to eradicating these crimes, I am committed to working with pharmacies, law enforcement and my colleagues to address and eradicate this growing problem.

CONGRATULATORY REMARKS FOR OBTAINING THE RANK OF EAGLE SCOUT

HON. SANDY ADAMS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mrs. ADAMS. Mr. Speaker, I would like to congratulate Andrew Ryan McKelvey for achieving the rank of Eagle Scout.

For his Eagle Scout project, Andrew organized the collection and distribution of thousands of pairs of socks and underwear for men, women, and children in need. Throughout the history of the Boy Scouts of America, the rank of Eagle Scout has only been attained through dedication to concepts such as honor, duty, country and charity. By applying these concepts to daily life, Andrew has proven his true and complete understanding of their meanings, and thereby deserves this honor.

I offer my congratulations on a job well done and best wishes for the future.

RECOGNIZING ALEXANDRIA CITY'S 25TH ANNIVERSARY OF DAYS OF REMEMBRANCE, YOM HASHOAH

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. MORAN. Mr. Speaker, I would like to recognize Alexandria City's 25th anniversary of Days of Remembrance, Yom HaShoah, for the victims of the Holocaust. We are reminded by the words of Elie Wiesel, that ''for the dead and the living, we must bear witness.'' Bearing witness means standing by the victims of the monstrous event that was the Holocaust, and doing everything possible to ensure it doesn't happen again.

There is a moral imperative for those of us who, but for the luck of birth, benefit from peace and prosperity. Thus we also have the responsibility to speak out for those who face the atrocities of starvation and oppression. In honoring the victims, and by lifting up the survivors, we bear witness to all victims of genocidal aggression and violence by states or transnational agents of terror.

Unfortunately, genocide has not been eradicated. In the Sudan, the crisis continues. Sudan President Omar al-Bashir is currently blocking humanitarian and food aid to the South Kordofan, Blue Nile, and Abyei regions along the border of South Sudan. Military action in the region has prevented the Sudanese people from growing and planting food, threatening starvation.

The Government of Sudan's serious human rights violations have continued across different parts of the country over the last decade. It is a tragedy, and an atrocity, and we must stand together to stop what is occurring.

''Never again'' is a declaration of personal commitment. We can do nothing, and nothing will change. Likewise, we can stand up, to fight back—to make things better. On this, the 25th Anniversary of Alexandria's Days of Remembrance, let us rededicate our resolve to ending this modern day genocide, as one of the best ways to honor those who perished decades ago from the inhumanity of their fellow man.

RECOGNIZING MS. LUVENIA BREAUX

HON. CEDRIC L. RICHMOND

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. RICHMOND. Mr. Speaker, I rise today to honor Ms. Luvenia Breaux, a New Orleans resident and a member of the Women's Auxiliary Army Corps during World War II. Today, I wish to publicly pay tribute to Ms. Breaux's service to our country as her family celebrates her life and mourns her passing at the age of 94.

Members of the Women's Army Corps were the first women other than nurses to serve within the ranks of the United States Army. Their contributions to the war effort are widely heralded. After completing her service in the Women's Auxiliary Army Corps, Ms. Breaux returned to Louisiana and dedicated her life to serving the children of New Orleans. Described as ''the kind of person who saw a need and was aggressive enough to act on it,'' as the cafeteria manager in the 1950s, Ms. Breaux instituted a free breakfast program for students at Mcdonogh No. 24 Elementary School because she realized that a proper breakfast would increase the students' ability to learn. She also went to the homes of students who were falling behind academically to encourage and support their academic development. Ms. Breaux was a member of the Second Free Mission Baptist Church for 90 years. Family and friends fondly remember her striking hats that she wore to church.

Ms. Breaux successfully raised and mentored five children, ten grandchildren, and four great-grandchildren. She is also survived by ten grandchildren and four great-grandchildren. Her powerful legacy will live on in each of her surviving relatives and will continue to inspire the many members of the community whose lives she touched.

I wish to join with Ms. Breaux's family in celebrating her exemplary life.

A TRIBUTE TO NICK A. KELLER

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. LATHAM. Mr. Speaker, I rise today to recognize and congratulate Nick Keller of Ames for achieving the rank of Eagle Scout.

The Eagle Scout rank is the highest advancement rank in scouting. Only about five percent of Boy Scouts earn the Eagle Scout Award. The award is a performance-based achievement with high standards that have been well-maintained over the past century.

To earn the Eagle Scout rank, a Boy Scout is obligated to pass specific tests that are organized by requirements and merit badges, as well as completing an Eagle Project to benefit the community. Nick's project was to build a covered shelter along Ada Hayden Lake's highly traveled pedestrian trail on the outskirts of Ames. The work ethic Nick has shown in this project, and every other project leading up to his Eagle Scout rank, speaks volumes of his commitment to serving a cause greater than himself and assisting his community.

Mr. Speaker, the example set by this young man and his supportive family demonstrates the rewards of hard work, dedication and perseverance. I am honored to represent Nick and his family in the United States Congress. I know that all of my colleagues in the House will join me in congratulating him in obtaining the Eagle Scout ranking, and will wish him continued success in his future education and career.

TRIBUTE TO ERLEEN DIDIER

HON. HOWARD P. ''BUCK'' McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. MCKEON. Mr. Speaker, I rise to recognize the passing of Mrs. Erleen Didier, a beloved community leader, wife, mother, great grandmother, great-great grandmother, and friend to all in my Congressional district of Lancaster, California.

On March 13, 2012, the community of Lancaster, and the greater Antelope Valley, said goodbye to a member of ''our greatest generation.'' She passed peacefully and now resides in the hearts and minds of her family and the people that she touched throughout her life.

Mrs. Didier is survived by her eight children: Mary, Joe, Katie, Pat, Ruth, Annie, Clete and Mickie, 18 grandchildren and four great grandchildren that will miss her dearly. Mrs. Didier is reunited with her husband, Cletus, who passed in June 1992.

I hope my colleagues will join me in recognizing the lifelong achievements of Mrs. Erleen Didier. Without question, in her lifetime, the community of Lancaster has been made better by her contributions and are worthy of recognition by the House of Representatives today.

CONGRATULATING PAUL GRESKY

HON. CORY GARDNER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. GARDNER. Mr. Speaker, it is my honor to congratulate Paul Gresky on reaching the 15,000 mark in teaching the Hunter Education Certification. His lifelong commitment to safety instruction is an invaluable contribution to Colorado citizens and the responsible upholding of our 2nd Amendment rights. We are grateful for the countless hours he has dedicated and the leadership Paul has exhibited to better Coloradans.

Since 1974 Paul has educated our community in the safety necessary for firearm owners. In 1983 Paul began serving Coloradans as a Master Instructor, receiving Instructor of the Year in 1985. Now Paul has successfully reached the 15,000 mark. All of these are impressive feats. I commend Paul for his service, not only because of his work teaching the Hunter Education Certification, but also because of his work in educating the Boy Scouts of America who are involved in the National Rifle Association's marksmanship and home firearms responsibility programs

Colorado is greatly indebted to individuals like Paul who continue to promote the safe and responsible use of firearms. I commend him for his work and wish him the best as he continues to make Colorado a safer place.

A TRIBUTE TO ROBERT BRYAN GRAVELINE

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. LATHAM. Mr. Speaker, I rise today to recognize and congratulate Robert Graveline of Ames for achieving the rank of Eagle Scout.

The Eagle Scout rank is the highest advancement rank in scouting. Only about five percent of Boy Scouts earn the Eagle Scout Award. The award is a performance-based achievement with high standards that have been well-maintained over the past century.

To earn the Eagle Scout rank, a Boy Scout is obligated to pass specific tests that are organized by requirements and merit badges, as well as completing an Eagle Project to benefit the community. Robert's project transformed an unused grassy area into a prayer garden for the St. Cecilia Church in Ames. The garden required a great deal of landscaping mastery and includes a walking path among the various plantings. The work ethic Robert has shown in this project, and every other project leading up to his Eagle Scout rank, speaks volumes of his commitment to serving a cause greater than himself and assisting his community.

Mr. Speaker, the example set by this young man and his supportive family demonstrates the rewards of hard work, dedication and perseverance. I am honored to represent Robert and his family in the United States Congress. I know that all of my colleagues in the House will join me in congratulating him in obtaining the Eagle Scout ranking, and will wish him continued success in his future education and career. Thank you.

SUPPORTING THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. McDERMOTT. Mr. Speaker, some of my distinguished colleagues claim that we must cut spending to protect the future of our country and our children. But what costs are we willing to incur with reckless cuts to a critical program that has helped 46 million Americans stay fed? If we cut SNAP, we will be throwing the baby out with the bath water.

Children make up nearly half of the Americans who rely on food stamps. SNAP continues to play an instrumental role in our nation's economic recovery, helping millions of struggling American families to feed their kids. With SNAP, students across the country can start each day well-fed and ready to learn.

There's no question that SNAP works. The best way to shrink the program is not through funding cuts, but by making the American dream a reality for all Americans once again. If we truly want to protect our children's future, we cannot steal food off their dinner tables. To protect our future, we must protect SNAP.

DR. FRANK A. BUCCI

HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. BARLETTA. Mr. Speaker, I rise to honor Dr. Frank A. Bucci, one of the 2012 recipients of the Governor Robert P. Casey Medal for a Lifetime of Service. This award is presented annually by the Neighborhood Housing Services of Lackawanna County and given for a person's contributions to the region throughout the years. The Neighborhood Housing Services serves individuals and families through homeownership education and promotion, property rehabilitation and affordable lending.

Dr. Frank A. Bucci is an internationally recognized expert in refractive and cataract surgery. After completing his residency at the Albany Medical Center and the Jersey Shore Medical Center, he graduated medical school in 1985 from New Jersey Medical School in Newark, New Jersey. Dr. Bucci is a pioneer in refractive surgery, having performed the first RK, AK, PRK and LASIK procedures in the Wyoming Valley of Pennsylvania. He performed almost 8,000 refractive surgeries, in addition to performing almost 25,000 other microsurgical ophthalmic procedures. Additionally, Dr. Bucci's peers voted him as one of the top 50 ophthalmologists in the United States, as published in Cataract & Refractive Surgery Today.

In May 2003, Dr. Bucci founded the Hospice of Sacred Heart, which seeks to bring peace and joy to those facing their end-of-life journeys. He currently serves as the Chairman of the Board of Directors for this non-profit organization.

Mr. Speaker, today, Dr. Frank A. Bucci stands as a role model in Northeastern Pennsylvania. I commend him for his years of committed service to his patients, community, and country, and I wish him continued success in the future.

A TRIBUTE TO TYLER CONLON

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. LATHAM. Mr. Speaker, I rise today to recognize and congratulate Tyler Conlon of Sheffield for achieving the rank of Eagle Scout. Tyler is the first Eagle Scout honored by Troop 24 of Sheffield, Iowa since 1948.

The Eagle Scout rank is the highest advancement rank in scouting. Only about five percent of Boy Scouts earn the Eagle Scout Award. The award is a performance-based achievement with high standards that have been well-maintained over the past century.

To earn the Eagle Scout rank, a Boy Scout is obligated to pass specific tests that are organized by requirements and merit badges, as well as completing an Eagle Project to benefit the community. The work ethic Tyler has shown in his Eagle Project, and every other project leading up to his Eagle Scout rank, speaks volumes of his commitment to serving a cause greater than himself and assisting his community.

Mr. Speaker, the example set by this young man and his supportive family demonstrates the rewards of hard work, dedication and perseverance. I am honored to represent Tyler and his family in the United States Congress. I know that all of my colleagues in the House will join me in congratulating him in obtaining the Eagle Scout ranking, and will wish him continued success in his future education and career. Thank you.

TRIBUTE TO THE LIFE OF SARAH RANGEL GUTIERREZ

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. BACA. Mr. Speaker, I rise today to ask Congress to pay tribute to a role model, loving wife, mother and grandmother, Sarah Rangel Gutierrez. Sarah passed away on April 3,

2012, she was nearly eighty-seven years old. I would like to extend my deepest condolences to her family, especially Jimmy who has been a friend.

Sarah was born in Santa Ana, California, and raised in Pomona along with her three brothers and sister. Their childhood was shaped by the Great Depression, which brought the family together and taught Sarah valuable lessons about the importance of a strong family. Sarah attended public school in Pomona through the ninth grade. At school, she learned to speak English fluently, which allowed her to be a lifelong translator for her mother, who only spoke Spanish.

At the age of 18, Sarah married Jesse Gutierrez, who, at the time was a soldier in the U.S. Army, fighting during World War II. Her husband contracted tuberculosis during the war, leaving him hospitalized and unable to care for their children until 1948. During this time, Sarah raised her children by herself. Sarah's strong Catholic faith helped her through these tough times. Although life was not easy for Sarah, she had a unique way of keeping her family together and their spirits high.

Even after raising her children, Sarah selflessly devoted her life to caring for others. While Sarah was raising her family, her mother and brothers lived within blocks. She was able to visit her mother daily, and watched as she took care of her mentally ill sister. Sarah followed the example of her mother when her own daughter, Teresa was born with down syndrome. Sarah cared for her daughter until she was no longer able. Her selfless giving has taught her children and those around her the important lesson of loyalty, which stays with them to this day.

Let us take the time to pay tribute to a wonderful woman. Let us celebrate the wonderful life she led. Although she is no longer with us, her legacy and spirit will continue to live on through the lives of everyone she has touched.

Sarah was preceded by the death of her husband Jesse, her eldest son, David, and her youngest daughter, Teresa. She is survived by her son, Jimmy and his wife, Mona, as well as her daughter, Christina, and her husband Marc. She leaves with cherished memories a loving family of 7 grandchildren, Monica Gutierrez, James Gutierrez, Sonia Dombroski, Cai Steffler, Tres Steffler, Annette Gutierrez and Josephine Gutierrez. May we all be so lucky to live a life full of love for her family. My thoughts and prayers, along with those of my wife, Barbara, and my children, Rialto City Councilman Joe Baca Jr., Jeremy, Natalie, and Jennifer are with Sarah's family at this time. Mr. Speaker, I ask my colleagues to pay tribute to Sarah Rangel Gutierrez.

HONORING THE LIFE OF NATHAN BENDERSON

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. HIGGINS. Mr. Speaker, I rise today to honor the extraordinary life and legacy of Nathan Benderson, the Chairman of the Benderson Development Company, who recently passed away at the age of 94.

Born in Buffalo in 1917, Nathan Benderson was a true visionary who leveraged a bottle-salvaging company he created in the midst of the Great Depression as a teenager into one of the Nation's largest privately held real estate companies. Mr. Benderson personified the American ideal of ingenuity and coupled that with an unwavering commitment to charity.

The Benderson Development Company, founded six decades ago in Buffalo, is now among the largest and most diverse developers in the Nation. During that time, Nate Benderson helped transform the real-estate landscape in western New York, constructing many retail plazas and office buildings that still exist today. The company's holdings include shopping centers and malls, office buildings, industrial space, hotels, and raw land. In all, the company owns and manages roughly 500 properties—35 million square feet in 38 States—and employs more than 8,000.

Even with all of his achievements and successes as a real estate magnate, Nathan Benderson will be remembered for his indelible commitment to philanthropy. In addition to his work at the development company, Mr. Benderson was a tireless humanitarian who supported an array of causes, including Jewish-related charities, those that helped the poor and the frail elderly, and animal rescue organizations in Florida and New York.

Mr. Benderson created a $2 million endowment for programs at Buffalo's Johnnie B. Wiley Amateur Sports Complex and was a major benefactor for Roswell Park Cancer Institute, Buffalo Zoo, SPCA Serving Erie County, Variety Club, Buffalo Philharmonic Orchestra, Food Bank of Western New York and Center for Hospice and Palliative Care.

The breadth and depth of Mr. Benderson's generosity are on a scale that is unmatched in western New York. Even after his death, Mr. Benderson's charitable work will continue through the Benderson Family Life Insurance Legacy Initiative, a foundation he created which has in excess of $130 million in assets to support numerous organizations well into the future.

