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House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
April 18, 2012.

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

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

MORNING-HOUR DEBATE

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

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

CONGRATULATING THE UNIVERSITY OF KENTUCKY MEN'S BASKETBALL TEAM FOR WINNING THE 2012 NCAA CHAMPIONSHIP

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

Mr. CHANDLER. Mr. Speaker, I am the proud sponsor of a resolution congratulating the University of Kentucky Men's Basketball team for winning the 2012 NCAA championship.

Since the days of Adolph Rupp, the University of Kentucky Wildcats have been a part of the fabric of our Commonwealth, and the success of this year's team will be remembered for generations to come.

The University of Kentucky boasts one of the proudest and most celebrated basketball programs in the whole country. As an alumnus, I may be biased on this point, but I also believe that the statistics speak for themselves.

The UK Wildcats are the winningest team in the history of college basketball and have won the second most national championships. They've appeared in more NCAA tournaments and won more games in the tournament than any other team.

Even in the great tradition of Kentucky basketball, this year's team was special. They shattered the NCAA record for shots blocked and set a new record for single season wins with 38 victories. The Wildcats dominated the NCAA tournament with a combination of explosive offense, suffocating defense, and team chemistry.

This season wouldn't have been possible without Head Coach John Calipari, known far and wide as Coach Cal. Although known as a skilled tactician and recruiter, the key to Coach Cal's success has always been how much he cares about his players.

He mentors these young men so they are primed to succeed, both on and off the court, and I think I can speak for all Wildcat fans when I say that we hope to see him on the sidelines at Rupp Arena for many years to come.

From top to bottom, every member of this team played an important role in their drive to the championship, but there are three players in particular that deserve special recognition.

Anthony Davis had one of the most remarkable college basketball seasons in recent memory, winning eight National Player of the Year awards and setting an NCAA record for most blocks in a season by a freshman.

Michael Kidd-Gilchrist was unquestionably the heart and soul of the team.

And Darius Miller, a native of Mason County and former Mr. Kentucky Basketball, ended his stellar career on a high note by setting a school record for most appearances in a Kentucky uniform and joining the prestigious 1,000-point club.

Finally, this team was supported every step of the way by its fans, the Big Blue Nation, who made Rupp Arena one of the toughest places to play in the country. They prove time and time again why Kentucky is the best State for college basketball.

This year was an especially proud year for the Commonwealth of Kentucky, as we sent two teams to the Final Four. I want to congratulate the University of Louisville Cardinals and Head Coach Rick Pitino on an outstanding season and a hard-fought rivalry game that lived up to its immense hype.

I also commend the University of Kansas and The Ohio State University on their terrific years and for making it all the way to New Orleans.

As the Member privileged to represent the University of Kentucky, I am honored to introduce this resolution today, and I look forward to welcoming the Wildcats to Washington next month.

CONGRATULATING THE BAYLOR UNIVERSITY LADY BEARS FOR WINNING THE 2012 WOMEN'S NCAA CHAMPIONSHIP

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

Mr. FLORES. Mr. Speaker, I rise today to congratulate Coach Kim Mulkey and her Baylor University Lady Bears for winning the 2012 women's NCAA college basketball national championship. The Lady Bears were

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ranked number one in the country all season long, going undefeated and becoming the first NCAA basketball team, men's or women's, to ever win 40 games in a season.

The Lady Bears recorded some impressive team and individual accomplishments on their way to their second Final Four in 3 years and winning their second national championship in 7 years.

The Lady Bear senior class, Terran Condrey, Ashley Field, and Lindsay Palmer, finished their 4-year careers with a record of 131 wins and 19 losses, one national championship, two Final Four appearances, four NCAA tournament trips, two regular season Big 12 titles, and three Big 12 tournament titles.

Ashley Field, Lindsay Palmer, and Makenzie Robertson were all chosen as first team 2012 Academic All-Big 12 honorees. Odyssey Sims, Destiny Williams, and Brittney Griner were named to the 2011–2012 All-American team.

After dominating opponents on both ends of the court all season long, Griner was chosen as the NCAA tournament MVP, and became the third women's basketball player to ever win all four National Player of the Year awards.

The Lady Bears are led by the remarkable Head Coach Kim Mulkey, whose resume and accomplishments have already cemented her place among the best women's basketball coaches of all time. As a player, Coach Mulkey was a member of the 1984 gold medal winning U.S. women's basketball team. She was inducted into the Women's Basketball Hall of Fame in 2000 and has been named Big 12 Coach of the Year three times. This year Kim was named National Coach of the Year.

Coach Mulkey is the fastest women's basketball coach to ever reach 300 wins and is the fifth coach in the NCAA to win multiple national championships. She has led the Lady Bears to the NCAA tournament in 11 of her last 12 seasons at Baylor.

The Lady Bears return their top six scorers and rebounders next season, so there is more to come from this outstanding group of young women.

I am privileged to represent the city of Waco, McLennan County, and Baylor University in my district, and I wish best wishes to Baylor President Ken Starr, Athletic Director Ian McCaw, and everyone else at the Baylor Nation as they continue to show that a Christian institution of higher learning can, indeed, compete and win in college athletics as well.

2011–2012 has truly been the year of the Bear. Sic 'em, Bears.

THE ARMENIAN GENOCIDE

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

Mr. SARBANES. Mr. Speaker, the genocide of more than 1½ million Armenians by Ottoman-era Turkish authorities is an undeniable fact of history. In 1915, the Armenian nation which had resided in Anatolia for thousands of years was subjected to an organized barbarity that included death marches, drowning, and executions.

Those who managed to survive these horrors scattered to the four corners of the Earth. Today, survivors of the Armenian genocide and their children and grandchildren bear witness to this massacre. Each year, Armenian Americans, supported by others who readily accept the teachings of history, renew their plea that the United States Government formally recognize the Armenian genocide, and every year that responsibility of recognition remains unfulfilled.

□ 1010

When faced with the deeply compelling research and scholarship surrounding the Armenian genocide, it is wholly untenable to assert that the genocide did not occur. Instead, many in Congress offer the protest that recognition would harm our relationship with Turkey and undermine our broader geostrategic interests. Others suggest weakly that it is just not the right time to push the issue of recognition. The result is the same—the continued failure on the part of the United States to do the right thing. This failure puts salt on the wounds of the Armenian people. But it does more than that. It corrodes the moral standing of our Nation as a whole.

I join those who once again, at this time of annual remembrance, implore my fellow Members of Congress and President Obama to formally recognize the Armenian genocide.

GUN VIOLENCE

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

Mr. QUIGLEY. Mr. Speaker, the number one fear of Chicago elementary schoolchildren is not braces or book reports or the dentist. It is getting shot. More than 500 Chicago students were involved in gun violence in the last 2 years, and 34 were killed by guns last year. In a single week in June, there were 60 shootings in Chicago.

The Chicago police traced many of the guns used in these types of shootings to gun shows in neighboring States. You can go to a gun show in neighboring State Indiana and buy any weapon you want without a single background check. You can be a convicted felon or a domestic abuser who is under a restraining order or a suspected terrorist, and you can walk right in to a gun show and walk out with an assault weapon.

A member of Hezbollah purchased weapons at an American gun show the day before 9/11. Is this what the American people want? Do the American people approve of a situation in which terrorists can buy guns without even the level of tracking we use for airplane tickets or cold medicine?

The American people want our law enforcement officers to have the tools they need to catch the bad guys. Eighty-one percent of gun owners support requiring a background check on all firearm purchases. Ninety percent of all Americans favor strengthening databases to prevent the mentally ill from buying guns. Sixty-nine percent of NRA members—that's NRA members—support closing the gun show loophole.

So why aren't we acting on these areas where there is such overwhelming public support? Well, the majority has to rally its base, and the NRA has to send more urgent appeals for support based on imagined threats. So, this week, we're courageously protecting bullets from harmful regulation by the EPA, because a little lead in the water never hurt anyone, right?

The bill also gives sportsmen the right to stand their ground against polar bears. Anyone who opposes vigilante justice against this arctic menace is clearly a gun-grabbing Communist. All of this would be funny if the same mentality weren't being used by the NRA against our Nation's youth. Twenty-five States have passed Stand Your Ground laws, declaring open season on anyone considered threatening to anyone at any time.

These laws were not passed because of a public demand for them. They were passed because the NRA teamed up with some of the largest soft drink manufacturing and retailing corporations to push for these laws. Why soda companies would support the efforts to pass these laws is beyond me; but the impact is that a 17-year-old who is buying one of their sodas is now under a much greater threat. Let's have a reality check. Let's take action on one of these areas where there is clear, overwhelming support.

I sat in this Chamber and listened to Mexican President Felipe Calderon plead with Congress to close this loophole that fuels violence between the cartels in his country; but as the NRA president, himself, has pointed out, Congress has done nothing. We hold hearings to point out that the ATF lacks leadership but continue to block the appointment of a director. We talk about the need to enforce the laws on the books but look the other way as those laws are ignored at gun shows. We stop suspected terrorists from boarding airplanes but not from buying 30-round clips. All of this is based on the fantasy that denying terrorists assault rifles is the first step to national gun confiscation.

The Supreme Court answered that in the D.C. and Chicago handgun cases. The Court found that there is an individual right to bear arms. It is a limited right, subject to local control, but it is a right. That is now settled law, so the people who make their livings scaring gun owners have to resort to conspiracy theories to keep the donations

coming. Now is the time to move past the beltway extremists and listen to the American people. Are these tough votes? Maybe, but that's what we were sent here to do.

I want to mention Blair Holt, a Chicago high school student, son of two lifelong public servants. Blair was riding a bus, while on his way home from school, when a gun was pulled on his friend. He stepped in front of the gun and was shot to death while protecting his friend.

I ask my colleagues to think of that the next time they want to claim they can't do anything about gun violence. Blair Holt was willing to take a bullet for a friend. Shouldn't we be willing to take a tough vote for our children?

THE NATURALIZATION OF THE HASAN FAMILY OF MILLTOWN, NEW JERSEY

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

Mr. HOLT. Mr. Speaker, my colleagues who were Members of this body some 10 years ago may recall my coming to the floor on behalf of my constituents, the Hasan family of Milltown, New Jersey—Durre, Nida, Asna, Anum, and Iqra Hasan. They lost their husband and father, Waqar Hasan, on September 15, 2001, 4 days after the tragic events of September 11. That night, an angry man walked into Waqar's convenience store in Dallas, Texas. He ordered two hamburgers and shot the 46-year-old husband and father in the face.

This was not a robbery gone awry. It was a deliberate act of hate based on Waqar's heritage and physical appearance. When asked by police why he shot Waqar, the shooter expressed no remorse. He said, ''I did what every American wanted to but didn't.''

When Waqar Hasan came to the United States from Pakistan in 1993, he did so in search of a better life for his family. After working in New Jersey, he took an opportunity to run a store in Texas and was going to bring his family to join him after he was established. The Hasans epitomized the hardworking, optimistic spirit that immigrants always brought to this country. They were on the path to permanent residency and, eventually, American citizenship when Waqar lost his life for no other reason than that he was a Muslim and that the murderer thought Waqar had a Middle Eastern face.

It looked at that time as if Waqar's death ended the family's path to citizenship. The widow and four school-aged girls were subject to immediate deportation. After exhausting all legal and administrative options to allow Durre, Nida, Asna, Anum, and Iqra to remain in the United States, I determined that a private bill was the only possible course of action. Finally, in 2004, Congress passed and President Bush signed this private bill into law, giving the family a path to their dream. A few weeks ago, the Hasans took the oath of U.S. citizenship in our New Jersey congressional office. These five remarkable women had endured a long, arduous pathway from tragedy to citizenship. They formally tied their futures to the United States of America.

In a real sense, though, this naturalization ceremony was about the United States of America as much as it was about these five women. These five women were tied to America long before they took their oaths. They considered themselves Americans, and the United States of America had an obligation to them for many years.

At the ceremony, we saw hope coming out of tragedy—a fair result out of an insane injustice—and compassionate concern out of impersonal laws and regulations. The United States intends to provide and strives to give hope, fairness, and compassion, but these are not automatic. Cruel fate or happenstance often threatens to crush hope and opportunity. Irrational human passions and prejudices can thwart justice and fairness. The demands of life in a busy, complicated society and the exigencies of a complicated legal code can crowd out compassion.

In 2001, all across America, Americans reacted in dismay when they heard the news of the hate crime.

□ 1020

When they learned that the murderer committed his brutality in retaliation for the September 11 attacks in an act of twisted patriotism, they knew it was a blot on our country. Americans felt the pangs even more deeply when they learned that Waqar Hasan left behind a struggling widow and four little girls.

For most Americans, that was the end of the story as they went back to their busy lives. They thought the wheels of justice will turn and take care of this. They didn't think about the United States' obligation to this family, nor did they consider how impersonal the law can be. On March 16, finally, hope, fairness, and compassion prevailed. It was wonderful and heartwarming.

The people of America and our government have an odd attitude toward immigration and immigrants. Often forgetting our own origins and even our own best interests, we resist diversity and even lash out at others, like ourselves, because we mistakenly think they are not like ourselves. Our country has a founding commitment and a history of openness, punctuated, I must say, with instances of rejection, bias, and hatred. The historical record is very clear that openness towards immigrants and policies of inclusion have greatly benefited us. Human prejudices sometimes break through. We see it even today. But with this oath of citizenship, the aspirations of Waqar Hasan for his family were realized.

We mustn't forget that year by year over the centuries, the United States of America has moved by means of laws to overcome these prejudices of humans and the impersonal forces of society to create an opportunity and to create fairness.

We must lift our lamp by the golden door, but also keep the door and our hearts open.

WHAT KIND OF COUNTRY ARE WE BECOMING

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

Mr. AL GREEN of Texas. Mr. Speaker, the Houston Chronicle reports today that a proud father announced over his Facebook page that his baby was born. The baby was born on April 14, 2012. The baby weighed 6 pounds, 15 ounces, and was 20 inches long. He was a proud father announcing the arrival of his baby.

I regret to say, Mr. Speaker, that the Chronicle goes on to report that yesterday the mother of this child, while taking the child in to receive medical attention, was killed. A proud father announces the arrival of his baby, and the mother is killed days later.

What kind of country are we becoming? I don't know what the motive is for this, but I do know the results. I know that a baby will not have its natural mother there to care and to nurture. I know that the mother won't be there on the first day of school, won't be there to see the first step that the child will take. The mother won't be there to turn on the light and protect the child from the creatures of the night, to pitch the ball and catch the child after a fall. I don't know what the motive was, but I know that a mother won't be there when the child walks across the stage to graduate from high school, when the child is married, and the first child is born to the next generation. The mother won't be there.

Regardless as to what the motive is, we must stop this senseless violence. I don't know what the race of the perpetrator was, but I do know that people of goodwill want to see this person prosecuted, and I want to see this person prosecuted to the fullest extent that the law permits. This senseless violence has to stop.

Prosecution alone won't do it. I think we do have to say more and do more, and let the country know that this is not the America that we see in our future. We have got to condemn all of this senseless violence. This senseless violence goes beyond race. It goes beyond status. This senseless violence has to be denounced by every one of us, and every one of us tries to do it as regularly as we can. I just want to join the choir of people who are saying that we will not tolerate it, we demand prosecution, and we understand that we must end this foolishness. Because if we don't end it, it will be our end.

HENNEPIN HEALTH

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

Mr. ELLISON. Mr. Speaker, the rising cost of health care is one of the most difficult policy decisions and budget challenges that we face as a Nation. The problem will continue to grow unless we act.

Rather than cutting care for the most vulnerable, however, we must develop smart ways to contain costs. A great example of this type of innovative approach is something that I'm proud to describe for you, and it is happening in my district. The program is called Hennepin Health program, and it is in Hennepin County, Minnesota. It is run by Hennepin County, and it integrates care for individuals with the highest need. Low-income, poor individuals needing health care can be very expensive to treat because they end up going to the emergency room, as they don't have a regular care provider, and yet the Hennepin Health adjusts to this situation and treats them on a cost-effective basis.

These individuals often face many challenges such as chemical dependency, chronic illnesses like diabetes and others, and unstable housing. Hennepin Health tries to identify the holistic needs of the individual, whether those needs happen to be medical care, housing, mental health treatment, or finding a job.

Here are a couple of individuals who this innovative program has already helped. A 50-year-old Native American man from my district is chronically homeless and suffers from hepatitis C. He used the emergency room as his primary medical care, but this was only because he didn't have transportation to a clinic. He was entitled to a free bus pass, but didn't have an address to receive it. Hennepin Health connected him with a social worker to pick up his bus tickets, and now he is able to see a clinic for his health care, keeping him out of the emergency room, which is, of course, the most expensive type of care and which you can't be rejected from for good reason, because it would be inhumane to do so.

The program has also helped an African American man in my district who has had a history of heart disease, kidney disease, and homelessness. Hennepin Health was able to connect him to housing providers, which helped him to stay out of the emergency room as well. He is now able to get all of his medical and mental health needs addressed at a health care home.

These are great success stories, people who are low income, who have serious health challenges, who don't have any health care, and so they seek the health care of last resort, the emergency room, which happens to be very expensive to treat them at. This is not the most effective way nor the most compassionate way to treat them. Ongoing regular treatment from a provider is what is needed. Hennepin Health has saved money, and more importantly has helped people, members of our society, Americans, get their health care needs met.

As some cities have found, 1 percent of the individuals in a safety net program can often account for up to a third of the cost because of this problem of ending up at the emergency room. By coordinating care for high-need individuals, health care programs can greatly reduce costs while also providing better care.

While Hennepin Health program is new, it is extremely promising and has already demonstrated it can be a model for the Nation. I might add, Mr. Speaker, this is government, yes, government, delivering good service by being affordable, low cost, and smart. Chalk one up for the American taxpayer and people who are in chronic need of health care.

Mr. Speaker, Hennepin Health is a good idea. I'm proud of it.

□ 1030

SMART SECURITY: BETTER INVESTMENTS AND GREATER RETURNS

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

Ms. WOOLSEY. Mr. Speaker, yesterday Americans filed their tax returns, sending the Federal Treasury funds for the government to perform vital functions. Unfortunately, much of that money, way too much of that money, continues to be wasted on a policy that has failed miserably.

I'm talking about a policy that has lost the confidence of the American people whose taxes support it, a policy that has cost nearly 2,000 American lives, a policy that has done more to undermine our national security goals than is done to make our Nation safer. Of course, I'm talking about the war in Afghanistan.

This past weekend brought yet more evidence that our continued military presence in Afghanistan, carrying a price tag of roughly $10 billion a month, is stirring up unrest and emboldening insurgents rather than providing security and stability. Beginning this last Sunday, the Taliban launched a series of bold, coordinated, and simultaneous attacks throughout Afghanistan, hitting the parliament building and diplomatic sites throughout the country.

Thankfully, there were limited casualties. By many accounts, the Afghan security forces handled themselves with skill in response to the violence, which is very good news, because as the Afghans are better able to police and protect themselves, that's all the more reason to hasten our military withdrawal from Afghanistan. Every day that we continue our military occupation, Mr. Speaker, is another day that we breed resentment, that we inflame tensions and create more impassioned enemies.

Mr. Speaker, the American people are writing the check for this war. In fact, they just sent in their annual check this week. They deserve a better return on that investment. They deserve a set of policies that are more humane, more consistent with our best values as a Nation, and more likely to advance our national security objectives.

They deserve the kind of SMART Security approach I have been talking about for many years now. Instead of invasions and warfare, we need diplomacy, we need multilateral cooperation. Instead of military surges, we need civilian surges. Instead of troops with guns, we need to send humanitarian experts, experts that can help Afghanistan and other developing countries fight poverty, rebuild their infrastructure, educate their people and so much more.

Listen to this quote, Mr. Speaker:

> In today's ever-complex world, we must use all the tools of national security to achieve our objectives, including a strong State Department and other civilian-led agencies. Development and diplomacy keep us safe by addressing threats in the most dangerous corners of the world and by preventing conflicts before they occur.

That's an excellent explanation of SMART Security, but that's not LYNN WOOLSEY, and it's not the Out of Afghanistan Caucus talking. It's from a letter to Congress signed by 80 retired military leaders making the case not to cut USAID and arguing for a strong, international affairs budget.

The time is now, not in 2014, Mr. Speaker. The time is now to bring our brave troops home to implement the compassionate and cost-effective SMART Security agenda that can keep our Nation safe, and it can keep peace in the world.

AMERICAN LEGISLATIVE EXCHANGE COUNCIL

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

Mr. JOHNSON of Georgia. Mr. Speaker, yesterday I spoke about a secret organization called ALEC, also known as the American Legislative Exchange Council.

I talked yesterday about how 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 member is a member of ALEC. The legislative member goes on various retreats and junkets. The ALEC corporate members paid tens of thousands of dollars a year to be members, whereas the legislators pay $50 a year.

You can see the imbalance there. This is something that is funded by the corporations' special interests. The

lawmakers, just to make it look good, have to pay $50 annually to join.

We don't know who those lawmakers are, although we do know that 60 percent of the lawmakers in the entire United States of America are members of ALEC. The taxpayers are probably the ones who pay the annual membership fee with which the members are then connected to corporate interests by way of ALEC committees, and these committees produce the model legislation that is then introduced by these same member legislators in their respective legislatures.

That was the way that the so-called Stand Your Ground law—but it's really a ''shoot first, ask questions later'' bill—began. That's how it started in Florida. It was an ALEC-produced bill. It has now spread to one-half of the States in the United States of America. Twenty-five States have adopted similar laws despite the fact that self-defense has always been a defense available to people who find themselves in that situation.

But the reason why they did this is because they wanted to produce more handgun sales. It's nothing but about money. The NRA and the corporations that sell firearms through the retail outlets across the Nation are benefiting, but we have people dying in the streets because of these weapons.

Now that is one question. There is another committee that has been set up by ALEC, and it deals with the private prison industry. Mr. Speaker, the United States imprisons more than any other nation in the world. We currently incarcerate approximately 2.3 million people.

America's high incarceration rate is not fitting for a Nation which is routinely touted as the greatest in the world. Although high incarceration rates hurt the United States as a whole, it definitely benefits the private prison industry. In 2010, the two largest private prison companies, CCA and the GEO Group, received nearly $3 billion in revenue that's taxpayer money.

The for-profit prison industry is driven by the corporate members of the American Legislative Exchange Council, ALEC. ALEC is a secretive organization that has advocated for harsh sentencing and detention laws that lead to mass incarceration. It provides State legislators with model legislation, and each year ALEC members introduce these bills in State houses across the country. This gives unparalleled access and authority to ALEC's corporate and legislative members, undermining the will of the people and the power of the ballot box. Private prisons have vested interests in maintaining and maximizing their profits.

□ 1040

They are not concerned about public safety or rehabilitation or reducing recidivism. Those principles directly conflict with their bottom line and mantra, which is more prisoners and more money.

Mr. Speaker, I will again be back to continue to discuss this issue. I discussed it yesterday. Today is another day. I think the American people need to know what is going on in the politics of America. If we don't do something, we are all at risk for losing the rights that we as citizens are supposed to possess: government of, by, and for the people—not for special interests.

ADDRESSING FAILED ADMINISTRATION POLICIES

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

Mr. KINGSTON. Mr. Speaker, the failed policies of the Obama administration continue to drag down the economy. The policies of stimulus programs, bailouts, crony capitalism, the Department of Justice investigating only what they choose worthy to be enforced, bowing to Saudi kings, going to China hat in hand asking for more money have brought down the economy.

Indeed, the unemployment rate, which the administration says is 8.2 percent, that's not accurate at all. They simply got it down that low by omitting a whole lot of unemployed people from the unemployment category. There's about 4 million people who have given up looking for a job, and the Obama administration doesn't even consider them as being unemployed.

In my opinion, there are four things we can do to address this, and we need to do it on a bipartisan basis. I have reached out to the White House. I will continue to. And even in an election year, it's far more important to put America first and party second.

The first thing we need to do is pass a budget. Right now, the national debt is over 100 percent of the gross domestic product, a $15 trillion national debt and a $15 trillion economy. Indeed, we are on the road to Greece. For every dollar we spend, 40 cents is borrowed.

The United States Senate, under HARRY REID, has not passed a budget in 3 years. That is the constitutional duty of the legislative branch of government. The House has done so. The House passes a budget. We had a great debate 2 weeks ago. We had a budget offered by the Democrats, one offered by the Progressive Caucus, one offered by the Congressional Black Caucus, one offered by the most conservative caucus, one offered by the Ryan Budget Committee. We had a great debate, and we passed a budget.

Now, the Senate doesn't like that. I understand that. Footnote: we even offered the President's budget, which increases the debt $1.2 trillion—another $1.2 trillion—and not a single vote from NANCY PELOSI to JOHN BOEHNER, not one vote for the President's budget. The same thing happened in the Senate last year.

But I understand the Senate doesn't like our budget. They don't like the President's budget. But where is your budget? You have got to pass it. And if you would pass a budget in the U.S. Senate, we can hammer out our differences between the House and Senate. Indeed, both parties will have to give; both bodies will compromise. That's always been the case. But it would send a huge international signal that America, the economic leader of the world, is serious about getting our hands on our debt. We are leading the way instead of falling to the demise of Greece, Spain, Portugal, and so many of the other troubled countries.

So the first thing we need to do to change our economy around is to pass a budget.

The second thing to do is to look at regulatory burden, which is stifling new jobs, and instead of government bureaucracies going to the small businesses with this ''I gotcha'' attitude—we know you hate people; we know you hate consumers; we know you want to pollute the air; we know you want to poison the food—maybe the Federal Government regulatory agencies should go into the small businesses and say: We recognize what you're doing right; we want to encourage it. And where you're doing wrong, we're going to discourage it; and if you don't address it, we will fine you. But don't go to every business in America assuming they're guilty of something besides creating jobs and delivering goods and services to people.

So we need to ease up and find the balance in the regulatory burden.

Thirdly, we need to drill our own oil, and we need to encourage the new technologies of horizontal drilling, fracking, and all the great promises that are out there. We need to look at the example of Williston, North Dakota, which has brought its oil production from 200,000 barrels to 600,000 barrels in less than a year's period of time. Indeed, America could perhaps become an energy exporter. Not only would that be an economic boon, but the national security advantage of it would be an unbelievable sea change in the world stability today.

Fourth and final, we need to have tax simplification. How many Americans within the sound of my voice fill out their own tax return? More and more people are turning to accountants and lawyers to figure out what the heck we owe Uncle Sam every April 15. And when you pay an accountant $300 or $400 or $500 or $1,000 to figure out what you owe Uncle Sam, that's a tax in itself. Businesses spend lots of time avoiding taxes. We need a tax system that's certain, that's clear, that's concise and fair so that everybody understands it and everybody pays their fair share. Indeed, tax simplification would help turn the economy around.

So, Mr. Speaker, in my opinion, Democrats and Republicans have the moment right now to change the economic direction of America by passing a good, solid budget; by having balanced regulatory reform; drilling our

own oil and having a good energy policy; and, finally, tax simplification.

RECESS

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

Accordingly (at 10 o'clock and 46 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:

Dear God, we give You thanks for giving us another day.

Bless abundantly the Members of this people's House. During this season of new growth, may Your redemptive power help them to see new ways to productive service, fresh approaches to understanding each other, especially those across the aisle, and renewed commitment to solving the problems facing our Nation.

May they, and may we all, be transformed by Your grace, and better reflect the sense of wonder, even joy, at the opportunities to serve that are ever before us.

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.

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

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

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

Mr. WILSON of South Carolina. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

PLEDGE OF ALLEGIANCE

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

Mr. LANKFORD 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.

REMEMBERING THE VICTIMS OF THE OKLAHOMA CITY BOMBING

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

Mr. LANKFORD. On April 19, 9:02 a.m. central time, my city will stop for a moment of silence. We'll stop and we'll reflect for 168 seconds. Family and friends will stand on the green grass in the shade of the Survivor Tree and will read the names of all 168 victims of the April 19, 1995, bombing at the Murrah Building in Oklahoma City.

While the State of Oklahoma remembers, I would like to ask the Nation to also pause for a moment and to remember the service, the lives, and the families of those that we will never forget, to thank again the rescue workers that rushed into a building that they had no idea how stable it really was, and to remember again the survivors of that day.

In the days ahead, our community will visit the 3-acre memorial site. Tens of thousands will participate in a memorial marathon. Oklahoma families will again stop, discuss, and remember with their children April 19, 1995. I would like to encourage the Nation to do the same.

REPUBLICAN BUDGET BREAKS PROMISE TO AMERICA'S SENIORS

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

Mr. CARNAHAN. When I entered public service, I promised I would never forget those Americans who built this Nation. They educated my generation, passing on a better, stronger country than they inherited.

Nearly 50 years ago, Congress passed Medicare, and President Lyndon Johnson signed it, with former President Harry Truman and Bess Truman sitting at his side. America promised that if you worked hard, we would not forget you in your golden years. We promised that health care bills would not drag seniors into financial ruin.