Mr. Speaker, I ask that you join with me and with members of the House to express our deepest condolences to the family of the late Nathan Benderson, and join with me in lauding the many good works Mr. Benderson performed during his long and full life.

A TRIBUTE TO BRADY BRINKMEYER

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. LATHAM. Mr. Speaker, I rise today to recognize and congratulate Brady Brinkmeyer of Ames for achieving the rank of Eagle Scout.

The Eagle Scout rank is the highest advancement rank in scouting. Only about five percent of Boy Scouts earn the Eagle Scout Award. The award is a performance-based achievement with high standards that have been well-maintained over the past century.

To earn the Eagle Scout rank, a Boy Scout is obligated to pass specific tests that are organized by requirements and merit badges, as well as completing an Eagle Project to benefit the community. Brady's project involved an extensive landscaping renovation of the chapel entrance at Riverside Bible Camp near Story City where he has spent several past summers himself. The work ethic Brady has shown in his Eagle Project, and every other project leading up to his Eagle Scout rank, speaks volumes of his commitment to serving a cause greater than himself and assisting his community.

Mr. Speaker, the example set by this young man and his supportive family demonstrates the rewards of hard work, dedication and perseverance. I am honored to represent Brady and his family in the United States Congress. I know that all of my colleagues in the House will join me in congratulating him in obtaining the Eagle Scout ranking, and will wish him continued success in his future education and career. Thank you.

GIRLS OF STEEL

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. DOYLE. Mr. Speaker, I rise today to congratulate the Girls of Steel robotics team on winning the prestigious Engineering Inspiration Award as well as the Website Award at the Pittsburgh Regional ''For Inspiration and Recognition of Science and Technology (F.I.R.S.T.)'' Robotics Competition on March 8 and 9. I also want to congratulate them for winning the Innovation in Control Award at the Queen City Regional F.I.R.S.T. competition in Cincinnati, Ohio on April 5 through 7.

As the founder of the Congressional Robotics Caucus, I am a proud supporter of F.I.R.S.T. and the tremendously important purpose it serves in introducing young people to the fields of technology and engineering. Through its mentor-based programs, F.I.R.S.T. will inspire nearly 300,000 students this year while providing them with confidence, leadership, and communication skills. It is critical that we continue to encourage young people to get involved in these fields if our country is to remain competitive in the global economy in the future. The F.I.R.S.T. Robotics Competition instills a sense of pride in the individuals who participate in it and allows them to apply their natural creativity in the demanding and competitive field of robotics.

The Engineering Inspiration award is given to the team that best advances appreciation and respect for engineering through recruitment and outreach within their community and is the second highest team award F.I.R.S.T. bestows. It also qualifies the Girls of Steel to compete in the National competition in St. Louis at the end of April. The Website Award is presented to the team that best demonstrates excellence in a student-designed, built, and managed F.I.R.S.T. team website. The Innovation in Control Award celebrates an innovative control system or application of control components to provide unique machine functions.

The Girls of Steel beat over 40 other robotics teams in receiving the two awards in Pittsburgh, and they beat over 50 other robotics teams in receiving the Innovation in Control award in Cincinnati.

I would like to mention each of these dedicated young women by name. They are Christina Ambrosino, Sonia Appasamy, Katie

Ashwood, Jaden Barney, McKenna Barney, Tammy Bevilacqua, Elizabeth Bianchini, Claire Brunson, Dakota Calvert, Abby Ceraso, Rachel Clapper, Ananya Cleetus, Claudia Contreras, Kaylie Cullison, Maureen Deken, Laurel Donatelli, Mackenzie Ferris, Kiran Gaulee, Naoka Gunawardena, Grace Handler, Heather Harrington, Rosanne Harrison, Kathryn Hendrickson, Erin Higgins, Samantha Holland, Imani Horton, Natalie Janosik, Campbell Konrad, Elizabeth Kysel, Sylvie Lee, Shana Leshko, Murong Li, Serena Mani, Mansi Mann, Pragna Mannam, Elise Medeiros, Grace Mitro, Sruthi Muluk, Lindsay Myer, Remy Niman, Raina Oravec, Olivia Parks, Jennifer Rickens, Kaylyn Rocher, Alex Roth, Rachel Round, Chelsi Sayti, Katelin Shreve, Amrita Singh, Jessica Slain, Nancy Soliman, Lauren Spence, Lynn Urbina, Bryce Volk, Rebecca Volk, Molly Walsh, Giulia Watkins, and Melanie Young.

Pittsburgh is proud of the Girls of Steel for their hard work and dedication to the fields of robotics and engineering and for inspiring others within their community to get involved in this important industry. I wish them the best of luck in St. Louis in April and congratulate them once again on their continued success in the F.I.R.S.T. Robotics Competition.

RAOUL WALLENBERG CENTENNIAL CELEBRATION ACT

SPEECH OF

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 16, 2012

Mr. BERMAN. Mr. Speaker, I rise in support of H.R. 3001, the Raoul Wallenberg Centennial Celebration Act.

Mr. Speaker, this legislation will posthumously award the Congressional Gold Medal—the highest award that can be bestowed by this body—to Raoul Wallenberg on the centennial of his birth.

The story of Raoul Wallenberg's work as an official with the Swedish Embassy in Hungary working in conjunction with the American War Refugee Board is one of bravery, heroism, and ultimately, self sacrifice.

Though Raoul Wallenberg's fate remains a mystery to this day, his legacy can be seen in the tens of thousands of people who survived the war by virtue of his efforts—including my late colleague and friend Tom Lantos and his wife Annette.

Of the 120,000 Hungarian Jews that survived the Holocaust, Raoul Wallenberg, acting under the War Refugee Board, is credited with saving an estimated 100,000 of them in a six-month period.

This year, both Sweden and Hungary celebrate "Raoul Wallenberg Year" to mark the 100th anniversary of Wallenberg's birth.

These nations will pay tribute to Wallenberg's courageous work by holding conferences, concerts, exhibitions, and other events to commemorate and educate people about the role he played helping to save the remainder of Hungary's Jewish community.

I hope my colleagues join me in honoring the memory of Raoul Wallenberg and the innumerable individuals and their descendants that he helped save.

Mr. Speaker, I ask Members of the House to vote for this important legislation.

A TRIBUTE TO DEAN A. VANEVERY

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. LATHAM. Mr. Speaker, I rise today to recognize and congratulate Dean VanEvery of Ames for achieving the rank of Eagle Scout.

The Eagle Scout rank is the highest advancement rank in scouting. Only about five percent of Boy Scouts earn the Eagle Scout Award. The award is a performance-based achievement with high standards that have been well-maintained over the last century.

To earn the Eagle Scout rank, a Boy Scout is obligated to pass specific tests that are organized by requirements and merit badges, as well as completing an Eagle Project to benefit the community. Dean's project was to renovate a nature trail at Brookside Park in Ames, which required serious rehabilitation after flooding had left the trail covered with large amounts of debris. The work ethic Dean has shown in this project, and every other project leading up to his Eagle Scout rank, speaks volumes of his commitment to serving a cause greater than himself and assisting his community.

Mr. Speaker, the example set by this young man and his supportive family demonstrates the rewards of hard work, dedication and perseverance. I am honored to represent Dean and his family in the United States Congress. I know that all of my colleagues in the House will join me in congratulating him in obtaining the Eagle Scout ranking, and will wish him continued success in his future education and career. Thank you.

OBSERVANCE OF EQUAL PAY DAY

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Ms. SCHAKOWSKY. Mr. Speaker, I rise today, in recognition of Equal Pay Day, a day that spotlights the financial struggles that women must endure because of wage discrimination and the need to close the gender-based wage gap once and for all.

The answer is simple. Women should be paid equal wages to their male counterparts: pay discrimination is unfair, unwarranted and costly.

Equal pay is not only a fight for women, but for the families that depend on them. Women are the primary or co-breadwinners in six out of ten households; yet earn only 77 cents to every dollar paid to men. With smaller paychecks, women are forced to stretch limited dollars even further to provide healthcare, food, and shelter for themselves and their families.

According to a report by the National Partnership for Women & Families, women across the country are collectively losing tens of billions of dollars annually because of wage inequity. Over a 40–year working career, the average woman loses $431,000 as a result of the wage gap. This picture is even worse for African American and Hispanic women, who earn 71 cents and 62 cents respectively for every dollar men are paid.

In the 21st century, it seems unbelievable that equal pay is controversial. Yet, just last week, Wisconsin signed into law legislation to repeal provisions of the 2009 Equal Pay Enforcement Act. This Congress has the opportunity to build on the progress made by the passage of the Lilly Ledbetter Fair Pay Act—legislation to strengthen pay discrimination lawsuits and the first bill ever signed into law by President Obama. The Lilly Ledbetter Fair Pay Act clarified that each paycheck resulting from a discriminatory pay decision would constitute a new violation of the employment nondiscrimination law and restart the clock for filing a claim.

The Paycheck Fairness Act, legislation currently being considered in this Congress, would go even further to fight pay discrimination and improve wages for women. The Paycheck Fairness Act, sponsored by my friend and colleague Congresswoman ROSA DELAURO, would strengthen the Equal Pay Act by requiring an employer to prove that a difference in pay between a man and a woman for the same position is not sex-based. The legislation would also bring the equal pay law into line with all other civil rights law by increasing the available remedies to include punitive and compensatory damages. As a cosponsor, I believe the Paycheck Fairness Act is essential legislation to address the lingering injustice of pay inequity.

As our economy shows signs of revival, women and their families must not be left behind. We must send a strong message that pay discrimination should not stand.

TRIBUTE TO JAMES NATHANIEL RICHARDS, 2012 MILITARY CHILD OF THE YEAR AWARD

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. HUNTER. Mr. Speaker, I rise today to commend and recognize James Richards of Jamul. James was named the recipient of the 2012 Military Child of the Year Award, which honors military children who stand out among others in their community.

The candidates must demonstrate good character, and excel within both military and civilian communities. James embodies all of the qualities and more.

Each year, more than 1,000 nominees are considered for this award. The recipient is chosen by a committee including those currently in the military, Family Readiness Support Assistants, teachers and others. After choosing the winner, the award is given to one military child from each branch of service.

Anyone who knows James is aware that he is extremely involved in his community. He started a blog to help deal with members of his family being deployed. Currently 87 military children follow his blog daily. James also started the anti-bully committee at his school, which meets once a week to discuss ways to prevent bullying in schools.

James is one American who is making a difference by lending a helping hand to others. Last year, James volunteered over 200 hours during Christmas season at the USO collecting toys for less fortunate children and wrapping stockings to send to the troops. After

collecting gifts he would assist with babysitting for those parents while they picked out gifts.

I cannot say enough about James. He is a truly admirable young leader. Without question, he is setting a good example and is a role model to others. I want to thank James for his continual dedication and congratulate him on the Military Child of the Year Award.

Mr. Speaker, I ask that my colleagues join me in recognizing James Richards and wishing him continued success in all future endeavors.

A TRIBUTE TO JOEL H. UHLMEYER

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. LATHAM. Mr. Speaker, I rise today to recognize and congratulate Joel Uhlmeyer of Ames for achieving the rank of Eagle Scout.

The Eagle Scout rank is the highest advancement rank in scouting. Only about five percent of Boy Scouts earn the Eagle Scout Award. The award is a performance-based achievement with high standards that have been well-maintained over the past century.

To earn the Eagle Scout rank, a Boy Scout is obligated to pass specific tests that are organized by requirements and merit badges, as well as completing an Eagle Project to benefit the community. For his project, Joel chose to make various improvements at the Ames Izaak Walton League. He felt this unique project was an important way to give back to the Ikes for supporting Scouting and outdoor activities. The work ethic Joel has shown in this project, and every other project leading up to his Eagle Scout rank, speaks volumes of his commitment to serving a cause greater than himself and assisting his community.

Mr. Speaker, the example set by this young man and his supportive family demonstrates the rewards of hard work, dedication and perseverance. I am honored to represent Joel and his family in the United States Congress. I know that all of my colleagues in the House will join me in congratulating him in obtaining the Eagle Scout ranking, and will wish him continued success in his future education and career. Thank you.

MR. SHERMAN WOODEN

HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. BARLETTA. Mr. Speaker, I rise to honor Mr. Sherman Wooden, one of the 2012 recipients of the Governor Robert P. Casey Medal for a Lifetime of Service. This award is presented annually by the Neighborhood Housing Services of Lackawanna County and given for a person's contributions to the region throughout the years. The Neighborhood Housing Services serves individuals and families through homeownership education and promotion, property rehabilitation and affordable lending.

Mr. Wooden grew up in Montrose, Pennsylvania. He graduated from Elk Lake High School, and went on to receive both a bachelor's and master's degree from Howard University in Washington, DC. Additionally, he attended the Catholic University of America for doctoral studies and pursued graduate work at the University of North Carolina, University of Maryland, New York University, and Harvard University.

Before joining the faculty at the University of Scranton as the Director of Multicultural Affairs, Mr. Wooden worked as a public school teacher and a lecturer at Howard University and the Catholic University of America. In 2010, Mr. Wooden retired from the University of Scranton and now dedicates his time to serving his community. Currently, he is the principal resource for information about the role of the Underground Railroad and the African-American population in Northeastern Pennsylvania.

Furthermore, Mr. Wooden serves on several boards, including the Board of Trustees of Lincoln University, Friends of the Weinberg Library Advisory Board, and the Board of Friendship House in Scranton. In the past, he served on the Pennsylvania Governor's Advisory Commission for African-American Affairs and the Pennsylvania State Board of Education, and he served as president of the Council on Community Affairs and the Old Mill Village Museum.

Mr. Speaker, today Sherman Wooden stands as an icon in Northeastern Pennsylvania. I commend him for his years of remarkable service to his community and his country as an educator, author, and lecturer, and I wish him continued success in the future.

A TRIBUTE TO TANNER MICHAEL KNOWLTON

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. LATHAM. Mr. Speaker, I rise today to recognize and congratulate Tanner Knowlton of New Hampton for achieving the rank of Eagle Scout.

The Eagle Scout rank is the highest advancement rank in scouting. Only about five percent of Boy Scouts earn the Eagle Scout Award. The award is a performance-based achievement with high standards that have been well-maintained over the past century.

To earn the Eagle Scout rank, a Boy Scout is obligated to pass specific tests that are organized by requirements and merit badges, as well as completing an Eagle Project to benefit the community. The work ethic Tanner has shown in his Eagle Project, and every other project leading up to his Eagle Scout rank, speaks volumes of his commitment to serving a cause greater than himself and assisting his community.

Mr. Speaker, the example set by this young man and his supportive family demonstrates the rewards of hard work, dedication and perseverance. I am honored to represent Tanner and his family in the United States Congress. I know that all of my colleagues in the House will join me in congratulating him in obtaining the Eagle Scout ranking, and will wish him continued success in his future education and career. Thank you.

HONORING DR. ROBERT A. CORRIGAN

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Dr. Robert A. Corrigan and recognize his contribution to higher education, civic engagement and the application of university expertise to community issues. Dr. Corrigan is retiring as the President of San Francisco State University.

One of our nation's leading public urban universities, under Dr. Corrigan's leadership, San Francisco State University has become acclaimed for its diversity and is known as a "college with a conscience." With nationally recognized programs in a range of fields, the more than 212,000 graduates have contributed to the economic, cultural and civic fabric of San Francisco and beyond. Dr. Corrigan has been a dedicated supporter of the partnership between San Francisco State and the Romberg Tiburon Center for Environmental Studies, located in my district. Through research, education and outreach, and with a focus on San Francisco Bay, the Romberg Center works to advance the understanding of the world's complex marine environments.

A graduate of Brown University in Rhode Island, Dr. Corrigan earned his master's and doctoral degrees in American Civilization from the University of Pennsylvania. During a 54-year career in academia, Dr. Corrigan has held faculty positions at the University of Iowa, Bryn Mawr College, the University of Pennsylvania, and the University of Gothenburg in Sweden. He was a provost at the University of Maryland and Dean at the University of Missouri, before becoming chancellor of the University of Massachusetts at Boston.