The Republican budget breaks that promise. It tells our parents and grandparents to fend for themselves, and it ends the Medicare guarantee. The promise that I made, that this country made, and that I demand this Congress uphold, is that we treat seniors like national treasures and not national burdens. The Republican budget fails that promise to America's seniors.

NEW IRS AGENTS

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

Mr. WILSON of South Carolina. Mr. Speaker, last week, the President announced plans to divert $500 million to the IRS for the purpose of hiring new IRS agents to promote the President's health care government takeover bill. This fact reveals that ObamaCare is not a bill designed to improve the quality of health care but instead raises taxes and creates more burdens for individuals and small businesses, destroying jobs. House Republicans remain committed to fighting for the total repeal of ObamaCare, then to promote commonsense free market health reforms preserving the doctor-patient relationship.

Additionally, I am grateful for the efforts of Tom Von Kaenel, who is in Washington today. Tom is the founder of the Sea2Sea, an organization providing assistance to our military personnel, veterans, and their families by helping them transition back to civilian life. In order to raise awareness for the cause, Tom will spend the next several weeks biking across the United States, duplicating his biking this spring across the United Kingdom.

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

THE FUTURE OF MEDICARE

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

Mr. HIGGINS. Mr. Speaker, on Monday I met in western New York at the Cheektowaga Senior Center, where the discussion centered around the future of Medicare. Prior to the creation of Medicare in 1965, only 50 percent of seniors had health insurance because they were seen by insurance companies as too risky. Today, Medicare is a lifeline to affordable prescription medications and accessible preventative care for seniors across the Nation, including over 100,000 beneficiaries in my district alone.

Now some want to change the program to instead give our seniors a voucher that forces them to go out into the market on their own to try to obtain insurance. Our parents and grandparents deserve better. Medicare provides one of the most important guarantees in our society: the guarantee that if you are an older American and you get sick, you will get the care that you need without going broke. This is an American promise worth fighting to protect.

□ 1210

SUPPORT THE RESTORE ACT

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

Mr. PALAZZO. Mr. Speaker, 2 years ago this Friday, the Deepwater Horizon explosion took the lives of 11 Americans, including four Mississippians, and caused an oil spill of epic proportions. For 86 days, millions of barrels of oil gushed into the waters of the Gulf of Mexico, washed up on gulf coast beaches, and threatened the ecosystems and the economic stability of an entire region of the country.

The images of oil gushing into the Gulf of Mexico, wildlife coated in crude, and tar balls washing up on beaches have long vanished from the national media spotlight, but the spill left lasting effects on the lives of gulf coast residents and businesses.

I ask my colleagues to take a moment this week to pause to remember the lives lost and the millions affected by this tragedy. I urge them to show their support once more to all those affected by the single largest manmade disaster in our history by voting ''yes'' for today's bill.

Restoring and replenishing the gulf coast is more than just a responsible decision; it's the right thing to do.

HONORING SERGEANT DENNIS WEICHEL

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

Mr. CICILLINE. Mr. Speaker, I rise today to honor the life of Sergeant Dennis Weichel, Jr., of the Rhode Island National Guard. Last month, while serving our country in Afghanistan, Sergeant Weichel saved a young Afghan child who had crawled underneath a moving armored vehicle in order to collect a brass shell casing. Responding quickly, Sergeant Weichel moved the child to safety, even though doing so placed him in the path of the same armored vehicle and took his life. Sergeant Weichel is an American hero who gave his life to protect a child he did not even know.

Rhode Islanders are often reminded that we come from the smallest State in the Union, but today, Sergeant Dennis Weichel's actions have touched our entire Nation and are an example of the sacrifices made every day by our brave men and women in uniform.

My thoughts and prayers go out to his mother, Linda; his father Dennis, Sr.; his fiancee, Ashley; and his three children.

THE SMALL BUSINESS TAX CUT ACT

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

Mr. BROUN of Georgia. I rise today in strong support of H.R. 9, the Small Business Tax Cut Act.

In my home State of Georgia, there are more than 150,000 small businesses which employ over 1.5 million people. These are the folks that tell me every day when I come home that a tax break would allow them to hire more employees. Consider this: between 2005 and 2008, more than 130,000 new jobs were created by small businesses in Georgia. But under the current administration, in just 1 short year, Georgia's small businesses have had to let go nearly all of those jobs. That's a crushing 120,000 people out of work because of the Obama administration's policies.

Democrats somehow think that they can solve our unemployment crisis by raising taxes. But job creators know that the only way that they can put people back to work is if they have more money to hire folks. That's why I support H.R. 9 and also why I introduced my JOBS Act, H.R. 660, which would lower taxes for everybody. I urge my colleagues to support both bills.

REMOVING THE PEOPLE'S MUJAHEDIN ORGANIZATION OF IRAN FROM THE FOREIGN TERRORIST ORGANIZATION LIST

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

Mr. SIRES. Mr. Speaker, I rise today to urge that the MEK be removed from the U.S. Department of State's list of Foreign Terrorist Organizations. Since its listing in 1997, the MEK has denounced violence and provided valuable intelligence on the Iranian regime, yet they remain on our terrorist list.

Even important allies acknowledge that the MEK no longer poses a terrorist threat. In 2009, the United Kingdom and the European Union removed the group from their lists. The unjust listing has been considered by the U.S. courts, but the Department of State continues to drag its feet regarding the delisting.

In July 2010, the U.S. Court of Appeals for the District of Columbia Circuit criticized the Department of State's designation of the MEK as a terrorist organization since the group's due process rights had been violated, and the Department of State has yet to provide specific information demonstrating why the group is a terrorist threat today.

The battle over delisting the MEK has gone on far too long with far too little evidence. I urge my colleagues to follow me in calling for the immediate delisting of the MEK by the Department of State.

STUDENT LOAN DEBT

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

Ms. EDWARDS. Mr. Speaker, last week, one of our colleagues who represents a portion of my alma mater, Wake Forest University, stated that she has ''little tolerance'' for those who graduate with high student loan debt, based on her personal experience of working her way through school.

I want to share my personal experience. I come from a military family of six children. My father served nearly 30 years. My parents, like many across this country, couldn't afford to pay for all of my college education. But they knew that a college education was our way to achieve the American Dream. And so I had to take out student loans in addition to scholarships and work. I took out nearly $100,000 in student loans from undergraduate school to graduate school, and I borrowed that. I only paid off my last student loan payment 1 month before my primary election in 2008. I was struggling as a single mother and meeting my other responsibilities, but I was thrilled when I made that last payment.

Contrary to what's been said about those who take out student loans to finance their education, I'm glad the Federal Government now directly issues all student loans rather than through private banks.

Comments that disparage college students and would deprive middle class families like mine to live their American Dream are just out of touch with what's happening across this country and minimize the lengths to which Americans seek higher education to better themselves and their families.

The rungs of the ladders of opportunity must be stable and available to all of us—the Federal student loan program, Pell Grants, work study, private scholarships, and, yes, work all provide the package that so many of our students need for college success.

THE REPUBLICAN BUDGET AND WOMEN'S HEALTH

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

Ms. SCHAKOWSKY. Let's talk about who wins and loses in the Ryan Republican budget. If you're a millionaire hedge fund manager, this budget is made for you. You get an average tax cut—cut—of $394,000. If you're a senior citizen woman living on a median income of $22,000, sorry, you're out of luck.

The Republican budget repeals ObamaCare so you pay more for prescription drugs and preventive services. It takes away your Medicare guarantee and increases your costs. It changes Medicaid to a block grant, meaning you may be on your own if you need long-term care services. And the Republican budget even cuts the Older Americans Act services like Meals on Wheels.

Older women and men shouldn't have to sacrifice so that millionaire hedge fund managers can become even richer. Under the Democratic budget, they don't have to.

THE REPUBLICAN BUDGET

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

Mr. CONNOLLY of Virginia. Mr. Speaker, budgets are about values and require elected decisionmakers to balance the needs of our constituents with fiscal responsibility.

The Republican Ryan budget this Chamber deemed adopted yesterday is in no way a reflection of the American values that have shaped this Nation. The Republican budget would turn back the clock more than a century to a time when social Darwinism—survival of the fittest—was, in fact, the norm.

Through the leadership of people like Republican Teddy Roosevelt, our Nation began to realize the value in tending to the needs of the poor, the sick, the working poor, the elderly, our children and women. The Republican budget would again put us at risk by making seniors experience a slashing of Medicare and increasing their out-of-pocket costs, and it would further line the pockets of the rich at the expense of the downtrodden among us.

The cuts in discretionary spending put forth by the Republican budget would further set our students behind and create a drag on the economy by disinvesting in research and infrastructure. Mr. Speaker, these are not American values.

BIRTH CONTROL AND MINORITY COMMUNITIES

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

Ms. CHU. For women of color, access to birth control can mean the difference between life or death. Without birth control, they face more reproductive cancers, more unintended pregnancies, and more sexually transmitted infections. And because many times they can't afford to pay for health care, such diseases have a more disproportionate effect.

Without affordable health care—and birth control being part of that health care—women's health is at risk. In fact, birth control pills prevent 200,000 ovarian deaths and 100,000 deaths overall for women. Without birth control being covered, out-of-pocket costs for women and their health care needs can be up to $600 per year. It's like a tax on women. That's not fair.

That's why I support President Obama's decision that birth control should be part of all health care plans. Women do not have to be second-class citizens.

□ 1220

STOP STUDENT LOAN INTEREST RATES FROM DOUBLING

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

Mr. TONKO. Mr. Speaker, I rise today to sound a warning: college could become even more expensive.

While it's true that a recent report from the College Savings Plan Network put the value of a 4-year degree at $570,000 more than a high school education would provide over a lifetime of work, paying for loans to go to school is a ticking timebomb.

On July 1, federally subsidized student loan interest rates will double for low- and middle-income families from 3.4 percent to, yes, 6.8 percent. About 8 million students nationwide will be affected by this change. For a student that takes out $23,000 in loans over the course of a 4-year degree, this would mean paying back an additional $11,000 over a 20-year payback period.

But it doesn't have to be this way. This body can act. It can act before July 1 to stop interest rates from doubling.

I stand here today to urge action to stop student loan interest rates from doubling overnight. Our Nation's young people face enough hurdles that range from student debt to finding a job to starting a career. They shouldn't have to worry about this body adding to the list.

JOBS AND THE ECONOMY

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

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, roughly 120,000 jobs were added to the economy in March, marking the 25th consecutive month of increased private sector employment.

In 2 years, American businesses have created 4.1 million jobs. Just last month, the unemployment rate was down to 8.2 percent. While the stimulus bill enacted in 2009 aided in the recovery, there is still much more that this Congress can do to close the employment gap. Instead, Republicans in Congress have insisted on either blocking Democratic job creation proposals entirely or aggressively pursuing legislation that concentrates on special interests and the superwealthy.

Mr. Speaker, as long as millions of Americans continue to struggle, we have the responsibility to engage in a meaningful way that will get our economy back on track.

WOMEN'S HEALTH WEDNESDAY

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

Ms. LEE of California. Mr. Speaker, first let me just thank Congresswoman CHU and our colleagues for standing up for women's health today.

Between 2009 and 2010, the United States teen birthrate saw a record 9 percent decrease to 34 births per 1,000. This decrease is due in large part to increased contraceptives use in addition to sex education. Yet even as African American and Latina teens saw large birthrate decreases of 9 and 12 percent, respectively—and we know it's also true for Asian and Pacific American women—all three communities still experience much higher rates of pregnancy and sexually transmitted diseases and infections than white teens.

The reality is not much better for African American women, who, like teens, experience more than double the unintended pregnancy rate of white women. This is unacceptable.

Unintended pregnancy has a very real public health impact, not to mention the increased economic burden on families who are not able to adequately plan for their children. That is why access to affordable birth control is so very important for minority women.

HEALTH CARE DISCRIMINATION

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

Ms. SPEIER. Mr. Speaker, I'm sick of women getting the short end of the stick. On the whole, women earn less than men for the exact same jobs. In fact, compared to men, women basically work for free 3.5 months of the year since we only make 77 cents for every dollar earned by a man.

But here's something that's not free—health care for women. We pay $1 billion more a year in health insurance premiums than men. That's astounding. And it's not because ''the fairer sex'' is less healthy than men. In the individual market, a woman, 40 years old, nonsmoking, in Kentucky, actually pays more for her health insurance than a 40-year-old man who does smoke. Even among 30-year-olds in Chicago, women are paying over 30 percent more for health insurance than men of the same age. In South Dakota, a 40-year-old woman pays $1,200 more than a 40-year-old man for the exact same coverage.

The fact is, women are at the mercy of the vast majority of insurance companies which charge us significantly more than men, even with maternity coverage excluded.

Gender Rating in the individual market is wrong and must end.

And if you want maternity coverage? Forget it.

How's this for family values?

For women who do want maternity coverage in the individual market it's an uphill battle to find it and an even greater challenge to pay for it.

Maternity coverage is only covered by 6 percent of insurance companies unless it is mandated by the state. And the cost can be astronomical. Deductibles could be as high as $10,000.

Some companies offer special maternity coverage riders. In Kansas a rider could cost over $1600 a month—well over the cost of a normal health insurance premium.

And some of the riders require long waiting periods before the coverage goes into effect.

Insurance companies call being a woman a pre-existing condition.

And they get away with charging women more for the same coverage as men unless there are laws in place to prevent Gender Rating.

Thirteen states, including California, ban gender discrimination in insurance coverage. Fortunately, in 2014 when the Affordable Care Act goes into effect, the same will be true for the whole country.

This is a long overdue step for women's equality and a key moment for health care.

GENDER DISPARITIES IN COMPENSATION

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

Mr. POLIS. Mr. Speaker, I rise today in observation of Equal Pay Day, a day that signifies, to a degree, how far we've come with regard to breaking the glass ceiling and providing opportunities for all Americans, regardless of gender, but it also reminds us how far we have to go, how far we have to go before parity is reached.

For every dollar earned by a man, for the same job, women continue to earn only 77 cents. That extra difference—thousands of dollars a year of income for working families—constitutes a lot of groceries or a lot of gas money that men can buy for the same work that women are undercompensated for.

I was proud that one of my first votes in the United States Congress in the 111th Congress was to pass the Lilly Ledbetter Fair Pay Act.

But we are not yet there in reaching gender parity in this country and ensuring that every American, regardless of their gender, has access to the same opportunity and the same compensation. That's why I introduced the Women WIN Jobs Act, along with ROSA DELAURO, which helps train women for high-paying jobs.

I ask my colleagues to continue to address the disparities in compensation among the genders.

PROVIDING FOR CONSIDERATION OF H.R. 4348, SURFACE TRANSPORTATION EXTENSION ACT OF 2012, PART II

Ms. FOXX. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 619 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 619

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. 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. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provisions in the bill are waived. No amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. CHAFFETZ). The gentlewoman from North Carolina is recognized for 1 hour.

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

GENERAL LEAVE

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

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX. House Resolution 619 provides for a structured rule providing for consideration of H.R. 4348, a bill which extends the Federal highway, transit, and highway safety programs through the end of fiscal year 2012 and establishes program funding levels consistent with the fiscal year 2012 appropriated levels. The highway trust fund taxes and expenditure authority are also extended through fiscal year 2012. The Federal surface transportation programs and highway trust fund taxes and expenditure authority are currently authorized through June 30, 2012.

Mr. Speaker, the underlying bill today extends the authority of the government to fund highway programs through the end of this fiscal year.

□ 1230

In addition, the bill provides for the approval of the Keystone XL pipeline by giving the Federal Energy Regulatory Commission 30 days to approve the Keystone XL pipeline expansion, and also includes language contained in H.R. 3096, the Resources and Ecosystem Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States, or RESTORE, Act which would establish the Gulf Coast Restoration Trust Fund and dedicate 80 percent of penalties paid by the responsible parties in connection with the Deepwater Horizon oil spill to the restoration of the gulf coast ecosystem and economy.

Mr. Speaker, our constituents are feeling great real pains at the pump, and their pains are being ignored by the President and his liberal extremist enablers in Congress.

Recent polls indicate that 63 percent of Americans say increases in gas prices have caused financial hardship for their families. My Democratic colleagues may be well served to ignore their Occupy Wall Street handlers for a moment and recognize that, as gas prices increase, it costs more to transport food and other essential goods and services, which lowers the standard of living for all Americans.

The simple truth is that when President Obama was sworn into office in January 2009, the price of a gallon of gasoline was $1.84. Today, in many parts of our country, it's over $5 a gallon. My guess is this is not the kind of change that most Americans were expecting or wanted when President Obama promised change.

Maybe since the President doesn't fill up his own gas tank, he does not fully appreciate this reality.

These steeply rising gas prices have major ripple effects. Higher energy costs destroy jobs and leave families with less money to meet their basic needs.

One of the most well-known precepts of economics is the principle of supply and demand, and the price of gasoline is not immune to this basic principle. That's why we need to increase the supply of all American energy sources to get us to American energy independence.

Republicans have crafted and passed legislation that would not only lower the price of gas, but create jobs at the same time. Unfortunately, the liberal Democrat-controlled Senate stubbornly refuses to move these bills through the process.

It's better to produce our own American energy and create American jobs rather than rely on unstable, hostile foreign regimes for critical energy resources.

It seems that Democrats subscribe to the wisdom of President Obama's Energy Secretary who proclaimed that ''we somehow have to figure out how to boost the price of gasoline to the levels in Europe.''

Mr. Speaker, in Italy gas prices exceed $9 per gallon. The Obama energy policy consists of ignoring the needs of Americans and pleasing his liberal base, rather than working for all Americans.

Congressional Democrats persist in their claim that increasing domestic oil and natural gas production will not immediately decrease the price of gasoline. For decades, this argument has been used as an excuse to continue stalling. We can no longer delay and

deny access to our own American resources.

Another false claim of congressional liberals is that the oil producers are somehow responsible for the high price of gasoline, even though official government investigations have shown time and again no wrongdoing. But they insist on tying their fundamental disdain for capitalism into the claim that denying fair tax treatment to domestic energy producers that is provided to every other industry will somehow lower gas prices.

Well, Mr. Speaker, increasing taxes on American energy producers will only make the price of gasoline higher for families and job creators because affected companies simply pass their increased costs on to customers in order to stay in business.

In what universe does making something more expensive to produce make it cheaper to sell?

The simple truth is that domestic energy producers are essential to the U.S. economy, job creation, energy security, and deficit reduction. It supports more than 9 million jobs and adds more than $1 trillion to the U.S. economy each year.

Today, the energy industry pays over $86 million a day in income taxes, royalties, bonuses, and rents to the Federal Government. Between 1996 and 2007, the industry invested more than $1.2 trillion in a range of long-term energy initiatives, compared to net income or earnings of $974 billion.

The reality is that failure to produce domestic energy supplies, along with global turmoil and competition for supplies with developing nations, has driven up energy prices and boosted foreign energy companies that do not pay American taxes, nor comply with American environmental standards.

House Republicans are now bringing forward yet another bill that will have the dual impact of lowering gas prices while supporting job creation. Republicans remain committed to solutions that promote America's energy independence, lower gas prices, and help create American jobs.

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

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

Mr. Speaker, I rise in opposition to the rule and the underlying bill, H.R. 4348, the Surface Transportation Extension Act of 2012, Part II.

Transportation policy has been and should be bipartisan. In fact, it's largely considered nonpartisan across our country, where mayors and county commissioners rely on and expect certainty from Washington with regard to necessary investments in infrastructure and mass transit.

Yet, instead, here again, with this bill, politics has been injected into a process that has long been both bipartisan and an engine of our economic dynamo that ties our country together through our transportation infrastructure. Instead of creating jobs and advancing our economy, here we are with a bill that offers further delays, crippling States' and localities' ability to plan and fund projects and put Americans back to work.

The bill before us provides yet another short-term extension, the 10th extension since the last highway law expired in 2009. The facts on the ground aren't changing. Whether we extend this for 2 months or 3 months or 1 month, we'll be back here again with the same facts on the ground, the same looming fiscal crisis at the Federal level, the same need for infrastructure at the State and local levels.

So what facts are new? And what's the justification for such a short-term extension?

As we stand here today to vote on another transportation extension, 50 percent of our roads have been identified as in disrepair; 70,000 bridges are structurally deficient and potentially dangerous.

We need to make investments in our Nation's highways and transit projects—that much Republicans and Democrats can agree on—to bring our infrastructure into the 21st century. Yet, instead, this short-term bill before us represents another missed opportunity to make these critical investments for our country's future.

The impact of voting on another short-term extension is not insignificant. As a former small business owner myself, I know very well the importance of certainty in business planning. Rather than providing States with the confidence they need to pass long-term projects planned for them and plan their highways, and for construction companies to gear up, this bill prolongs the uncertainty, which only increases costs, contributing to the deficit and contributing to taxpayers getting a worse deal for their investment at the State and local levels.

The underlying bill only allows States and localities to plan for one short construction season. What guidance do they have for the next construction season? How can bidders and contractors offer their best pricing when they don't even know if there will be a paycheck after this building season?

As the bipartisan National Governors Association has said, a string of short-term extensions will only increase uncertainty for State and local governments and the private sector. Yes, this approach will actually increase costs, rather than decrease costs.

We should be voting, instead, on the bipartisan comprehensive transportation bill that the Senate has already passed that, if this House brought to the floor, I'm confident would pass and that President Obama would sign. It passed the Senate by an overwhelming bipartisan majority of 74–22.

The Senate bill maintains critical investments in our highways and public transportation, improves accountability through asset-management plans, and establishes performance measures so States are accountable for using their funds efficiently.

□ 1240

Extremely disappointing is the transportation policy, an issue that has long been bipartisan in its support, which has turned into a political football in this Congress. The House majority has continued to offer partisan bills that would weaken our economy and create uncertainty. This time, the majority has crafted a transportation bill by linking it to unnecessary and unrelated politically motivated riders. It is a completely unrelated Christmas tree of a bill that we see before us with elements that have nothing to do with our transportation and infrastructure.

Almost as appalling as the riders in the bill are the restrictive rules before us. This rule only made in order three Republican amendments, completely shutting out all Democratic, and even some Republican, ideas. When it comes to transportation policy, this body should be considering amendments under an open process that allows Members of both parties to bring forward their ideas to save taxpayer money and to invest in infrastructure. Unfortunately, thoughtful amendments were not made in order in this process, including some that I will discuss later in the debate.

Because this rule and the underlying bill represent some of the worst partisanship that I've seen in the 3 years I've been here, I strongly oppose them both. I urge my colleagues in the House to reject this approach, to reject this rule, to reject this bill, and to bring up the Senate bill and to bring it quickly to passage in the House so that we can send it to President Obama in order to reauthorize transportation in a bipartisan way, one that reflects our values as Americans.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I think I should remind my colleague from Colorado that the Democrats were in charge of both Houses of the Congress and had the Presidency when the authorization for this bill first expired, and I believe they reauthorized it several times and weren't able to get a bill passed.

I would now like to yield 4 minutes to my distinguished colleague from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. I want to thank my colleague and friend from North Carolina for yielding time to me.

I rise in support of the rule and of the underlying bill. I am very pleased that the rule has allowed one of my amendments to go forward, a very important amendment, I should add.

Our country depends on its maritime commerce. Without the use of our maritime transportation routes, we're not really talking about transportation. We cannot expand exports and we cannot move our agricultural commodities or our manufactured goods to other

destinations around the world if we do not have waterways that have been maintained.

The Army Corps of Engineers has said to me on multiple occasions, if you take the top 60 ports and harbors in this country, fewer than 35 percent of those waterways are dredged adequately to the authorized depth and width authorized by Congress. My bill, which is now an amendment to this transportation bill, H.R. 104, is the RAMP Act. It is the Realize America's Maritime Promise Act. It has bipartisan support with 190 Members in the House and with over 30 Senators over on the Senate side.

What has happened, Mr. Speaker, is this: in 1986, Congress created the harbor maintenance tax and the Harbor Maintenance Trust Fund. This was a user fee on the owners of the cargo—a user fee, an ad valorem tax. The revenue was supposed to be dedicated solely to operations in maintenance dredging by the Army Corps of Engineers where they have Federal authorization.

What has happened over time is that these funds have been diverted to other uses. In 2011, the Harbor Maintenance Trust Fund collected more than $1.4 billion in revenue, but only slightly over half of it was used for the intended purpose. The rest was diverted off to all kinds of other sources. Frankly, Mr. Speaker, as chairman of the Oversight Subcommittee on Ways and Means, I find this to be an egregious abuse and diversion of taxpayer dollars.

My amendment is very simple. It ties the Harbor Maintenance Trust Fund receipts to the expenditures so that these funds will be used for their intended purpose, and that is to dredge, to maintain, these very important waterways. Now, why is all that important? Well, the years of neglect of these waterways is hurting American competitiveness, and it is hurting our ability to export.

The bottom line is this: for every foot that we lose in shoaling on the Mississippi River, we're losing $1 million per day per ship because of the short loading or the light loading of these vessels or of their operating under restricted schedules. In January of 2012 alone, we had five vessels that ran ashoal on the Mississippi River—five vessels that ran ashoal. It is a safety issue as well as an economic issue. Not only that, many of our Great Lake ports are closing. They're closing because of shoaling.

How can we be a competitive Nation that is engaged in international trade if we don't take care of these waterways? This funding is critical to preventing these draft restrictions. In fact, the Army Corps of Engineers has said if they could have access to the incoming receipts, they could maintain all these waterways to the specified depth and width.

What is really good about this amendment is that it also adds nothing to the deficit. According to the CBO, it doesn't score. It's not an earmark. It's programmatic spending. It's basically restoring the original intent of the use of these funds. So I urge the support of the rule and, certainly, of my amendment and of the underlying bill.

Mr. POLIS. Mr. Speaker, I would like to yield 3 minutes to the gentleman from Vermont, my former colleague from the Rules Committee, Mr. WELCH.

Mr. WELCH. I thank the gentleman.

Unfortunately, this is another example of Congress failing the American people. It's failing our States. It's failing our communities.

First of all, how in the world can we expect transportation projects to be done on a short-term basis—90-day extensions? 4-month extensions? That just isn't possible to get from planning, to execution, to construction. It won't happen. Number two, how can we have a transportation bill where we don't fund mass transit? alternative transportation? That makes no sense whatsoever.

What has happened here is that the need to have a transportation bill for this whole country has been hijacked for political purposes. The Keystone pipeline is an example. Take whatever position you want on Keystone, but will the implementation of Keystone bring down gas prices, as is asserted? Will allowing drilling everywhere that the ''drill, baby, drill'' folks want to drill even lower gas prices?

A study of the Energy Information Administration said if we opened up all of the coastal waters—off Florida, off the east coast, off the west coast—and if we drilled on all of the public lands, that might add over time, which is about 10 years, 1 million barrels a day to the supply. That's in a world demand of 100 million barrels a day.

So the question is: What impact is that going to have on price? The best estimate they came up with was about 3 cents per gallon. That suggests when there is so much effort and so much political rhetoric about something that is so profoundly ineffective in giving relief at the pump to folks who need it, that it has a political agenda. Let's, instead, do things that would make a difference at the pump.

One, let's fully fund the Commodity Futures Trading Commission. Turn that into what it has historically been, which is a safeguard for consumers and a safeguard for businesses that need stable pricing in the commodities market. Instead, we are allowing it to become a casino for Wall Street speculation, which is probably adding about $20 on the price of a $100-barrel of oil, or 50 cents on a gallon of gas when you go to fill up. That doesn't need to be. Squeeze out the Wall Street speculation, and give a break to our consumers and businesses.

Two, allow the President in fighting this speculation to deploy the Strategic Petroleum Reserve, 800 million barrels of oil owned by the taxpayers. When that has been deployed by Presidents—two Republicans, two Democrats—it has been a shot across the bow to the speculators, and it has brought down prices by 8 percent to 33 percent.

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

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

Mr. WELCH. Three, let's commit ourselves to using American oil that is produced on American soil to be used in America. So, if there is going to be Keystone oil that is flowing through our States, why do we just want that to go to the export market when it will provide no benefit whatsoever to the American consumer?

Let's do the things we can to bring down the price. Let's tap the SPR. Let's strengthen the Commodity Futures Trading Commission, and let's use American oil on American soil.

□ 1250

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

Again, I want to point out to my colleague from Vermont that it was under Democrats that this authorization expired. They renewed the authorization six times while they were in control of both Houses of Congress and had the Presidency, so they haven't done the job they should have done.

I also want to point out that the President has the tools he needs through agencies already to do the investigations that need to be done; they have done them over and over again and they've found no fault on the part of ''speculators'' or the oil companies.

All the President and his allies on the other side of the aisle are doing, Mr. Speaker, is trying to distract people from their failed economic policies. Every policy that they have instituted has failed miserably, brought us record unemployment, and brought record gas prices. He blames, blames, blames other people, takes no responsibility, refuses to be held accountable for anything that this administration has done, that the Democrats, when they were in charge of the Congress for 4 years, did which created this situation.

I think it's time that they quit casting blame and look for ways to solve problems, like encouraging the President to approve the Keystone pipeline and increasing the real supply, not 17 hours' worth of fuel from the strategic oil reserve.

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

Mr. POLIS. Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to ensure that the House votes on H.R. 14, a bill brought forth by Representative TIM BISHOP and Representative CORRINE BROWN containing the text of the Senate transportation bill, S. 1813, which passed the Senate by an overwhelming bipartisan vote of 74–22.

To discuss our amendment to the rule, I am proud to yield 3 minutes to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Speaker, I would encourage every Member to defeat the previous question so we can end this legislative circus and bring the bipartisan Senate transportation bill to the floor.

Our Nation's infrastructure is at a critical juncture, and the traveling public and men and women who build our roads and rails don't have time for the games that the Republicans are playing with this bill.

The Republican ''my way or the highway'' attitude is not how we should legislate. Transportation has always been a nonpartisan issue, but that has changed since the new Republican leadership took control of the House. In just 2 years, the Republican leadership has ruined a process that used to be bipartisan from a committee that used to be bipartisan. I think Secretary LaHood said it best when he said that this bill that the Republicans are bringing to the floor is the worst bill he has seen in 35 years.

We are in danger of letting our transportation system fall into total despair, slowing the economy even further and putting the traveling public in harm's way.

The American Society for Civil Engineers give America a D grade in infrastructure quality and has estimated $2.2 trillion is needed to bring our Nation's infrastructure to good repair. Transportation for America reports that there are 69,000 structurally deficient bridges nationwide. The U.S. Chamber of Commerce said the Nation will lose $336 billion in economic growth over the next 5 years due to inadequate infrastructure. The World Economic Forum ranks the United States of America 24th in infrastructure quality. We are the world's largest superpower and we should never be ranked 24th in anything.

The Senate amendment that was offered by the Democratic leadership on the committee would fund 2 million jobs every year, provide continued dedicated funding for public transit, streamline project permitting in a responsible way, strengthen Buy America requirements, increase funding for safety programs, and—let me emphasize—is fully paid for.

Transportation and infrastructure funding is absolutely critical to this Nation and, if properly funded, serves as a tremendous economic engine to job creation. The Department of Transportation statistics show that for every $1 billion we invest in transportation, it generates 44,000 permanent jobs.

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

Mr. POLIS. I yield an additional 1 minute to the gentlewoman from Florida.

Ms. BROWN of Florida. Again, I would encourage every Member to vote ''no'' on the previous question. All we're asking for is an up-or-down vote on the Senate bill.

When I was a kid, we used to say, ''I dare you.'' I double dare you, my Republicans. Bring the bill to the floor for an up-or-down vote.

I heard someone on the floor yesterday talking about the Senate, that we need to do away with the Senate. I now thank God for the United States Senate, because they are behaving very responsibly. They passed a bill with over 80 percent of the Members voting for a bipartisan transportation bill. That's what we've always had in the 20 years I've been on the committee.

Let's pick up that Senate bill. Let's pass it, send it on to the President to create jobs, and let's see what happens at the next election.

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

Mr. POLIS. Mr. Speaker, it is my honor to yield 5 minutes to my colleague on the Rules Committee, the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. I thank the gentleman for yielding to me.

Mr. Speaker, yesterday at the Rules Committee, Chairman DREIER said this: ''There's no way we're going to have a transportation bill unless it is bipartisan.'' Mr. Speaker, it was music to my ears. I thought the chairman had a revelation, because that's exactly the tune the Democrats have been singing for weeks, that we need a bipartisan transportation bill. We've been saying this month after month after month.

Transportation bills have always been bipartisan. Our colleagues like to criticize the Senate for inaction, but even they passed an overwhelmingly bipartisan bill this year.

Mr. Speaker, actions speak louder than words. Instead of taking the bipartisan path, my Republican friends have tried one partisan approach after another, and they have failed every time. And the partisan march continues today.

Last night, nine Members of the House submitted amendments to this bill, five Democrats and four Republicans. Then, not 2 minutes after the chairman said what he said, my Republican friends approved a rule on a straight party-line vote to block every single Democratic amendment.

Let me review this for my colleagues because I think it is important.

First, the underlying bill was written by Republicans in a back room without any Democratic input, none. Now Republicans are only allowing themselves to amend the bill they wrote.

This chart produced by the majority says it all: four Republican amendments submitted, three made in order for debate on the House floor; five Democratic amendments in order, not a single one allowed.

Maybe some of the people in the back room can't see this number because it's so small. Mr. Speaker, I'm going to make it a little bit easier for those who need a little help here. Here we go. Zero Democratic amendments allowed.

This is a bill written only by Republicans which only Republicans can amend. Apparently, this is what a bipartisan process means in the Republican House. This is the new and improved open House that they promised.

Open House my foot, Mr. Speaker.

Mr. Speaker, there are real consequences to this approach. I had a very important amendment blocked yesterday in the Rules Committee, an amendment to end the subsidies to the oil companies that are gouging Americans at the pump, an amendment that will cut the deficit by $40 billion. I don't care what my Republican friends say, that is a lot of money.

□ 1300

The taxpayers' money that's going right into the pockets of the same oil companies that are driving up gas prices just as summer approaches, why in the world are American taxpayers being asked to subsidize Big Oil? These are the same oil companies that recorded tens of billions of dollars in profits in the first 3 months of 2012. These companies took in tens of billions of dollars in profits in 3 months while raising gas prices to more than $4 a gallon and we reward them with $40 billion worth of tax breaks and giveaways? Come on, what is wrong with the leadership of this House of Representatives?

Look, there is nothing wrong with corporations making profits. That's what they're in business to do. What is wrong is for American taxpayers to be subsidizing wildly profitable companies at a time when too many Americans are still unemployed and struggling to pay their bills. With their tax dollars funding corporate welfare for Big Oil and then still paying astronomical prices at the pump, it's a double whammy for American families.

With all the talk about cutting spending and reducing subsidies here in Washington, I would have thought that the Rules Committee would have made in order my amendment, an amendment, by the way, just so there's no confusion here, that I have offered repeatedly. I have offered it over six times, and all six times it has been blocked by the Rules Committee.

But the Rules Committee decided not to make it in order. And to say that this is somehow a bipartisan process and then immediately deny any Democrat amendments, including my amendment to end tax breaks for Big Oil companies, tells you everything you need to know about the Republican leadership in this House. This is a lousy process, and the American people are paying the price.

I would just close by saying the fact that we can't vote up or down on the Senate bill to extend the highway bill for at least 2 years means that our cities and our towns and our States can't plan ahead. What an awful thing for us to do during this difficult economic time.

I urge my colleagues to reject this very partisan rule. Let's get back to working on a transportation bill in a bipartisan way that will actually help the American people.

Enough of these games.

Ms. FOXX. Mr. Speaker, I want to point out to my colleague from Massachusetts that if we raise taxes on the oil companies, surely that will be passed along to consumers.

Mr. MCGOVERN. Will the gentlelady yield?

Ms. FOXX. When I'm finished. I believe the gentleman from Colorado probably has adequate time.

Mr. MCGOVERN. I thought since you referred to me we would have a dialogue, but I guess not. Okay.

Ms. FOXX. As my colleague knows, yesterday, in the Rules Committee, people on his side of the aisle talked about tax breaks and giveaways, and that, again, implies that all the money that hardworking taxpayers earn is government money, and that is not the way it is. That attitude about giving away money from the Federal Government implies that the money belongs to the government.

I would also like to point out to my colleague that the subsidies he talks about are not subsidies. They are the tax deductions, tax ''breaks'' that every manufacturer gets, not just the oil companies. To talk about corporate welfare is a bit disingenuous.

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

Mr. POLIS. I yield 30 seconds to the gentleman from Massachusetts (Mr. MCGOVERN) to respond to the gentlelady.

Mr. MCGOVERN. I thank the gentleman for yielding.

Mr. Speaker, give me a break. I mean, oil companies are making record profits. We are producing more oil in this country than ever before. They are producing so much they are exporting oil, and at the same time they are raising gas prices at the pump for average, ordinary citizens.

The fact that taxpayers are subsidizing Big Oil when they're making record profits and sticking it to the American people, I think is unconscionable. That's what I tried to get rid of, and we should at least have a vote up or down on that on the floor.

Mr. POLIS. I yield 2½ minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I would just add one more thing: the amount of subsidies that we are giving to multinational corporations who are taking their jobs overseas, let's stop that. Let's stop the subsidies that are going to Big Agriculture all over this country, not small mom-and-pop farms, people who are taking care of themselves. But Big Agriculture, let's stop that.

Let's also stop $147 million going to Brazilian cotton farmers as a subsidy every year. They will not tell you. They will not tell you about these subsidies. American taxpayers are footing the bill for that and paying high prices at the gas pump to get their gas, and the oil companies are rolling around in that money.

I rise in opposition to this rule.

Yesterday I submitted an amendment to this bill that would have provided the Commodity Futures Trading Commission, or the CFTC, with a steady, sustainable source of funding so that it could do the job that it has been assigned to do—that's oversee the futures markets and curb rampant speculation in the oil market that is causing families pain at the pump.

Again, this House majority has put the profit margins of Wall Street and oil speculators over the needs of American families and the American economy. They refuse to allow an up-or-down vote on this amendment. Specifically, the amendment would authorize the collection of user fees to offset the cost of the Commission's operation. It would simply bring the CFTC into line with all other Federal financial regulators, such as the Securities and Exchange Commission, the Federal Deposit Insurance Corporation.

This is in keeping with a pattern by this majority to hamstring this Commission at every turn. Last year, their agricultural appropriations provided only $172 million in funding, 44 percent below the request, meaning that we have less cops on the beat to stop speculation. We fought back. We got that up to $205 million in the final 2012 budget, but it's not enough for the Commission to do its job.

Meanwhile, high oil prices affect every aspect of Americans' lives, not just the cost of traveling but of heating homes, food, other purchases. The cost of gas is irrefutably affected by rampant speculation in the oil market. Goldman Sachs has estimated that speculators increased crude prices by about 20 percent and the price of gas by 56 cents a gallon. The chairman of ExxonMobil talked about speculation going on on Wall Street.

We're here to represent the American consumer, not oil speculators.

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

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

Ms. DELAURO. I am going to repeat it, our job, the job that all of our constituents gave to us—they gave us this job—we are here to represent their interests and the consumers, not the oil speculators.

We need to ensure that the Commodity Futures Trading Commission is the agency to regulate the oil industry, that it has the resources that it needs to do the job and is doing it.

The amendment that I proposed is a commonsense solution to this problem. It should have had an airing, and it should have been passed by this Congress because that is in the best interests of American taxpayers. That's our job. And if we're not prepared to do our job, the American people should turn their backs on us and shut the place down.

I urge my colleagues to oppose this rule.

Ms. FOXX. Mr. Speaker, I want to point out that our colleagues across the aisle, as well as President Obama, the answer to everything is to raise taxes, but they never can explain how raising taxes would lower costs, especially on gasoline. To me, that shows how disconnected they are from economic reality.

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

Mr. POLIS. May I inquire of the gentlelady if she has any remaining speakers?

Ms. FOXX. We have no remaining speakers, and I am prepared to close if the gentleman is prepared to close.

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

Again, there were several amendments offered in Rules Committee to make this bill better. To help reduce the budget deficit, my colleague, Mr. MCGOVERN, introduced an amendment ending $40 billion in subsidies to the oil and gas industry. As the gentlelady said, that has nothing to do with the price of gas. Getting rid of subsidies to oil companies doesn't make gas more affordable. But the question is: Why are we giving money to oil and gas companies at a time when we have a national deficit? Why don't they pay taxes like every other company?

□ 1310

I was a small businessman before I got here, and the companies that I was involved with had to pay taxes. What I don't understand is why economically a tax subsidy is any different than an expenditure subsidy. And economists across the ideological spectrum would agree corporate welfare is a government giveaway, whether it appears on the tax line or the expenditure line.

Specifically, with regard to any tax breaks to the oil and gas industry, Mr. MCGOVERN's amendment, which is, unfortunately, ruled out of order for this bill, would end the section 451 credit for producing oil and gas from marginal wells, the section 43 credit for enhanced oil recovery, the section 263 provision allowing the existing expansion of intangible drilling costs, and a number of other provisions that in effect give oil and gas companies a lower tax rate than other companies in this country.

Why don't we use that money to reduce the deficit? Why don't we use that money to bring down the corporate tax rate overall, as is a key component of corporate tax reform, which I strongly support and discussed with Mr. BRADY in our Rules Committee yesterday with regard to the other bill which moves in the wrong direction with regard to bringing down our tax rates and having a simpler Tax Code?

Mr. MCGOVERN has offered a similar amendment to save the U.S. Government $40 billion to reduce our deficit to several different bills in the past, including through an appropriations bill, an energy bill, a tax bill. Every single time the Republicans have said, Oh, it's not germane to this bill. Every single time they voted the McGovern amendment down.

Clearly, this is a proposal that's worthy of discussion. If it's not a tax discussion and not an energy discussion, not an expenditure discussion, what kind of discussion is it? And why can't we be talking about reducing the deficit here on the floor of the House instead of continuing to spend unnecessary money on subsidies? It's funny how the majority party waives rules when it's convenient for their agenda but refuses to apply a consistent standard to an amendment that is worthy of consideration by this House.

At the same time oil companies have record profits, we're continuing to subsidize oil injection, extraction, exploration, drilling, manufacturing, pricing, and inventory valuing by creating price floors, offsetting taxes, providing generous credits and deductions, providing tax shelters, and allowing the valuation of inventories at deeply discounted prices. If we are serious about deficit reduction, let us take this opportunity to vote down this rule and allow for the discussion of the McGovern amendment. We need to close these loopholes and allow for real deficit reduction.

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

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

There was no objection.

Mr. POLIS. This amendment is the Bishop bill and the Corrine Brown bill, which would simply allow the House the opportunity to vote on the Senate bill, which, given the strong bipartisan majority in the Senate, I believe would pass the House of Representatives. At least let's give it a chance. Let's give the House a chance to work its will, Democrats and Republicans, and see where we really are with regard to this Congress' commitment to critical infrastructure needs in this country. Voting down this rule would be the first step in allowing Mr. BISHOP and Ms. BROWN to come forward with the Senate bill for consideration in this House, which would provide some certainty to State and local planners, allowing them to reduce costs and get better value for the taxpayer dollar.

I also strongly encourage the majority to consider allowing amendments and good ideas from both sides of the aisle in bills like the transportation bill, and let us work to find an appropriate time and an appropriate place for the consideration of Mr. MCGOVERN's bill and Mr. MCGOVERN's amendment. And whether the proceeds are used to reduce the deficit or bring down corporate taxes or some split thereof, or other worthy public purposes, surely we can at this juncture, when we cannot afford the government we have, help reduce the size and the scope of government by ending subsidies and giveaways to big multinational oil companies.

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

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

AN AMENDMENT TO H. RES. 619 OFFERED BY MR. POLIS OF COLORADO

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

SEC. 2. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(1) 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. 14) to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

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

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

Ms. FOXX. Mr. Speaker, I urge my colleagues to support this rule. I yield back the balance of my time, and I move the previous question on the resolution.

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

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 243, nays 180, not voting 8, as follows:

[Roll No. 165]

YEAS—243

Adams	Amodei	Bartlett
Aderholt	Austria	Barton (TX)
Akin	Bachmann	Bass (NH)
Alexander	Bachus	Benishek
Amash	Barletta	Berg

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

NAYS—180

Ackerman
Altmire
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
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.
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
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—8

Andrews
Filner
Kaptur
Marino
Napolitano
Paul
Rangel
Slaughter

□ 1339

Ms. CLARKE of New York, Ms. PELOSI and Mr. HONDA changed their vote from ''yea'' to ''nay.''

Messrs. YOUNG of Indiana, SMITH of Nebraska and Mrs. BLACK changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 165, 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 Wednesday, April 18, 2012, I was absent during rollcall vote No. 165 due to a family medical emergency. Had I been present, I would have voted "nay" On Ordering the Previous Question on 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 multiyear law reauthorizing such programs, 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. POLIS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 246, noes 177, not voting 8, as follows:

[Roll No. 166]

AYES—246

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

NOES—177

Ackerman
Altmire
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen

Connolly (VA)
Conyers
Cooper
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
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.
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
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—8

Andrews
Filner
Kaptur
Marino
Napolitano
Paul
Rangel
Slaughter

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1346

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. Mr. Speaker, on rollcall 166, 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 Wednesday, April 18, 2012, I was absent during rollcall vote No. 166 due to a family medical emergency. Had I been present, I would have voted "no" on agreeing to 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 multiyear law reauthorizing such programs, and for other purposes.

THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, on which the yeas and nays were ordered.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 295, nays 118, answered "present" 2, not voting 16, as follows:

[Roll No. 167]

YEAS—295

Ackerman
Aderholt
Akin
Alexander
Amodei
Austria
Baca
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Becerra
Berg
Berkley
Berman
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Bono Mack
Boustany
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Chabot
Chaffetz
Cicilline
Clarke (MI)
Clay
Cleaver
Coble
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Crawford
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeGette
DeLauro
Denham
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Doyle
Dreier
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Farenthold
Farr
Fattah
Fincher
Flake
Fleischmann
Fleming
Flores
Fortenberry
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett
Gibbs
Gingrey (GA)
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Green, Al
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hanabusa
Harper
Hastings (WA)
Hayworth
Heinrich
Hensarling
Herger
Higgins
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jordan
Kelly
Kildee
King (IA)
King (NY)
Kingston
Kissell
Kline
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Larson (CT)
LaTourette
Latta
Levin
Lewis (CA)
Lipinski
Loebsack
Long
Lowey
Lucas
Luján
Lummis
Lungren, Daniel E.
Mack
Marchant
Markey
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meeks
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Neugebauer
Noem
Nunes
Nunnelee
Olson
Palazzo
Pascrell
Pelosi
Pence
Perlmutter
Petri
Pitts
Platts
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quigley
Rahall
Rehberg
Reyes
Richardson
Richmond
Roby
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Ryan (OH)
Ryan (WI)
Sanchez, Loretta
Scalise
Schiff
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stearns
Stutzman
Sullivan
Thompson (PA)
Thornberry
Tierney
Tonko
Tsongas
Turner (NY)
Upton
Van Hollen
Walz (MN)
Wasserman Schultz
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wolf
Womack
Woolsey
Yarmuth
Young (FL)
Young (IN)

NAYS—118

Adams
Altmire
Baldwin
Bass (CA)
Benishek
Biggert
Boren
Boswell
Brady (PA)
Burgess
Capuano
Cardoza
Castor (FL)
Chandler
Chu
Clarke (NY)
Clyburn
Coffman (CO)
Conaway
Costa
Costello
Courtney
Cravaack
Critz
DeFazio
Dent
DesJarlais
Dold
Donnelly (IN)
Duffy
Fitzpatrick
Forbes
Foxx
Gardner
Gerlach
Gibson
Graves (MO)
Green, Gene
Griffin (AR)
Grijalva
Hall
Hanna
Harris
Hartzler
Hastings (FL)
Heck
Herrera Beutler
Himes
Holden
Hoyer
Huelskamp
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (OH)
Jones
Keating
Kind
Kinzinger (IL)
Kucinich
Langevin
Latham
Lee (CA)
Lewis (GA)
LoBiondo
Luetkemeyer
Lynch
Maloney
Manzullo
Matheson
McCotter
McDermott
McGovern
Meehan
Miller (FL)
Miller, George
Mulvaney
Neal
Nugent
Olver
Pallone
Pastor (AZ)
Paulsen
Pearce
Peters
Peterson
Poe (TX)
Quayle
Reed
Reichert
Renacci
Ribble
Rigell
Roe (TN)
Rush
Sánchez, Linda T.
Sarbanes
Schakowsky
Schilling
Shuler
Stark
Stivers
Sutton
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tipton
Towns
Turner (OH)
Velázquez
Visclosky
Walden
Walsh (IL)
Wittman
Woodall
Yoder
Young (AK)

ANSWERED "PRESENT"—2

Amash
Owens

NOT VOTING—16

Andrews
Eshoo
Filner
Gohmert
Kaptur
Labrador
Lofgren, Zoe
Marino
Napolitano
Paul
Pingree (ME)
Rangel
Rivera
Slaughter
Walberg
Waters

□ 1352

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated for:

Mr. RIVERA. Mr. Speaker, on rollcall No. 167, I was unavoidably delayed. Had I been present, I would have voted "yea."

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 167, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "nay."

SURFACE TRANSPORTATION EXTENSION ACT OF 2012, PART II

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 4348.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 619 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. 4348.

The Chair appoints the gentleman from Georgia (Mr. WESTMORELAND) to preside over the Committee of the Whole.

□ 1355

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. 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, with Mr. WESTMORELAND 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 Florida (Mr. MICA) and the gentleman from West Virginia (Mr. RAHALL) each will control 30 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MICA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and Members of the House, today we bring up the Surface Transportation Extension Act of 2012. This is the second part of an extension that we passed previously. Just before the Congress recessed and went into the Easter work period and holiday, the House did pass a 90-day extension, and that extension expires on June 30, 2012. The extension before us today is an additional 90-day extension. The purpose of this extension is so that we can hopefully bring about resolution and conference legislation to complete our transportation bill.

Now, the previous extension was the ninth extension, and the Democrats—the other side of the aisle—were forced to pass a sixth extension, so I'm hoping that this will be our last extension and that it will also provide us a vehicle to conclude this important work that so many jobs across this country are relying on. The building of our Nation's infrastructure is tied to this work and to the completion of this important task.

This is a fairly clean extension. There are a couple of provisions in here, I think, that will provide increased energy for the country; and if anyone has not felt the pain at the pump, all they need to do is go to a local gas station. I saw today that the lowest-cost gas in a local station not a couple blocks from here was $4.45 a gallon. This particularly hurts the working men and women of America and those on fixed or limited incomes. I think the provision that we have here is an excellent provision, and I'll talk a little bit more about this.

This again is a vehicle that can deliver us to the completion of the important work. This extension has levels of funding that are consistent with the transportation appropriations bill which was signed by the President in November. Then we'll consider, I believe, three amendments that have been made in order by the Rules Committee. Let me talk about them again very briefly.

First, the Keystone pipeline provision. This administration is still meandering not only on transportation legislation but also on energy legislation, and it has not found its way, unfortunately, for the American people.

□ 1400

But this bill can provide us reliable sources of energy. We're talking about a pipeline and a source from a good ally and neighbor in the North American continent. We're not talking about relying on Venezuela, the Middle East, or Nigeria, where we get a lot of our supplies for energy today. So it can provide again some stability, some reduction in price for the consumer, particularly when they're so hard hit at this time. We will have more to talk about with it.

In regard to the Keystone pipeline, this pipeline has been studied to death. This administration, for over 3 years, has delayed approval. The President has approved a small part in one section of the country—or at least he says he would. You can't build a pipeline that can actually deliver energy at a lower cost in reliable fuel in a piecemeal fashion. The Keystone pipeline has been studied for about 3½ years now, while they built the entire Alaska pipeline in that period of time. So the time for studying, for delay, and for not acting on reducing energy costs and increasing supply has ended.

Additionally, we have a couple of other provisions in here which I'm supportive of. One is the RESTORE Act, which creates the Gulf Restoration Trust Fund, and that provides for a fair and equitable manner for division of the penalties collected by those responsible for the Deepwater Horizon oil spill. I think that that is a provision that can also help a lot of our Gulf States that were hard hit and impacted by that disaster.

Finally, I think another amendment that I think is very laudatory is one by Mr. RIBBLE that has been made in order, and that carries, from H.R. 7, a lot of the streamlining provisions that we think are so important to getting projects done.

President Obama promised us infrastructure when they sold a $787 billion so-called stimulus package. Mr. Oberstar and I came back here. At the time, they were looking at a $250 to $300 billion stimulus bill, of which 50 percent would be, in fact, infrastructure. As it turned out, it was 6 or 7 percent. That's some $63 billion.

Last October, there was still 35 percent of the $63 billion for infrastructure stuck in the Treasury in Washington, D.C., 2½ years after we passed the stimulus. So you can pass all the transportation bills you want, and if you can't deliver the project and cut the red tape and paperwork that Washington thrives on, then you can't get anything done. That provision is so important in moving transportation legislation forward that can make a difference in getting projects done.

In the hearings that we did across the country, starting in Mr. RAHALL's district—the Democrat leader of the committee—in Beckley, West Virginia, we heard at every single hearing all the way to the west coast when we did a bipartisan, unprecedented bicameral with Senator BOXER hearing on that coast, every single hearing, almost without question, most of the witnesses all said that we needed to speed up the projects.

''Shovel ready'' has become a national joke, and we've got to end that sad joke that doesn't allow us to go forward. I think the Ribble amendment will do that.

With that, I think we have a vehicle that we can get to conference and work in a bipartisan and bicameral manner to get the job done.

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

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, April 17, 2012.

Hon. JOHN MICA,
Chairman, Committee on Transportation and Infrastrcture, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN MICA, I am writing concerning H.R. 4348, the ''Surface Transportation Extension Act of 2012, Part II,'' which is scheduled for floor consideration this week.

As you know, the Committee on Ways and Means has jurisdiction over the Internal Revenue Code. Subtitle D of Title I of this bill amends the Internal Revenue Code of 1986 by extending the current Highway Trust Fund expenditure authority and the associated Federal excise taxes to September 30, 2012. However, in order to expedite this legislation for floor consideration, the Committee will forgo action on this bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 4348, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Sincerely,

DAVE CAMP,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, April 17, 2012.

Hon. DAVE CAMP,
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4348, the ''Surface Transportation Extension Act of 2012, Part II.'' The Committee on Transportation and

Infrastructure recognizes the Committee on Ways and Means has a jurisdictional interest in H.R. 4348, and I appreciate your effort to facilitate consideration of this bill.

I also concur with you that forgoing action on this bill does not in any way prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this bill or similar legislation in the future, and I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

I will include our letters on H.R. 4348 in the Congressional Record during floor consideration of the bill. Again, I appreciate your cooperation regarding this legislation and I look forward to working with the Committee on Ways and Means as the bill moves through the legislative process.

Sincerely,

JOHN L. MICA,
Chairman.

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the last long-term surface transportation authorization expired on September 30, '09. We continue to limp along, patching together our Nation's transportation system through short-term extensions that cause uncertainty and create chaos for construction crews and local communities across the country and our State transportation departments.

The Committee on Transportation and Infrastructure reported the House Republican leadership's misguided, 5-year surface transportation bill on February 13 of this year. The Rules Committee approved a rule governing its consideration on the floor on February 15. That was 9 weeks ago this day. During that time, the Republican leadership has failed to find the votes among its Members to pass that bill.

Yet, instead of working across party lines as we have traditionally done for decades on transportation policy, the extreme right wing of their party continues to hold the process hostage to their ideological tirade that the Federal Government has no business in supporting a national transportation system.

Three weeks ago, I rose to oppose another extension, the ninth extension since these critical job-creating transportation programs expired in '09, because Republicans refused to move the process forward by bringing up the bipartisan Senate-passed bill but, instead, merely wanted to kick the can down the road once again. Mr. Chairman, we are running out of road.

I oppose the short-term extension because I cannot, for the life of me, figure out what difference the Republican leadership hopes to achieve over the next 12 weeks that they were unable to achieve over the previous 6 weeks. I fail to understand the perverse notion that if we simply fed their dangerous addiction to serial addictions one more time, the skies would magically part and the Republican leadership would miraculously garner enough votes on their side of the aisle to pass H.R. 7. That was the 5-year bill reported by the T&I Committee, something they have failed to do for months.

Last week, we heard the Republican leadership again would be bringing up a short-term extension as a ticket to conference with the Senate. That's the bill that is before us today.

When compared with H.R. 7, which is a fatally flawed bill that would mortgage America's future at subprime rates, a clean extension is a vehicle to keep the ball rolling, provided that the Republican leadership will truly allow us to go to conference with the other body. Unlike H.R. 7, a clean extension does not make shortsighted cuts to surface transportation investments that would destroy jobs and economic growth. These cuts are out. We're talking about funding at current levels.

Under the scheme advanced by the majority, public transit revenue would have been shifted to highways. Transit would have been bailed out with a one-time transfer of $40 billion from the general fund, robbing middle class Americans to pay for the shuffle. Under the clean extension that we're considering today, this misguided shell game is gone, fortunately.

The majority's proposal fails to close all the existing loopholes and Buy America laws. These gaping loopholes are being exploited by foreign competitors, like China, who are stealing American jobs and undermining our ability to create more American jobs and to revive American manufacturing. Under today's bill, locking in these loopholes is out and these provisions can be revisited in a long-term bill.