Starting at San Francisco State University in 1988, during a period of transition, Dr. Corrigan restructured the management of the university to build a better rapport between administration and faculty. A leader with considerable collaborative skills, he has worked hard to keep the campus competitive through careful management of funds during difficult budget cuts. A well-respected colleague and administrator, Dr. Corrigan presided over a major overhaul of the campus, funded with a $120 million facilities bond measure, student fees and private fundraising. Recently, the university opened its newly renovated library and there are plans to build a new performing arts center as well as a student wellness center.

A champion of diversity in higher education, Dr. Corrigan is credited with building a model multi-cultural campus focused on social justice and equity. Where people of color constitute 70% of the student body and 41% of the faculty, Dr. Corrigan nurtured a culture of tolerance where differences are respected and debated peacefully on campus. He is the recipient of many awards and recognitions, including the 2009 Distinguished Service Award from the Association of Public and Land-grant Universities, the 2009 San Francisco Business Times "Most Admired CEO" award and the Distinguished Community Service Award from the Anti-Defamation League.

A keen advocate of civic engagement, Dr. Corrigan has served on the boards of a variety of organizations, such as the Mayor's Children, Youth, and Families Policy Council, two

terms as chair of the Board of Directors of the San Francisco Chamber of Commerce, the San Francisco Economic Development Corporation, and the California Historical Society Board of Directors. Among several active memberships, he is currently serving on the U.S. Department of Housing and Urban Development Anchor Institutions Task Force.

Mr. Speaker, Dr. Corrigan is a man of remarkable talent and considerable commitment, he will be missed in the community and at the university, but we honor him today and wish him well in his next endeavor. Congratulations, Robert Corrigan, and thank you.

A TRIBUTE TO R. LUCIA RIDDLE

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. LATHAM. Mr. Speaker, I rise today to recognize the retirement of R. Lucia Riddle as the Vice President of Federal Government Relations for the Principal Financial Group.

Ms. Riddle joined Principal in 1974 as a management trainee in the health division and quickly began rising through the company. By 1997, Lucia had obtained her M.B.A. from Drake University and had officially assumed her role as Principal's Vice President of Federal Government Relations in Washington D.C.

Principal Financial Group is a well-respected, worldwide company that has called Des Moines its home since 1889. More than 8,000 Iowans are employed by Principal Financial Group and thousands more do business with this great company renowned for its honest and professional reputation. As Vice President of Federal Government Relations, Lucia expertly assumed the responsibility of directing legislative and advocacy efforts with a focus on the company's life and health, privacy, tax and financial services issues. Every day, Ms. Riddle played the important role of representing thousands of Iowans, and the company itself, as a valuable and effective spokesperson to members of Congress.

In addition to her role at Principal, Lucia is a member of several insurance and financial service industry related technical and policy committees for numerous organizations, as well as serving on multiple boards across the country, from the Smithsonian National Museum of African Art to the Des Moines Art Center. Recently in 2011, Ms. Riddle received the President's Award from the Washington Government Relations Group and this year has been named as one of Savoy Professional Magazine's ''Top 100 Most Influential Blacks in Corporate America'' for the second time since 2008.

Over her 38 year career with Principal, Ms. Riddle has embodied the ideals of leadership and dedication by assuming several roles above and beyond the call of duty. Lucia is a testament to the high quality character and unwavering work ethic instilled in Iowans. I invite the members of the House to join me in wishing Lucia a long, happy and healthy retirement. Thank you.

HONORING THE LIFE OF JOHN KEACH, SR.

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. PENCE. Mr. Speaker, John Keach Sr. Led a Consequential Life.

John Keach Sr. was many things. He was a husband, father, grandfather and great-grandfather. But I rise because John Keach Sr. led a consequential life and by his actions he left this community and this state better for having been here.

The life of John Keach, Sr. has been marked by accomplishments over decades that have brought about a greater quality of life to Columbus and the surrounding areas. Though he will be missed by his family and friends, John will long be remembered for his tremendous impact.

A native of Seymour, Indiana, John was born to Glenn and Lucile Kessler Keach on July 7, 1927. Before serving in the United States Navy during World War II, John graduated from Shields High School. In 1950, John graduated a Bulldog from Butler University and then married his beloved Elaine. After working under his father as a teller at the Home Federal Savings and Loan Association in Seymour, John and Elaine moved from Seymour to Columbus where John helped develop the Columbus branch of the Home Federal Savings and Loan Association.

John held many positions at what is now known as the Indiana Bank and Trust Company, serving as a teller, branch manager, president, CEO, Chairman of the Board, and Chairman Emeritus. John also held positions in the Indiana League of Savings Institutions, the Federal Home Loan Bank of Indianapolis, and the Family Financial Life Insurance Company.

Outside of his business ventures, John sought to make Columbus and Bartholomew County a better place to live, and his efforts are felt to this day. John was a member of the Columbus Area Chamber of Commerce and received the Distinguished Service Award in 1960 and the Community Service Award in 1969. John also served as a Trustee and President of the Bartholomew County Library and played a crucial role in the development of the Cleo Rogers Memorial County Library.

John served on the Bartholomew County United Way, the Columbus Economic Development Board, the St. Columba Catholic Church Council, the Columbus Elks Lodge #521, the Knights of Columbus and the Columbus American Legion Post #24, among others.

Blessed with a loving family, John is survived by his wife of 62 years, Elaine, their four children, eight grandchildren and six great-grandchildren, as well as his sister Kathe Caplinger.

It is written, ''the Lord is close to the broken-hearted,'' and that will be our prayer for his beloved wife, family and all those who mourn the passing of John Keach, Sr.

The people of Columbus have lost a true giant from our community and our family has lost a friend. The life of John Keach, Sr. has come to an end but his legacy of leadership and character will endure and inspire for generations to come.

HONORING ROEHL TRANSPORT FOR 50 YEARS OF INNOVATION AND GROWTH

HON. REID J. RIBBLE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. RIBBLE. Mr. Speaker, I rise today to recognize an organization called Roehl's Transport, which is celebrating its 50th year in business in 2012. I congratulate them for this historic achievement.

Their extraordinary growth since 1962 exemplifies what can be achieved through teamwork and the American spirit. The Roehl Way of Protective Driving has won the ATA President's Award in both 2008 and 2011, and their initiative to reduce greenhouse gas emissions has earned the EPA's ''Smartway Award for Excellence'' multiple times.

I am honored to congratulate Roehl Transport on their 50th anniversary and extend my thanks for efforts to improve our nation by making our highways safer and advancing our air quality.

TRIBUTE TO NADINE BERG ON HER RETIREMENT

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. SERRANO. Mr. Speaker, today I rise to honor a long-time member of my staff, Nadine Berg, who recently retired from a career of service on the Hill. Nadine started with my office as a legislative assistant in 1995 and then served as my Legislative Director from 2004 until this year. During her entire time in my office, she served as a constant source of cheerfulness during many long and difficult days. Despite her many responsibilities, she always took the time to give assistance and a kind word to other members of the staff, interns, and constituents.

Nadine's service in Congress did not start in my office, but rather when she started working for former Congressman Bill Lehman of Florida less than a month after graduating from Georgetown University's School of Foreign Service in 1975. She began her career on the Hill as a Legislative Correspondent in Congressman Lehman's office and worked for him until he retired from Congress at the end of 1992.

Nadine was not only a great asset to my office and the other offices she worked in, but she was also a great asset to the people of the South Bronx and Southern Florida, for whom she worked for so long. Her knowledge of Congress and dedication to working long hours until every detail was resolved ensured that every issue, no matter how large or small, was properly addressed.

In particular, her expertise in appropriations issues and the appropriations process was vitally helpful in my work on that committee. This expertise along with her passion for the environment helped to clean up the Bronx River and many other places in my district. When she began working on the Bronx River it was a neglected urban waterway, and no one believed that it could be cleaned up. However, her dedication and belief in improving

the environment led to it becoming a beautiful urban waterway, one that can be enjoyed by all its neighbors as a ribbon of green, recreational space. It has been so transformed that it is now home, in the center of the Bronx, to a beaver. Overall, her dedication to her work meant that my constituents were well represented in Congress and that federal money was well used in the Bronx.

Nadine will be greatly missed in my office and her departure will be felt in my district. However, I know that she has a loving family at home, and will be happy taking care of her grandchildren. I am sure that her commitment to public service will continue and that she will make a difference in whatever else she decides to turn her hand to next. In closing, I would like to again thank her for her service, and wish her the best of luck in her future endeavors.

HONORING VILLAGE OF SISTER BAY

HON. REID J. RIBBLE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. RIBBLE. Mr. Speaker, I rise today to recognize the 100th anniversary of the Village of Sister Bay in Door County, Wisconsin. Settlers first arrived in 1857, and the village was incorporated in 1912.

That same year, the village suffered from a drought, a heavy hailstorm, a grasshopper invasion, and a severe fire that consumed most of the businesses at the center of the village. The Village of Sister Bay not only endured these challenges, but also sought new opportunities. The community became a major shipping location for early steam and sailing vessels, and commerce thrived year round.

Mr. Speaker, the Village of Sister Bay embodies all of the finest qualities of Door County. In the early days, the community stood out as a tourist destination. Today, tourism continues to flourish in the Village of Sister Bay with small storefronts, restaurants, art galleries, and a beautiful marina that gives visitors a reason to keep coming back to this wonderful community.

Again, I congratulate the Village of Sister Bay on its 100th anniversary, and encourage all residents in northeast Wisconsin to celebrate this community's history and heritage on June 8–9, 2012.

HAPPY 100TH BIRTHDAY TO EDNA ECKLUND

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure and honor that I congratulate Mrs. Edna Ecklund on a momentous milestone, her 100th birthday, which was on April 14, 2012. Edna celebrated with family and friends on Friday, April 13, 2012, at the Kindred Healthcare facility in Dyer, Indiana.

Mrs. Ecklund was born on April 14, 1912, in Crete, Illinois. She is the oldest of three children born to Henry and Clara Reichert. Her family later moved to Indiana and lived on a farm between Crown Point and Lowell. On June 5, 1931, Edna married Clarence Ecklund, and they lived in various locations throughout the region over the years. In 1962, Clarence and Edna moved to Schererville, Indiana, where Edna remained until relocating to her current residence. Edna worked most of her life as a millinery salesperson for the Edward C. Minas department store in downtown Hammond, Indiana, before moving to the store's River Oaks location in nearby Calumet City, Illinois. Edna, who retired in 1974, has always been known as an outstanding saleswoman with an exquisite fashion sense.

In addition to her successful career, Mrs. Ecklund was a member of the Order of the Eastern Star for many years. She is also a member of Immanuel United Church of Christ in Highland, Indiana. Edna has many friends and family who share a common respect for her commendable qualities, including her vigor, sense of humor, and kindness. Edna, an avid musician, has played both the organ and the piano for many years. A truly remarkable woman, Edna's dedication to her career and her involvement in her community is exceeded only by her devotion to her amazing family and friends.

Mr. Speaker, I respectfully ask that you and my other distinguished colleagues join me in honoring Edna Ecklund on this special day and in wishing her a very happy 100th birthday!

HONORING MR. JOHNNY BARNES UPON HIS RETIREMENT FROM THE ACLU OF THE NATIONAL CAPITAL AREA

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. BUTTERFIELD. Mr. Speaker, I rise to recognize Mr. Johnny Barnes, who, after ten years as the Executive Director of the American Civil Liberties Union of the National Capital Area, is retiring. Johnny's tireless advocacy and his outstanding leadership, passion, and integrity during his service with the ACLU have brought about a more fair and just society.

Johnny's advocacy efforts also include strong support for DC Statehood and working to get the residents of Washington, DC, a true vote in Congress. Washington, DC, residents pay the second highest per capita federal income taxes in the United States but have no vote on how the Federal Government spends their tax dollars and no vote on important issues such as health care, education, Social Security, environmental protection, crime control, public safety, and foreign policy. Johnny is determined to educate citizens everywhere about taxation without representation for the more than 600,000 Washingtonians who live in the shadow of the United States Capitol Building.

Since joining the ACLU of the National Capital Area, Johnny has led several successful efforts to promote the rights of all people. People expect and deserve a fundamental right to privacy. Johnny fought the proliferation of video surveillance cameras in majority-minority communities in Washington, DC. He also fought for the rights of honest people against warrantless searches police checkpoints. Throughout his time with the ACLU, Johnny has given a resounding voice to those who could not be heard.

Before joining the ACLU, Johnny enjoyed a distinguished career supporting several Members of Congress in senior positions. From 1984–1990, Johnny served as the Chief of Staff to Washington, DC, Delegate Walter E. Fauntroy. From 1992–1995, Johnny served as Senior Counsel and Legislative Director to Congressman Lucien E. Blackwell from Philadelphia, Pennsylvania, and from 1995–2000, Johnny served as Chief of Staff to Congresswoman Eva M. Clayton who represented the First Congressional District of North Carolina; the same Congressional District that I have the distinct honor of representing today.

Johnny graduated Cum Laude from Central State University in Wilberforce, Ohio, and from the Georgetown University Law Center. He has shared his passion, understanding and expertise in law with countless students as Law Professor at the Georgetown University Law Center, the Potomac School of Law, and Antioch School of Law.

Johnny's work as a professor, seasoned Congressional staffer, and leader of the ACLU of the National Capital Area deserve recognition from this august body. I am confident that he will continue to be a strong advocate for civil rights wherever his interests and dedication to the community lead him.

Mr. Speaker, I ask my colleagues to join me in congratulating Mr. Johnny Barnes on his retirement from the American Civil Liberties Union.

CELEBRATING THE 10TH ANNIVERSARY OF THE INDIAN AMERICAN CULTURAL CENTER OF NWIHRC

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. VISCLOSKY. Mr. Speaker, it is my distinct pleasure to announce that the Indian American Cultural Center of NWIHRC will celebrating its 10th Anniversary by hosting a gala dinner and banquet on Saturday, April 21, 2012, at the Halls of Saint George in Schererville, Indiana.

The Indian American Cultural Center, which opened on March 9, 2002, was established with the following goal in mind: to foster peace and harmony amongst the people of Northwest Indiana by showcasing their cultural heritage and creating spiritual awareness in both young people and adults, as well as to engage in various charitable events, both nationally and locally. Since its inception, the Indian American Cultural Center has been instrumental in educating Northwest Indiana's citizens on the traditions and customs of the Indian heritage.

The members of the Indian American Cultural Center of NWIHRC are to be commended, not only for their commitment to preserving tradition, but also for their commitment to making improvements that benefit all mankind. Proceeds from this year's gala will go to support The Arc of Northwest Indiana, located in Hobart, Indiana. The Arc of Northwest Indiana

works diligently to improve the lives of individuals with intellectual and developmental disabilities and their families. In the past, proceeds from the gala have gone to such noble causes as cancer research, educational scholarships, the American Red Cross, tsunami relief, and to aid victims of Hurricane Katrina and the earthquake in Kashmir, India, and most recently, the Carmelite Home for Girls.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in commending the board and members of the Indian American Cultural Center of NWIHRC for their outstanding contributions to society. Their commitment to improving the quality of life for the people of Northwest Indiana and throughout the world is truly inspirational and should be recognized and commended.

HONORING TADASHI YAMAMOTO

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Ms. DEGETTE. Mr. Speaker, I rise today to honor the life of Mr. Tadashi Yamamoto. At the age of 76, Mr. Yamamoto died from cancer on April 15, 2012. He left behind four sons, four daughters-in-law, and eight grandchildren. He left behind a legacy and enduring partnership with his friends in the United States.

As Japan rose in world influence in the 1960s and '70s, Tadashi Yamamoto created one of his country's first nongovernmental organizations in the field of international affairs. In 1967, he organized the first Shimoda Conference, designed to bring together U.S. and Japanese leaders to discuss issues of mutual interest to both countries. Out of that conference, he founded and became president of the Japan Center for International Exchange (JCIE). Since 1970, JCIE has enabled more than 1,000 U.S. and Japanese political leaders to engage in meaningful dialogue and problem-solving, strengthening our relationship and paving the way for decades of productive endeavors.