Under a clean extension, the majority's poison pill to needlessly eliminate Occupational Safety and Health Administration protections for hazmat workers, as was originally in H.R. 7, thankfully, is gone today.

The majority's efforts to subsidize private transit companies and mandate the use of private engineering firms on Federal-aid highway projects is gone in today's bill.

Instead of turning back the clock nearly half a century on America's greatness and the incredible work we have done to grow our Nation, to build a thriving economy, and to lead the global market, we should be working together to develop a bipartisan bill that can pass both bodies and be signed into law.

Taking the other side at their word, that they are serious about moving the process forward—I'm beginning to think that may be a likely scenario—passage of this extension of current law through the end of the fiscal year will allow us to go to conference with the other body on their bipartisan multiyear bill which passed with the support of three-quarters of the Senate. That is 74 votes in that other body.

□ 1410

How many pieces of legislation do you get that many votes on in the other body? A long-term bill will provide the certainty that States need to invest and proceed with their plans that have been long on the books. It will provide the certainty that highway and transit contractors desperately need to give them the confidence to hire that one more worker.

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

Mr. MICA. Mr. Chairman, I yield 4 minutes to the chair of the Highway Subcommittee, the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN of Tennessee. I thank the gentleman for yielding me this time.

Mr. Chairman, H.R. 4348 extends the surface transportation programs through September 30, 2012, at funding levels consistent with the fiscal year 2012 transportation appropriations bill, which we passed in November. Under the current extension, the highway, transit, and highway safety programs are set to expire on June 30. This legislation will allow these programs to continue through the fiscal year and to provide predictability during the summer construction season.

This bill also includes provisions related to the approval of the Keystone pipeline. With the rising gas prices and uncertainty in the Middle East, it is vital that we complete construction of this crucial pipeline in order to help secure our Nation's energy resources. If we don't do this, Mr. Chairman, all we will be doing is helping foreign energy producers.

I had originally hoped that the House would be able to move H.R. 7, the 5-year surface transportation reauthorization bill that was passed by our committee in February. Unfortunately, we were not able to bring H.R. 7 to the House floor at this time. Instead, we will use this bill as a vehicle to conference with the Senate-passed surface transportation reauthorization bill.

There were three amendments that were made in order by the Rules Committee, and I would like to express my support for all three. Mr. BOUSTANY's amendment would require that we spend the revenue we are collecting for the Harbor Maintenance Trust Fund on Army Corps of Engineers projects, as opposed to using this revenue to offset spending elsewhere in the Federal budget. This is a commonsense solution to help upgrade our Nation's ports and maintain our global economic competitiveness. Just this morning, we held a hearing on the importance to our entire economy of our inland waterway system, and Mr. BOUSTANY's amendment will certainly help in that regard.

Mr. RIBBLE's amendment is based on the environmental streamlining provisions that were included in H.R. 7. This amendment would eliminate duplication by providing a single system to review decisions. It reduces bureaucratic delay by requiring concurrent, instead of consecutive, project reviews and setting deadlines for the completion of environmental reviews. These changes could cut the delivery process in half and could save taxpayers many, many billions over the next several years.

The last two studies by the Federal Highway Administration said the average highway project takes 13 years, one study said 15 years. That is far too long. Other developed nations are doing these projects in half the time or less than we are.

Mr. MCKINLEY's amendment includes the text of H.R. 2273, the Coal Residuals Reuse and Management Act. This amendment would prohibit the United States Environmental Protection Agency from driving coal-powered plants out of existence and doubling and tripling our utility bills.

The U.S. has been called the Saudi Arabia of coal, Mr. Chairman. If we do not use our coal in a clean and safe way, we will hurt millions of poor, lower-income, and working people all across this Nation.

I salute Chairman MICA for his hard work on this bill for the last several months, and I urge my colleagues to support H.R. 4348 and the subsequent amendments.

Mr. RAHALL. Mr. Chairman, I yield 4 minutes to the ranking member on our Transit and Highways Subcommittee, the distinguished gentleman from the State of Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the gentleman for yielding.

Well, it appears that the House has finally found the path out of dysfunction junction. We have been there for too long. We need a long-term, as long a term as possible, transportation bill as soon as possible.

Now, this extension is for 180 days. We can't wait for 180 days to come to agreement with the Senate. We need to go to an expedited conference as soon as possible. We have been gathering data from the individual States since the last 90-day extension 3 weeks ago. The State of North Carolina has canceled $1.2 billion worth of projects, 40,000 jobs, this year.

Other States are reporting in, none quite so drastic, but the grand total is going to be probably close to 100,000 jobs foregone because of the uncertainty created by these 90-day extensions. It's time to put an end to 90-day extensions. This should be the last one, and we should proceed immediately to conference and begin to work through our differences with the Senate.

Even H.R. 7, which the Republicans couldn't get out of their own conference, they could not get agreement between those 50 or 60 who believe their national transportation policy should be set individually by the 50 States. Wow, what does that mean? And/or transit should be thrown under the bus, or out of the bus, with the other members of the conference saying, wait a minute, that's totally unacceptable to us. They couldn't get the bill out.

But even the fact that they couldn't get the bill out, there's much overlap and agreement between many provisions in H.R. 7 and what the Senate has done. I believe we could conference those areas in disagreement quite promptly.

As the ranking member said, this no longer ends Safe Routes to Schools, something which I opposed in H.R. 7, and other cycling and alternate modes of transportation. It doesn't throw transit out the window or off the bridge, but transit would be in play between the House and the Senate.

During the last stage or authorization of SAFETEA-LU, we had an incredible fight in conference. It wasn't between Democrats and Republicans; it was between the House and the Senate. We fought for a number of weeks over the split between transit and highways and came to a good accommodation, I believe. And hopefully we'll end up close to that in this.

But the Senate bill, which we tried to force a vote on, and had we put that in place 3 weeks ago, instead of the 90-day extension, we wouldn't have lost or been in the process of losing all those contracts and jobs now at the beginning of the construction season. That's about 100,000 jobs potentially lost with more temporary extensions. But we would, instead, have seen another 500,000 jobs, which is the predicted result of the stability of 2 years of funding with the Senate bill.

So, you know, I will support this iteration because I am anxious to get to conference, I am anxious to get agreement. I believe we should get it done before the middle of May so that States can capture this construction season, and we can put a few hundred thousand people who desperately want jobs back to work and those who supply them back to work.

Finally, on the issue of excessive fuel prices, there is only one thing we can do immediately. I mean, the XL pipeline, first off, they say they are going to export it after they refine it. We are exporting gasoline from the United States of America today.

We have prices being set in a world market, and it's being set by speculators on Wall Street. If we just clamp down on the speculation on Wall Street, the head of ExxonMobil, Goldman Sachs, the St. Louis Federal Reserve, and prominent economists say we could save consumers 60 to 70 cents a gallon tomorrow if we stopped the rip-offs by the people on Wall Street, and the excessive speculation by the people on Wall Street, something that's only been allowed for about a decade.

It didn't used to be allowed for them to control our energy future. So if you want to do something real, that should be part of this bill. XL pipeline can do nothing to help people get lower gas prices.

Mr. MICA. Mr. Chairman, I yield 2 minutes to the distinguished chair of the House Energy and Commerce Committee, the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. I thank the chairman for yielding.

Mr. Chairman, this is a highway and infrastructure bill. That means it is a jobs bill. Now, I would remind my colleagues and those watching that the President said back in January, as part of his weekly address, that he would do whatever it takes, whatever it takes, to create jobs. There is not a more shovel-ready project than the Keystone XL pipeline, period.

Secretary Clinton said in October of 2010, I am inclined to support this project. In August of 2011, she indicated that there was no reason why they couldn't give an approval or a denial by the end of last year.

□ 1420

This is 20,000 direct jobs, more than 100,000 indirect jobs, a $7 billion privately funded pipeline that will subscribe to the pipeline safety bill that this committee as well as the Energy and Commerce Committee worked on, that the President signed this last year, raising the standards, raising the fines for those that violate those standards. It is a better pipeline safety route than ever before. I have to say for those detractors, the route has been changed through Nebraska. It will no longer go through that aquifer.

We will bring as much as 800,000 barrels of oil from the oil sands in Canada. As these gas prices continue to go up, Americans understand supply and demand; 800,000 barrels a day that we can get from our friends, the Canadians. If we don't do so, where is it going to go? China. China is already preparing to spend billions of dollars to instead build that pipeline to Vancouver, send it to China to be refined and, guess what, we will get none of that refined oil back.

Some detractors of this project say why don't we just build a refinery in North Dakota. Well, let's say we did. Are you not going to still then build a pipeline to connect it with the supply routes across the country?

The CHAIR. The time of the gentleman has expired.

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

Mr. UPTON. Mr. Speaker, we haven't built a new refinery since 1976. EPA will not allow new refineries to be built. We have spent instead billions of dollars to expand the refineries that we have.

Under regular order we moved this Keystone pipeline last summer. It passed on the House floor two-to-one. There is no reason why a construction project like this shouldn't be in this bill. I look forward to the passage of this bill later this afternoon with the inclusion of the Keystone XL pipeline.

Mr. RAHALL. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from Florida, the ranking member on our Subcommittee on Railroads, Ms. CORRINE BROWN.

Ms. BROWN of Florida. Thank you, Chairman MICA and Mr. RAHALL.

I will vote for this 3-month extension. But I have got to tell you, the Republican leadership has turned the House floor into Frankenstein's laboratory. Instead of bringing up a transportation bill that could get the support

from both sides, they brought a bill to the floor that couldn't get support from either side. Now, after they couldn't convince the Tea Party Members that transportation is actually very important to our economy, they're taking parts from different bills and creating the monster that they call ''transportation.''

It's a very sad time for transportation in the House of Representatives. The Republican leadership has ruined a process that used to be bipartisan, from a committee that used to be bipartisan. This is not the way to run the U.S. House of Representatives, and it is clearly not the way the American people want it to be run.

I've been on the Transportation Committee for 20 years, and it has never been partisan. We were the committee that moved people, goods, and services, and put millions of people to work. Now we gut funding, abandon core programs like transit and hazmat safety, and argue about issues that aren't even germane to transportation.

The Republican leadership has had a war on our Transportation Committee from the very beginning. First, they removed the firewalls from the trust fund and would no doubt be raiding it if we had any money in it. They cut the size of our committee in half. Then they gave us all freshmen Members, many who don't know how to say anything but no, no, no, no, no, no, no. And then for 2 straight years they've gutted transportation funding in the Ryan budget.

You can fool some of the people some of the time, but you can't fool all of the people all of the time.

President Barack Obama said recently that Republicans used to like to build roads. All of our stakeholders support a comprehensive transportation bill, and I am hoping that we can pass—I hate to say it—the Senate bill—we used to do the work—but I hope we can pass the Senate bill. I really want to say thank God for the United States Senate because finally we have some people that are pulling together a transportation bill that really will put the American people to work.

Mr. MICA. Mr. Chairman, I am pleased to yield 1½ minutes to the distinguished gentleman from Nebraska, who's the leader and one of the authors of the Keystone provisions of this legislation, Mr. TERRY.

Mr. TERRY. Thank you, Mr. Chairman.

Certainly, the President of the United States knows how to say ''no.'' He says ''no'' to the Keystone pipeline, turning down its application just 3 months ago. This gives the United States access to probably the largest known oil reserve sitting there in a pool in North America, but the President won't allow us to have access to it. Yet during this administration, gas prices at the pump have gone up 120 percent.

People in my district keep asking me, What's the energy policy? I have to tell them I don't know. He kills the pipeline giving us access to oil which would increase supply in the United States, yet sends billions of dollars to Solyndra and solar panel companies to further flood the market with more solar panels. So I don't know what the plan is to lower gas prices because he's not giving us access.

Now, let's look at this $7 billion privately funded—that's right, maybe that's the problem: it's privately funded—infrastructure project to bring us more gasoline. It's denied. A $7 billion project to bring 20,000 new jobs. The President says he'll do anything to create new jobs, but kills the pipeline that would get union workers off the benches and into the fields working.

The CHAIR. The time of the gentleman has expired.

Mr. MICA. I yield the gentleman an additional 15 seconds.

Mr. TERRY. He kills those 20,000 direct jobs. There's millions of jobs, if we just used our own resources. Do you know that we can be completely energy secure using our own resources? But this administration lacks the will to be able to do that.

Mr. RAHALL. May I inquire of the time remaining, Mr. Chairman.

The CHAIR. The gentleman from West Virginia has 18 minutes remaining, and the gentleman from Florida has 15¼ minutes remaining.

Mr. RAHALL. I yield 3 minutes to the distinguished gentleman from New York, a valued member of our Committee on Transformation and Infrastructure, Mr. JERRY NADLER.

Mr. NADLER. Mr. Chairman, I rise in opposition to H.R. 4348, the second Surface Transportation Extension Act that we have considered this year.

It has become eminently clear that the Republicans in the House cannot get consensus among themselves on a long-term transportation bill. They can't get consensus on a short-term transportation bill. They can barely pass this 90-day extension. The only way to get it through is to yet again add the Keystone pipeline and other anti-environmental measures. The Republican leadership keeps playing the same cards over and over, but nobody is playing this game anymore. The Senate has moved on. The Senate passed a bipartisan bill. We should do the same.

The purpose of this extension is to serve as a vehicle to formally go to conference with the Senate. I must confess that I might be inclined to vote for it on that basis. If it passes, the House position in conference will essentially be an extension of current law, putting the policy reforms in the Senate bill on a stronger footing; but I fear that this is really just a delaying tactic and a smokescreen.

For a year and a half, the House Republicans have stubbornly refused to work with Democrats to develop a bipartisan bill, completely upending the historical traditions of our committee. This is despite the fact that there are plenty of individual Republican Members who are willing to work with us on certain issues.

When H.R. 7, the original Republican long-term reauthorization bill, was introduced, several Republican Members joined me on an amendment to preserve the transit funding that would have been gutted in H.R. 7.

□ 1430

That was probably one of the reasons that H.R. 7 was ultimately pulled before it could get to the floor. So there are clearly Members on the other side of the aisle who would work with us to develop a bipartisan bill, but the Republican leadership stubbornly refuses to let that happen. Why should we expect anything different in conference?

The Republican leadership could also just bring up the Senate bill, but they won't even allow a vote. Why? What are they afraid of? Because they know it would pass. And what would be wrong with that? The Senate bill isn't perfect, but it's a bipartisan compromise measure that would put people to work right away and provide more certainty to the transportation agencies than a stream of short-term extensions. We could resolve this situation right now, but they continue to block legislation that would likely pass both Chambers, on a bipartisan basis, and be signed into law by the President.

I hope that my concerns about the intent of the other side turn out to be unwarranted. I hope that if this extension passes, that it will ultimately move the process along in a positive manner and that we will have a meaningful conference that produces a good, bipartisan bill. Passing an extension is certainly better than passing H.R. 7, but given what has transpired so far, and given the addition of the Keystone pipeline and other anti-environmental measures, I must reluctantly vote ''no.''

The Keystone pipeline would cut through the United States to allow Canada to deliver up to 900,000 barrels per day of tar sand oil to gulf coast refineries. Tar sand oil extraction is destructive and dangerous. Producing one barrel of tar sand oil releases at least three times more global warming pollutants than conventional oil. If we allow this expansion to occur, it will be virtually impossible to reduce global warming. That's why the Keystone pipeline has rightfully been called a ''game-changer.'' And there is no guarantee that any of the oil extracted would be delivered to U.S. consumers. We cannot allow such a gigantic and irreversible step backward in the fight against global warming. But these objections are not the administration's. The administration simply wants to be able to complete the normal environmental review of the Keystone pipeline provided by law to decide whether to approve it or not. But this legislation mandates approval regardless of the law. It supersedes the normal process. This makes it impossible to vote for this legislation.

Mr. MICA. Mr. Chairman, at this time, I'd like to yield 2 minutes to the distinguished Representative, the former chair of the Government Reform and Oversight Committee, Mr. BURTON from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, I want to thank the gentleman for yielding.

A question: Does the President prevaricate? Does he mislead? I've been watching him on television the last couple of days, and he says that we only have 2 percent of the oil reserves, and we've been doing more drilling over the past couple, 3 years than we've ever done before. So let's look at the facts, and I hope somebody at the White House may be paying attention.

According to the American Petroleum Institute, the number of new permits to drill issued by the Bureau of Land Management is down 40 percent from an average of 6,444 permits in 2007–2008 to an average of 3,962 in 2009–2010. The administration is stopping drilling on public lands. During this same time period, the number of new wells drilled on Federal land has declined by 40 percent. And yet he keeps telling us the reason gas prices are going up is for a number of other reasons. The fact is, we're not drilling here. We've got more oil in oil shale in public lands than they have in Saudi Arabia, and we're not exploring for it.

President Obama cites that oil production is at an all-time high during his administration. However, oil production on Federal land fell by 11 percent last year. Oil production on private and State-owned land—land beyond the Federal Government's grip—grew by 14 percent. So what he's talking about is where he can't touch it, on private land, the drilling is up a little bit. But that's only a small portion of the oil that's available.

Federal lands hold an estimated—get this—116.4 billion barrels of recoverable oil, enough to produce gasoline for—get this—65 million cars and fuel oil for 3.2 million households for 60 years. And, yet, the administration keeps saying, oh, we can't do it; we're doing everything we can.

The American people need to know the truth. The truth is, if we use our own natural resources, in 5, 10, 15 years we could be energy independent. But this administration wants to put more control in the Federal administration.

The CHAIR. The time of the gentleman has expired.

Mr. MICA. I yield the gentleman 15 additional seconds.

Mr. BURTON of Indiana. This administration wants to put more and more control in the Federal Government, in health care, in energy, in every other area, because he believes in a European-style, socialistic approach to government. And the American people need to know that. He isn't giving us the facts.

Mr. RAHALL. Mr. Chairman, I yield 2½ minutes to a distinguished member of our committee, the gentleman from Tennessee, Mr. STEVE COHEN.

Mr. COHEN. Mr. Chairman, last week in Memphis, I met with dozens of transportation, business, and civic officials involved in transportation. Every one of them said, stop the partisan politics and pass a transportation bill.

Secretary Ray LaHood, a Republican who served 12 years in this House and 17 years as the chief of staff to Bob Michel, one of the great Members of this group, came to Memphis. He said, Pass the transportation bill. And he said the reason they don't want to do it is they don't want to give President Obama any jobs because they want to beat President Obama, and the American people don't matter. That's the fact. The Secretary said this is the worst transportation bill he's ever seen, and he said it shouldn't be politicized.

Transportation leaders across the country and our Republican Transportation Secretary are begging us to take up the Senate bill, get it passed, put Americans back to work, and improve our infrastructure.

What's going on here is political. Gas prices are soaring, yes, but that's because of trouble in the Middle East, and that's because of oil speculators. It's not because of the Keystone XL pipeline. That is hooey. Domestic oil prices are set by the international market, and more and more emerging economies are wanting and needing oil. That causes the price to go up.

This assertion, the assertion that gas will go down because of the pipeline, is false. In fact, if the pipeline is completed, gas prices will go up in this country, and TransCanada said that in their papers when they tried to get the pipeline approved.

This will not mean more energy security. It will simply mean more money for international oil companies whose purpose is to raise money for themselves, and they're going to ship that oil overseas. It's not for American consumption.

Yeah, they're not Middle Eastern, yeah, they're not Venezuelan, but they're making profit, and they're going to send that oil overseas. It won't help America at all. And then they threw in something about coal ash, coal ash rules that the EPA had that would have prevented a disaster like what happened in Tennessee. It has nothing to do with transportation. Put America back to work. Pass the Senate bill.

Mr. MICA. Mr. Chairman, I yield myself 1½ minutes.

Let me just say I heard repeated here some things about what the Secretary said, and he did not have favorable comments about H.R. 7. So we've tried to bring something forward that would bring us to passing a bill and get people to work and get this resolved. And then today the Secretary said that the Congress would not pass a multiyear bill, instead of saying he'd work with us and be a leader to do that.

Then the Secretary went on to say, look what they've loaded it up with—speaking about this bill today—Keystone, coal ash, none of it has anything to do with transportation.

Well, first of all, I guess it's difficult for the Secretary to understand that energy costs and the pain at the pump are killing the consumer and impacting dramatically the American people. Keystone does have something to do with that. I guess if you have a chauffeur pick you up in the morning and you're not pumping the gas yourself and taking the money out of your pocket, you wouldn't understand the relevance of Keystone.

And then coal ash, which was just referred to here by the gentleman, it makes our surface more durable and we save money——

Mr. COHEN. Will the gentleman yield?

Mr. MICA. I will not yield, and I don't like being interrupted, especially when I have a good point.

Mr. COHEN. That's a rare time.

Mr. MICA. Coal ash, to continue, although being interrupted, makes the surface more durable. It's important that we get value when we're putting money into roads and pavement. So it's a very important provision that saves costs and gets us more for our money.

I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I yield 3 minutes to the distinguished ranking member of the House Natural Resources Committee, the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman. This bill is an environmental atrocity. The majority has allowed an unrelated amendment that would forbid the EPA—forbid them—from requiring the safe disposal of toxic coal waste that contains arsenic, mercury, and chromium. And the majority has allowed an amendment that would provide massive exemptions from the National Environmental Policy Act and smothers the ability of communities to have input into projects that could create toxic nightmares in local neighborhoods. This is what the Republicans are doing out here today. ''EPA,'' Every Polluter's Ally, that's what they want to turn it into.

So what we have on top of that is a provision to build the Keystone pipeline through the United States of America from Canada, the dirtiest oil, by the way, in the world, bring it through the United States, and then to bring it to Port Arthur, Texas.

□ 1440

Now, what goes on in Port Arthur, Texas? Very interesting. I think it's important for the American people to know what happens there. Last year, 73 percent of all of the gasoline that was refined in Port Arthur and in the Houston area was exported out of the United States. Understand what I'm saying? This is oil that was found in the United States, drilled for in the United States, sent down to Texas, refined down there in the Houston and Port Arthur area, and then they exported it. And where did they export it

to—our oil, United States oil? They exported it to China, to the Communists.

The Republicans are here blocking an amendment that makes it possible for us to stop the oil from the Keystone pipeline from being sent to the Communist Chinese. Now, I hear gentlemen out here charging President Obama with being a Socialist, but who would engage in this kind of activity, to pretend that they want to have oil for the United States and for our citizens, and then when I ask for an amendment to ensure that all the oil that comes through the Keystone pipeline stays in the United States, the Republicans say, Oh, no, you're not making that amendment; we're going to tie your hands, Mr. MARKEY; you can't make the amendment; we don't want you to make us be prohibited from selling this oil to the Communist Chinese?

Now, ladies and gentlemen, that's just wrong. That's wrong. That oil is American oil. That oil should stay in the United States. If we're building this pipeline, it should stay here in the United States. We should not be exporting American oil, with gasoline prices at $4 a gallon, to China and to Latin America.

That's what this whole plot is about, by the way. This is a plot to build a pipeline down to Port Arthur, Texas, tax free, and export that oil out of the United States. That's why the amendment I requested has not been put in order.

Mr. MICA. Mr. Chairman, I'm pleased to yield 1½ minutes to the gentleman from Arkansas (Mr. GRIFFIN).

Mr. GRIFFIN of Arkansas. Mr. Chairman, I rise in support of the Keystone XL pipeline as well as the underlying bill.

The plot here is for jobs, American jobs. It's a no-brainer. Like most Arkansans, I support this pro-jobs project that will strengthen our national security by making us less dependent on Middle Eastern oil.

Arkansas families and businesses are hurting due to high gas prices, and the Keystone pipeline will bring an additional 1 million barrels of oil per day into the United States. More supply means lower prices, and Arkansans, as well as all Americans, need relief from these high gas prices.

President Obama denied construction of the Keystone XL pipeline despite years of extensive vetting for environmental impacts. Make no mistake, the President's decision to reject the Keystone pipeline has cost American jobs. Welspun, a manufacturer in my district, has manufactured nearly half of the pipe for the Keystone pipeline and was forced to lay off 60 workers after the President rejected the pipeline, after he delayed it last year.

The Keystone pipeline will strengthen American energy security and create tens of thousands of good American jobs. It's past time to move the Keystone pipeline forward.

Mr. RAHALL. Time check, please, Mr. Chairman.

The CHAIR. Both sides have 10 minutes remaining.

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

Mr. MICA. Mr. Chairman, I yield myself 1 minute at this time.

I know there's a lot of disappointment on the other side of the aisle because this extension and this ability to get the bill done contains no earmarks, no tax increases, and no programs of bigger government, so I know they're disappointed in that regard.

The other thing, too, that folks should remember is we've done everything we can in a bipartisan way to move this process forward. I remember working with Mr. Oberstar, the former chairman, when the current Secretary and the President came in and said they weren't going to do a 6-year bill when they had all the votes, huge majorities, and they could have put people to work and gotten this done. Instead, they gave us six extensions. So here we are trying to get the job done.

As the Cable Guy says, and my son reminds me, Dad, we're gonna git-r-done. And we're going to get her done one way or the other.

I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I yield myself the remainder of my time, actually.

We're going to have time during the amendment process to debate the three amendments that have been made in order under the rule. I wish more had been made in order—that's why I voted against the rule—but that decision was the Rules Committee.

The three that will be allowed, of course one has to do with environmental gutting—I mean, streamlining; the other has to do with the Harbor Maintenance Trust Fund; and then the third has to do with legislation introduced by my colleague from West Virginia (Mr. MCKINLEY) dealing with coal waste ash, the latter of which there is support from my side of the aisle for and, indeed, from myself.

The Harbor Maintenance Trust Fund is a good amendment. I'm glad the Rules Committee made that in order, and I find myself in position to support that as well as the coal ash amendment. At the proper time, I'll speak further on it.

I would like to say that the gentleman from Florida, my chairman, has referred to the inability of our side of the aisle to pass legislation when we were in control of this body. We may have been in control of the other body as well—although, we were not, because the minority over there, as the gentleman knows, has more power than the majority in the other body; and perhaps we did not have the full support of the administration as we would have liked under then-Chairman Jim Oberstar's leadership, and that's unfortunate as well. I don't think any of us would deny that on this side of the aisle.

The fact of the matter is, today, with the other body being even more divided than it was in previous leadership regimes, they have passed a bipartisan bill. Half of the Republican Members of the other body supported their bipartisan transportation bill. Both the chairlady and the ranking member of the relevant committee joined together, put their names on a piece of legislation, put some reforms in it that are good reforms, provided a 2-year bill, paid for, and I believe is a bill that we should have been considering today and that I had made the request to the Rules Committee yesterday to consider, but they did not grant my wishes, so we are where we are today.

We have an additional 90-day extension that we will be asked to vote on later today. That's a good thing, I guess, if we get to a conference. And this is the final point that I want to make is that conference must be held sooner rather than later. It must be held as soon as possible. We're ready to go to conference later today if the conferees were to be announced. We already have the Senate bill. So from our side of the aisle, we're ready to go to conference today, right now.

I would urge the majority in this body to call that conference as soon as possible. Our workers cannot wait any longer. Our small businesses cannot wait any longer. Our road contractors cannot wait any longer.

This is the time of the year when road contracts are let, as I'm sure my distinguished chairman and every Member of this body knows full well. This is the time of the year, the springtime of the year when those decisions have to be made, when our small businesses, when our road contractors need to let their employees and prospective employees know—today they need to let them know whether or not they're going to have a job, not 90 days from now, not 90 plus 90 days from now, but today.

So that's why I would urge that this conference committee meet as quickly as possible. I call upon the leadership of this body to call a conference committee. Our workers are ready. Our contractors are ready. Contracts are ready to be let.

□ 1450

We need those American jobs now, and I would hope that Chairman MICA would join me in a bipartisan plea to assign conferees as expeditiously as possible and to call a conference even quicker, if that's possible.

I reserve the balance of my time.

Mr. MICA. I am pleased to yield 1 minute to the gentleman from Arizona (Mr. FLAKE), one of the leaders for responsible government.

Mr. FLAKE. I thank the chairman for yielding.

I rise in support of the provision in this legislation to get the construction of the Keystone pipeline under way.

For months, Members on both sides of the aisle have worked to impress upon the administration the urgent need for the Keystone XL pipeline

project to proceed. Justification for Keystone as a safe and critical boon to private sector job creation and American energy security has not changed.

This project, as we all know, carries with it thousands of jobs. It will still increase the Nation's capacity to transport crude oil by 830,000 barrels a day; and the State Department is still on record saying that the Keystone ''poses little environmental risk'' and will lead to ''no significant impacts to most resources.''

But, unfortunately, the administration's reluctance to proceed with Keystone has left some that question things on Keystone and some debate to begin. The unemployment rate is still above 8 percent. The U.S. still relies on the same sources of foreign energy, and a lot of Americans are asking why, why in the world can't we get this approved.

I would urge adoption of this provision.

The CHAIR. The time of the gentleman has expired.

Mr. MICA. I yield the gentleman an additional 15 seconds.

Mr. FLAKE. I thank the gentleman.