In February 2011, Mr. Yamamoto, recognizing the necessity for continued bilateral cooperation, decided to revive the concept of a frank discussion between political, business, and media leaders. He convened the New Shimoda Conference in Tokyo. I was pleased to lead the bipartisan, bicameral U.S. delegation to that historic event. Less than one month later the depths of the U.S.-Japan relationship were affirmed by the outpouring of assistance in the wake of the devastating earthquake in March 2011.

Tadashi Yamamoto was a pioneer. In the decades before the Internet brought together people from diverse cultures to connect and exchange ideas, inspired individuals like Tadashi Yamamoto built bridges that made our world stronger. At a time when both countries were in the midst of change and protest, discovering post-war identities and ideals, Tadashi Yamamoto made our world safer. He led us to a brighter future. The United States and Japan has a distinct partnership today because of his vision, and those like him, who work tirelessly and optimistically toward peace and security for all of humanity.

Today, I ask my colleagues to join me and the House delegation to the New Shimoda Conference, Congressman TOM PETRI, Congresswoman NITA LOWEY, Congresswoman SUSAN DAVIS and Steve Davis, and Congresswoman MAZIE HIRONO, in remembering Tadashi Yamamoto. May his work and his legacy live on in continued cooperation between the United States and Japan and the open exchange between our leaders.

JOE LYLE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Joe Lyle for his distinguished service to the Savannah Rural Fire Protection District in Missouri. Joe is one of the founding board members for the district, and has served 32 years as the board's chairman.

During Joe's tenure as chairman, the district has overseen the construction of three new fire houses and purchased numerous fire trucks and fire equipment. The district has also acquired top of the line safety equipment to assist in the protection of the residents of the district. Joe's leadership and vision have been instrumental to the district's efforts to expand service and protection to the community. Joe has also been heavily involved in organizing fire protection services to the communities surrounding the City of Savannah.

Mr. Speaker, I proudly ask you to join me in recognizing Joe Lyle, a dedicated volunteer, whose service to the Savannah Rural Fire Protection District is to be commended. I wish to congratulate Joe on his contributions accomplishments and I am honored to serve him in the United States Congress.

IN RECOGNITION OF THE 20TH ANNIVERSARY OF THE SALVATION ARMY GUAM CORPS

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Ms. BORDALLO. Mr. Speaker, I rise today to recognize the Salvation Army Guam Corps for their 20 years of community service to the island of Guam. Since their establishment on Guam in 1992, the Salvation Army has built a strong network of services to individuals and groups in need of assistance in our island community.

The Salvation Army is an international nonprofit organization that provides non-discriminatory humanitarian support throughout the world. In 1992, the Salvation Army Guam Corps was started by Lieutenants Ted and Debby Horwood. Since then, several Corps Officers have assumed the leadership of this organization on Guam. From July 1995 to June 2006, Captains Dave and Linda Harmon were instrumental in expanding the Salvation Army's size and services. After the Harmons relocated from Guam in June 2006, Captains Brian and Leticia Saunders served as Corps Officers for Guam until June 2007, and were succeeded by the current Corps Officers, Captains Thomas and Christina Taylor.

The Salvation Army has offered a variety of humanitarian services to the people of Guam. Its Family Services Center provides emergency assistance to families in need of food, clothing, rent or utilities, and donates toys to more than 1,500 children on Guam during the Christmas season. The Salvation Army also runs the Lighthouse Recovery Center, which began as a 16-bed residence for substance abuse recovery in 1998 and has since expanded to a state of the art facility with a bed capacity of 30. The Lighthouse Recovery Center facility is also utilized for after school activities, day camp, summer camp, youth councils, and the annual Community Thanksgiving Feast, which feeds more than 1,100 people in need. The Salvation Army also actively participates in the Guam Homeless Coalition's annual island-wide Homeless Count and Passport to Services programs, which assists our island's homeless community as well as those at risk of becoming homeless. Further, the Salvation Army Thrift Store offers clothing, furniture, and other household goods to the community at a low price.

Over the last 20 years, the Salvation Army has coordinated with federal and local officials in providing disaster recovery and relief assistance through its Emergency Disaster Services Team. This team has assisted Guam residents whose homes and belongings were destroyed as a result of natural disasters, by donating thousands of dollars of food, clothing, and supplies. Further, the Salvation Army provided humanitarian services to Kurdish refugees who were evacuated from Iraq to Guam as part of Operation Pacific Haven in 1996, and also supported Burmese refugees who were seeking political asylum in 2000.

The Salvation Army has worked with many local community organizations and businesses in their charitable efforts, including the Guam Symphony Society, the Rotary Club of Tumon Bay, the Guam Women's Club, the Guam Council of Women's Club, the Soroptimist International of Guam, the Guam Naval Officers' Spouse Connection, the Andersen Officers Souses Club, Chinese Ladies Association, Korean Women's Association of Guam, KUAM Care Force, Chinese Chamber of Commerce Guam, Marine Corps Toys for Tots, the Guam Homeless Coalition and the Council on Homelessness, Bank of Hawaii, Citibank, First Hawaiian Bank, and Wells Fargo Financial.

I congratulate the Salvation Army Guam Corps on their 20th anniversary, and I commend them for their years of providing humanitarian services to the people of Guam and the Micronesia region. I also commend the efforts of the Corps Officers, Advisory Board Members, and all volunteers, for their commitment to the mission and vision of the Salvation Army. I look forward to the continued growth and expansion of this organization for many years to come.

CONGRATULATING POLICE CHIEF WILLIAM VILLANOVA FOR RECEIVING THE 2012 POLICE CHIEF OF THE YEAR AWARD

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Chief William Villanova for receiving the

2012 Police Chief of the Year award from the Illinois State Crime Commission and for his thirty-five years of exceptional service to the citizens of Oak Lawn.

Chief Villanova first joined the Oak Lawn Police Department on March 22nd, 1977, and quickly earned the respect of officers and village officials alike with his caring, methodical, and unselfish work. In his first year alone, Chief Villanova made 7 felony arrests and 11 misdemeanor arrests, and issued 52 traffic and 74½ village ordinance citations. Continuing his record of excellence, Chief Villanova went on to earn several awards of distinction including the Police Club Officer of the Year in 1991 and the Cook County Sheriff's Law Enforcement Award of Merit in 1997.

In addition to his many achievements, Chief Villanova has also bravely served in times of great danger. In 1978, Chief Villanova negotiated with an estranged spouse to diffuse a hostage situation which resulted in the victim being released unharmed. Also, in 1980, Chief Villanova persuaded a suicidal subject to surrender. And in 2005, Chief Villanova successfully prevented an armed robbery of an Oak Lawn jewelry store. I speak not only for myself, but also the community, when I thank Chief Villanova for all of his hard work and dedication to the Village of Oak Lawn.

Chief Villanova has touched countless lives as a police officer, leader, and mentor. It is fitting that such an upstanding member of society should receive the high honor of Police Chief of the Year. This prestigious award is cause for celebration for Chief Villanova and his family, including his wife Linda, three children, and five grandchildren. Please join me in congratulating Police Chief William Villanova for his outstanding achievement and career of service.

INTRODUCTION OF THE ENDING TAX BREAKS FOR DISCRIMINATION ACT OF 2012

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mrs. MALONEY. Mr. Speaker, while the Augusta National Golf Course is known as a premier golf course and for hosting the Master's tournament, the club is also known for its discriminatory policy of denying women membership. Yet Augusta is not the only 'boys club'—over 20 other clubs throughout the country prohibit women from joining.

In addition to these unfair and unjust policies, Augusta and other clubs around the country are benefitting from federal tax breaks that allow deductions of business-related entertainment, business meals, and business expenses associated with travel and meetings. The government currently indirectly subsidizes discrimination by allowing tax deductions when individuals and corporations do business at private clubs that discriminate. It is simply outrageous that taxpayers barred from joining these clubs are forced to pay for business expenses associated with them. This is why I am reintroducing the Ending Tax Breaks for Discrimination Act of 2012 so that clubs that discriminate will not be subsidized by the government. This legislation would deny all deductions for business expenses associated with the use of a club that discriminates on the basis of sex, race, or color. Discriminatory clubs will have to state on their receipts that their expenditures are nondeductible.

It's time to end tax breaks for discrimination—plain and simple.

MRS. LOIS KELLY

HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. LOU BARLETTA. Mr. Speaker, I rise to honor Mrs. Lois Kelly, one of the 2012 recipients of the Governor Robert P. Casey Medal for a Lifetime of Service. This award is presented annually by the Neighborhood Housing Services of Lackawanna County and given for a person's contributions to the region throughout the years. The Neighborhood Housing Services serves individuals and families through homeownership education and promotion, property rehabilitation and affordable lending.

After creating a legacy of community service in her own family, Mrs. Kelly worked with the Country Day Nursery School. The school has been serving the community for over 40 years. During this time, Mrs. Kelly provided guidance and encouragement to generations of children in northeastern Pennsylvania.

In addition, Mrs. Kelly was the first woman elected to the Dunmore Borough Council. She passionately advocated for community spirit and spent her career trying to encourage women to engage in the political process and community service.

Mr. Speaker, today, Mrs. Lois Kelly stands as an example of selflessness to her family and community in northeastern Pennsylvania. I commend her for years of dedicated service to our children, community, and country, and I wish her continued success in the future.

WISHING EUGENIA MUROS MALLIS OF SUMMIT A HAPPY 100TH BIRTHDAY

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. LIPINSKI. Mr. Speaker, I rise today to congratulate Eugenia Muros Mallis who will celebrate her 100th birthday on May 2, 2012. Known as Jennie to her family and friends, Mrs. Mallis has been devoted to children's bilingual education in Summit, Illinois for many years.

Born in Slimnitsa, Greece on May 2, 1912, Mrs. Mallis immigrated to the United States in September of 1927. Becoming an American citizen on February 19, 1928, she immediately kindled a strong relationship with her neighborhood Greek-American community. She married her loving husband, Constantine J. Mallis, on April 22, 1934. After settling in the Chicago suburb of Bedford Park with her three daughters, Jennie's love of children led her to seek employment with the local area school district. As a teacher's aide in an English-as-a-second language program at Walsh Elementary School in Summit, Illinois, she helped children translate their native languages into English. Mrs. Mallis worked with hundreds of immigrant students from countries such as Albania, Greece, and Yugoslavia to help them overcome a challenging educational barrier.

A devout Christian and active member in the Chicago-area Greek Orthodox community, Mrs. Mallis is one of the founders of the Holy Cross Greek Orthodox Church in Justice, Illinois. She is active in many fellowship and philanthropic organizations including the Brotherhood of the Grammos, Holy Cross Greek Orthodox Philopticos, and the American Legion. She also enjoys classical music, reading, baking, and spending time with her three daughters and her granddaughter.

On behalf of the residents of the Third District of Illinois and the students who have benefited from her dedication, it is my honor to wish Eugenia "Jennie" Muros Mallis a happy and healthy 100th birthday.

IN RECOGNITION OF THE SERVICE OF COMMAND SERGEANT MAJOR GABRIEL BERHANE

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today joined by my colleague, Congressman JAMES MORAN, of Virginia's 8th District, to recognize Command Sergeant Major Gabriel Berhane for his 29 years of exemplary service to our nation in the United States Army and to congratulate him on the occasion of his retirement.

The United States of America has distinguished itself from other nations through the entrepreneurship and spirit of our people, the knowledge that we can achieve any goal if we set our minds to it, our inherent compassion and generosity, our fierce patriotism, and the extraordinary dedication to country and sacrifices exhibited by our men and women in uniform. CSM Berhane possesses each of these qualities in abundance.

Since enlisting in the U.S. Army in 1983, CSM Berhane has consistently excelled while honorably serving in every position in the Armor and Cavalry field from Dismounted Scout to Command Sergeant Major. Other than Sergeant Major of the Army, there is no higher rank; a soldier who attains the rank of Command Sergeant Major is the epitome of success and professionalism. And while it is impossible to detail each of the remarkable events in CSM Berhane's illustrious career, let us highlight some of his more recent achievements and actions that should serve as an inspiration to all Americans.

Between August 2000 and June 2002, CSM Berhane served as a Sergeants Major Course Instructor, in which he provided pivotal instruction and mentorship to more than 750 Senior Noncommissioned Officers. In this role, he provided invaluable insight into the management of the academy and implemented an in-depth Standard Operating Procedure that was a critical component of the accreditation of the academy and the continued professional development of our military leaders.

From June 2002 to March 2004 CSM Berhane served as Squadron Command Sergeant Major of the 3rd Squadron, 7th Cavalry

which consisted of more than 900 personnel assigned to four ground and three air troops. He ensured the overall readiness of more than 400 vehicles, helicopters, and equipment. While deployed, CSM Berhane led a task force of 1,241 personnel during Operation Iraqi Freedom without losing a single soldier. CSM Berhane was commended for establishing and enforcing standards of combat readiness, training, morale, and discipline for the unit during eight months of intense combat operations.

From March 2004 to January 2009, CSM Berhane served as Brigade Command Sergeant Major of the 2nd Brigade, 3rd Infantry Division. He oversaw command and control, planning, training, maintenance, deployment and combat readiness of the Brigade, ensuring the overall readiness of more than 1,230 vehicles and managing the deployment of more than 3,800 personnel to Iraq as part of the surge initiative. While deployed during this time, CSM Berhane personally led more than 300 combat patrols and increased retention standards by 40%, earning the Commanding General's Top Brigade Retention Award for the Division.

Most recently, in 2009, CSM Berhane was assigned to USAG Fort Belvoir as the Garrison Command Sergeant Major, and he has skillfully assisted in the execution of one of the largest BRAC missions within the Department of Defense. He has provided direct leadership and management to a staff of 120 soldiers and 558 civilians to ensure the effective operations, installation management and base programs and services that provide support to 9,500 soldiers, 27,000 family members, 100,000 military retirees, and 50,000 DoD employees of 145 partner agencies. CSM Berhane has worked closely with Garrison Commanders to maintain and enhance the excellent relationships that exist between Fort Belvoir and local communities and governments that have been impacted by BRAC.

CSM Berhane is a highly decorated officer; his awards and decorations include: Legion of Merit; Bronze Star Medal (w/"V" Device); Bronze Star Medal (w/1 Oak Leaf Cluster); Meritorious Service Medal; Army Commendation Medal (w/6 Oak Leaf Clusters); Army Achievement Medal (w/6 Oak Leaf Clusters); Good Conduct Medal (8th Award); National Defense Medal (w/Bronze Star); Iraqi Campaign Medal; Global War on Terrorism Expeditionary Medal; Global War on Terrorism Service Medal; Armed Forces Services Medal; NCO Professional Development Ribbon (w/Numeral Four); Army Service Ribbon; Overseas Ribbon (w/Numeral Five); United Nations Medal; Presidential Unit Citation Medal; Joint Meritorious Unit Medal; Meritorious Unit Commendation Medal; Parachutist Badge; Drill Sergeant Badge and Combat Action Badge. CSM Berhane is a member of the Sergeant Audie Murphy Club and also a recipient of the Order of Saint George.

Mr. Speaker, we ask our colleagues to join us in commending Command Sergeant Major Gabriel Berhane for his unwavering dedication to duty in peacetime and in combat. CSM Berhane's accomplishments and expertise have contributed immeasurably to our national defense and security, and he has earned the admiration, respect, and gratitude of all Americans. We also thank CSM Berhane's wife, Connie, and their children, Jasmin, Michael and Rashawn, for their support and sacrifices over the years. We wish them a happy and healthy retirement filled with continued success.

ON THE BIRTH OF TALLON WILLIAM LENIHAN

HON. DIANE BLACK

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mrs. BLACK. Mr. Speaker, I am happy to congratulate my Legislative Director, Brian Lenihan and his wife Keagan, on the birth of their son, Tallon William Lenihan. Tallon William was born at 3:15 p.m. on Monday, April 2, 2012, in Washington, DC.

Tallon William Lenihan is nine pounds and one ounce of pride and joy to his loving grandparents, Michael and Marilyn Lenihan of Seminole, Florida, and Barclay and Lorita Resler of McLean, Virginia.

I am so excited for this new blessing to the Lenihan family and wish them all the best on their future endeavors.