I have concerns, overall, on the transportation provisions, but this provision is very good, the Keystone provision, and it should remain in.

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

Mr. MICA. Mr. Speaker, I would like to yield 2 minutes to the gentleman from Louisiana (Mr. SCALISE), one of the leaders of the Energy and Commerce Committee and helper on this legislation.

Mr. SCALISE. Mr. Chairman, I want to thank the gentleman from Florida for yielding and for bringing this legislation forward and, specifically, want to talk about title III of this bill, and that deals with the RESTORE Act.

Of course, this Friday will mark the 2-year anniversary of the Deepwater Horizon disaster. People all across the country saw for weeks and weeks oil coming into the Gulf of Mexico, destroying ecosystems, destroying economic industries. And yet, still to this day, there is no mechanism in place to dictate what should happen to those fines that BP and the other responsible parties will have to pay under the Clean Water Act.

In this component, the RESTORE Act actually sets that policy out. And it was the result of a compilation of work by Republicans and Democrats from all five Gulf Coast States who came together and recognized that the most responsible thing to do would be to dedicate that money, 80 percent of those fines, to the Gulf Coast States so that we actually have revenue to go and restore the damage that's been done.

I think most people recognize the right thing to do is to dedicate that money, not to send it up to Washington to be spent on things unrelated, but to actually allow us to restore the damage that was done in the Gulf of Mexico from that tragedy, and that's what this bill does.

The mechanism is in place, and as we go to a conference committee, I feel very confident we can get to a point where we have the full RESTORE Act in the final product so that there is no question that there is a commitment from this Congress that the Gulf Coast States ought to have the ability to restore the damage that was done during that tragedy.

Of course, another component of this bill is the Keystone pipeline. And I think as we look at the dilemma so many families are facing with escalating gas prices, the fact that you've got gas prices in some places already over $4 a gallon, experts predicting $5 a gallon gasoline, and here we have a friend in Canada saying that they want to send a million barrels a day of oil to America, which is a million barrels a day we don't have to get from these Middle Eastern countries who don't like us, sending billions of dollars to people, in essence, funding the enemy in some of these terrorist battles across the Middle East.

We've got the ability to create 20,000 jobs and secure our energy security. I look forward to passage of this legislation.

Mr. RAHALL. Is the gentleman from Florida ready to close?

Mr. MICA. I'm ready to close.

Mr. RAHALL. I know how much time I have left, I think, but just tell me, Mr. Chairman.

The CHAIR. The gentleman has 5½ minutes.

Mr. RAHALL. Let me, again, repeat what I said a moment ago. I'm sure the chairman heard me. And I'm asking, once again, that we go to conference as quickly as possible. I gave the reasons in my concluding speech why that is necessary for the sake of jobs for Americans.

I would hope that, in one last-ditch effort, one last-ditch effort to plead for bipartisanship in this body, as the other body has already demonstrated and proved, that perhaps the chairman would join me, his ranking member, in a letter to the Speaker urging that we go to conference as quickly as possible.

The legislative process has been explained to me, and when you cut through it all, we could go to conference as early as tonight on this legislation. So I would ask the chairman, once again, if he would join me in that last bipartisan plea I make for such a joint pleading with the Speaker to go to conference.

I yield the balance of my time to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the gentleman for yielding, and I would yield to the chairman of the committee in the hope that he would respond to that because I think it's a reasonable request.

Mr. MICA. And I would tell the gentleman—am I on the gentleman's time, Mr. Chairman?

The CHAIR. Yes, you're on the gentleman's time.

Mr. MICA. Okay. Then I would tell the gentleman that I plan to respond in not taking his time, but in taking my time to the request from the distinguished ranking member from West Virginia (Mr. RAHALL), and I will have an answer in response to his specific question dealing with whether or not I would sign the letter asking for an expeditious approval and consideration of appointment of conferees and going to conference in an expedited manner.

Mr. DEFAZIO. Reclaiming my time, I'm afraid I didn't quite catch that. If the gentleman is saying that he wants to originate the letters making those points, I will tell him right now I would sign it, and I believe the gentleman from West Virginia would sign it. If that's the problem that he was insinuating that we in the minority would initiate the letter, the point is we would love to have the chairman write the letter and be willing to sign it.

My understanding of the procedures that have been set forth already in the Senate is when we send this bill to the Senate, and it could be there within a couple of hours, that Leaders MCCONNELL and REID must sit down and agree that it meets their preconditions to go to conference. If it does, then the Senate goes automatically to conference. They don't have to go through all their usual procedures, and then they would send a request for conference back to us, which could be here tonight or early tomorrow morning, and we could appoint conferees tomorrow, and we could begin negotiating the bill.

I'm willing to clear my weekend schedule. I have things scheduled. I'm willing to clear my weekend schedule. I hope to be a conferee on our side of the aisle to go to conference because we really need to get the certainty the States need.

Every day States are announcing delays and cancellations of projects for this construction season which, for those of us who live in the northern part of the country, not down in Florida, means they don't get done this year. If they can't commit to a project by the end of May, except for some very minor projects, it won't get done this year.

We need those jobs. We need those projects. Instead of adding jobs and projects today, because of the temporary nature of these two extensions, States are notifying DOT that they are going to delay or cancel projects. And again, in the case of North Carolina, $1.2 billion worth of projects, 41,000 jobs lost. In my State, a couple of thousand jobs lost, and we have high unemployment. All across the country, it probably adds up to 100,000 jobs that will be foregone this construction season if we don't get a longer-term bill done by mid- to late May.

I think it's entirely possible and, as I said, on this side of the aisle we want to expedite going to conference. That's the reason we will support this bill, despite some of its faults, because the majority has shown a willingness to sit down seriously and get this done, but

we can't delay. We have to move forward with all dispatch.

Let's start tomorrow. Let's work through the weekend. Let's work through the next break. We've already had 10 or 12 or 15 breaks this year. Let's work through the next break. I'll cancel my schedule for that break, too, and get this bill done for the American people for our transportation system by mid-May.

□ 1500

Mr. RAHALL. As we are all anxiously awaiting the chairman to respond with his time, I yield back the balance of my time so that we all can wait with bated breath to hear the distinguished chairman's response to our invitation.

Mr. MICA. Might I inquire as to what time is remaining?

The CHAIR. The gentleman has 5¾ minutes.

Mr. MICA. In answering with bated breath, I yield myself the balance of my time.

First of all, let me say on a serious basis that I've tried to have the best working relationship possible with Mr. RAHALL, the Democrat leader of the Transportation Committee. He and I were respectively chosen to lead the committee, and I've tried to do my best in the last year plus several months to work with him in meeting our responsibilities.

We have done some important things. We passed a 5-year stalled FAA bill, and we did it without tax increases, without earmarks, and with a good plan for the future that will put people to work in an area, the aviation industry, that accounts for 10 percent of our economic activity in the country.

Let me say in regard to the former chair of, I believe, the Highway Subcommittee, Mr. DEFAZIO, that he was the ranking member on 9/11 when the good Lord put us both with the responsibility of trying to get the Nation's aviation system going after the horrendous attack by terrorists on our country and on the aviation system, and we did that together.

I came to this position after 18 years, after my predecessor, Mr. Oberstar, who I enjoyed so much working with, who was the distinguished leader from the other side. I learned quite a bit from Mr. Oberstar and others, from Mr. SHUSTER who came before me. There was a whole host of great leaders in the committee—Mr. Mineta, my first chair. I tried to learn from all of them and not make mistakes but to do the best thing for the committee, not for my self-interests or my party's interests, but in the interest of the American people, because that's what we're sent here for is to help the American people.

We had a crisis after 9/11. We came together. We have a crisis now. We have millions of Americans who don't have jobs, who don't have work. I supported the bill. I think Mr. Oberstar waited 32 years to become chairman. I was elected after 18 years by my colleagues. He had his bill pretty much together. I didn't have a bill.

I first went to Mr. RAHALL's district, who is the ranking member, and held the first hearing on this legislation in Beckley, West Virginia, which I'd never been to, and I wouldn't mind going back. Everybody there was nice to me and committed then. We went across the country and did a record number of hearings—as I said, bipartisan, bicameral with Mrs. BOXER, who I hope to complete this legislation with and with other leaders and workers, because here you can't do it yourself. You really can't. You might think you can, but you can't.

So I have taken everybody's good ideas, and please don't say I wasn't bipartisan. We took every amendment, 100 Democrat amendments. I don't know anyone who has done that. We sat there until 3 o'clock in the morning—it was an 18-hour markup—and we passed 20-some of their amendments. Shoot, this is difficult. I don't have earmarks like the previous chairman had. The last bill had 6,300 earmarks. Yes, you can get the bill done quickly, but even then it took them 2 years. I've been here for—what?—14 months leading the committee, and today, we will take this to conference.

To answer your question, not only will I sign the letter; I will draft the letter asking to be expeditious in going to conference and in the appointment of conferees. In addition, I'll ask our chair, Mr. DUNCAN, to sign that letter—I hope you will join me, and I thank you for offering that—so we can get the people's work done.

I look back and I see the missed opportunities, one when Mr. LaHood came in to Mr. Oberstar and me and turned down a 6-year bill that we had planned. I didn't like everything Mr. Oberstar proposed. In fact, I probably would have had to have held my nose and voted for it; but I told him, in the interest of the country and the American people, we needed to move forward, and I was supportive of getting the bill to conference so we could work out the details. I wasn't afforded all that opportunity in this process, and I'm saddened a bit about that because I have tried to work in good faith.

Now the American people are calling on us to stop the bickering, to stop the baloney, to get back to work. The American people are hurting.

Then again, there is the pain at the pump. I've seen people, when I've been home, taking out a few dollars at a time in trying to pay that gas bill, and sometimes I've seen people go out and buy $5 worth of gas. It breaks my heart that they can barely make it back and forth. I saw a waitress who was telling me how difficult it was for her to get to work because she couldn't afford it. But that's why they sent us here—to get this job done, and we need to get this job done.

So I think, on behalf of the American people, we need to continue the process. We've been down several roads, and some of those had some bumps and some of them had some dead ends, but let's hope that this has a path to lower energy costs and that this has a path to building this country's infrastructure, which is so important for what the business of this country is. The business of this country is business. It wasn't Big Government. So we can do it.

I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chair, I rise to support H.R. 4348, the Surface Transportation Extension Act of 2012, Part II, but I do so with a great deal of reservation. The simple fact is that we must pass a transportation reauthorization for the benefit of the country, as the piecemeal extensions cannot provide cities and states adequate time to plan, and result in wasteful spending of our precious infrastructure dollars.

The current bill was crafted in backrooms of the GOP leadership, without the benefit of hearings or a markup. This bill does not include one Democratic amendment, and contains numerous poison pills such as the Keystone XL pipeline that will be non-starters with Senate conferees. Up until the present time, the House Transportation and Infrastructure committee has worked in a fashion that focused on shared goals and producing the type of legislation that creates jobs, improves safety, and keeps Americans safe on the roads they travel. As a senior member of the House Transportation and Infrastructure Committee, I can say that this reauthorization process in the House has been a stark departure from the traditional bipartisan process, and the quality of the bill has suffered as such.

Nevertheless, I support final passage of H.R. 4348 because it will enable the House to conference with the Senate on the reauthorization, and with a reauthorization in place, we can begin to repair our crumbling infrastructure and get thousands of American back to work.

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 and shall be considered as read.

The text of the bill is as follows:

H.R. 4348

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

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.

TITLE I—SURFACE TRANSPORTATION EXTENSION

Sec. 101. Short title.

Subtitle A—Federal-Aid Highways

Sec. 111. Extension of Federal-aid highway programs.

Subtitle B—Extension of Highway Safety Programs

Sec. 121. Extension of National Highway Traffic Safety Administration highway safety programs.

Sec. 122. Extension of Federal Motor Carrier Safety Administration programs.

Sec. 123. Additional programs.

Subtitle C—Public Transportation Programs

Sec. 131. Allocation of funds for planning programs.

Sec. 132. Special rule for urbanized area formula grants.
Sec. 133. Allocating amounts for capital investment grants.
Sec. 134. Apportionment of formula grants for other than urbanized areas.
Sec. 135. Apportionment based on fixed guideway factors.
Sec. 136. Authorizations for public transportation.
Sec. 137. Amendments to SAFETEA–LU.
Subtitle D—Highway Trust Fund Extension
Sec. 141. Extension of highway-related taxes.
Sec. 142. Extension of trust fund expenditure authority.
TITLE II—KEYSTONE XL PIPELINE
Sec. 201. Short title.
Sec. 202. Restriction.
Sec. 203. Permit.
Sec. 204. Relation to other law.
TITLE III—RESTORE ACT
Sec. 301. Short title.
Sec. 302. Gulf Coast Restoration Trust Fund.

TITLE I—SURFACE TRANSPORTATION EXTENSION

SEC. 101. SHORT TITLE.

This title may be cited as the ''Surface Transportation Extension Act of 2012, Part II''.

Subtitle A—Federal-Aid Highways

SEC. 111. EXTENSION OF FEDERAL-AID HIGHWAY PROGRAMS.

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

(1) by striking ''the period beginning on October 1, 2011, and ending on June 30, 2012,'' each place it appears and inserting ''fiscal year 2012'';

(2) by striking ''¾ of'' each place it appears; and

(3) in subsection (a) by striking ''June 30, 2012'' and inserting ''September 30, 2012''.

(b) USE OF FUNDS.—Section 111(c) of the Surface Transportation Extension Act of 2011, Part II (125 Stat. 343) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A) by striking '', except that during such period'' and all that follows before the period at the end; and

(B) in subparagraph (B)(ii) by striking ''$479,250,000'' and inserting ''$639,000,000''; and

(2) by striking paragraph (4).

(c) EXTENSION OF AUTHORIZATIONS UNDER TITLE V OF SAFETEA–LU.—Section 111(e)(2) of the Surface Transportation Extension Act of 2011, Part II (125 Stat. 343) is amended by striking ''the period beginning on October 1, 2011, and ending on June 30, 2012.'' and inserting ''fiscal year 2012.''.

(d) ADMINISTRATIVE EXPENSES.—Section 112(a) of the Surface Transportation Extension Act of 2011, Part II (125 Stat. 346) is amended by striking ''$294,641,438 for the period beginning on October 1, 2011, and ending on June 30, 2012.'' and inserting ''$392,855,250 for fiscal year 2012.''.

Subtitle B—Extension of Highway Safety Programs

SEC. 121. EXTENSION OF NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION HIGHWAY SAFETY PROGRAMS.

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

(b) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2001(a)(2) of SAFETEA–LU (119 Stat. 1519) is amended by striking ''and $81,183,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.'' and inserting ''and $105,500,000 for fiscal year 2012.''.

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

(d) SAFETY BELT PERFORMANCE GRANTS.—Section 2001(a)(4) of SAFETEA–LU (119 Stat. 1519) is amended by striking ''and $36,375,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.'' and inserting ''and $48,500,000 for fiscal year 2012.''.

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

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

(g) NATIONAL DRIVER REGISTER.—Section 2001(a)(7) of SAFETEA–LU (119 Stat. 1520) is amended by striking ''and $3,087,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.'' and inserting ''and $4,000,000 for fiscal year 2012.''.

(h) HIGH VISIBILITY ENFORCEMENT PROGRAM.—Section 2001(a)(8) of SAFETEA–LU (119 Stat. 1520) is amended by striking ''for each of fiscal years 2006 through 2011'' and all that follows through the period at the end and inserting ''for each of fiscal years 2006 through 2012.''.

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

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

(k) ADMINISTRATIVE EXPENSES.—Section 2001(a)(11) of SAFETEA–LU (119 Stat. 1520) is amended by striking ''$25,328,000 for fiscal year 2011'' and all that follows through the period at the end and inserting ''and $25,328,000 for each of fiscal years 2011 and 2012.''.

SEC. 122. EXTENSION OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAMS.

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

''(8) $212,000,000 for fiscal year 2012.''.

(b) ADMINISTRATIVE EXPENSES.—

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

''(H) $244,144,000 for fiscal year 2012.''.

(2) TECHNICAL CORRECTION.—Section 31104(i)(1)(F) of title 49, United States Code, is amended to read as follows:

''(F) $239,828,000 for fiscal year 2010;''.

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

(1) in paragraph (1) by striking ''and $22,500,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.'' and inserting ''and $30,000,000 for fiscal year 2012.'';

(2) in paragraph (2) by striking ''2011 and $24,000,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.'' and inserting ''2012.'';

(3) in paragraph (3) by striking ''2011 and $3,750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.'' and inserting ''2012.'';

(4) in paragraph (4) by striking ''2011 and $18,750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.'' and inserting ''2012.''; and

(5) in paragraph (5) by striking ''2011 and $2,250,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.'' and inserting ''2012.''.

(d) HIGH-PRIORITY ACTIVITIES.—Section 31104(k)(2) of title 49, United States Code, is amended by striking ''2011 and $11,250,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''2012''.

(e) NEW ENTRANT AUDITS.—Section 31144(g)(5)(B) of title 49, United States Code, is amended by striking ''and up to $21,750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,''.

(f) OUTREACH AND EDUCATION.—Section 4127(e) of SAFETEA–LU (119 Stat. 1741) is amended by striking ''and 2011 (and $750,000 to the Federal Motor Carrier Safety Administration, and $2,250,000 to the National Highway Traffic Safety Administration, for the period beginning on October 1, 2011, and ending on June 30, 2012)'' and inserting ''2011, and 2012''.

(g) GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.—Section 4134(c) of SAFETEA–LU (119 Stat. 1744) is amended by striking ''2011 and $750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''2012''.

(h) MOTOR CARRIER SAFETY ADVISORY COMMITTEE.—Section 4144(d) of SAFETEA–LU (119 Stat. 1748) is amended by striking ''June 30, 2012'' and inserting ''September 30, 2012''.

(i) WORKING GROUP FOR DEVELOPMENT OF PRACTICES AND PROCEDURES TO ENHANCE FEDERAL-STATE RELATIONS.—Section 4213(d) of SAFETEA–LU (49 U.S.C. 14710 note; 119 Stat. 1759) is amended by striking ''June 30, 2012'' and inserting ''September 30, 2012''.

SEC. 123. ADDITIONAL PROGRAMS.

(a) HAZARDOUS MATERIALS RESEARCH PROJECTS.—Section 7131(c) of SAFETEA–LU (119 Stat. 1910) is amended by striking ''and $870,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''and $1,160,000 for fiscal year 2012''.

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

(1) in subsection (a) by striking ''2011 and for the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''2012,''; and

(2) in the first sentence of subsection (b)(1)(A) by striking ''2011 and for the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''2012,''.

Subtitle C—Public Transportation Programs

SEC. 131. ALLOCATION OF FUNDS FOR PLANNING PROGRAMS.

Section 5305(g) of title 49, United States Code, is amended by striking ''2011 and for the period beginning on October 1, 2011, and ending on June 30, 2012'' and inserting ''2012''.

SEC. 132. SPECIAL RULE FOR URBANIZED AREA FORMULA GRANTS.

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

(1) by striking the paragraph heading and inserting ''SPECIAL RULE FOR FISCAL YEARS 2005 THROUGH 2012.—'';

(2) in subparagraph (A) by striking ''2011 and the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''2012,''; and

(3) in subparagraph (E)—

(A) by striking the subparagraph heading and inserting ''MAXIMUM AMOUNTS IN FISCAL YEARS 2008 THROUGH 2012.—''; and

(B) in the matter preceding clause (i) by striking ''2011 and during the period beginning on October 1, 2011, and ending on June 30, 2012'' and inserting ''2012''.

SEC. 133. ALLOCATING AMOUNTS FOR CAPITAL INVESTMENT GRANTS.

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

(1) in paragraph (2)—

(A) by striking the paragraph heading and inserting ''FISCAL YEARS 2006 THROUGH 2012.—'';

(B) in the matter preceding subparagraph (A) by striking ''2011 and the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''2012''; and

(C) in subparagraph (A)(i) by striking ''2011 and $150,000,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''2012'';

(2) in paragraph (6)—

(A) in subparagraph (B) by striking ''2011 and $11,250,000 shall be available for the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''2012''; and

(B) in subparagraph (C) by striking ''though 2011 and $3,750,000 shall be available for the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''through 2012''; and

(3) in paragraph (7)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i)—

(I) in the first sentence by striking ''2011 and $7,500,000 shall be available for the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''2012''; and

(II) in the second sentence by inserting ''each fiscal year'' before the colon;

(ii) in clause (i) by striking ''for each fiscal year and $1,875,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,'';

(iii) in clause (ii) by striking ''for each fiscal year and $1,875,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,'';

(iv) in clause (iii) by striking ''for each fiscal year and $750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,'';

(v) in clause (iv) by striking ''for each fiscal year and $750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,'';

(vi) in clause (v) by striking ''for each fiscal year and $750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,'';

(vii) in clause (vi) by striking ''for each fiscal year and $750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,'';

(viii) in clause (vii) by striking ''for each fiscal year and $487,500 for the period beginning on October 1, 2011, and ending on June 30, 2012,''; and

(ix) in clause (viii) by striking ''for each fiscal year and $262,500 for the period beginning on October 1, 2011, and ending on June 30, 2012,'';

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

''(vii) $13,500,000 for fiscal year 2012.'';

(C) in subparagraph (C) by striking ''and during the period beginning on October 1, 2011, and ending on June 30, 2012,'';

(D) in subparagraph (D) by striking ''and not less than $26,250,000 shall be available for the period beginning on October 1, 2011, and ending on June 30, 2012,''; and

(E) in subparagraph (E) by striking ''and $2,250,000 shall be available for the period beginning on October 1, 2011, and ending on June 30, 2012,''.

SEC. 134. APPORTIONMENT OF FORMULA GRANTS FOR OTHER THAN URBANIZED AREAS.

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

''(G) $15,000,000 for fiscal year 2012.''.

SEC. 135. APPORTIONMENT BASED ON FIXED GUIDEWAY FACTORS.

Section 5337 of title 49, United States Code, is amended by striking subsection (g).

SEC. 136. AUTHORIZATIONS FOR PUBLIC TRANSPORTATION.

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

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

''(G) $8,360,565,000 for fiscal year 2012.''; and

(2) in paragraph (2)—

(A) in subparagraph (A) by striking ''$113,500,000 for each of fiscal years 2009 through 2011, and $85,125,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''and $113,500,000 for each of fiscal years 2009 through 2012'';

(B) in subparagraph (B) by striking ''$4,160,365,000 for each of fiscal years 2009 through 2011, and $3,120,273,750 for the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''and $4,160,365,000 for each of fiscal years 2009 through 2012'';

(C) in subparagraph (C) by striking ''$51,500,000 for each of fiscal years 2009 through 2011, and $38,625,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''and $51,500,000 for each of fiscal years 2009 through 2012'';

(D) in subparagraph (D) by striking ''$1,666,500,000 for each of fiscal years 2009 through 2011, and $1,249,875,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''and $1,666,500,000 for each of fiscal years 2009 through 2012'';

(E) in subparagraph (E) by striking ''$984,000,000 for each of fiscal years 2009 through 2011, and $738,000,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''and $984,000,000 for each of fiscal years 2009 through 2012'';

(F) in subparagraph (F) by striking ''$133,500,000 for each of fiscal years 2009 through 2011, and $100,125,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''and $133,500,000 for each of fiscal years 2009 through 2012'';

(G) in subparagraph (G) by striking ''$465,000,000 for each of fiscal years 2009 through 2011, and $348,750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''and $465,000,000 for each of fiscal years 2009 through 2012'';

(H) in subparagraph (H) by striking ''$164,500,000 for each of fiscal years 2009 through 2011, and $123,375,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''and $164,500,000 for each of fiscal years 2009 through 2012'';

(I) in subparagraph (I) by striking ''$92,500,000 for each of fiscal years 2009 through 2011, and $69,375,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''and $92,500,000 for each of fiscal years 2009 through 2012'';

(J) in subparagraph (J) by striking ''$26,900,000 for each of fiscal years 2009 through 2011, and $20,175,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''and $26,900,000 for each of fiscal years 2009 through 2012'';

(K) in subparagraph (K) by striking ''for each of fiscal years 2006 through 2011 and $2,625,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''for each of fiscal years 2006 through 2012'';

(L) in subparagraph (L) by striking ''for each of fiscal years 2006 through 2011 and $18,750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''for each of fiscal years 2006 through 2012'';

(M) in subparagraph (M) by striking ''$465,000,000 for each of fiscal years 2009 through 2011, and $348,750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''and $465,000,000 for each of fiscal years 2009 through 2012''; and

(N) in subparagraph (N) by striking ''$8,800,000 for each of fiscal years 2009 through 2011, and $6,600,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''and $8,800,000 for each of fiscal years 2009 through 2012''.

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

''(7) $1,955,000,000 for fiscal year 2012.''.

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

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking ''through 2011, and $33,000,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''through 2011, and $44,000,000 for fiscal year 2012,''; and

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

''(3) ADDITIONAL AUTHORIZATIONS.—

''(A) RESEARCH.—Of amounts authorized to be appropriated under paragraph (1) for fiscal year 2012, the Secretary shall allocate for each of the activities and projects described in subparagraphs (A) through (F) of paragraph (1) an amount equal to 63 percent of the amount allocated for fiscal year 2009 under each such subparagraph.

''(B) UNIVERSITY CENTERS PROGRAM.—

''(i) FISCAL YEAR 2012.—Of the amounts allocated under subparagraph (A)(i) for the university centers program under section 5506 for fiscal year 2012, the Secretary shall allocate for each program described in clauses (i) through (iii) and (v) through (viii) of paragraph (2)(A) an amount equal to 63 percent of the amount allocated for fiscal year 2009 under each such clause.

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

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

''(7) $98,713,000 for fiscal year 2012.''.

SEC. 137. AMENDMENTS TO SAFETEA–LU.

(a) CONTRACTED PARATRANSIT PILOT.—Section 3009(i)(1) of SAFETEA–LU (119 Stat. 1572) is amended by striking ''2011 and the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''2012,''.

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

(1) in subsection (c)(5) by striking ''2011 and the period beginning on October 1, 2011, and ending on June 30, 2012'' and inserting ''2012''; and

(2) in the second sentence of subsection (d) by striking ''2011 and the period beginning on

October 1, 2011, and ending on June 30, 2012,'' and inserting ''2012''.

(c) ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES PILOT PROGRAM.—Section 3012(b)(8) of SAFETEA–LU (49 U.S.C. 5310 note; 119 Stat. 1593) is amended by striking ''June 30, 2012'' and inserting ''September 30, 2012''.

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

''(8) $10,458,278,000 for fiscal year 2012, of which not more than $8,360,565,000 shall be from the Mass Transit Account.''.

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

(1) in subsection (b), in the matter preceding paragraph (1), by striking ''2011 and the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''2012''; and

(2) in subsection (c), in the matter preceding paragraph (1), by striking ''2011 and the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''2012''.

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

(1) in subsection (b) by striking ''fiscal year or period'' and inserting ''fiscal year''; and

(2) by striking subsection (c)(2) and inserting the following:

''(2) for fiscal year 2012, in amounts equal to 63 percent of the amounts allocated for fiscal year 2009 under each of paragraphs (2), (3), (5), and (8) through (25) of subsection (a).''.

Subtitle D—Highway Trust Fund Extension

SEC. 141. EXTENSION OF HIGHWAY-RELATED TAXES.

(a) IN GENERAL.—

(1) Each of the following provisions of the Internal Revenue Code of 1986 is amended by striking ''June 30, 2012'' and inserting ''September 30, 2012'':

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

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

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

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

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

(B) Section 4051(c).

(C) Section 4071(d).

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

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

(1) by striking ''July 1, 2012'' each place it appears and inserting ''October 1, 2012'';

(2) by striking ''December 31, 2012'' each place it appears and inserting ''March 31, 2013''; and

(3) by striking ''October 1, 2012'' and inserting ''January 1, 2013''.

(c) EXTENSION OF CERTAIN EXEMPTIONS.—Sections 4221(a) and 4483(i) of such Code are each amended by striking ''July 1, 2012'' and inserting ''October 1, 2012''.

(d) EXTENSION OF TRANSFERS OF CERTAIN TAXES.—

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

(A) in subsection (b)—

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

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

(iii) by striking ''June 30, 2012'' in paragraph (2) and inserting ''September 30, 2012''; and

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

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

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

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

(B) CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.—Section 201(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–11(b)) is amended—

(i) by striking ''July 1, 2013'' each place it appears and inserting ''October 1, 2013''; and

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

(e) TECHNICAL CORRECTION.—Paragraph (4) of section 4482(c) of such Code is amended to read as follows:

''(4) TAXABLE PERIOD.—The term 'taxable period' means any year beginning before July 1, 2013, and the period which begins on July 1, 2013, and ends at the close of September 30, 2013.''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on July 1, 2012.

(2) TECHNICAL CORRECTION.—The amendment made by subsection (e) shall take effect as if included in section 402 of the Surface Transportation Extension Act of 2012.

SEC. 142. EXTENSION OF TRUST FUND EXPENDITURE AUTHORITY.

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

(1) by striking ''July 1, 2012'' in subsections (b)(6)(B), (c)(1), and (e)(3) and inserting ''October 1, 2012''; and

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

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

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

(2) by striking ''July 1, 2012'' in subsection (d)(2) and inserting ''October 1, 2012''.

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

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

TITLE II—KEYSTONE XL PIPELINE

SEC. 201. SHORT TITLE.

This title may be cited as the ''North American Energy Access Act''.

SEC. 202. RESTRICTION.

(a) IN GENERAL.—No person may construct, operate, or maintain the oil pipeline and related facilities described in subsection (b) except in accordance with a permit issued under this title.

(b) PIPELINE.—The pipeline and related facilities referred to in subsection (a) are those described in the Final Environmental Impact Statement for the Keystone XL Pipeline Project issued by the Department of State on August 26, 2011, including any modified version of that pipeline and related facilities.

SEC. 203. PERMIT.

(a) ISSUANCE.—

(1) BY FERC.—The Federal Energy Regulatory Commission shall, not later than 30 days after receipt of an application therefor, issue a permit without additional conditions for the construction, operation, and maintenance of the oil pipeline and related facilities described in section 202(b), to be implemented in accordance with the terms of the Final Environmental Impact Statement described in section 202(b). The Commission shall not be required to prepare a Record of Decision under section 1505.2 of title 40 of the Code of Federal Regulations with respect to issuance of the permit provided for in this section.

(2) ISSUANCE IN ABSENCE OF FERC ACTION.—If the Federal Energy Regulatory Commission has not acted on an application for a permit described in paragraph (1) within 30 days after receiving such application, the permit shall be deemed to have been issued under this title upon the expiration of such 30-day period.

(b) MODIFICATION.—

(1) IN GENERAL.—The applicant for or holder of a permit described in subsection (a) may make a substantial modification to the pipeline route or any other term of the Final Environmental Impact Statement described in section 202(b) only with the approval of the Federal Energy Regulatory Commission. The Commission shall expedite consideration of any such modification proposal.

(2) NEBRASKA MODIFICATION.—Within 30 days after the date of enactment of this Act, the Federal Energy Regulatory Commission shall enter into a memorandum of understanding with the State of Nebraska for an effective and timely review under the National Environmental Policy Act of 1969 of any modification to the proposed pipeline route in Nebraska as proposed by the applicant for the permit described in subsection (a). Not later than 30 days after receiving approval of such proposed modification from the Governor of Nebraska, the Commission shall complete consideration of and approve such modification.

(3) ISSUANCE IN ABSENCE OF FERC ACTION.—If the Federal Energy Regulatory Commission has not acted on an application for approval of a modification described in paragraph (2) within 30 days after receiving such application, such modification shall be deemed to have been issued under this title upon expiration of the 30-day period.

(4) CONSTRUCTION DURING CONSIDERATION OF NEBRASKA MODIFICATION.—While any modification of the proposed pipeline route in Nebraska is under consideration pursuant to paragraph (2), the holder of the permit issued under subsection (a) may commence or continue with construction of any portion of the pipeline and related facilities described in section 202(b) that is not within the State of Nebraska.

(c) NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—Except for actions taken under subsection (b)(1), the actions taken pursuant to this title shall be taken without further action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 204. RELATION TO OTHER LAW.

(a) GENERAL RULE.—Notwithstanding Executive Order 13337 (3 U.S.C. 301 note), Executive Order 11423 (3 U.S.C. 301 note), section 301 of title 3, United States Code, and any other Executive Order or provision of law, no presidential permits shall be required for the construction, operation, and maintenance of the pipeline and related facilities described in section 202(b) of this Act.

(b) APPLICABILITY.—Nothing in this title shall affect the application to the pipeline and related facilities described in section 202(b) of—

(1) chapter 601 of title 49, United States Code; or

(2) the authority of the Federal Energy Regulatory Commission to regulate oil pipeline rates and services.

(c) FINAL ENVIRONMENTAL IMPACT STATEMENT.—The final environmental impact statement issued by the Secretary of State on August 26, 2011, shall be considered to satisfy all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

TITLE III—RESTORE ACT

SEC. 301. SHORT TITLE.

This title may be cited as the ''Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012''.

SEC. 302. GULF COAST RESTORATION TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the ''Gulf Coast Restoration Trust Fund'' (referred to in this section as the ''Trust Fund''), consisting of such amounts as are deposited in the Trust Fund under this section or any other provision of law.

(b) TRANSFERS.—The Secretary of the Treasury shall deposit in the Trust Fund an amount equal to 80 percent of all administrative and civil penalties paid by responsible parties after the date of enactment of this title in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon pursuant to a court order, negotiated settlement, or other instrument in accordance with section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321).

(c) EXPENDITURES.—Amounts in the Trust Fund, including interest earned on advances to the Trust Fund and proceeds from investment under subsection (d), shall be available, pursuant to a future Act of Congress enacted after the date of enactment of this Act—

(1) for expenditure to restore the Gulf Coast region from the Deepwater Horizon oil spill for undertaking projects and programs in the Gulf Coast region that would restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, coastal wetlands, and economy of the Gulf Coast region; and

(2) solely to Gulf Coast States and coastal political subdivisions to restore the ecosystems and economy of the Gulf Coast region.

(d) INVESTMENT.—Amounts in the Trust Fund shall be invested in accordance with section 9702 of title 31, United States Code, and any interest on, and proceeds from, any such investment shall be available for expenditure in accordance with this section.

(e) DEFINITIONS.—In this section:

(1) COASTAL POLITICAL SUBDIVISION.—The term ''coastal political subdivision'' means any local political jurisdiction that is immediately below the State level of government, including a county, parish, or borough, with a coastline that is contiguous with any portion of the United States Gulf of Mexico.

(2) DEEPWATER HORIZON OIL SPILL.—The term ''Deepwater Horizon oil spill'' means the blowout and explosion of the mobile offshore drilling unit Deepwater Horizon that occurred on April 20, 2010, and resulting hydrocarbon releases into the environment.

(3) GULF COAST REGION.—The term ''Gulf Coast region'' means—

(A) in the Gulf Coast States, the coastal zones (as that term is defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)) that border the Gulf of Mexico;

(B) any adjacent land, water, and watersheds, that are within 25 miles of those coastal zones of the Gulf Coast States; and

(C) all Federal waters in the Gulf of Mexico.

(4) GULF COAST STATE.—The term ''Gulf Coast State'' means any of the States of Alabama, Florida, Louisiana, Mississippi, and Texas.

The CHAIR. No amendment to the bill shall be in order except those printed in House Report 112–446. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. BOUSTANY

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112–446.

Mr. BOUSTANY. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following (and conform the table of contents of the bill accordingly):

TITLE IV—HARBOR MAINTENANCE PROGRAMS

SEC. 401. FUNDING FOR HARBOR MAINTENANCE PROGRAMS.

(a) HARBOR MAINTENANCE TRUST FUND GUARANTEE.—

(1) IN GENERAL.—The total budget resources for a fiscal year shall be equal to the level of receipts for harbor maintenance for that fiscal year. Such amounts shall be used only for harbor maintenance programs.

(2) GUARANTEE.—No funds may be appropriated for harbor maintenance programs unless the amount under paragraph (1) has been provided for all such programs.

(b) DEFINITIONS.—In this section, the following definitions apply:

(1) HARBOR MAINTENANCE PROGRAMS.—The term ''harbor maintenance programs'' means expenditures under section 9505(c)(1) of the Internal Revenue Code of 1986 (relating to expenditures from the Harbor Maintenance Trust Fund).

(2) LEVEL OF RECEIPTS FOR HARBOR MAINTENANCE.—The term ''level of receipts for harbor maintenance'' means the level of taxes credited to the Harbor Maintenance Trust Fund under section 9505(a)(1) of the Internal Revenue Code of 1986 for a fiscal year as set forth in the President's budget baseline projection as defined in section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177) for that fiscal year submitted pursuant to section 1105 of title 31, United States Code, reduced by the amount requested in such President's budget for payments described in section 9505(c)(3) of the Internal Revenue Code of 1986.

(3) TOTAL BUDGET RESOURCES.—The term ''total budget resources'' means the total amount made available by appropriations Acts from the Harbor Maintenance Trust Fund for a fiscal year for making expenditures under section 9505(c)(1) of the Internal Revenue Code of 1986.

The CHAIR. Pursuant to House Resolution 619, the gentleman from Louisiana (Mr. BOUSTANY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. BOUSTANY. Mr. Chairman, in 1986, Congress created the Harbor Maintenance Trust Fund and the harbor maintenance tax, a dedicated user fee, to provide a steady revenue source for the Army Corps of Engineers to carry out the dredging of our critical navigation channels to meet their authorized specifications with regard to depth and width.

In the year 2011, the harbor maintenance tax that was collected was $1.4 billion, but only slightly over half of that was directed to the intended purpose: the operations and maintenance purposes. Yet less than 35 percent of our top Nation's harbors and ports are dredged adequately. This is hurting American competitiveness. It's hurting American exports. It's hurting American commerce. Frankly, as the Ways and Means Oversight Subcommittee chairman, I find this an egregious abuse of this tax.

My amendment does this: it basically ties the harbor maintenance tax revenue receipts to expenditures. All funds collected shall be utilized for the purposes that they were intended, and that is for the maintenance of our Nation's ports and harbors.

Mr. Chairman, in January 2012 alone, five ships ran aground in the lower Mississippi River, which is our Nation's largest export artery. This funding is critical to prevent draft restrictions, which have negatively affected our commerce. It is critical for expanding exports, and it is critical in its support for the American exploration and production of American energy. Furthermore, the Congressional Budget Office does not issue a score on this. It doesn't add one penny to the deficit.

□ 1510

This amendment is critical for American competitiveness. It gives the House a strength of hand going into conference with the Senate as I look forward to continuing to find alternative ways to enforce that these funds are dedicated swiftly and solely for the intended purpose, and that is for port and waterways maintenance.

I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, although not in opposition, I ask unanimous consent to claim the time.

The CHAIR. Without objection, the gentleman from West Virginia is recognized for 5 minutes.

There was no objection.

Mr. RAHALL. I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the gentleman.

I've long supported changing the law so that the funds collected for harbor maintenance are spent on harbor maintenance. They're spent all across the country on a whole range of things, except harbor maintenance. I have jetties failing in Coos Bay, Oregon; a jetty failing at the mouth of the Columbia River. I have ports that are shoaling in Port Orford or Florence that the Corps says they can't afford dredging. I don't blame the Corps because they've been shorted in the budget process. They

have a $40 billion backlog of critical projects.

This will help them focus their energies on some other critical projects by giving them adequate funds to do the dredging, to rebuild the jetties, and to do the other work to maintain our locks and channels that they need to do.

This is long overdue, and I strongly support the amendment.

Mr. BOUSTANY. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. GIBBS), the chairman of the Subcommittee on Water Resources and Environment.

Mr. GIBBS. I thank the gentleman for yielding me time to discuss this important amendment.

Congress has been neglecting our Nation's dredging needs for far too long. Ninety-five percent of the Nation's commerce goes through our Nation's ports. Despite the fact that the harbor maintenance fund, as was said, raises about $1.3 billion a year, Congress has only been appropriating about $800 million of that annually. This isn't right. I'm a firm believer that trust funds should be used for the intended purpose—to dredge the harbors.

In response, Congressman BOUSTANY introduced H.R. 104, the Realize America's Maritime Promise, RAMP Act. This legislation, of which I was proud to be the 100th cosponsor, simply ties the Harbor Maintenance Trust Fund revenue to expenditures.

While this amendment is slightly modified from H.R. 104, it would require the total budget resources for expenditures for the trust fund for harbor maintenance programs to equal the level of receipts plus interest credited to the trust fund for that fiscal year.

At a time where the President proposes to double our exports and we look to grow our Nation's economy, we cannot sit back and continue to watch our Nation's waterborne infrastructure system deteriorate.

I urge support of this amendment.

Mr. RAHALL. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Chairman, I rise in support of my friend Mr. BOUSTANY's amendment. I think it's a good step forward. Spending all the money that's in the cash that we take in is in the best interest of maintaining our harbors. But I think we need to take another step. I hope I can get Mr. BOUSTANY and others to help.

We need a solution that helps all our ports, like those on the west coast, those in Pennsylvania, those in Massachusetts that pay the tax. We collect $20 on every can that comes across the dock, and we don't get any money because we don't dredge. We've got a 70-foot draft, but we do have problems with our seawall. We have big infrastructure needs all across, and nearly half the money that's raised never is spent in the port where it is raised.

Now, we compete with international ports. We compete with Vancouver, and the Canadians are putting in a port at Prince Rupert, and we need to maintain our ports to be competitive in this very, very competitive industry.

We have a good geographic location. We're close to Asia, but they're going other places because they've got better ports. That's our issue, and we would like to have some money later on.

Thank you very much. I support the amendment.

Mr. BOUSTANY. Mr. Chairman, I yield 1 minute to my friend from Louisiana (Mr. SCALISE).

Mr. SCALISE. Mr. Chairman, I thank my friend from southwest Louisiana for bringing this amendment forward.

As a proud cosponsor of the RAMP Act, I support this legislation because what we're trying to say here is that you've got people that have been paying into this fund. This Harbor Maintenance Trust Fund has been there for years, and people have been paying into it, and the intention all along was that money would be used to dredge our waterways and to upgrade our locks and to keep our infrastructure along our waterways up to date so that we can continue moving commerce, not only throughout this country, but to be able to export and to be able to get commerce through to other countries. The Panama Canal is getting ready to come on line in 2013, and even deeper draft vessels are going to be coming through. That means we've got to be able to meet that demand, otherwise we're going to lose that business to foreign nations.

And yet here you have the Harbor Maintenance Trust Fund, and that money is not even being used for its intended purpose. We've got to ensure that the fund cannot be raided for other government spending. That's what this amendment does. It's something that will help us create jobs and increase the competitiveness of our workers, and it will keep that promise that has been made to those people who have been paying billions of dollars into this fund, and yet that fund hasn't been used properly.

I support the amendment and urge its passage.

Mr. RAHALL. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Mr. Chairman, I rise in support of the amendment as the lead cosponsor with Mr. BOUSTANY of the RAMP Act, H.R. 104, that had approximately over 150 cosponsors on both sides of the aisle, people from all corners of the country. This really should be a measure that we should move forward on and fully fund, as well as with the language that, again, Mr. BOUSTANY crafted to offer here today.

There, frankly, are other reasons why we called that bill the Restore America's Maritime Promise Act, which is that again we're a great maritime Nation. In fact, our national defense requires having a strong Navy that can navigate all along the coast. And where I'm from, up in the State of Connecticut, the Groton sub base needs to be dredged out year in and year out. But just like everybody else, it depends on the kindness of the Army Corps of Engineers. This is really a priority that obviously, as others have said, affects our economy, our exports, and also our national defense, and we should support this measure.

Again, I applaud the gentleman for bringing it forward.

Mr. BOUSTANY. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Michigan (Mr. UPTON), the chairman of the Energy and Commerce Committee.

Mr. UPTON. Mr. Chairman, this is a highway and infrastructure bill, which means it is a jobs bill.

I commend Mr. BOUSTANY in a bipartisan effort to add this as an amendment to this bill.

I represent the Great Lakes. We have a number of commercial as well as recreational harbors, but throughout the season we're bringing sand, gravel, cement, salt for the winter into our commercial ports. And sadly we've had a number of ports close this year in west Michigan, where those lake carriers have not been able to get in because they need to be dredged.

This bill allows the Great Lake harbors to be dredged with its passage. The difference is this: on a lake carrier, it's about 600 miles per gallon per ton of cargo that you can ship on a lake carrier rather than spending 4 cents or 5 cents on diesel fuel per mile per truck. The difference for just my district is you can bring this in from the UP and other places into the southern part of Lake Michigan rather than trucking it in for hundreds of miles to the closest border.

This is a good bill and a good amendment. I'm glad to support it.

The CHAIR. The time of the gentleman from Louisiana has expired. The gentleman from West Virginia has 2 minutes remaining.

Mr. RAHALL. I yield 1 minute to the distinguished gentleman from Louisiana (Mr. RICHMOND) and commend him for all his hard work on this legislation.

Mr. RICHMOND. I thank the gentleman, and I join my colleagues from Louisiana in supporting this critical amendment.

What I would add is that we've talked about doubling our exports over the next 4 or 5 years, and this is a critical piece to allow us to do it. What we realize here in America is that we only make up 5 percent of the consumers in the world, and we have to make sure that our manufacturers, that our farmers, and that our citizens can get their goods to the other 95 percent so that we can continue to build a robust economy. This allows us to reduce the cost of our goods around the world because we can now ship more goods to market. It's a step in the right direction.

If you look at the fact that only 2 out of our 10 largest seaports are dredged to their authorized depth, it continues

to move us in the right direction so that we can now focus on adequately getting to the goal of a depth of 55 feet, which other progressive countries are getting to.

We have to stay competitive, we have to continue to invest in this country, and this gives us the best return on our investment. I commend him for bringing the amendment. I support it. I would urge my colleagues to vote for it.

□ 1520

Mr. RAHALL. Mr. Chairman, has their time expired?

The CHAIR. The time of the gentleman from Louisiana has expired.

Mr. BOUSTANY. Mr. Chairman, I ask unanimous consent to give the gentleman from Michigan (Mr. HUIZENGA) a minute to speak on this.

The CHAIR. The chair understands the unanimous consent request to provide equal time on both sides.

Without objection, the gentleman from Louisiana and the gentleman from West Virginia each will control 1 additional minute.

There was no objection.

Mr. BOUSTANY. I would ask the gentleman if he would close for us.

The CHAIR. The gentleman from Michigan is recognized for 1 minute.

Mr. HUIZENGA of Michigan. Thank you, Mr. Chairman.

I've got a radical idea, a radical idea for the people of America. Let's use Harbor Maintenance Trust Funds for harbor maintenance. For 25 years, we've been robbing Peter to pay Paul, but in reality that $7 billion that we have taken away from that has really been robbing places like Manistee, Michigan, where this weekend in my district a ship ran aground and had to get towed off and the damage that happened to it.

We have 11 harbors in the Second District, hundreds in the Great Lakes and countless in the Nation on both of the coasts and the Gulf of Mexico. Enough money has been collected every year to pay for all of this maintenance that has to happen, but unfortunately Congress has been skimming it to help pay for other programs.

I appreciate my friend from Louisiana (Mr. BOUSTANY), his leadership with the RAMP Act, and Chairman UPTON from Michigan in leading this in the Great Lakes. We know this is the right thing to do for America and for our transportation needs, our infrastructure needs. Our Great Lakes need it. The coasts need it, our harbors need it, our economy needs this to happen.

I strongly support this amendment today.

Mr. RAHALL. Mr. Chairman, I yield 1 minute of my final 2 minutes to the distinguished gentleman from Massachusetts, a member of the Ways and Means committee, Mr. RICHARD NEAL.

Mr. NEAL. Mr. Chairman, everybody has heard of Gloucester and Boston, and certainly connected it to the Mayflower. The most famous ports in America perhaps are located in Massachusetts, so I want to be supportive of Mr. BOUSTANY's amendment today.

Today, Massachusetts seaports continue to play an important role. The Port of Boston's overall activity supports 34,000 jobs. It contributes more than $2 billion to the local, regional, and national economies. America's ports provide a vital gateway to international trade by facilitating the transport of cargo around the world; yet many ports around the country, including those in Massachusetts, are in need of maintenance.

In fact, the U.S. Army Corps of Engineers estimates that the dimensions at the Nation's busiest 59 ports are available less than 35 percent of the time. Even though users of our Nation's waterways are paying significant amounts of money into the trust fund to maintain our ports, these dollars are not being spent on the ports, and the trust fund has a surplus of $6.4 billion.

Mr. BOUSTANY's amendment addresses this situation. It makes a good deal of sense. We have held a hearing at the Ways and Means Select Revenue Subcommittee, and there was bipartisan support for his legislation.

I urge support for the Boustany amendment.

Mr. RAHALL. Mr. Chairman, I yield myself the balance of my time.

As a Representative of the great seafaring State of West Virginia, I rise in support of the gentleman's legislation as well.

Really, ports are important to my State. We export a great deal of coal out of my district to the Port of Norfolk. The northern part of West Virginia's coal goes to the Port of Baltimore, so harbors and ports are very important to West Virginia and for the movement of our coal from the State to its world customers.

I want to commend the gentleman from Louisiana (Mr. BOUSTANY), as well, for the tremendous work he has done on this legislation. For far too long, we have been collecting far more resources in the Harbor Maintenance Trust Fund than we have transferred to the Corps of Engineers for their O&M activities, to the point where in the current fiscal year, the Harbor Maintenance Trust Fund is expected to have an unexpended balance of over $8 billion by the end of the year.

I support the gentleman's efforts to use these funds for maintenance dredging rather than to cover the general expenditures of the U.S. Treasury. However, in my view, this amendment does not go far enough because it strips out any enforcement mechanism should this language be ignored.

In addition, the language also ignores concerns expressed by our committee colleague, the ranking member of the Subcommittee on Water Resources and Environment, Mr. BISHOP of New York, on ensuring an equitable distribution of trust fund dollars between our Nation's large, midsize, and small commercial harbors.

I do look forward to working on these critical issues as we continue our discussion on a long-term surface transportation bill in conference, which we call for today.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. BOUSTANY).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. RIBBLE

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112–446.

Mr. RIBBLE. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following (and conform the table of contents of the bill accordingly):

TITLE IV—ENVIRONMENTAL STREAMLINING

SEC. 401. AMENDMENTS TO TITLE 23, UNITED STATES CODE.

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 23, United States Code.

SEC. 402. DECLARATION OF POLICY.

(a) EXPEDITED PROJECT DELIVERY.—Section 101(b) is amended by adding at the end the following:

''(4) EXPEDITED PROJECT DELIVERY.—Congress declares that it is in the national interest to expedite the delivery of surface transportation projects by substantially reducing the average length of the environmental review process. Accordingly, it is the policy of the United States that—

''(A) the Secretary shall have the lead role among Federal agencies in carrying out the environmental review process for surface transportation projects;

''(B) each Federal agency shall cooperate with the Secretary to expedite the environmental review process for surface transportation projects;

''(C) there shall be a presumption that the mode, facility type, and corridor location for a surface transportation project will be determined in the transportation planning process, as established in sections 134 and 135 and sections 5303 and 5304 of title 49;

''(D) project sponsors shall not be prohibited from carrying out pre-construction project development activities concurrently with the environmental review process;

''(E) programmatic approaches shall be used, to the maximum extent possible, to reduce the need for project-by-project reviews and decisions by Federal agencies; and

''(F) the Secretary shall actively support increased opportunities for project sponsors to assume responsibilities of the Secretary in carrying out the environmental review process.''.

SEC. 403. EXEMPTION IN EMERGENCIES.

If any road, highway, or bridge is in operation or under construction when damaged by an emergency declared by the Governor of the State and concurred in by the Secretary, or declared by the President pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121), and is reconstructed in the same location with the same capacity, dimensions, and design as before the emergency, then that reconstruction project shall be exempt from any further environmental reviews, approvals, licensing, and permit requirements under—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) sections 402 and 404 of the Federal Water Pollution Control Act (33 U.S.C. 1342, 1344);

(3) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(4) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(5) the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.);

(6) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(7) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), except when the reconstruction occurs in designated critical habitat for threatened and endangered species;

(8) Executive Order 11990 (42 U.S.C. 4321 note; relating to the protection of wetlands); and

(9) any Federal law (including regulations) requiring no net loss of wetlands.

SEC. 404. ADVANCE ACQUISITION OF REAL PROPERTY INTERESTS.

(a) REAL PROPERTY INTERESTS.—Section 108 is amended—

(1) by striking ''real property'' each place it appears and inserting ''real property interests'';

(2) by striking ''right-of-way'' each place it appears and inserting ''real property interest''; and

(3) by striking ''rights-of-way'' each place it appears and inserting ''real property interests''.

(b) STATE-FUNDED EARLY ACQUISITION OF REAL PROPERTY INTERESTS.—Section 108(c) is amended—

(1) in the subsection heading by striking ''EARLY ACQUISITION OF RIGHTS-OF-WAY'' and inserting ''STATE-FUNDED EARLY ACQUISITION OF REAL PROPERTY INTERESTS'';

(2) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(3) in paragraph (2), as redesignated—

(A) in the heading by striking ''GENERAL RULE'' and inserting ''ELIGIBILITY FOR REIMBURSEMENT''; and

(B) by striking ''Subject to paragraph (2)'' and inserting ''Subject to paragraph (3)'';

(4) by inserting before paragraph (2), as redesignated, the following:

''(1) IN GENERAL.—A State may carry out, at the expense of the State, acquisitions of interests in real property for a project before completion of the review process required for the project under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) without affecting subsequent approvals required for the project by the State or any Federal agency.''; and

(5) in paragraph (3), as redesignated—

(A) in the matter preceding subparagraph (A) by striking ''in paragraph (1)'' and inserting ''in paragraph (2)''; and

(B) in subparagraph (G) by striking ''both the Secretary and the Administrator of the Environmental Protection Agency have concurred'' and inserting ''the Secretary has determined''.

(c) FEDERALLY FUNDED ACQUISITION OF REAL PROPERTY INTERESTS.—Section 108 is further amended by adding at the end the following:

''(d) FEDERALLY FUNDED EARLY ACQUISITION OF REAL PROPERTY INTERESTS.—

''(1) IN GENERAL.—The Secretary may authorize the use of Federal funds for the acquisition of a real property interest by a State. For purposes of this subsection, an acquisition of a real property interest includes the acquisition of any interest in land, including the acquisition of a contractual right to acquire any interest in land, or any other similar action to acquire or preserve rights-of-way for a transportation facility.

''(2) STATE CERTIFICATION.—A State requesting Federal funding for an acquisition of a real property interest shall certify in writing that—

''(A) the State has authority to acquire the real property interest under State law;

''(B) the acquisition of the real property interest is for a transportation purpose; and

''(C) the State acknowledges that early acquisition will not be considered by the Secretary in the environmental assessment of a project, the decision relative to the need to construct a project, or the selection of a project design or location.

''(3) ENVIRONMENTAL COMPLIANCE.—Before authorizing Federal funding for an acquisition of a real property interest, the Secretary shall complete for the acquisition the review process under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). For purposes of the review process, the acquisition of a real property interest shall be treated as having independent utility and does not limit consideration of alternatives for future transportation improvements with respect to the real property interest.

''(4) PROGRAMMING.—The acquisition of a real property interest for which Federal funding is requested shall be included as a project in an applicable transportation improvement program under sections 134 and 135 and sections 5303 and 5304 of title 49. The acquisition project may be included in the transportation improvement program on its own, without including the future construction project for which the real property interest is being acquired. The acquisition project may consist of the acquisition of a specific parcel, a portion of a transportation corridor, or an entire transportation corridor.

''(5) OTHER REQUIREMENTS.—The acquisition of a real property interest shall be carried out in compliance with all requirements applicable to the acquisition of real property interests for federally funded transportation projects.

''(e) CONSIDERATION OF LONG-RANGE TRANSPORTATION NEEDS.—The Secretary shall encourage States and other public authorities, if practicable, to acquire transportation real property interests that are sufficient to accommodate long-range transportation needs and, if possible, to do so through the acquisition of broad real property interests that have the capacity for expansion over a 50- to 100-year period and the potential to accommodate one or more transportation modes.''.

SEC. 405. STANDARDS.

Section 109 is amended by adding at the end the following:

''(r) UNDERTAKING DESIGN ACTIVITIES BEFORE COMPLETION OF ENVIRONMENTAL REVIEW PROCESS.—

''(1) IN GENERAL.—A State may carry out, at the expense of the State, design activities at any level of detail for a project before completion of the review process required for the project under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) without affecting subsequent approvals of the project.

''(2) ELIGIBILITY FOR REIMBURSEMENT.—Subject to paragraph (3), funds apportioned to a State under this title may be used to participate in the payment of costs incurred by the State for design activities, if the results of the activities are subsequently incorporated (in whole or in substantial part) into a project eligible for surface transportation program funds.

''(3) TERMS AND CONDITIONS.—The Federal share payable of the costs described in paragraph (2) shall be eligible for reimbursement out of funds apportioned to a State under this title when the design activities are incorporated (in whole or in substantial part) into a project eligible for surface transportation program funds, if the State demonstrates to the Secretary and the Secretary finds that—

''(A) before the time that the cost incurred by a State is approved for Federal participation, environmental compliance pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been completed for the project for which the design activities were conducted by the State; and

''(B) the design activities conducted pursuant to this subsection did not preclude the consideration of alternatives to the project.''.

SEC. 406. LETTING OF CONTRACTS.