RECOGNIZING THE LITERARY COUNCIL OF NORTHERN VIRGINIA'S 50 YEARS OF SERVICE

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize the 50th Anniversary of the Literary Council of Northern Virginia.

Founded in 1962, the LCNV is the oldest literacy program in the state and one of the largest literacy councils in the nation. Throughout its 50 years of service, the LCNV has adapted to the growing needs of the Northern Virginia community to serve adult learners at the lowest literacy level. By empowering approximately 1,600 adult learners to better participate in their communities, the LCNV is ensuring the economic success of hundreds of local families for a lifetime.

With the help of more than 1,000 volunteers, the LCNV has become one of the more efficient and effective community-based literacy organizations in the country. In FY2011, these trained volunteers provided more than 31,000 hours of service, which amounts to an average of 84 hours of volunteer service per day. Their longstanding partnerships with community organizations such as Crestwood Elementary School, Woodlawn Elementary School, and the Lorton Senior Center, ensure neighborhood ties that foster educational growth for the whole family.

Following an economic downturn, adult education becomes a low priority for many low-level literacy adults. Even in the face of this, the LCNV's programs saw improved retention and attendance rates. This last year, it also added a credentialed Special Education teacher to its staff to ensure a learner-focused education for any adult with learning differences.

Recognized for the second time as "One of the Best Small Charities in the Washington, D.C. Region" by the Catalogue for Philanthropy, the LCNV is continually lauded as a successful and valued partner in the community. It has been acknowledged for its leadership in human rights and cultural diversity through numerous awards, including the Virginia State Reading Association's Annual Literacy Award, the Virginia Foundation's Award for Volunteering Excellence, and the Arlington Human Rights Commission's James B. Hunter Human Rights Award.

Mr. Speaker, I ask that my colleagues join me in recognizing the 50th Anniversary of the Literacy Council of Northern Virginia. Its values of Integrity, Innovation, Respect, Collaboration, and Excellence have propelled it to success for the past 50 years and will continue to carry the Council through the next 50 years. I also want to express my gratitude to the LCNV staff, Board of Directors, and countless volunteers who dedicate their time and resources to empower neighbors of our community to develop basic skills of reading, writing, and speaking English.

HONORING GUARIONE DIAZ ON HIS RETIREMENT FROM THE CUBAN AMERICAN NATIONAL COUNCIL

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Ms. ROS-LEHTINEN. Mr. Speaker, I rise to honor a great south Floridian and a dear friend, Guarione Diaz, who after 34 years as President and CEO of the Cuban American National Council is retiring. He leaves behind an immense legacy of service. Fleeing Castro's tyrannical regime in 1961, Guarione left his native Cuba and immigrated to the United States. While working odd jobs, he graduated with a degree in sociology and philosophy from St. Francis College in New York. He later received his masters in social work from Columbia University. Guarione first worked for New York City's Department of Employment and the Community Development Agency, where he held numerous management positions. In 1972, Guarione was invited by Father Mario Vizcaino to join CNC. Initially named the Cuban National Planning Council, the Council was the first non-profit organization conducting research on the socio-economic needs of Cuban Americans in the United States. In less than a decade, the Council transformed itself to address the educational, housing, employment needs of all Hispanics.

I have had the privilege to have worked with CNC on numerous occasions. From preschool programs to internships to employment services and low-income housing, CNC has helped prevent so many in our community from slipping through the cracks. It has been a tremendous asset and support system for so many in our south Florida community. Not only has CNC assisted those who have fallen on hard times, they have also nurtured the next generation of Hispanic leaders.

Even though his public persona has been as head of the Cuban American National Council, I consider Guarione a part of my extended family. Given that he has been friends with my dad for nearly 50 years, he has been a dear part of my life for as long as I can remember. His life has always been marked by a sense of responsibility towards those most vulnerable in our society. Guarione's entire professional career has been centered on this mission.

Whether it's his work with community organizations, such as the National Association for the Hispanic Elderly, National Council of La Raza and the Florida Commission on Education Reform and Accountability, Guarione has never forgotten his roots or commitment to provide help for those who most need it. In many ways, his experiences as a Cuban exile have informed so much of what he has done. As a fellow Cuban-American, I know the indelible mark that is left by the struggles of leaving one's homeland and fighting against tyranny. The desire to give back to this great Nation that welcomed so many of us with open arms, as we fled Castro's totalitarian grip, is something Guarione has never forgotten. Even though Guarione will be an irreplaceable voice as he retires from CNC's leadership, his legacy will be the foundation for what I am sure will be CNC's continued success.

TO RECOGNIZE THE SHEPHERD'S CENTER OF OAKTON-VIENNA

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize the Shepherd's Center of Oakton-Vienna for its many contributions to the Northern Virginia community. Organized in 1997, the Shepherd's Center of Oakton-Vienna provides services to assist older adults to continue living independently and offer programs which supply opportunities for enrichment, learning, and socialization.

2011 has been a year of continued growth for the Shepherd Center. Volunteer drivers provided more than 500 round-trip rides for medical appointments and prescription pick-up, a 10-percent increase from 2010. There were 295 round-trips rides for non-medical errands, a 28-percent increase. In addition, hours contributed to Friendly Visits increased 68 percent, ensuring that seniors can stay connected to the community. The Shepherd Center's many other services include assistance with downsizing and decluttering, minor home repairs to help older adults keep their homes safe and livable, and a range of programs designed to encourage active lifestyles and community integration, including Lunch 'n' Life, Adventures in Learning, and various trips and outings.

Mr. Speaker, I ask that my colleagues join me in recognizing the Shepherd Center of Oakton-Vienna for the services which enable older adults in our community to age in place and enjoy their golden years with dignity and independence. I thank the many volunteers who generously dedicate their time and efforts to the welfare of our neighbors. Their extraordinary contributions cannot be overstated and are deserving of our highest praise.

EQUAL PAY DAY

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. LANGEVIN. Mr. Speaker, I rise today on Equal Pay Day to highlight the persistent wage gap between women and men. April 17th marks how far into 2012 a woman has to work in order to make what her male counterpart made in 2011. This is a travesty, and a milestone we should not still be forced to mark in the 21st Century.

In the 111th Congress, we passed into law the Lilly Ledbetter Fair Pay Act, which reinforced the ability of women to sue for pay discrimination. This was a crucial victory, but we must continue the fight and finish the job by passing into law H.R. 1519, the Paycheck Fairness Act. As in past Congresses, I am proud to be an original cosponsor of the Paycheck Fairness Act. This bill would narrow the wage gap between men and women and strengthen the Equal Pay Act, which makes it unlawful for an employer to pay unequal wages to men and women that have similar jobs within the same establishment.

The Paycheck Fairness Act would allow women to sue for wage discrimination and receive punitive damages, as well as compensatory damages. Currently, women who seek compensation for unequal pay can only recover back pay, or in some cases, double back pay. While this bill would increase penalties for employers who pay different wages to men and women for equal work, it also provides incentives such as training programs for employers to eliminate pay disparities and grant programs to help strengthen the negotiation skills of girls and women.

Some may argue that these changes are not necessary, but the numbers speak for themselves. Despite greatly increased commitment to the labor force over the past 45 years, women working full time make 77 cents for every dollar earned by a man—less than a 20-percent increase since the Equal Pay Act was signed into law in 1963. In Rhode Island, the median pay for a woman working full time, year round is $40,532 per year, while the median yearly pay for a man is $50,567. This means that women are paid 80 cents for every dollar paid to men, amounting to a yearly gap of $10,035 between full-time working men and women in the state.

Even more troublesome, nationally, African-American women earn 66 cents to the dollar and Latina women earn 55 cents to the dollar compared to men. According to a Census Bureau study, male high school graduates earned $13,000 more than female high school graduates in 2006. Women with a bachelor's degree employed year-round earned $53,201, while similarly educated men earned an average of $76,749. This same study also noted that the pay difference between men and women grows wider as they age.

Mr. Speaker, I urge my colleagues to support the Paycheck Fairness Act to protect the fundamental right of women to earn equal pay for equal work, to support mothers who just want to be treated fairly by their employers while they provide for their children, and to ensure that daughters still in school can reach their full potential when they graduate.

HONORING THE LIFE OF COLONEL JOHN K. CARNEY

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to honor my constituent, Colonel John K. Carney, who dedicated his life to the service of our nation. Colonel Carney passed away on March 17th. He was born on October 31, 1913 in Braxton County, West Virginia. He joined the military in 1941, serving with distinction in the U.S. Air Force in World War II, and for a total of 24 years before retiring in 1966. Colonel Carney supervised an array of management and logistics programs both in the United States and overseas, in South America, Trinidad, Saudi Arabia, and twice in the Philippines. He completed his military service at the Pentagon in the Office of the Secretary of Defense where he headed the joint service planning and negotiating groups to consolidate major logistics functions for the Department of Defense.

Following his retirement from the Air Force, Colonel Carney continued his national service, working for the General Services Administration for 14 years. He helped institute a government-wide national supply system to improve efficiencies and eliminate duplicative functions. Colonel Carney retired from GSA in 1980 as the Director of Supply Policy in the Federal Supply Service, having spent almost four decades of his life in service.

Colonel Carney displayed the same enduring devotion throughout his private life. He was a former Divine World Seminarian who graduated from the Jesuit-run Springhill College in Mobile, Alabama during his military career under "Operation Bootstrap." Upon moving to Springfield, Virginia in 1960, Colonel Carney was dedicated to his local community. He was a founding member of St. Bernadette Catholic Church and a member of the Air Force Association, The Retired Officers Association, and the National Association of the Uniformed Services. Colonel Carney is survived by his wife, the former Adelle Wright, their four daughters, Constance Bedell, Bernadine O'Hare, and Deborah Fowler, all of Virginia, and Catherine Carney of West Virginia, their two sons, Daniel Carney of Georgia and Patrick Carney of Virginia, their 16 grandchildren, and their 19 great grandchildren.

I ask my colleagues to join with me in offering our sincerest condolences to his relatives, and in honoring the life and example of Colonel John K. Carney for his dedicated service to his country, his community, and his family.

PERSONAL EXPLANATION

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. MILLER of Florida. Mr. Speaker, due to being unavoidably detained, I missed the following rollcall vote No. 152 on April 16, 2012.

If present, I would have voted: rollcall vote No. 152—H.R. 3001—On Motion to Suspend the Rules and Pass the Raoul Wallenberg Centennial Celebration Act, "aye."

RECOGNIZING HOLOCAUST REMEMBRANCE DAY 2012

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize the Days of Remembrance as our Nation's annual commemoration of the Holocaust. As you know, Congress designated this week-long observance in honor of the victims of the Holocaust and created the United States Holocaust Memorial Museum to serve as a permanent living memorial to them.

This year's Remembrance week is April 15th through the 22nd, and communities throughout the country will observe this occasion with educational programs and other activities. I am pleased to share with my colleagues that the Fairfax County, Virginia, Board of Supervisors, in my district, is proclaiming April 22 as Holocaust Remembrance Day.

It is important that we pause annually to reflect on the systemic persecution and annihilation of European Jews by Nazi Germany and its collaborators between 1933 and 1945. More than six million Jews were murdered during that period and countless others were targeted for oppression or destruction based on factors of race, ethnicity, religion, political affiliation, disability or sexual orientation. The atrocities of that era serve as a reminder for current and future generations about the moral responsibilities of individuals, societies and governments. This year's national theme, as selected by the museum, is ''Choosing to Act: Stories of Rescue'' and seeks to capture that sentiment.

Confronted with the cruelty against humanity taking place in front of them, many witnesses faced a choice of whether to intervene. Of course, doing so brought the risk of severe punishment, and, in some cases, death. Fear drove many to idly stand by, but there were many ordinary citizens who carried out extraordinary acts of courage on behalf of their fellow man, whether it was a government official who forged identity papers or the housewife and her daughter who hid a family in their attic. Ultimately the United States and the Allies, which later became the United Nations, prevailed over the Axis powers, preventing the further spread of their tyranny and evil.

Mr. Speaker, commemorative events marking the Days of Remembrance are taking place here in our Nation's capital and in communities throughout the country. I hope my colleagues have an opportunity to take part in one of these observances. This is a time to stand in solidarity with our Jewish neighbors, the nation of Israel, and our allies across the globe to once again rekindle awareness of this terrible tragedy in world history and to rededicate ourselves to never allowing such acts to happen again.

PERSONAL EXPLANATION

HON. DONNA F. EDWARDS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Ms. EDWARDS. Mr. Speaker, I was absent from votes in the House yesterday (Monday, April 16th) and missed rollcall votes 152–153. Had I been present, I would have voted ''aye'' on both rollcall votes 152 (H.R. 3001, the Raoul Wallenberg Centennial Celebration Act) and 153 (H.R. 4040, which would provide for the award of a gold medal on behalf of Congress to Jack Nicklaus).

RECOGNIZING THE FAIRFAX COUNTY SHERIFF'S OFFICE RECIPIENTS OF THE 2012 FAIRFAX COUNTY CHAMBER OF COMMERCE VALOR AWARDS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize an outstanding group of men and women in Northern Virginia. These individuals have demonstrated superior dedication to public safety and have been awarded the prestigious Valor Award by the Fairfax County Chamber of Commerce.

The Valor Awards recognize remarkable heroism and bravery in the line of duty exemplified by our public safety agencies and their commitment to the community. Our public safety and law enforcement personnel put their lives on the line every day to keep our families and neighborhoods safe. More than 100 individuals are receiving much deserved awards in a variety of categories including: The Lifesaving Award, the Certificate of Valor, and the Bronze or Silver Medal of Valor.

Two members of the Fairfax County Sheriff's Office are being honored this year for their exceptional service. It is with great pride that I submit the names of the following award recipients into the CONGRESSIONAL RECORD:

2012 Bronze Medal of Valor Recipient: Private First Class Naftali Jacob

2012 Certificate of Valor Recipient: MDS Kathleen Holohan

Mr. Speaker, I congratulate the 2012 Valor Award Recipients, and thank each of the men and women who serve in the Fairfax County Sheriff's Office. Their efforts, made on behalf of the citizens of Fairfax County, are selfless acts of heroism and truly merit our highest praise. I ask my colleagues to join me in applauding this group of remarkable citizens.

H.R. 4134

HON. DIANE BLACK

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mrs. BLACK. Mr. Speaker, I rise today to discuss H.R. 4134, which I introduced on March 5, 2012. This legislation will curtail a tax abuse involving the mass production of cigarettes through ''roll-your-own'' machines at retail establishments. Currently, so-called ''pipe tobacco'' is taxed at rates dramatically less than ''cigarette tobacco'' and ''roll-your-own tobacco.'' That has had the effect of forming an industry of retailers that put RYO machines in their stores that allow customers to manufacture cigarettes for far less than the cost of name-brand cigarettes.

My legislation will require that RYO cigarettes are produced on a level playing field with all other cigarettes. In doing so—and this is very important—H.R. 4134 should be read as applying prospectively only—neither retailers nor consumers of RYO cigarettes before the date of enactment of my legislation should be forced to pay any taxes on cigarettes manufactured in these machines and sold before the date of enactment. I understand that there is litigation pending in this regard brought by the Department of the Treasury. My legislation should end that litigation and settle this issue once and for all.

I also want to note that H.R. 4134 is not intended to affect small, hand-operated devices used by customers at home to assemble roll-your-own cigarettes. These small devices, which customers take away from the retail establishment in original packaging and use for personal convenience and not for commercial purposes, have been sold for many decades without giving rise to the tax avoidance abuse my legislation seeks to address.

I am very pleased that Senator MAX BAUCUS amended the Senate-passed highway transportation bill with language very similar to my bill. I look forward to working with him and others in order to enact this law, and I urge my colleagues to cosponsor H.R. 4134 in the House of Representatives.

IN RECOGNITION OF THE ASIAN-AMERICAN CHAMBER OF COMMERCE AND THE RECIPIENTS OF THE 2012 ASIAN-AMERICAN CHAMBER AWARDS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize the Asian-American Chamber of Commerce and the recipients of the 2012 Asian-American Chamber Awards.