(a) BIDDING REQUIREMENTS.—Section 112(b)(1) is amended to read as follows:

''(1) IN GENERAL.—

''(A) COMPETITIVE BIDDING REQUIREMENT.—Subject to paragraphs (2), (3), and (4), construction of each project, subject to the provisions of subsection (a), shall be performed by contract awarded by competitive bidding, unless the State transportation department demonstrates, to the satisfaction of the Secretary, that some other method is more cost effective or that an emergency exists.

''(B) BASIS OF AWARD.—

''(i) IN GENERAL.—Contracts for the construction of each project shall be awarded only on the basis of the lowest responsive bid submitted by a bidder meeting established criteria of responsibility.

''(ii) PROHIBITION.—No requirement or obligation shall be imposed as a condition precedent to the award of a contract to such bidder for a project, or to the Secretary's concurrence in the award of a contract to such bidder, unless such requirement or obligation is otherwise lawful and is specifically set forth in the advertised specifications.''.

(b) DESIGN-BUILD CONTRACTING.—Section 112(b)(3) is amended—

(1) in subparagraph (A) by striking ''subparagraph (C)'' and inserting ''subparagraph (B)'';

(2) by striking subparagraph (B);

(3) by redesignating subparagraphs (C) through (E) as subparagraphs (B) through (D), respectively; and

(4) in subparagraph (C), as redesignated—

(A) in the matter preceding clause (i) by striking ''of the SAFETEA-LU'' and inserting ''of the Surface Transportation Extension Act of 2012, Part II'';

(B) in clause (ii) by striking ''and'' at the end;

(C) in clause (iii)—

(i) by striking ''final design or''; and

(ii) by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(iv) permit the State transportation department, the local transportation agency, and the design-build contractor to proceed, at the expense of one or more of those entities, with design activities at any level of detail for a project before completion of the review process required for the project under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) without affecting subsequent approvals required for the project. Design activities carried out under this clause shall be eligible for Federal reimbursement as a project expense in accordance with the requirements under section 109(r).''.

(c) EFFICIENCIES IN CONTRACTING.—Section 112(b) is amended by adding at the end the following:

''(4) METHOD OF CONTRACTING.—

''(A) IN GENERAL.—

''(i) TWO-PHASE CONTRACT.—A contracting agency may award a two-phase contract for preconstruction and construction services.

''(ii) PRE-CONSTRUCTION SERVICES PHASE.—In the pre-construction services phase, the contractor shall provide the contracting

agency with advice for scheduling, work sequencing, cost engineering, constructability, cost estimating, and risk identification.

''(iii) AGREEMENT.—Prior to the start of the construction services phase, the contracting agency and the contractor may agree to a price and other factors specified in regulation for the construction of the project or a portion of the project.

''(iv) CONSTRUCTION PHASE.—If an agreement is reached under clause (iii), the contractor shall be responsible for the construction of the project or portion of the project at the negotiated price and other factors specified in regulation.

''(B) SELECTION.—A contract shall be awarded to a contractor using a competitive selection process based on qualifications, experience, best value, or any other combination of factors considered appropriate by the contracting agency.

''(C) TIMING.—

''(i) RELATIONSHIP TO NEPA PROCESS.—Prior to the completion of the process required under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332), a contracting agency may—

''(I) issue requests for proposals;

''(II) proceed with the award of a contract for preconstruction services under subparagraph (A); and

''(III) issue notices to proceed with a preliminary design and any work related to preliminary design.

''(ii) PRECONSTRUCTION SERVICES PHASE.—If the preconstruction services phase of a contract under subparagraph (A)(ii) focuses primarily on one alternative, the Secretary shall require that the contract include appropriate provisions to achieve the objectives of section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) and comply with other applicable Federal laws and regulations.

''(iii) CONSTRUCTION SERVICES PHASE.—A contracting agency may not proceed with the award of the construction services phase of a contract under subparagraph (A)(iv) and may not proceed, or permit any consultant or contractor to proceed, with construction until completion of the process required under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

''(iv) APPROVAL REQUIREMENT.—Prior to authorizing construction activities, the Secretary shall approve the contracting agency's price estimate for the entire project, as well as any price agreement with the general contractor for the project or a portion of the project.

''(v) DESIGN ACTIVITIES.—A contracting agency may proceed, at its expense, with design activities at any level of detail for a project before completion of the review process required for the project under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) without affecting subsequent approvals required for the project. Design activities carried out under this clause shall be eligible for Federal reimbursement as a project expense in accordance with the requirements under section 109(r).''.

SEC. 407. ELIMINATION OF DUPLICATION IN HISTORIC PRESERVATION REQUIREMENTS.

(a) PRESERVATION OF PARKLANDS.—Section 138 is amended by adding at the end the following:

''(c) ELIMINATION OF DUPLICATION FOR HISTORIC SITES AND PROPERTIES.—The requirements of this section shall be considered to be satisfied for an historic site or property where its treatment has been agreed upon in a memorandum of agreement by invited and mandatory signatories, including the Advisory Council on Historic Preservation, if participating, in accordance with section 106 of the National Historic Preservation Act (16 U.S.C. 470f).''.

(b) POLICY ON LANDS, WILDLIFE AND WATERFOWL REFUGES, AND HISTORIC SITES.—Section 303 of title 49, United States Code, is amended by adding at the end the following:

''(e) ELIMINATION OF DUPLICATION FOR HISTORIC SITES AND PROPERTIES.—The requirements of this section shall be considered to be satisfied for an historic site or property where its treatment has been agreed upon in a memorandum of agreement by invited and mandatory signatories, including the Advisory Council on Historic Preservation, if participating, in accordance with section 106 of the National Historic Preservation Act (16 U.S.C. 470f).''.

SEC. 408. FUNDING THRESHOLD.

Section 139(b) is amended by adding at the end the following:

''(3) FUNDING THRESHOLD.—The Secretary's approval of a project receiving funds under this title or under chapter 53 of title 49 shall not be considered a Federal action for the purposes of the National Environmental Policy Act of 1969 if such funds—

''(A) constitute 15 percent or less of the total estimated project costs; or

''(B) are less than $10,000,000.''.

SEC. 409. EFFICIENT ENVIRONMENTAL REVIEWS FOR PROJECT DECISIONMAKING.

(a) FLEXIBILITY.—Section 139(b) is further amended—

(1) in paragraph (2) by inserting '', and any requirements established in this section may be satisfied,'' after ''exercised''; and

(2) by adding after paragraph (3), as added by this Act, the following:

''(4) PROGRAMMATIC COMPLIANCE.—At the request of a State, the Secretary may modify the procedures developed under this section to encourage programmatic approaches and strategies with respect to environmental programs and permits (in lieu of project-by-project reviews).''.

(b) FEDERAL LEAD AGENCY.—Section 139(c) is amended—

(1) in paragraph (1) by adding at the end the following: ''If the project requires approval from more than one modal administration within the Department, the Secretary shall designate a single modal administration to serve as the Federal lead agency for the Department in the environmental review process for the project.'';

(2) in paragraph (3) by inserting ''or other approvals by the Secretary'' after ''chapter 53 of title 49''; and

(3) by striking paragraph (5) and inserting the following:

''(5) ADOPTION AND USE OF DOCUMENTS.—Any environmental document prepared in accordance with this subsection shall be adopted and used by any Federal agency in making any approval of a project subject to this section as the document required to be completed under the National Environmental Policy Act of 1969.''.

(c) PARTICIPATING AGENCIES.—

(1) EFFECT OF DESIGNATION.—Section 139(d)(4) is amended to read as follows:

''(4) EFFECT OF DESIGNATION.—

''(A) REQUIREMENT.—A participating agency shall comply with the requirements of this section and any schedule established under this section.

''(B) IMPLICATION.—Designation as a participating agency under this subsection shall not imply that the participating agency—

''(i) supports a proposed project; or

''(ii) has any jurisdiction over, or special expertise with respect to evaluation of, the project.''.

(2) CONCURRENT REVIEWS.—Section 139(d)(7) is amended to read as follows:

''(7) CONCURRENT REVIEWS.—Each participating agency and cooperating agency shall—

''(A) carry out obligations of that agency under other applicable law concurrently, and in conjunction, with the review required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

''(B) formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of the environmental review process in a timely, coordinated, and environmentally responsible manner.''.

(d) PROJECT INITIATION.—Section 139(e) is amended by adding at the end the following: ''The project sponsor may satisfy this requirement by submitting to the Secretary a draft notice for publication in the Federal Register announcing the preparation of an environmental impact statement for the project.''.

(e) ALTERNATIVES ANALYSIS.—Section 139(f) is amended—

(1) in paragraph (4)—

(A) by amending subparagraph (B) to read as follows

''(B) RANGE OF ALTERNATIVES.—

''(i) IN GENERAL.—Following participation under paragraph (1), the lead agency shall determine the range of alternatives for consideration in any document which the lead agency is responsible for preparing for the project.

''(ii) LIMITATION.—The range of alternatives shall be limited to alternatives that are consistent with the transportation mode and general design of the project described in the long-range transportation plan or transportation improvement program prepared pursuant to section 134 or 135 or section 5303 or 5304 of title 49.

''(iii) RESTRICTION.—A Federal agency may not require the evaluation of any alternative that was evaluated, but not adopted—

''(I) in any prior State or Federal environmental document with regard to the applicable long-range transportation plan or transportation improvement program; or

''(II) after the preparation of a programmatic or tiered environmental document that evaluated alternatives to the project.

''(iv) LEGAL SUFFICIENCY.—The evaluation of the range of alternatives shall be deemed legally sufficient if the environmental document complies with the requirements of this paragraph.'';

(B) in subparagraph (C)—

(i) by striking ''(C) METHODOLOGIES.—The lead agency'' and inserting the following:

''(C) METHODOLOGIES.—

''(i) IN GENERAL.—The lead agency'';

(ii) by striking ''in collaboration with participating agencies at appropriate times during the study process'' and inserting ''after consultation with participating agencies as part of the scoping process''; and

(iii) by adding at the end the following:

''(ii) COMMENTS.—Each participating agency shall limit comments on such methodologies to those issues that are within the authority and expertise of such participating agency.

''(iii) STUDIES.—The lead agency may not conduct studies proposed by any participating agency that are not within the authority or expertise of such participating agency.''; and

(C) by adding at the end the following:

''(E) LIMITATIONS ON THE EVALUATION OF IMPACTS EVALUATED IN PRIOR ENVIRONMENTAL DOCUMENTS.—

''(i) IN GENERAL.—The lead agency may not reevaluate, and a Federal agency may not require the reevaluation of, cumulative impacts or growth-inducing impacts where such impacts were previously evaluated in—

''(I) a long-range transportation plan or transportation improvement program developed pursuant to section 134 or 135 or section 5303 or 5304 of title 49;

''(II) a prior environmental document approved by the Secretary; or

''(III) a prior State environmental document approved pursuant to a State law that is substantially equivalent to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

''(ii) LEGAL SUFFICIENCY.—The evaluation of cumulative impacts and growth inducing impacts shall be deemed legally sufficient if the environmental document complies with the requirements of this paragraph.''; and

(2) by adding at the end the following:

''(5) EFFECTIVE DECISIONMAKING.—

''(A) CONCURRENCE.—At the discretion of the lead agency, a participating agency shall be presumed to concur in the determinations made by the lead agency under this subsection unless the participating agency submits an objection to the lead agency in writing within 30 days after receiving notice of the lead agency's determination and specifies the statutory basis for the objection.

''(B) ADOPTION OF DETERMINATION.—If the participating agency concurs or does not object within the 30-day period, the participating agency shall adopt the lead agency's determination for purposes of any reviews, approvals, or other actions taken by the participating agency as part of the environmental review process for the project.''.

(f) COORDINATION PLAN.—Section 139(g) is amended—

(1) in paragraph (1)(A) by striking ''project or category of projects'' and inserting ''project, category of projects, or program of projects'';

(2) by amending paragraph (3) to read as follows:

''(3) DEADLINES FOR DECISIONS UNDER OTHER LAWS.—

''(A) PRIOR APPROVAL DEADLINE.—If a participating agency is required to make a determination regarding or otherwise approve or disapprove the project prior to the record of decision or finding of no significant impact of the lead agency, such participating agency shall make such determination or approval not later than 30 days after the lead agency publishes notice of the availability of a final environmental impact statement or other final environmental document, or not later than such other date that is otherwise required by law, whichever occurs first.

''(B) OTHER DEADLINES.—With regard to any determination or approval of a participating agency that is not subject to subparagraph (A), each participating agency shall make any required determination regarding or otherwise approve or disapprove the project not later than 90 days after the date that the lead agency approves the record of decision or finding of no significant impact for the project, or not later than such other date that is otherwise required by law, whichever occurs first.

''(C) DEEMED APPROVED.—In the event that any participating agency fails to make a determination or approve or disapprove the project within the applicable deadline described in subparagraphs (A) and (B), the project shall be deemed approved by such participating agency, and such approval shall be deemed to comply with the applicable requirements of Federal law.

''(D) WRITTEN FINDING.—The Secretary may issue a written finding verifying the approval made in accordance with this paragraph.''; and

(3) by striking paragraph (4).

(g) ISSUE IDENTIFICATION AND RESOLUTION.—Section 139(h)(4) is amended by adding at the end the following:

''(C) RESOLUTION FINAL.—

''(i) IN GENERAL.—The lead agency and participating agencies may not reconsider the resolution of any issue agreed to by the relevant agencies in a meeting under subparagraph (A).

''(ii) COMPLIANCE WITH APPLICABLE LAW.—Any such resolution shall be deemed to comply with applicable law notwithstanding that the agencies agreed to such resolution prior to the approval of the environmental document.''.

(h) STREAMLINED DOCUMENTATION AND DECISIONMAKING.—Section 139 is amended—

(1) by redesignating subsections (i) through (l) as subsections (k) through (n), respectively; and

(2) by inserting after subsection (h) the following:

''(i) STREAMLINED DOCUMENTATION AND DECISIONMAKING.—

''(1) IN GENERAL.—The lead agency in the environmental review process for a project, in order to reduce paperwork and expedite decisionmaking, shall prepare a condensed final environmental impact statement.

''(2) CONDENSED FORMAT.—A condensed final environmental impact statement for a project in the environmental review process shall consist only of—

''(A) an incorporation by reference of the draft environmental impact statement;

''(B) any updates to specific pages or sections of the draft environmental impact statement as appropriate; and

''(C) responses to comments on the draft environmental impact statement and copies of the comments.

''(3) TIMING OF DECISION.—Notwithstanding any other provision of law, in conducting the environmental review process for a project, the lead agency shall combine a final environmental impact statement and a record of decision for the project into a single document if—

''(A) the alternative approved in the record of decision is either a preferred alternative that was identified in the draft environmental impact statement or is a modification of such preferred alternative that was developed in response to comments on the draft environmental impact statement;

''(B) the Secretary has received a certification from a State under section 128, if such a certification is required for the project; and

''(C) the Secretary determines that the lead agency, participating agency, or the project sponsor has committed to implement the measures applicable to the approved alternative that are identified in the final environmental impact statement.

''(j) SUPPLEMENTAL ENVIRONMENTAL REVIEW AND RE-EVALUATION.—

''(1) SUPPLEMENTAL ENVIRONMENTAL REVIEW.—After the approval of a record of decision or finding of no significant impact with regard to a project, an agency may not require the preparation of a subsequent environmental document for such project unless the lead agency determines that—

''(A) changes to the project will result in new significant impacts that were not evaluated in the environmental document; or

''(B) new information has become available or changes in circumstances have occurred after the lead agency approval of the project that will result in new significant impacts that were not evaluated in the environmental document.

''(2) RE-EVALUATIONS.—The Secretary may only require the re-evaluation of a document prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) if—

''(A) the Secretary determines that the events in paragraph (1)(A) or (1)(B) apply; and

''(B) more than 5 years has elapsed since the Secretary's prior approval of the project or authorization of project funding.

''(3) CHANGE TO RECORD OF DECISION.—After the approval of a record of decision, the Secretary may not require the record of decision to be changed solely because of a change in the fiscal circumstances surrounding the project.''.

(i) REGULATIONS.—Section 139(m) (as redesignated by subsection (h)(1) of this section) is further amended to read as follows:

''(m) REGULATIONS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Surface Transportation Extension Act of 2012, Part II, the Secretary, by regulation, shall—

''(A) implement this section; and

''(B) establish methodologies and procedures for evaluating the environmental impacts, including cumulative impacts and growth-inducing impacts, of transportation projects subject to this section.

''(2) COMPLIANCE WITH APPLICABLE LAW.—Any environmental document that utilizes the methodologies and procedures established under this subsection shall be deemed to comply with the applicable requirements of—

''(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or its implementing regulations; or

''(B) any other Federal environmental statute applicable to transportation projects.''.

SEC. 410. DISPOSAL OF HISTORIC PROPERTIES.

(a) DISPOSAL OF HISTORIC PROPERTIES.—Section 156 is amended—

(1) by striking the section heading and inserting ''**Sale or lease of real property**''; and

(2) by adding at the end the following:

''(d) ASSESSMENT OF ADVERSE EFFECTS.—Notwithstanding part 800 of title 36, Code of Federal Regulations, the sale or lease by a State of any historic property that is not listed in the National Register of Historic Places shall not be considered an adverse effect to the property within any consultation process carried out under section 106 of the National Historic Preservation Act (16 U.S.C. 470f).''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 is amended by striking the item relating to section 156 and inserting the following:

''156. Sale or lease of real property.''.

SEC. 411. INTEGRATION OF PLANNING AND ENVIRONMENTAL REVIEW.

(a) IN GENERAL.—Chapter 1 is amended by adding at the end the following:

''§ 167. Integration of planning and environmental review

''(a) DEFINITIONS.—In this section, the following definitions apply:

''(1) ENVIRONMENTAL REVIEW PROCESS.—

''(A) IN GENERAL.—The term 'environmental review process' means the process for preparing for a project an environmental impact statement, environmental assessment, categorical exclusion, or other document prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(B) INCLUSIONS.—The term 'environmental review process' includes the process for and completion of any environmental permit, approval, review, or study required for a project under any Federal law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(2) PLANNING PRODUCT.—The term 'planning product' means any decision, analysis, study, or other documented result of an evaluation or decisionmaking process carried out during transportation planning.

''(3) PROJECT.—The term 'project' means any highway project or program of projects, public transportation capital project or program of projects, or multimodal project or

program of projects that requires the approval of the Secretary.

''(4) PROJECT SPONSOR.—The term 'project sponsor' means the agency or other entity, including any private or public-private entity, that seeks approval of the Secretary for a project.

''(b) PURPOSE AND FINDINGS.—

''(1) PURPOSE.—The purpose of this section is to establish the authority and provide procedures for achieving integrated planning and environmental review processes to—

''(A) enable statewide and metropolitan planning processes to more effectively serve as the foundation for project decisions;

''(B) foster better decisionmaking;

''(C) reduce duplication in work;

''(D) avoid delays in transportation improvements; and

''(E) better transportation and environmental results for communities and the United States.

''(2) FINDINGS.—Congress finds the following:

''(A) This section is consistent with and is adopted in furtherance of sections 101 and 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 and 4332) and section 109 of this title.

''(B) This section should be broadly construed and may be applied to any project, class of projects, or program of projects carried out under this title or chapter 53 of title 49.

''(c) ADOPTION OF PLANNING PRODUCTS FOR USE IN NEPA PROCEEDINGS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law and subject to the conditions set forth in subsection (e), the Federal lead agency for a project, at the request of the project sponsors, may adopt and use a planning product in proceedings relating to any class of action in the environmental review process of the project.

''(2) PARTIAL ADOPTION OF PLANNING PRODUCTS.—The Federal lead agency may adopt a planning product under paragraph (1) in its entirety or may select portions for adoption.

''(3) TIMING.—A determination under paragraph (1) with respect to the adoption of a planning product shall be made at the time the lead agencies decide the appropriate scope of environmental review for the project.

''(d) APPLICABILITY.—

''(1) PLANNING DECISIONS.—Planning decisions that may be adopted pursuant to this section include—

''(A) a purpose and need or goals and objectives statement for the project, including with respect to whether tolling, private financial assistance, or other special financial measures are necessary to implement the project;

''(B) a decision with respect to travel corridor location, including project termini;

''(C) a decision with respect to modal choice, including a decision to implement corridor or subarea study recommendations to advance different modal solutions as separate projects with independent utility;

''(D) a decision with respect to the elimination of unreasonable alternatives and the selection of the range of reasonable alternatives for detailed study during the environmental review process;

''(E) a basic description of the environmental setting;

''(F) a decision with respect to methodologies for analysis; and

''(G) identifications of programmatic level mitigation for potential impacts that the Federal lead agency, in consultation with Federal, State, local, and tribal resource agencies, determines are most effectively addressed at a regional or national program level, including—

''(i) system-level measures to avoid, minimize, or mitigate impacts of proposed transportation investments on environmental resources, including regional ecosystem and water resources; and

''(ii) potential mitigation activities, locations, and investments.

''(2) PLANNING ANALYSES.—Planning analyses that may be adopted pursuant to this section include studies with respect to—

''(A) travel demands;

''(B) regional development and growth;

''(C) local land use, growth management, and development;

''(D) population and employment;

''(E) natural and built environmental conditions;

''(F) environmental resources and environmentally sensitive areas;

''(G) potential environmental effects, including the identification of resources of concern and potential cumulative effects on those resources, identified as a result of a statewide or regional cumulative effects assessment; and

''(H) mitigation needs for a proposed action, or for programmatic level mitigation, for potential effects that the Federal lead agency determines are most effectively addressed at a regional or national program level.

''(e) CONDITIONS.—Adoption and use of a planning product under this section is subject to a determination by the Federal lead agency, in consultation with joint lead agencies and project sponsors as appropriate, that the following conditions have been met:

''(1) The planning product was developed through a planning process conducted pursuant to applicable Federal law.

''(2) The planning process included broad multidisciplinary consideration of systems-level or corridor-wide transportation needs and potential effects.

''(3) During the planning process, notice was provided through publication or other means to Federal, State, and local government agencies and tribal governments that might have an interest in the proposed project, and to members of the general public, of the planning products that the planning process might produce and that might be relied on during the environmental review process, and such entities have been provided an appropriate opportunity to participate in the planning process leading to such planning product.

''(4) Prior to determining the scope of environmental review for the project, the joint lead agencies have made documentation relating to the planning product available to Federal, State, and local governmental agencies and tribal governments that may have an interest in the proposed action, and to members of the general public.

''(5) There is no significant new information or new circumstance that has a reasonable likelihood of affecting the continued validity or appropriateness of the planning product.

''(6) The planning product is based on reliable and reasonably current data and reasonable and scientifically acceptable methodologies.

''(7) The planning product is documented in sufficient detail to support the decision or the results of the analysis and to meet requirements for use of the information in the environmental review process.

''(8) The planning product is appropriate for adoption and use in the environmental review process for the project.

''(f) EFFECT OF ADOPTION.—Notwithstanding any other provision of law, any planning product adopted by the Federal lead agency in accordance with this section shall not be reconsidered or made the subject of additional interagency consultation during the environmental review process of the project unless the Federal lead agency, in consultation with joint lead agencies and project sponsors as appropriate, determines that there is significant new information or new circumstances that affect the continued validity or appropriateness of the adopted planning product. Any planning product adopted by the Federal lead agency in accordance with this section may be relied upon and used by other Federal agencies in carrying out reviews of the project.

''(g) RULE OF CONSTRUCTION.—This section may not be construed to make the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) process applicable to the transportation planning process conducted under chapter 52 of title 49. Initiation of the National Environmental Policy Act of 1969 process as a part of, or concurrently with, transportation planning activities does not subject transportation plans and programs to the National Environmental Policy Act of 1969 process. This section may not be construed to affect the use of planning products in the National Environmental Policy Act of 1969 process pursuant to other authorities under law or to restrict the initiation of the National Environmental Policy Act of 1969 process during planning.''.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at end the following:

''167. Integration of planning and environmental review.''.

SEC. 412. DEVELOPMENT OF PROGRAMMATIC MITIGATION PLANS.

(a) IN GENERAL.—Chapter 1 (as amended by this title) is further amended by adding at the end the following:

''§ 168. Development of programmatic mitigation plans

''(a) IN GENERAL.—As part of the statewide or metropolitan transportation planning process, a State or metropolitan planning organization may develop one or more programmatic mitigation plans to address the potential environmental impacts of future transportation projects.

''(b) SCOPE.—

''(1) SCALE.—A programmatic mitigation plan may be developed on a regional, ecosystem, watershed, or statewide scale.

''(2) RESOURCES.—The plan may encompass multiple environmental resources within a defined geographic area or may focus on a specific resource, such as aquatic resources, parklands, or wildlife habitat.

''(3) PROJECT IMPACTS.—The plan may address impacts from all projects in a defined geographic area or may focus on a specific type of project, such as bridge replacements.

''(4) CONSULTATION.—The scope of the plan shall be determined by the State or metropolitan planning organization, as appropriate, in consultation with the agency or agencies with jurisdiction over the resources being addressed in the mitigation plan.

''(c) CONTENTS.—A programmatic mitigation plan may include—

''(1) an assessment of the condition of environmental resources in the geographic area covered by the plan, including an assessment of recent trends and any potential threats to those resources;

''(2) an assessment of potential opportunities to improve the overall quality of environmental resources in the geographic area covered by the plan, through strategic mitigation for impacts of transportation projects;

''(3) standard measures for mitigating certain types of impacts;

''(4) parameters for determining appropriate mitigation for certain types of impacts, such as mitigation ratios or criteria for determining appropriate mitigation sites;

''(5) adaptive management procedures, such as protocols that involve monitoring predicted impacts over time and adjusting mitigation measures in response to information gathered through the monitoring; and

''(6) acknowledgment of specific statutory or regulatory requirements that must be satisfied when determining appropriate mitigation for certain types of resources.

''(d) PROCESS.—Before adopting a programmatic mitigation plan, a State or metropolitan planning organization shall—

''(1) consult with the agency or agencies with jurisdiction over the environmental resources considered in the programmatic mitigation plan;

''(2) make a draft of the plan available for review and comment by applicable environmental resource agencies and the public;

''(3) consider any comments received from such agencies and the public on the draft plan; and

''(4) address such comments in the final plan.

''(e) INTEGRATION WITH OTHER PLANS.—A programmatic mitigation plan may be integrated with other plans, including watershed plans, ecosystem plans, species recovery plans, growth management plans, and land use plans.

''(f) CONSIDERATION IN PROJECT DEVELOPMENT AND PERMITTING.—If a programmatic mitigation plan has been developed pursuant to this section, any Federal agency responsible for environmental reviews, permits, or approvals for a transportation project shall give substantial weight to the recommendations in a programmatic mitigation plan when carrying out their responsibilities under applicable laws.

''(g) PRESERVATION OF EXISTING AUTHORITIES.—Nothing in this section limits the use of programmatic approaches to reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).''.

(b) CLERICAL AMENDMENT.—The analysis for such chapter (as amended by this title) is further amended by adding at the end the following:

''168. Development of programmatic mitigation plans.''.

SEC. 413. STATE ASSUMPTION OF RESPONSIBILITY FOR CATEGORICAL EXCLUSIONS.

Section 326(a) is amended—

(1) in paragraph (2) by striking ''and only for types of activities specifically designated by the Secretary'' and inserting ''and for any type of activity for which a categorical exclusion classification is appropriate''; and

(2) by adding at the end the following:

''(4) PRESERVATION OF FLEXIBILITY.—The Secretary shall not require a State, as a condition of assuming responsibility under this section, to forego project delivery methods that are otherwise permissible for highway projects.''.

SEC. 414. SURFACE TRANSPORTATION PROJECT DELIVERY PROGRAM.

(a) PROGRAM NAME.—Section 327 is amended—

(1) in the section heading by striking ''**pilot**''; and

(2) in subsection (a)(1) by striking ''pilot''.

(b) ASSUMPTION OF RESPONSIBILITY.—Section 327(a)(2) is amended—

(1) in subparagraph (A) by striking ''highway'';

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

''(ii) the Secretary may not assign any responsibility imposed on the Secretary by section 134 or 135 or section 5303 or 5304 of title 49.''; and

(3) by adding at the end the following:

''(F) PRESERVATION OF FLEXIBILITY.—The Secretary may not require a State, as a condition of participation in the program, to forego project delivery methods that are otherwise permissible for projects.''.

(c) STATE PARTICIPATION.—Section 327(b) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) PARTICIPATING STATES.—All States are eligible to participate in the program.''; and

(2) in paragraph (2) by striking ''this section, the Secretary shall promulgate'' and inserting ''amendments to this section by the Surface Transportation Extension Act of 2012, Part II, the Secretary shall amend, as appropriate,''.

(d) WRITTEN AGREEMENT.—Section 327(c) is amended—

(1) in paragraph (3)(D) by striking the period at the end and inserting a semicolon; and

(2) by adding at the end the following:

''(4) have a term of not more than 5 years; and

''(5) be renewable.''.