The Asian-American Chamber of Commerce (AACC) is dedicated to improving the economic development for Asian Pacific American owned businesses in the Washington, D.C. region. The 11th District of Virginia is blessed by its diversity; 1 in 4 residents are foreign born and more than 40% are minorities, with Asian Americans representing the largest ethnic group. Northern Virginia has a robust international business community and is home to the largest concentration of minority-owned technology firms in the nation. The AACC and its members contribute greatly to our economic strength and stability; Asian-American businesses generate more than 52% of total revenues generated by all minority owned businesses in this region.

Each year, the AACC recognizes businesses and non-profits in the Asian American community for their outstanding contributions to the Metropolitan Washington community and economy. I congratulate the following individuals and businesses for receiving one of the 2012 Asian-American Chamber of Commerce Awards:

Asian Business Leader Award (Posthumous): Mr. Jay Chen, Asian Fortune.

Volunteer of the Year: Mr. Vance Zavela, Fairfax County Office of Public and Private Partnerships.

Small Business of the Year: Analee's Prom, Bridal, Special Occasion & Tuxedo.

Outstanding Corporate Partner: Dominion Virginia Power.

Community Service Award: Asian Community Service Center.

Public Service Award: Grace Han Wolf, Herndon Town Councilmember.

Asian Business Excellence Award: Information Management Consultants (IMC) Inc.

Mr. Speaker, I ask that my colleagues join me in congratulating the honorees of the 2012 Asian-American Chamber of Commerce Awards and in commending the Asian-American Chamber of Commerce for its work to support Asian- and Pacific Islander-owned businesses throughout our region.

IN RECOGNITION OF MR. NORMAN MEADOR

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. SESSIONS. Mr. Speaker, I rise today to recognize Mr. Norman Meador for his dedicated service to Boy Scout Troop 890 in Lake Highlands, Texas.

Chartered in 1961, Troop 890 was organized to help shape the lives of boys in Dallas by teaching them the principles of Scouting. Over the past forty years, Mr. Meador's love of Scouting has led him to serve Troop 890 in a variety of official and unofficial roles. During this time, he has taught and instilled in many young men the values and knowledge necessary to mature and become leaders in their communities and our country. Among the hundreds that benefited from Mr. Meador's servant leadership are my sons, Bill and Alex; both were active in Troop 890 and attained the prestigious rank of Eagle Scout under his tutelage.

In 2011, as Troop 890 celebrated its 50th Anniversary, Mr. Meador was recognized for his dedicated service and received the prestigious Scoutmaster Emeritus Award. On April 28, 2012, Boy Scout Troop 890 will hold a special ceremony at Camp Constantin where a new pavilion will be named in honor of Mr. Meador. The Meador Eagle Pavilion will serve as a testament of his faithful service to Troop 890 and his commitment to Scouting.

Mr. Speaker, I ask the U.S. House of Representatives to join me in congratulating Mr. Meador on this great honor. I wish him all the best. May God bless him and his family.

RECOGNIZING THE FAIRFAX COUNTY POLICE DEPARTMENT RECIPIENTS OF THE 2012 FAIRFAX COUNTY CHAMBER OF COMMERCE VALOR AWARDS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize an outstanding group of men and women in Northern Virginia. These individuals have demonstrated superior dedication to public safety and have been awarded the prestigious Valor Award by the Fairfax County Chamber of Commerce.

The Valor Awards recognize remarkable heroism and bravery in the line of duty exemplified by our public safety agencies and their commitment to the community. Our public safety and law enforcement personnel put their lives on the line every day to keep our families and neighborhoods safe. More than 100 individuals are receiving much deserved awards in a variety of categories including: The Lifesaving Award, the Certificate of Valor, or the Bronze or Silver Medal of Valor.

Fifty members of the Fairfax County Police Department are being honored this year for their exceptional service. It is with great pride that I submit the names of the following Valor Award Recipients into the CONGRESSIONAL RECORD:

2012 Silver Medal of Valor Recipients: Second Lieutenant Kevin D. Barrington, Police Officer First Class Jessica R. Kane, Captain Ronald P. Novak, Police Officer First Class Ali Sepehri, Police Officer First Class Nathan D. Sloan, Police Officer First Class Federick R. Yap.

2012 Bronze Medal of Valor Recipients: Second Lieutenant Michael E. Johnson, Police Officer First Class Kenyatta L. Momon, Master Police Officer Patrick M. Nolan, Jr., Master Police Officer Peter L. Norris, Police Officer First Class John A. Parker, Police Officer First Class Daniel K. Perdue, Police Officer First Class Edward S. Rediske.

2012 Certificate of Valor Recipients: Police Officer First Class Rockie Akhavan, Sergeant Garrett G. Boderick, Police Officer First Class Terence G. Bridges, Police Officer First Class Brooks R. Gillingham, Police Officer First Class Ronald J. Grecco, Police Officer First Class Christoforos D. Mamalis, Police Officer First Class Brendan T. McMahon, Officer Gary Moore, Jr., Police Officer First Class Jose R. Morillo, Police Officer First Class Carl L. Parsons, Second Lieutenant Matthew W. Pifer, Police Officer First Class Philip C. Stone, Jr., Police Officer First Class Thomas D. Thompson, Police Officer First Class Leanna D. Wilson, Police Officer First Class Courtney K.Young.

2012 Lifesaving Award Recipients: Police Officer First Class Carolina M. Bennett, Police Officer First Class Brian T. Buracker, Nancy C. Burke, Master Police Officer Rudolph V. Coffield, Police Officer First Class Christopher L. Coleman, Master Police Officer Crystal J. Gray, Police Officer First Class Ronald J. Grecco, Second Lieutenant Brian E. Hall, Police Officer First Class Timothy M. Henderson, Police Officer First Class John C. Keenan, Police Officer First Class Jason J. Mardocco (2 Lifesaving Awards), Second Lieutenant Shawn C. Martin, Master Police Officer Maureen M. McKeon, Police Officer First Class Michael D. Mittiga, Master Police Officer Joseph A. Moore, Police Officer First Class Camille S. Neville, Police Officer First Class Richard Pearl, Police Officer First Class Scott M. Richards, Police Officer First Class Stacy L. Sassano, Master Police Officer Stephen M. Selby, Police Officer First Class Ali Sepehri, Master Police Officer William W. Stewart, III, Police Officer First Class David Trelinski, and Master Police Officer Dennis E. Vorbau.

Mr. Speaker, I congratulate the 2012 Valor Award Recipients, and thank each of the men and women who serve in the Fairfax County Police Department. Their efforts, made on behalf of the citizens of Fairfax County, are selfless acts of heroism and truly merit our highest praise. I ask my colleagues to join me in applauding this group of remarkable citizens.

RECOGNIZING THE CAREER AND RETIREMENT OF MRS. MARIANA ''MIMI'' IACONO

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the career of Mrs. Mariana ''Mimi'' Iacono as she retires after 25 years of Air Force Civilian Service.

Mimi Iacono began her civil service career with the Department of Defense in 1987, starting as a Protocol and Management Assistant in the Military Airlift Command and Air Mobility Command. For 17 years, she has served as a legislative counsel for the Commander of the United States Transportation Command (USTRANSCOM).

USTRANSCOM, located at Scott Air Force Base, was established in 1987, coincidentally the same year Mimi began her civil service career. It is one of ten U.S. unified commands and is the single manager of the United States' global defense transportation system. Because of Mimi's efforts, each TRANSCOM commander has enjoyed productive engagement with Members of Congress, enabling those commanders to communicate effectively about their mission, their needs and their value to the nation.

Mimi's effectiveness has been enhanced by her thorough understanding of all aspects of USTRANSCOM as well as the legislative process. She has developed solid working relationships with Congressional staff and her work directly with my office has always been appreciated. She is truly a valuable resource who will be sorely missed, but whose legacy will endure.

Mimi and her husband, David, reside in O'Fallon, Illinois, and have two sons, Michael and David.

Mr. Speaker, I ask my colleagues to join me in an expression of appreciation to Mariana ''Mimi'' Iacono for her years of dedicated service to the United States Air Force and to wish her the very best in the future.

RECOGNIZING THE FAIRFAX COUNTY FIRE AND RESCUE DEPARTMENT RECIPIENTS OF THE 2012 CHAMBER OF COMMERCE VALOR AWARDS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize an outstanding group of men and women in Northern Virginia. These individuals have demonstrated superior dedication to public safety and have been awarded the prestigious Valor Award by the Fairfax County Chamber of Commerce.

The Valor Awards recognize remarkable heroism and bravery in the line of duty exemplified by our public safety agencies and their

commitment to the community. Our public safety and law enforcement personnel put their lives on the line every day to keep our families and neighborhoods safe. More than 100 individuals are receiving much deserved awards in a variety of categories including: The Lifesaving Award, the Certificate of Valor, and the Bronze or Silver Medal of Valor.

Fifty-one members of the Fairfax County Fire and Rescue Department are being honored this year for their exceptional service. It is with great pride that I submit the names of the following award recipients into the CONGRESSIONAL RECORD:

2012 Silver Medal of Valor Recipients: Lieutenant Thomas L. Flint III and Technician Robert E. Pickel, Jr.

2012 Bronze Medal of Valor Recipients: Technician Thomas R. Barnes, Lieutenant Kenneth L. Coffelt, Technician Rolando E. Contreras, Lieutenant Aron J. Corwin, Master Technician Anthony E. Doran, Firefighter Brendan M. Downing, Technician Michael L. Frames, Technician Richard D. Gundert, Master Technician William F. Kight, Jr., Master Technician John P. McDonell, Technician Lawrence G. Mullin, Firefighter Cory S. Parry, Technician John M. Smith, Lieutenant Rodney S. Vaughn, Master Technician Reginald L. Wadley, Lieutenant Erick L. Weinzapfel, Master Technician Christopher H. Williams, Technician Eric M. Wyatt, and Lieutenant Earl J. Burroughs

2012 Certificate of Valor Recipients: Fire Medic Eli A. Bredbenner, Captain I David P. Conrad, Technician Edwin E. Flores, Technician James M. Furman, Technician John C. Guy, Jr., Captain II Glenn A. Mason, Technician Shannon G. Reed, Technician Robert G. Ritchie, and Firefighter Rodney D. Washington

2012 Lifesaving Award Recipients: Technician Mica A. Bland (2 Lifesaving Awards), Firefighter Namaste Bosse, Lieutenant Keith W. Cerzullo, Technician Brian M. Chinn, Technician Robin S. Clement, II, Firefighter/Medic Joseph C. Deutsch, Technician Michael S. Eddy, Technician Edwin E. Flores, Lieutenant Thomas Hyden, Technician Peter C. Kehne, Firefighter Salman F. Khan, Firefighter Timothy D. Kim, Technician Michael T. King, Firefighter Heather J. Lefever, Captain Jeffrey L. Mongold, Lieutenant Michael C. Nelson, Technician Laura E. Pollard, Firefighter Placido Sanchez, Technician Clarke V. Slaymaker, II, Lieutenant John J. Tedesco, Captain I Wayne P. Wentzel, and Firefighter Brandon M. Winfield

Mr. Speaker, I congratulate the 2012 Valor Award Recipients, and thank each of the men and women who serve in the Fairfax County Fire and Rescue Department. Their efforts, made on behalf of the citizens of Fairfax County, are selfless acts of heroism and truly merit our highest praise. I ask my colleagues to join me in applauding this group of remarkable citizens.

HONORING THE 100TH ANNIVERSARY OF OUR LADY OF MOUNT CARMEL SCHOOL IN HERRIN, ILLINOIS

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating Our Lady of Mount Carmel School, in Herrin, Illinois, on the occasion of their 100th Anniversary.

Herrin, Illinois, was founded at the turn of the 20th Century and it quickly was populated by immigrants, primarily from Italy, who came to work in the area coal mines. The first Mass for the growing Catholic population was said in the town hall in 1900 but plans were soon in place for a permanent church. The new church, initially named St. Mary's Church, was dedicated in August, 1901.

As with most Catholic parishes, the members of St. Mary's planned for a school to educate the children of the parish. A three room building was constructed in 1912 to house the first 104 students in grades one through three. Two lay teachers served as the faculty for the first two years at St. Mary's before the Precious Blood Sisters arrived in 1914.

St. Mary's school grew so quickly in its first years that the enrollment peaked at 365 students in 1920 and the 1930 graduating class of 54 remains the largest in the school's history. In 1925, a larger church was completed and the parish was officially named Our Lady of Mount Carmel, although many would continue to call it St. Mary's.

Our Lady of Mount Carmel School has adapted through many changes over its 100 year history but it has always remained true to its core values of providing the highest quality of education while rooted in the teachings of the Catholic faith. Their Mission Statement says it best, that they "exist to enable students to become knowledgeable and active in their faith, to educate students academically, and to develop strong moral character."

Mr. Speaker, I ask my colleagues to join me in congratulating the administration, faculty, staff and students of Our Lady of Mount Carmel School as they celebrate their 100th Anniversary and to wish them the very best for many more years to come.

TO RECOGNIZE THE 2012 FAIRFAX COUNTY FEDERATION OF CITIZENS ASSOCIATIONS HONOREES

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to recognize the 2012 honorees of the Fairfax County Federation of Citizens Associations Awards Banquet.

The Fairfax County Federation of Citizens Associations is a coalition of civic and homeowners associations from across Fairfax County. Through the Federation, individual communities collaborate with other associations to ensure that their voices are heard and that their communities stay strong.

Each year, the Federation honors a select few individuals for extraordinary contributions to the community that have resulted in tangible improvements in our neighborhoods, schools, businesses and local government. This is the 62nd Annual Awards Banquet, and this year's honorees each have dedicated years of service to their neighbors, their community and all of Fairfax County.

It is my pleasure to recognize the following individuals for their service to the community:

2011 Citizen of the Year: Walter Alcorn for his 14 years of service on the Fairfax County Planning Commission. During his tenure, he has chaired the Tysons Corner Committee since 2008, chaired the Environmental Committee from 1997–2006, and served as Vice-Chair of the Planning Commission since being appointed in 1997. Mr. Alcorn also has been involved in his Reston community through his involvement with the United Christian Parish and also as a little league coach.

2011 Citation of Merit: Ellie Ashford for her professional community journalism, tirelessly working to produce the Annandale Blog (annandaleblog.com), an exceptional local blog that was recently recognized by The Washington Post as a "must read." Ms. Ashford also has received top honors from the Society for National Association Publications, the Association of Educational Publications, the American Society of Association Executives, and the International Association of Business Communicators.

2011 Citation of Merit: Corazon Foley for her efforts to establish the Burke/West Springfield Senior Center Without Walls (BWSSCWoW). Due to her tireless efforts, the Center has succeeded in providing programs for more than 450 seniors in Fairfax County. Mrs. Foley also was named Lady Fairfax in 2009 for founding the Asian American History Project.

2011 Citation of Merit: Terry Maynard for his work in development issues and planning for the Reston community. He has served on the Board of Directors for the Reston Citizens Association (RCA) and the Reston 2020 Committee. As the RCA representative to the ongoing Reston Master Plan Special Study Task Force, Mr. Maynard has been an outspoken advocate for reasoned, balanced, smart growth policies along the Silver Line Metro expansion.

2011 Special Gratitude Award: Suzanne Harsel for her years of service representing the Braddock District on the Fairfax County Planning Commission. First appointed in 1982, Ms. Harsel was reappointed 7 times and served with distinction until her retirement in December 2011. Having served for nearly 30 years, Ms. Harsel had the longest continuous service on the Planning Commission.

Mr. Speaker, I ask my colleagues to join me in thanking these individuals and in congratulating them on being honored by the Fairfax County Federation of Citizens Associations. Civic engagement defines a community, and it is thanks to these individuals that Fairfax County residents enjoy such an excellent quality of life. The contributions and leadership of these honorees have been a great benefit to our community and truly merit our highest praise.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S2345–S2454

Measures Introduced: Seven bills and six resolutions were introduced, as follows: S. 2286–2292, S. Res. 419–423, and S. Con. Res. 41. **Pages S2392–93**

Measures Passed:

Gold Star Wives Day: Senate agreed to S. Res. 420, designating April 5, 2012, as ''Gold Star Wives Day''. **Pages S2451–52**

Global Youth Service Day: Senate agreed to S. Res. 421, designating April 20 through 22, 2012, as ''Global Youth Service Day''. **Pages S2452–53**

Congratulating the University of Kentucky Men's Basketball Team: Senate agreed to S. Res. 422, commending and congratulating the University of Kentucky men's basketball team for winning its eighth Division I National Collegiate Athletic Association championship. **Page S2453**

Congratulating Western Washington University Men's Basketball Team: Senate agreed to S. Res. 423, congratulating Western Washington University for winning the 2012 National Collegiate Athletic Association Division II Men's Basketball Championship. **Page S2453**

Measures Considered:

21st Century Postal Service Act: Senate began consideration of S. 1789, to improve, sustain, and transform the United States Postal Service, after agreeing to the motion to proceed, withdrawing the committee-reported substitute amendment, and taking action on the following amendments and motions proposed thereto: **Pages S2348–70, S2435–51**

Pending:

Reid (for Lieberman) Modified Amendment No. 2000, in the nature of a substitute. **Page S2369**

Reid Amendment No. 2013 (to Amendment No. 2000), to change the enactment date. **Page S2369**

Reid Amendment No. 2014 (to Amendment No. 2013), of a perfecting nature. **Page S2369**

Reid Amendment No. 2015 (to the language proposed to be stricken (by Amendment No. 2000)), to change the enactment date. **Page S2369**

Reid Amendment No. 2016 (to Amendment No. 2015), of a perfecting nature. **Page S2369**

Reid motion to recommit the bill to the Committee on Homeland Security and Governmental Affairs with instructions, Reid Amendment No. 2017, to change the enactment date. **Page S2369**

Reid Amendment No. 2018 (to (the instructions) Amendment No. 2017), of a perfecting nature. **Page S2369**

Reid Amendment No. 2019 (to Amendment No. 2018), of a perfecting nature. **Page S2369**

A motion was entered to close further debate on Reid (for Lieberman) Modified Amendment No. 2000 (listed above), and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Thursday, April 19, 2012. **Page S2454**

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 on cloture will occur upon disposition of Reid (for Lieberman) Modified Amendment No. 2000 (listed above). **Pages S2435–51**

During consideration of this measure today, Senate also took the following action:

Pursuant to the order of April 16, 2012, the motion to proceed to consideration of the motion to reconsider the vote by which cloture was not invoked on the motion to proceed to consideration of the bill on March 27, 2012, was agreed to. **Page S2369**

A unanimous-consent agreement was reached providing that the motion to reconsider the vote by which cloture was not invoked on the motion to proceed to consideration of the bill on March 27, 2012, was agreed to. **Page S2348**

By 74 yeas to 22 nays (Vote No. 66), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate upon reconsideration agreed to the motion to close further debate on the motion to proceed to consideration of the bill. **Pages S2348–49**

Violence Against Women Reauthorization Act—Agreement: Senate began consideration of the motion to proceed to consideration of S. 1925, to reauthorize the Violence Against Women Act of 1994. **Page S2370**

A unanimous-consent-time agreement was reached providing for further consideration of the motion to proceed to consideration of the bill at approximately 9:30 a.m., on Wednesday, April 18, 2012, with the first hour equally divided and controlled between the two Leaders, or their designees, with the Majority controlling the first 30 minutes and the Republicans controlling the second 30 minutes. **Pages S2453–54**

Messages from the House: **Page S2388**

Measures Referred: **Page S2388**

Executive Communications: **Pages S2388–92**

Additional Cosponsors: **Pages S2393–94**

Statements on Introduced Bills/Resolutions: **Pages S2394–S2405**

Additional Statements: **Pages S2387–88**

Amendments Submitted: **Pages S2405–34**

Authorities for Committees to Meet: **Pages S2434–35**

Record Votes: One record vote was taken today. (Total—66) **Page S2349**

Adjournment: Senate convened at 10 a.m. and adjourned at 6:49 p.m., until 9:30 a.m. on Wednesday, April 18, 2012. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S2454.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

Committee on Appropriations: Subcommittee on Commerce, Justice, Science, and Related Agencies approved for full committee consideration an original bill making appropriations for Commerce, Justice, Science, and Related Agencies for fiscal year 2013.

APPROPRIATIONS: TRANSPORTATION, HOUSING, AND URBAN DEVELOPMENT, AND RELATED AGENCIES

Committee on Appropriations: Subcommittee on Transportation, Housing and Urban Development, and Related Agencies approved for full committee consideration an original bill making appropriations for Transportation, Housing and Urban Development and related agencies for fiscal year 2013.

DEFENSE AUTHORIZATION REQUEST AND FUTURE YEARS DEFENSE PROGRAM

Committee on Armed Services: Subcommittee on Emerging Threats and Capabilities concluded a hearing to examine the health and status of the Department of Defense science and technology laboratories and enterprise in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program, after receiving testimony from Zachary J. Lemnios, Assistant Secretary for Research and Engineering, Marilyn Freeman, Deputy Assistant Secretary of the Army for Research and Technology, Mary E. Lacey, Deputy Assistant Secretary of the Navy for Research, Development, Test, and Evaluation, and Steven H. Walker, Deputy Assistant Secretary of the Air Force for Science, Technology and Engineering, all of the Department of Defense.

EXPORT-IMPORT BANK REAUTHORIZATION

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the Export-Import Bank reauthorization, focusing on saving American jobs and supporting American exporters, including S. 1547, to reauthorize the Export-Import Bank of the United States, after receiving testimony from Robert Patton, Patton Electronics Co., Damascus, Maryland, on behalf of the U.S. Chamber of Commerce; Sonya Kostadinova, Transcon Trading Co., Inc., Columbia, South Carolina, on behalf of Small Business Exporters Association; David Ickert, Air Tractor, Inc., Olney, Texas, on behalf of the National Association of Manufacturers; and R. Thomas Buffenbarger, International Association of Machinists and Aerospace Workers, Brookeville, Maryland.

PROMOTING AMERICAN COMPETITIVENESS

Committee on Commerce, Science, and Transportation: Subcommittee on Competitiveness, Innovation, and Export Promotion concluded a hearing to examine promoting American competitiveness, focusing on filling jobs today and training workers for tomorrow, after receiving testimony from Martha Kanter, Under Secretary of Education; Jane Oates, Assistant Secretary of Labor for Employment and Training Administration; Roger D. Kilmer, Director, Hollings Manufacturing Extension Partnership, National Institute of Standards and Technology, Department of Commerce; Jennifer McNelly, Manufacturing Institute, Washington, DC; Robert H. Kill, Enterprise Minnesota, Minneapolis; Monica Pfarr, American Welding Society Foundation, Miami, Florida; Lee Lambert, Shoreline Community College, Shoreline, Washington; and Don Nissanka, Exergonix, Inc., Lee's Summit, Missouri.

MERCURY POLLUTION'S IMPACTS

Committee on Environment and Public Works: Subcommittee on Clean Air and Nuclear Safety concluded a hearing to examine mercury pollution's impacts to public health and the environment, after receiving testimony from Jerome A. Paulson, American Academy of Pediatrics, Susan E. Dudley, George Washington University Trachtenberg School of Public Policy and Public Administration Regulatory Studies Center, and Jeffrey R. Holmstead, Bracewell and Giuliani LLP, all of Washington, DC; Brenda Archambo, Sturgeon for Tomorrow, Cheboygan, Michigan; and Charles T. Driscoll, Syracuse University Department of Civil and Environmental Engineering, Syracuse, New York.

COMPREHENSIVE CONTINGENCY CONTRACTING REFORM ACT

Committee on Homeland Security and Governmental Affairs: Ad Hoc Subcommittee on Contracting Oversight concluded a hearing to examine S. 2139, to enhance security, increase accountability, and improve the contracting of the Federal Government for overseas contingency operations, after receiving testimony from Senator Webb; Richard T. Ginman, Director, Defense Procurement and Acquisition Policy, and Lynne M. Halbrooks, Acting Inspector General, both of the Department of Defense; Patrick F. Kennedy, Under Secretary for Management, and Harold W. Geisel, Deputy Inspector General, Office of Inspector General, and the Broadcasting Board of Governors, both of the Department of State; and Angelique M. Crumbly, Acting Assistant to the Administrator, Bureau for Management, and Michael Carroll, Acting Inspector General, both of the U.S. Agency for International Development.

ENDING RACIAL PROFILING IN AMERICA

Committee on the Judiciary: Subcommittee on the Constitution, Civil Rights and Human Rights concluded a hearing to examine ending racial profiling in America, including S. 1670, to eliminate racial profiling by law enforcement, after receiving testimony from Senator Cardin; Representatives Conyers, Gutierrez, Ellison, Chu, and Frederica Wilson; Ronald L. Davis, Chief of Police, East Palo Alto, California; Anthony D. Romero, American Civil Liberties Union, New York, New York; Frank Gale, Fraternal Order of Police, Denver, Colorado; Roger Clegg, Center for Equal Opportunity, Falls Church, Virginia; and David A. Harris, University of Pittsburgh School of Law, Pittsburgh, Pennsylvania.

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: 14 public bills, H.R. 4363–4376; and 1 resolution, H. Res. 621 was introduced. **Page H1914**

Additional Cosponsors: **Pages H1915–16**

Reports Filed: Reports were filed today as follows:

H.R. 3523, to provide for the sharing of certain cyber threat intelligence and cyber threat information between the intelligence community and cybersecurity entities, and for other purposes, with an amendment (H. Rept. 112–445);

H. Res. 619, providing for consideration of the bill (H.R. 4348) 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, and for other purposes (H. Rept. 112–446);

H. Res. 620, providing for consideration of the bill (H.R. 9) to amend the Internal Revenue Code of 1986 to provide a deduction for domestic business income of qualified small businesses (H. Rept. 112–447); and

H.R. 1505, to prohibit the Secretaries of the Interior and Agriculture from taking action on public lands which impede border security on such lands, and for other purposes, with an amendment (H. Rept. 112–448, Pt. 1). **Page H1914**

Speaker: Read a letter from the Speaker wherein he appointed Representative Fleischmann to act as Speaker pro tempore for today. **Page H1849**

Recess: The House recessed at 11:12 a.m. and reconvened at 12 noon. **Page H1856**

Suspension—Proceedings Resumed: The House agreed to suspend the rules and pass the following measure which was debated yesterday, April 16th:

Lena Horne Recognition Act: H.R. 1815, to posthumously award a Congressional Gold Medal to Lena Horne in recognition of her achievements and contributions to American culture and the civil rights movement, by a ⅔ yea-and-nay vote of 410 yeas to 2 nays, Roll No. 157. **Pages H1872–73**

Sportsmen's Heritage Act of 2012: The House passed H.R. 4089, to protect and enhance opportunities for recreational hunting, fishing and shooting, by a yea-and-nay vote of 274 yeas to 146 nays, Roll No. 164. **Pages H1860–72, H1873–96**

Rejected the Tierney motion to recommit the bill to the Committee on Natural Resources with instructions to report the same to the House forthwith with an amendment, by a recorded vote of 160 ayes to 261 noes, Roll No. 163. **Pages H1895–96**

Pursuant to the rule, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112–19 shall be considered as an original bill for the purpose of amendment under the five-minute rule, in lieu of the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill. That amendment in the nature of a substitute shall be considered as read. **Pages H1879–81**

Agreed to:

Hastings (WA) manager's amendment (No. 1 printed in H. Rept. 112–444) that adds shooting ranges to the list of valid uses of public land and clarifies the term ''wilderness areas'' by adding ''including Wilderness Areas, Wilderness Study Areas, or lands administratively classified as wilderness eligible or suitable and primitive or semi-primitive areas.'' States that the protection given to hunting in wilderness areas is not intended to permit motorized recreation or mineral extraction and reduces the reporting requirements. Addresses technical conflicts between Title I and Title II over certain Bureau of Land Management land and makes several technical changes; **Pages H1881–82**

Fleming amendment (No. 5 printed in H. Rept. 112–444) that prohibits the Forest Service from banning hunters with dogs during deer season on Kisatchie National Forest; and **Pages H1886–87**

Foxx amendment (No. 8 printed in H. Rept. 112–444) that requires Presidential monument designations provided for under the Antiquities Act to be approved by the state legislatures and governors where the proposed monument is located (by a recorded vote of 223 ayes to 198 noes, Roll No. 162). **Pages H1889–91, H1894–95**

Rejected:

Holt amendment (No. 2 printed in H. Rept. 112–444) that sought to make a technical correction to clarify that all units of the National Park System, not just National Parks and National Monuments, are exempt from Title I. National Park System units currently open for hunting or recreational shooting would not be affected (by a recorded vote of 152 ayes to 260 noes, Roll No. 158); **Pages H1882–83, H1891–92**

Grijalva amendment (No. 3 printed in H. Rept. 112–444) that sought to make the new restrictions on managing hunting, fishing and recreational shooting effective only if the amount of land available for those purposes falls below 75% of all Federal public lands (by a recorded vote of 138 ayes to 279 noes, Roll No. 159); **Pages H1883–84, H1892–93**

Peters amendment (No. 4 printed in H. Rept. 112–444) that sought to strike a provision in the underlying bill allowing the importation of endangered polar bear trophies from Canada by hunters who killed the bears despite warnings that importation of the bears would likely be illegal (by a recorded vote of 155 ayes to 262 noes, Roll No. 160); and **Pages H1884–86, H1893**

Heinrich amendment (No. 7 printed in H. Rept. 112–444) that sought to preserve hunting, fishing and recreational shooting in wilderness areas by specifying that the underlying bill will not allow development and motorized recreation in wilderness (by a recorded vote of 176 ayes to 244 noes, Roll No. 161). **Pages H1887–89, H1893**

Withdrawn:

Bishop (NY) amendment (No. 6 printed in H. Rept. 112–444) that was offered and subsequently withdrawn that would have allowed for recreational fishing of Atlantic Striped Bass in the Block Island Sound transit zone. **Pages H1887–88**

H. Res. 614, the rule providing for consideration of the bill, was agreed to by a recorded vote of 228 ayes to 184 noes, Roll No. 156, after the previous question was ordered by a yea-and-nay vote of 235 yeas to 179 nays, Roll No. 155. **Pages H1870–72**

A point of order was raised against the consideration of H. Res. 614 and it was agreed to proceed with consideration of the resolution by a yea-and-nay vote of 234 yeas to 175 nays, Roll No. 154. **Pages H1860–62**

Pursuant to section 2 of H. Res. 614, the provisions of H. Con. Res. 112, as adopted by the House, shall have force and effect in the House as though Congress has adopted such concurrent resolution with the modifications specified in subsection (b), pending the adoption of a concurrent resolution on the budget for fiscal year 2013. **Page H1860**

Recess: The House recessed at 5:10 p.m. and reconvened at 5:53 p.m. **Page H1891**

Quorum Calls—Votes: Four yea-and-nay votes and seven recorded votes developed during the proceedings of today and appear on pages H1862,

H1871, H1871–72, H1872–73, H1891–92, H1892–93, H1893, H1893–94, H1894–95, H1896, H1896–97. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 9:53 p.m.

Committee Meetings

NATIONAL DEFENSE AUTHORIZATION BILL

Committee on Armed Services: Full Committee held a Member's Day on national defense priorities for the fiscal year 2013 national defense authorization bill. Testimony was heard from the following Representatives: Hanna; Connolly; Holt; Huelskamp; Davis, IL; Cravaack; Boren; Guthrie; Graves; Neugebauer; Walsh; Pierluisi; Chu; Herrera-Beutler; Latham; Stivers; Murphy, PA; Crawford; and Honda.

NATIONAL DEFENSE BUDGET—ATOMIC ENERGY DEFENSE ACTIVITIES

Committee on Armed Services: Subcommittee on Strategic Forces held a hearing on FY 2013 National Defense Budget Request for Atomic Energy Defense Activities and Nuclear Forces Programs. Testimony was heard from Madelyn R. Creedon, Assistant Secretary of Defense for Global Strategic Affairs, Department of Defense; General C. Robert Kehler, USAF, Commander, U.S. Strategic Command; Thomas P. D'Agostino, Administrator, National Nuclear Security Administration, Under Secretary for Nuclear Security, Department of Energy; David G., Huizenga, Senior Advisor for Environmental Management, Department of Energy; and Peter S. Winokur, Chairman, Defense Nuclear Facilities Safety Board.

STRENGTHENING THE SAFETY NET

Committee on the Budget: Full Committee held a hearing entitled ''Strengthening the Safety Net''. Testimony was heard from public witnesses.

LEGISLATIVE MEASURE

Committee on Education and the Workforce: Full Committee held a hearing on H.R. 4297, the ''Workforce Investment Improvement Act of 2012''. Testimony was heard from Norma Noble, Deputy Secretary of Commerce for Workforce Development, Oklahoma City, Oklahoma; Sandy Harmsen, San Bernardino County Workforce Investment Board; and public witnesses.

MISCELLANEOUS MEASURE

Committee on Energy and Commerce: Subcommittee on Energy and Power continued a markup of the ''Gasoline Regulations Act of 2012''; and the ''Strategic Energy Production Act of 2012''. The ''Gasoline Regulations Act of 2012'' was ordered reported, as amended; and the ''Strategic Energy Production Act of 2012'' was ordered reported, as amended.

COINAGE PRODUCTION

Committee on Financial Services: Subcommittee on Domestic Monetary Policy and Technology held a hearing entitled ''The Future of Money: Coinage Production''. Testimony was heard from public witnesses.

INCREASING AMERICAN JOBS THROUGH GREATER EXPORTS TO AFRICA ART

Committee on Foreign Affairs: Subcommittee on Africa, Global Health, and Human Rights held a hearing entitled ''The Increasing American Jobs Through Greater Exports to Africa Act''. Testimony was heard from Johnnie Carson, Assistant Secretary of State, Bureau of African Affairs, Department of State; Florizelle Liser, Assistant United States Trade Representative for Africa, Office of the United States Trade Representative; and public witnesses.

UTILIZATION OF THE NATIONAL GUARD TO ACHIEVE OPERATIONAL CONTROL

Committee on Homeland Security: Subcommittee on Border and Maritime held a hearing entitled ''Boots on the Ground or Eyes in the Sky: How Best to Utilize the National Guard to Achieve Operational Control''. Testimony was heard from Paul N. Stockton, Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs, Office of the Undersecretary of Defense for Policy, Department of Defense; Ronald D. Vitiello, Deputy Chief, Border Patrol, Department of Homeland Security; Martin Vaughan, Executive Director, Southwest Region, Office of Air and Marine, Customs and Border Protection, Department of Homeland Security; Major General John Nichols, Adjutant General, Texas National Guard; and Brian J. Lepore, Director, Defense Capabilities and Management, Government Accountability Office.

TAKING MEASURE OF COUNTERMEASURES (PART 3): PROTECTING THE PROTECTORS

Committee on Homeland Security: Subcommittee on Emergency Preparedness, Response, and Communications held a hearing entitled ''Taking Measure of Countermeasures (Part 3): Protecting the Protectors''. Testimony was heard from J. D. Polk, Principal Deputy Assistant Secretary, Office of Health Affairs, Department of Homeland Security; Edward J. Gabriel, Principal Deputy Assistant Secretary, Preparedness and Response, Department of Health and Human Services; Chris Nocco, Sheriff, Pasco County, Florida; and public witnesses.

MISCELLANEOUS MEASURE

Committee on the Judiciary: Full Committee began a markup of Committee Print of Material to be Transmitted to the Committee on the Budget Pursuant to Section 201 of H. Con. Res. 112.

LEGISLATIVE MEASURES

Committee on Natural Resources: Subcommittee on National Parks, Forests and Public Lands held a hearing on the following measures: H.R. 3388, the "Wood-Pawcatuck Watershed Protection Act"; H.R. 3874, the "Black Hills Cemetery Act"; H.R. 4039, the "Yerington Land Conveyance and Sustainable Development Act"; H.R. 4073, to authorize the Secretary of Agriculture to accept the quitclaim, disclaimer, and relinquishment of a railroad right of way within and adjacent to Pike National Forest in El Paso County, Colorado, originally granted to the Mt. Manitou Park and Incline Railway Company pursuant to the Act of March 3, 1875; H.R. 4193, the "Land Acquisition to cut National Debt Act"; and H.R. 4222, to provide for the conveyance of certain land inholdings owned by the United States to the Tucson Unified School District and to the Pascua Yaqui Tribe of Arizona, and for other purposes. Testimony was heard from Representatives Langevin; and Stivers; William D. Shaddox, Chief Land Resources Division, National Park Service, Department of the Interior; Leslie A. C. Weldon, Deputy Chief, National Forest System, Forest Service, Department of Agriculture; Michael Nedd, Assistant Director, Minerals and Realty Management, Bureau of Land Management, Department of the Interior; George Dini, Mayor, Yerington, Nevada; and public witness.

MISCELLANEOUS MEASURE

Committee on Natural Resources: Subcommittee on Water and Power held a hearing on H.R. 460, the "Bonneville Unit Clean Hydropower Facilitation Act"; and H.R. 2664, the "Reauthorization of Water Desalination Act of 2011". Testimony was heard from David Murillo, Deputy Commissioner and Director of Operations, Bureau of Reclamation; and public witnesses.

SEC'S AVERSION TO COST-BENEFIT ANALYSIS

Committee on Oversight and Government Reform: Subcommittee on TARP, Financial Services and Bailouts of Public and Private Programs held a hearing entitled "The SEC's Aversion to Cost-Benefit Analysis". Testimony was heard from Mary L. Schapiro, Chairman, Securities and Exchange Commission; and public witnesses.

SMALL BUSINESS TAX CUT ACT

Committee on Rules: Full Committee held a hearing on H.R. 9, the "Small Business Tax Cut Act". The Committee granted, by voice vote, a structured rule providing one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read and shall be considered as original text for the purpose of further amendment. The rule waives all points of order against provisions in the bill, as amended. The rule makes in order the amendment in the nature of a substitute printed in the Rules Committee report, which may be offered only by Representative Levin of Michigan or his designee, shall be considered as read, shall be debatable for 20 minutes 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 amendment printed in the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from the following Representatives: Brady, (TX); Levin; and McDermott.

SURFACE TRANSPORTATION EXTENSION ACT OF 2012

Committee on Rules: Full Committee held a hearing on H.R. 4348, the "Surface Transportation Extension Act of 2012, Part II". The Committee granted, by a record vote of 7 to 3, a structured rule providing one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure. The rule waives all points of order against consideration of the bill. The rule provides that the bill shall be considered as read. The rule waives all points of order against provisions in the bill. 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, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The rule waives all points of order against the amendments printed in the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Mica.

TAPPING AMERICA'S UNCONVENTIONAL OIL RESOURCES FOR JOB CREATION AND AFFORDABLE DOMESTIC ENERGY

Committee on Science, Space, and Technology: Full Committee held a hearing entitled ''Tapping America's Unconventional Oil Resources for Job Creation and Affordable Domestic Energy: Technology and Policy Pathways''. Testimony was heard from public witnesses.

GSA'S SQUANDERING OF TAXPAYER DOLLARS

Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings, and Emergency Management held a hearing entitled ''GSA's Squandering of Taxpayer Dollars: A Pattern of Mismanagement, Excess, and Waste''. Testimony was heard from the following GSA officials: Daniel Tangherlini, Acting Administrator; Brian Miller, Inspector General; Martha Johnson, Former Administrator; Susan Brita, Deputy Administrator; Alison Doone, Chief Financial Officer; Robert Peck, Former Public Buildings Service (PBS) Commissioner; David Foley, Public Building Services Deputy Commissioner; and Lisa Daniels, Event Planner, Public Buildings Service.

TAX REFORM AND TAX-FAVORED RETIREMENT ACCOUNTS

Committee on Ways and Means: Full Committee held a hearing on tax reform and tax-favored retirement accounts. Testimony was heard from public witnesses.

Joint Meetings

TAXATION OF CAPITAL

Joint Economic Committee: Committee concluded a hearing to examine how the taxation of capital affects growth and employment, after receiving testimony from Jane G. Gravelle, Senior Specialist in Economic Policy, Congressional Research Service, Library of Congress; and Kevin A. Hassett, American Enterprise Institute for Public Policy Research, Washington, DC.

COMMITTEE MEETINGS FOR WEDNESDAY, APRIL 18, 2012

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Department of the Interior, Environment, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2013 for the United States Forest Service, 9:30 a.m., SD–124.

Subcommittee on Department of Defense, to hold hearings to examine proposed budget estimates for fiscal year 2013 for the Missile Defense Agency, 10:30 a.m., SD–192.

Subcommittee on Financial Service and General Government, to hold hearings to examine the General Services Administration, focusing on a review of the recent Inspector General management deficiency report and an assessment of the fiscal year 2013 General Services Administration (GSA) funding request, 2:30 p.m., SD–138.

Committee on Armed Services: Subcommittee on Strategic Forces, to hold hearings to examine the National Security Administration management of its National Security Laboratories, 2:30 p.m., SR–222.

Subcommittee on Readiness and Management Support, to hold hearings to examine financial management and business transformation at the Department of Defense, 2:30 p.m., SD–G50.

Committee on the Budget: business meeting to consider the concurrent resolution on the budget for fiscal year 2013, 2 p.m., SD–608.

Committee on Commerce, Science, and Transportation: Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security, to hold hearings to examine protecting commuters, focusing on ensuring accountability and oversight in tolling, 10 a.m., SR–253.

Committee on Environment and Public Works: to hold an oversight hearing to examine the General Services Administration (GSA), 10 a.m., SD–406.

Committee on Finance: Subcommittee on International Trade, Customs, and Global Competitiveness, to hold a hearing to examine the Asia Pacific, focusing on trade opportunities for agriculture and food producers from the Great Plains to the Pacific Northwest, 2 p.m., SD–215.

Committee on Foreign Relations: to receive a closed briefing on an intelligence update on Iran and Syria, 10 a.m., SVC–217.

Subcommittee on African Affairs, to hold hearings to examine the United States policy response to entrenched African leadership, 2:15 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine effective strategies for accelerated learning, 10 a.m., SD–430.

Committee on the Judiciary: to hold hearings to examine the nominations of James Xavier Dempsey, of California, Elisebeth Collins Cook, of Illinois, Rachel L. Brand, of Iowa, David Medine, of Maryland, to be Chairman, and Patricia M. Wald, of the District of Columbia, all to be a Member of the Privacy and Civil Liberties Oversight Board, 10 a.m., SD–226.

Committee on Small Business and Entrepreneurship: to hold hearings to examine perspectives from the entrepreneurial ecosystem, focusing on creating jobs and growing businesses through entrepreneurship, 10 a.m., SR–428A.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

Special Committee on Aging: to hold hearings to examine the future of long-term care, focusing on saving money by serving seniors, 2 p.m., SH–216.

House

Committee on Agriculture, Full Committee, business meeting to consider a proposal to satisfy the Committee's reconciliation instructions required by H. Con. Res. 112, 10 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Energy and Water, markup of Appropriations Bill FY 2013, 9:30 a.m., 2362–B Rayburn.

Committee on Armed Services, Subcommittee on Oversight and Investigations, hearing on the Navy's 30 Year Shipbuilding Plan—Assumptions and Associated Risks to National Security, 3 p.m., 2118 Rayburn.

Committee on Education and the Workforce, Subcommittee on Health, Employment, Labor, and Pensions, hearing entitled ''Reviewing the Impact of the Office of Federal Contract Compliance Programs' Regulatory and Enforcement Actions'', 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Health, hearing entitled ''FDA User Fees 2012: How Innovation Helps Patients and Jobs'', 10:15 a.m., 2123 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled ''Budget and Spending Concerns at DOE'', 10:30 a.m., 2322 Rayburn.

Committee on Financial Services, Full Committee, markup of the ''Affordable Housing and Self-Sufficiency Improvement Act of 2012'' and the Committee Print of Budget Reconciliation legislative recommendations of the Committee on Financial Services, 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, Full Committee, hearing entitled ''North Korea after Kim Jong-il: Still Dangerous and Erratic'', 10 a.m., 2127 Rayburn.

Subcommittee on Terrorism, Nonproliferation, and Trade, hearing entitled ''Bureau of Counterterrorism: Budget, Programs, and Policies'', 2 p.m., 2172 Rayburn.

Committee on Homeland Security, Subcommittee on Transportation Security, hearing entitled ''Building Secure Partnerships in Travel, Commerce, and Trade with the Asia-Pacific Region'', 2 p.m., 311 Cannon.

Full Committee, markup of H.R. 3674, the ''PRECISE Act of 2011'', 10 a.m., 311 Cannon.

Committee on House Administration, Subcommittee on Oversight, hearing entitled ''Library of Congress: Ensuring Continuity and Efficiency During Leadership Transitions'', 10 a.m., 1310 Longworth.

Committee on the Judiciary, Full Committee, continue markup of Committee Print of Material to be Transmitted to the Committee on the Budget Pursuant to Section 201 of H. Con Res. 112, 1:30 p.m., 2141 Rayburn.

Subcommittee on the Constitution, hearing entitled ''Voting Wrongs: Oversight of the Justice Department's Voting Rights Enforcement'', 9 a.m., 2141 Rayburn.

Subcommittee on Immigration Policy and Enforcement, hearing entitled ''Document Fraud in Employment Authorization: How an E-Verify Requirement Can Help'', 11:15 a.m., 2141 Rayburn.

Full Committee, markup of Committee Print of Material to be Transmitted to the Committee on the Budget Pursuant to Section 201 of H. Con. Res. 112, 1:30 p.m., 2141 Rayburn.

Committee on Oversight and Government Reform, Full Committee, markup of the following measures: H.R. 538, the ''Federal Customer Service Enhancement Act''; H.R. 3609, the ''Taxpayers Right to Know Act''; H.R. 4257, the ''Federal Information Security Amendments Act of 2012''; H.R. 4363, providing the authority to offer phased retirement to federal employees; legislation clarifying that Federal tax levies may be enforced against TSP accounts; and H.R. 4364, reforming the law governing the pay of recess appointees, 10 a.m., 2154 Rayburn.

Committee on Science, Space, and Technology, Subcommittee on Research and Science Education, hearing entitled ''NSF Major Multi-User Research Facilities Management: Ensuring Fiscal Responsibility and Accountability'', 10, a.m., 2318 Rayburn.

Subcommittee on Technology and Innovation, hearing entitled ''Avoiding the Spectrum Crunch: Growing the Wireless Economy through Innovation'', 2 p.m., 2318 Rayburn.

Committee on Small Business, Full Committee, hearing entitled ''The Tax Outlook for Small Businesses: What's on the Horizon?'', 1 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, hearing entitled ''How Reliability of the Inland Waterway System Impacts Economic Competitiveness'', 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Full Committee, hearing entitled ''From the Inside Out: A Look at Claims Representatives' Role in the Disability Claims Process'', 10 a.m., 334 Cannon.

Subcommittee on Disability Assistance and Memorial Affairs, markup of H.R. 4114, the ''Veterans' Compensation Cost-of-Living Adjustment Act of 2012''; H.R. 2377, the ''RAPID Claims Act''; and H.R. 4142, the ''American Heroes COLA Act'', 1:30 p.m., 334 Cannon.

Committee on Ways and Means, Full Committee, markup of legislative proposals to comply with the reconciliation directive included in section 201 of the Concurrent Resolution on the Budget for Fiscal Year 2013, H. Con. Res. 112, 9:30 a.m., 1100 Longworth.

Next Meeting of the SENATE

9:30 a.m., Wednesday, April 18

Senate Chamber

Program for Wednesday: Senate will continue consideration of the motion to proceed to consideration of S. 1925, Violence Against Women Reauthorization Act.

The filing deadline for first-degree amendments to Reid (for Lieberman) Modified Amendment No. 2000, and to S. 1789, 21st Century Postal Service Act is at 1 p.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, April 18

House Chamber

Program for Wednesday: Consideration of H.R. 4348—Surface Transportation Extension Act of 2012, Part II (Subject to a Rule).

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