(e) CONFORMING AMENDMENT.—Section 327(e) is amended by striking ''subsection (i)'' and inserting ''subsection (j)''.

(f) AUDITS.—Section 327(g)(1)(B) is amended by striking ''subsequent year'' and inserting ''of the third and fourth years''.

(g) MONITORING.—Section 327 is further amended—

(1) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(2) by inserting after subsection (g) the following:

''(h) MONITORING.—After the fourth year of the participation of a State in the program, the Secretary shall monitor compliance by the State with the written agreement, including the provision by the State of financial resources to carry out the written agreement.''.

(h) TERMINATION.—Section 327(j) (as redesignated by subsection (g)(1) of this section) is amended to read as follows:

''(j) TERMINATION.—The Secretary may terminate the participation of any State in the program if—

''(1) the Secretary determines that the State is not adequately carrying out the responsibilities assigned to the State;

''(2) the Secretary provides to the State—

''(A) notification of the determination of noncompliance; and

''(B) a period of at least 30 days during which to take such corrective action as the Secretary determines is necessary to comply with the applicable agreement; and

''(3) the State, after the notification and period provided under paragraph (2), fails to take satisfactory corrective action, as determined by the Secretary.''.

(i) DEFINITIONS.—Section 327 is amended by adding at the end the following:

''(k) DEFINITIONS.—In this section, the following definitions apply:

''(1) MULTIMODAL PROJECT.—The term 'multimodal project' means a project funded, in whole or in part, under this title or chapter 53 of title 49 and involving the participation of more than one Department of Transportation administration or agency.

''(2) PROJECT.—The term 'project' means any highway project, public transportation capital project, or multimodal project that requires the approval of the Secretary.''.

(j) CLERICAL AMENDMENT.—The analysis for chapter 3 is amended by striking the item relating to section 327 and inserting the following:

''327. Surface transportation project delivery program.''.

SEC. 415. PROGRAM FOR ELIMINATING DUPLICATION OF ENVIRONMENTAL REVIEWS.

(a) IN GENERAL.—Chapter 3 is amended by adding at the end the following:

''§ 330. Program for eliminating duplication of environmental reviews

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary shall establish a program to eliminate duplicative environmental reviews and approvals under State and Federal law of projects. Under this program, a State may use State laws and procedures to conduct reviews and make approvals in lieu of Federal environmental laws and regulations, consistent with the provisions of this section.

''(2) PARTICIPATING STATES.—All States are eligible to participate in the program.

''(3) SCOPE OF ALTERNATIVE REVIEW AND APPROVAL PROCEDURES.—For purposes of this section, alternative environmental review and approval procedures may include one or more of the following:

''(A) Substitution of one or more State environmental laws for one or more Federal environmental laws, if the Secretary determines in accordance with this section that the State environmental laws provide environmental protection and opportunities for public involvement that are substantially equivalent to the applicable Federal environmental laws.

''(B) Substitution of one or more State regulations for Federal regulations implementing one or more Federal environmental laws, if the Secretary determines in accordance with this section that the State regulations provide environmental protection and opportunities for public involvement that are substantially equivalent to the Federal regulations.

''(b) APPLICATION.—To participate in the program, a State shall submit to the Secretary an application containing such information as the Secretary may require, including—

''(1) a full and complete description of the proposed alternative environmental review and approval procedures of the State;

''(2) for each State law or regulation included in the proposed alternative environmental review and approval procedures of the State, an explanation of the basis for concluding that the law or regulation meets the requirements under subsection (a)(3); and

''(3) evidence of having sought, received, and addressed comments on the proposed application from the public and appropriate Federal environmental resource agencies.

''(c) REVIEW OF APPLICATION.—The Secretary shall—

''(1) review an application submitted under subsection (b);

''(2) approve or disapprove the application in accordance with subsection (d) not later than 90 days after the date of the receipt of the application; and

''(3) transmit to the State notice of the approval or disapproval, together with a statement of the reasons for the approval or disapproval.

''(d) APPROVAL OF STATE PROGRAMS.—

''(1) IN GENERAL.—The Secretary shall approve each such application if the Secretary finds that the proposed alternative environmental review and approval procedures of the State are substantially equivalent to the applicable Federal environmental laws and Federal regulations.

''(2) EXCLUSION.—The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) shall not apply to any decision by the Secretary to approve or disapprove any application submitted pursuant to this section.

''(e) COMPLIANCE WITH PERMITS.—Compliance with a permit or other approval of a project issued pursuant to a program approved by the Secretary under this section shall be deemed compliance with the Federal

laws and regulations identified in the program approved by the Secretary pursuant to this section.

''(f) REVIEW AND TERMINATION.—

''(1) REVIEW.—All State alternative environmental review and approval procedures approved under this section shall be reviewed by the Secretary not less than once every 5 years.

''(2) PUBLIC NOTICE AND COMMENT.—In conducting the review process under paragraph (1), the Secretary shall provide notice and an opportunity for public comment.

''(3) EXTENSIONS AND TERMINATIONS.—At the conclusion of the review process, the Secretary may extend the State alternative environmental review and approval procedures for an additional 5-year period or terminate the State program.

''(g) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this section and annually thereafter, the Secretary shall submit to Congress a report that describes the administration of the program.

''(h) DEFINITIONS.—For purposes of this section:

''(1) ENVIRONMENTAL LAW.—The term 'environmental law' includes any law that provides procedural or substantive protection, as applicable, for the natural or built environment with regard to the construction and operation of projects.

''(2) FEDERAL ENVIRONMENTAL LAWS.—The term 'Federal environmental laws' means laws governing the review of environmental impacts of, and issuance of permits and other approvals for, the construction and operation of projects, including section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344), section 106 of the National Historic Preservation Act (16 U.S.C. 470f), and sections 7(a)(2), 9(a)(1)(B), and 10(a)(1)(B) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2), 1538(a)(1)(B), 1539(a)(1)(B)).

''(3) MULTIMODAL PROJECT.—The term 'multimodal project' means a project funded, in whole or in part, under this title or chapter 53 of title 49 and involving the participation of more than one Department of Transportation administration or agency.

''(4) PROJECT.—The term 'project' means any highway project, public transportation capital project, or multimodal project that requires the approval of the Secretary.''.

(b) CLERICAL AMENDMENT.—The analysis for such chapter (as amended by title I of this Act) is further amended by adding at the end the following:

''330. Program for eliminating duplication of environmental reviews.''.

SEC. 416. STATE PERFORMANCE OF LEGAL SUFFICIENCY REVIEWS.

(a) IN GENERAL.—Chapter 3 (as amended by this title) is further amended by adding at the end the following:

''§ 331. State performance of legal sufficiency reviews

''(a) IN GENERAL.—At the request of any State transportation department, the Federal Highway Administration shall enter into an agreement with the State transportation department to authorize the State to carry out the legal sufficiency reviews for environmental impact statements and environmental assessments under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in accordance with this section.

''(b) TERMS OF AGREEMENT.—An agreement authorizing a State to carry out legal sufficiency reviews for Federal-aid highway projects shall contain the following provisions:

''(1) A finding by the Federal Highway Administration that the State has the capacity to carry out legal sufficiency reviews that are equivalent in quality and consistency to the reviews that would otherwise be conducted by attorneys employed by such Administration.

''(2) An oversight process, including periodic reviews conducted by attorneys employed by such Administration, to evaluate the quality of the legal sufficiency reviews carried out by the State transportation department under the agreement.

''(3) A requirement for the State transportation department to submit a written finding of legal sufficiency to the Federal Highway Administration concurrently with the request by the State for Federal approval of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) document.

''(4) An opportunity for the Federal Highway Administration to conduct an additional legal sufficiency review for any project, for not more than 30 days, if considered necessary by the Federal Highway Administration.

''(5) Procedures allowing either party to the agreement to terminate the agreement for any reason with 30 days notice to the other party.

''(c) EFFECT OF AGREEMENT.—A legal sufficiency review carried out by a State transportation department under this section shall be deemed by the Federal Highway Administration to satisfy the requirement for a legal sufficiency review in sections 771.125(b) and 774.7(d) of title 23, Code of Federal Regulations, or other applicable regulations issued by the Federal Highway Administration.''.

(b) CLERICAL AMENDMENT.—The analysis for such chapter (as amended by this title) is further amended by adding at the end the following:

''331. State performance of legal sufficiency reviews.''.

SEC. 417. CATEGORICAL EXCLUSIONS.

(a) IN GENERAL.—The Secretary shall treat an activity carried out under title 23, United States Code, or project within a right-of-way as a class of action categorically excluded from the requirements relating to environmental assessments or environmental impact statements under section 771.117(c) of title 23, Code of Federal Regulations.

(b) DEFINITIONS.—In this section, the following definitions apply:

(1) MULTIMODAL PROJECT.—The term ''multimodal project'' means a project funded, in whole or in part, under title 23, United States Code, or chapter 53 of title 49 of such Code and involving the participation of more than one Department of Transportation administration or agency.

(2) PROJECT.—The term ''project'' means any highway project, public transportation capital project, or multimodal project that requires the approval of the Secretary.

SEC. 418. ENVIRONMENTAL REVIEW PROCESS DEADLINE.

(a) IN GENERAL.—

(1) DEADLINE.—Notwithstanding any other provision of law, the environmental review process for a project shall be completed not later than 270 days after the date on which the notice of project initiation under section 139(e) of title 23, United States Code, is published in the Federal Register.

(2) CONSEQUENCES OF MISSED DEADLINE.—If the environmental review process for a project is not completed in accordance with paragraph (1)—

(A) the project shall be considered to have no significant impact to the human environment for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) that classification shall be considered to be a final agency action.

(b) DEFINITIONS.—In this section, the following definitions apply:

(1) ENVIRONMENTAL REVIEW PROCESS.—

(A) IN GENERAL.—The term ''environmental review process'' means the process for preparing for a project an environmental impact statement, environmental assessment, categorical exclusion, or other document prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) INCLUSIONS.—The term ''environmental review process'' includes the process for and completion of any environmental permit, approval, review, or study required for a project under any Federal law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) LEAD AGENCY.—The term ''lead agency'' means the Department of Transportation and, if applicable, any State or local governmental entity serving as a joint lead agency pursuant to this section.

(3) MULTIMODAL PROJECT.—The term ''multimodal project'' means a project funded, in whole or in part, under title 23, United States Code, or chapter 53 of title 49 of such Code and involving the participation of more than one Department of Transportation administration or agency.

(4) PROJECT.—The term ''project'' means any highway project, public transportation capital project, or multimodal project that requires the approval of the Secretary.

SEC. 419. RELOCATION ASSISTANCE.

(a) ALTERNATIVE RELOCATION PAYMENT PROCESS.—

(1) ESTABLISHMENT.—For the purpose of identifying improvements in the timeliness of providing relocation assistance to persons displaced as a result of Federal or federally-assisted programs and projects, the Secretary shall establish an alternative relocation payment process under which payments to displaced persons eligible for relocation assistance pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.), are calculated based on reasonable estimates and paid in advance of the physical displacement of the displaced person.

(2) PAYMENTS.—

(A) TIMING OF PAYMENTS.—Relocation assistance payments may be provided to the displaced person at the same time as payments of just compensation for real property acquired for a program or project of the State.

(B) COMBINED PAYMENT.—Payments for relocation and just compensation may be combined into a single unallocated amount.

(3) CONDITIONS FOR STATE USE OF ALTERNATIVE PROCESS.—

(A) IN GENERAL.—After public notice and an opportunity to comment, the Secretary shall adopt criteria for States to use the alternative relocation payment process established by the Secretary.

(B) MEMORANDUM OF AGREEMENT.—In order to use the alternative relocation payment process, a State shall enter into a memorandum of agreement with the Secretary that includes provisions relating to—

(i) the selection of projects or programs within the State to which the alternative relocation payment process will be applied;

(ii) program and project-level monitoring;

(iii) performance measurement;

(iv) reporting requirements; and

(v) the circumstances under which the Secretary may terminate or suspend the authority of the State to use the alternative relocation payment process.

(C) REQUIRED INFORMATION.—A State may use the alternative relocation payment process only after the displaced persons affected by a program or project—

(i) are informed in writing—

(I) that the relocation payments the displaced persons receive under the alternative relocation payment process may be higher or lower than the amount that the displaced persons would have received under the standard relocation assistance process; and

(II) of their right not to participate in the alternative relocation payment process; and

(ii) agree in writing to the alternative relocation payment process.

(D) ELECTION NOT TO PARTICIPATE.—The displacing agency shall provide any displaced person who elects not to participate in the alternative relocation payment process with relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

(4) PROTECTIONS AGAINST INCONSISTENT TREATMENT.—If other Federal agencies plan displacements in or adjacent to an area of a project using the alternative relocation payment process within the same time period as a project acquisition and relocation action of the project, the Secretary shall adopt measures to protect against inconsistent treatment of displaced persons. Such measures may include a determination that the alternative relocation payment process authority may not be used on a specific project.

(5) REPORT.—

(A) IN GENERAL.—The Secretary shall submit to Congress an annual report on the implementation of the alternative relocation payment process.

(B) CONTENTS.—The report shall include an evaluation of the merits of the alternative relocation payment process, including the effects of the alternative relocation payment process on—

(i) displaced persons and the protections afforded to such persons by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.);

(ii) the efficiency of the delivery of Federal-aid highway projects and overall effects on the Federal-aid highway program; and

(iii) the achievement of the purposes of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

(6) LIMITATION.—The alternative relocation payment process under this section may be used only on projects funded under title 23, United States Code, in cases in which the funds are administered by the Federal Highway Administration.

(7) NEPA APPLICABILITY.—Notwithstanding any other provision of law, the use of the alternative relocation payment process established under this section on a project funded under title 23, United States Code, and administered by the Federal Highway Administration is not a major Federal action requiring analysis or approval under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) UNIFORM RELOCATION ASSISTANCE ACT AMENDMENTS.—

(1) MOVING AND RELATED EXPENSES.—Section 202 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4622) is amended—

(A) in subsection (a)(4) by striking ''$10,000'' and inserting ''$25,000, as adjusted by regulation, in accordance with section 213(d)''; and

(B) in the second sentence of subsection (c) by striking ''$20,000'' and inserting ''$40,000, as adjusted by regulation, in accordance with section 213(d)''.

(2) REPLACEMENT HOUSING FOR HOMEOWNERS.—The first sentence of section 203(a)(1) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4623(a)(1)) is amended by—

(A) striking ''$22,500'' and inserting ''$31,000, as adjusted by regulation, in accordance with section 213(d),''; and

(B) striking ''one hundred and eighty days prior to'' and inserting ''90 days before''.

(3) REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS.—Section 204 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4624) is amended—

(A) in the second sentence of subsection (a) by striking ''$5,250'' and inserting ''$7,200, as adjusted by regulation, in accordance with section 213(d)''; and

(B) in the second sentence of subsection (b) by striking '', except'' and all that follows through the end of the subsection and inserting a period.

(4) DUTIES OF LEAD AGENCY.—Section 213 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4633) is amended—

(A) in subsection (b)—

(i) in paragraph (2) by striking ''and'';

(ii) in paragraph (3) by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(4) that each Federal agency that has programs or projects requiring the acquisition of real property or causing a displacement from real property subject to the provisions of this Act shall provide to the lead agency an annual summary report that describes the activities conducted by the Federal agency.''; and

(B) by adding at the end the following:

''(d) ADJUSTMENT OF PAYMENTS.—The head of the lead agency may adjust, by regulation, the amounts of relocation payments provided under sections 202(a)(4), 202(c), 203(a), and 204(a) if the head of the lead agency determines that cost of living, inflation, or other factors indicate that the payments should be adjusted to meet the policy objectives of this Act.''.

(5) AGENCY COORDINATION.—Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) is amended by inserting after section 213 (42 U.S.C. 4633) the following:

''SEC. 214. AGENCY COORDINATION.

''(a) AGENCY CAPACITY.—Each Federal agency responsible for funding or carrying out relocation and acquisition activities shall have adequately trained personnel and such other resources as are necessary to manage and oversee the relocation and acquisition program of the Federal agency in accordance with this Act.

''(b) INTERAGENCY AGREEMENTS.—Not later than 1 year after the date of the enactment of this section, each Federal agency responsible for funding relocation and acquisition activities (other than the agency serving as the lead agency) shall enter into a memorandum of understanding with the lead agency that—

''(1) provides for periodic training of the personnel of the Federal agency, which in the case of a Federal agency that provides Federal financial assistance, may include personnel of any displacing agency that receives Federal financial assistance;

''(2) addresses ways in which the lead agency may provide assistance and coordination to the Federal agency relating to compliance with this Act on a program or project basis; and

''(3) addresses the funding of the training, assistance, and coordination activities provided by the lead agency, in accordance with subsection (c).

''(c) INTERAGENCY PAYMENTS.—

''(1) IN GENERAL.—For the fiscal year that begins 1 year after the date of the enactment of this section, and each fiscal year thereafter, each Federal agency responsible for funding relocation and acquisition activities (other than the agency serving as the lead agency) shall transfer to the lead agency for the fiscal year, such funds as are necessary, but not less than $35,000, to support the training, assistance, and coordination activities of the lead agency described in subsection (b).

''(2) INCLUDED COSTS.—The cost to a Federal agency of providing the funds described in paragraph (1) shall be included as part of the cost of 1 or more programs or projects undertaken by the Federal agency or with Federal financial assistance that result in the displacement of persons or the acquisition of real property.''.

(c) COOPERATION WITH FEDERAL AGENCIES.—Section 308(a) is amended to read as follows:

''(a) AUTHORIZED ACTIVITIES.—

''(1) IN GENERAL.—The Secretary may perform, by contract or otherwise, authorized engineering or other services in connection with the survey, construction, maintenance, or improvement of highways for other Federal agencies, cooperating foreign countries, and State cooperating agencies.

''(2) INCLUSIONS.—Services authorized under paragraph (1) may include activities authorized under section 214 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

''(3) REIMBURSEMENT.—Reimbursement for services carried out under this subsection, including depreciation on engineering and road-building equipment, shall be credited to the applicable appropriation.''.

The CHAIR. Pursuant to House Resolution 619, the gentleman from Wisconsin (Mr. RIBBLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. RIBBLE. Mr. Chairman, the folders that I am holding here represent our dysfunctional Federal bureaucracy. They provide a stark example of the burdensome red tape that a Wisconsin business must go through just to get approval of a single project.

Mr. Chairman, in this folder is when the county controls a project. This folder is when the State controls the project. Mr. Chairman, this folder is when the Federal Government controls the project.

Well, these examples aren't specifically for a highway project. They are emblematic of the bureaucracy our Federal Government imposes in northeastern Wisconsin and across the Nation. My amendment today will smooth the road for our infrastructure projects by reducing the redundant permitting requirements that prevent us from rebuilding our roads and bridges across this country.

My amendment includes many of the practical reforms that I and my colleagues on the Transportation Committee have championed under Chairman MICA's leadership. Today, the average life span of a construction project is 15 years, but only 5 of those years involve actual on-the-ground construction.

Let me say that again. At least 10 years of a project are not spent building anything, but instead are spent filling thousands of folders just like these with millions of pages of paperwork.

My amendment expedites this process. In some cases we can cut this timeline in half merely by allowing the Federal and State agencies to work together. How about that for an idea, to work together on the review and permitting process.

My amendment sets hard deadlines for Federal agencies to approve infrastructure projects, no longer leaving them in limbo. There has been a lot of talk about shovel-ready projects in recent years. Well, my amendment will help States, municipalities, and contractors to put their pencils down and, Mr. Chairman, pick the shovels up. It's exactly what we need in a time when our economy is struggling.

The Federal Government needs to stop putting up roadblocks to job creation and figure out ways to make things easier and less costly. My amendment would do just that.

It also exempts certain unplanned emergencies from some of the review processes. When a State or city is hit by damaging storms or unexpected flooding, our top priority should be to get our roads and bridges repaired, not subjecting our communities to an endless permitting process that may further harm their quality of life.

Mr. Chairman, the bill before us today is not perfect, but then again no bill ever is. However, my amendment will put us on the road to reforming how we build and maintain our infrastructure throughout this country, and I urge my colleagues to join me in supporting it.

I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I claim time in opposition to the amendment.

The CHAIR. The gentleman from West Virginia is recognized for 5 minutes.

Mr. RAHALL. I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the gentleman.

I am going to ask the gentleman from Wisconsin a question about his amendment.

You might remember in committee that I managed to convince the majority to strip a provision in the underlying bill that would have waived all laws at the discretion of the President of the United States to do projects of national competitiveness.

Mr. RIBBLE. Will the gentleman yield?

Our amendment takes that——

Mr. DEFAZIO. I know. You don't have that and I appreciate that; but in your amendment, from the original bill, you took this language:

> The Secretary shall treat an activity carried out under title 23, United States Code, or project within a right-of-way as a class of action categorically excluded from the requirements relating to environmental assessments or environmental impact statements.

That means all Federal highway projects would be exempt from any environmental review. Don't you think that's a little over the top? That's a little more than streamlining it, and that's not just within existing rights-of-way. That is, acquire a new right-of-way, build an eight-lane road and no environmental review? Don't you think, I mean, that might be a little bit over the edge?

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Mr. RIBBLE. If the gentleman will yield, it's just in the right-of-way, though.

Mr. DEFAZIO. No, it says ''or.'' ''Or a project within a right-of-way.'' You have at least a drafting problem here, if not an intentional problem.

This exempts any project under title 23, which means a brand new highway 8, 12, 15 lanes wide, newly acquired right-of-way, with no environmental review.

Mr. RIBBLE. Will the gentleman yield?

Mr. DEFAZIO. I will yield to the gentleman.

Mr. RIBBLE. I can say this to you, that I have full confidence in your State's environmental protection. I have full confidence in the leaders in the State of Wisconsin.

Mr. DEFAZIO. Reclaiming my time, I don't have confidence in a lot of people in a lot of States and I do think the American people deserve at least some protection. Now, I can understand the impatience with some of the bureaucracy—I share it—particularly when it comes to transit projects and other things and giving States authority, like we've done to California.

The CHAIR. The time of the gentleman has expired.

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

Mr. DEFAZIO. But for the gentleman to say that we'll just let the States decide whether or not there will be any environmental review of a major new highway project is extraordinary to me—using Federal money. If they want to use the State money and they want to say there are no laws that apply and we're just going to build this Chinese method of here comes the bulldozer, get out of the way, get out of your house, here it comes, fine. States are like that. They do it with their own money, and people of that State can deal with it. But for the Federal Government to say, We wash our hands of this and you can do anything you want with Federal taxpayer dollars, constructing major new highways with no review, I think that's a little over the top.

Mr. RIBBLE. I yield 1½ minutes to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. I thank the gentleman for yielding and commend him on his amendment.

I think it's a great amendment. As a freshman, you have done tremendous work on the committee. And you've been in Washington only a year-and-a-half, and yet you brought a shovel here. That shovel shovels more than just dirt. It shovels other stuff that happens here in Washington. And it's time we clear some of that out to be able to streamline building roads and highways in this country.

And that's what your amendment does. It cuts bureaucratic red tape, allows the Federal agencies to review transportation projects concurrently, which is extremely important. It delegates project approval authority to the States, establishes hard deadlines to Federal agencies to make decisions on permits, which is going to definitely speed up the process. It expands the list of activities that qualify for categorical exclusions, an approval process that's faster and simpler than the standard process. The environmental protections do remain in place.

I disagree with the gentleman from Oregon. I have all the confidence in the world that what the gentleman has in his amendment here will allow just what's in the right-of-way. That's what we interpreted, and I believe that's how the States will interpret it. So I have all the confidence that this amendment is properly prepared and we're going to pass it here on the floor today.

So, again, these are practical reforms. Time is money, and anybody that's been in business knows time is money. And that's what these reforms are going to do: reduce the time, which will reduce the cost to get us highways and bridges built faster in this country.

I commend the gentleman from Wisconsin (Mr. RIBBLE) on his excellent work and his work on this committee and also the chairman for his tireless efforts in bringing the extension to the floor. And as we move into conference, I'm confident we're going to come up with something that's better than we see from the other side.

Mr. RAHALL. Mr. Chairman, I rise in opposition to the amendment. While I strongly support the efficient review of projects to ensure timely project delivery, I believe it is possible to balance these needs with adequate opportunity for public input. Unfortunately, the provisions in the Ribble amendment are far beyond balanced and would severely limit public input into surface transportation decisions.

In effect, the amendment places a roadblock on public participation in reviewing transportation projects by limiting and, in certain cases, outright waiving NEPA. That goes far beyond streamlining. Locking the public out of the decisionmaking process is steamrolling our constituents and local governments.

The most galling aspect of this amendment is that it would completely exempt any and all highway projects where the Federal share of the costs is less than $10 million or 15 percent of project costs from the requirements to provide public participation and an analysis of alternatives in the project decisionmaking process.

Proponents of the amendment argue that NEPA and other laws are causing years of project delays. That's simply

not true. According to the U.S. Department of Transportation, the vast majority of projects delivered both by the Federal Highway Administration and the FTA—96 percent, to be exact—already go through minimal NEPA review, meaning that all NEPA compliance is completed within 2¼ months to 6 months. Ironically, this amendment could increase those delays by excluding the public from participation in the project review process and increasing the likelihood of public opposition to a project, leading to greater delays in project delivery.

Now, many of us know the public, if they're locked out of a decisionmaking project or review process where they feel they have a legitimate right to participate, where are they going to go? They're going to go to the courts and sue. Does the gentleman think that the judicial process, when you have to face lawsuit after lawsuit after lawsuit, is going to be streamlining the process? I think not. We're looking at a longer process there than any environmental review would ever entail.

Again, while I strongly support efficient review and sufficient review of projects to ensure timely project delivery, this amendment goes too far. It undermines public participation in local decisions and could potentially create greater problems of project delivery. And I would urge the defeat of the gentleman's amendment.

I yield back the balance of my time.

Mr. RIBBLE. I do want to thank the ranking member. We do have a disagreement, and disagreements happen in this Chamber a lot. But anyone who's traveled our roads and highways and tried to cross bridges that have been falling apart, that are filled with potholes, that have needed repairs for, sometimes, decades recognizes the real cost and real cause of the delay.

Mr. Chairman, I would note that my amendment in no way eliminates NEPA or the need for an environmental review to occur. However, our current process reduces redundant submissions, and approvals can render a road project obsolete before the ground has ever been broken.

My amendment merely ensures that Federal and State governments get to actually work together in doing the review. They get to work together to do this. And unlike others, I have full confidence in the people that live in the States where this work is going to be done. They're the neighbors of these road projects. They're the ones that swim in the lakes and streams and drink the water, breathe the air. They're the ones that live there. They ought to have more say on how these projects are completed, and we can actually get more projects done because of this.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Wisconsin (Mr. RIBBLE).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. RAHALL. Mr. Chair, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. MCKINLEY

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112–446.

Mr. MCKINLEY. Mr. Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following (and conform the table of contents of the bill accordingly):

TITLE IV—COAL COMBUSTION RESIDUALS

SEC. 401. HIGHWAY AND INFRASTRUCTURE SAFETY THROUGH THE PROTECTION OF COAL COMBUSTION RESIDUAL RECYCLING.

(a) IN GENERAL.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding at the end the following new section:

"SEC. 4011. MANAGEMENT AND DISPOSAL OF COAL COMBUSTION RESIDUALS.

''(a) STATE PERMIT PROGRAMS FOR COAL COMBUSTION RESIDUALS.—Each State may adopt and implement a coal combustion residuals permit program.

''(b) STATE ACTIONS.—

''(1) NOTIFICATION.—Not later than 6 months after the date of enactment of this section (except as provided by the deadline identified under subsection (d)(2)(B)), the Governor of each State shall notify the Administrator, in writing, whether such State will adopt and implement a coal combustion residuals permit program.

''(2) CERTIFICATION.—

''(A) IN GENERAL.—Not later than 36 months after the date of enactment of this section (except as provided in subsections (f)(1)(A) and (f)(1)(C)), in the case of a State that has notified the Administrator that it will implement a coal combustion residuals permit program, the head of the lead State agency responsible for implementing the coal combustion residuals permit program shall submit to the Administrator a certification that such coal combustion residuals permit program meets the specifications described in subsection (c)(1).

''(B) CONTENTS.—A certification submitted under this paragraph shall include—

''(i) a letter identifying the lead State agency responsible for implementing the coal combustion residuals permit program, signed by the head of such agency;

''(ii) identification of any other State agencies involved with the implementation of the coal combustion residuals permit program;

''(iii) a narrative description that provides an explanation of how the State will ensure that the coal combustion residuals permit program meets the requirements of this section, including a description of the State's—

''(I) process to inspect or otherwise determine compliance with such permit program;

''(II) process to enforce the requirements of such permit program; and

''(III) public participation process for the promulgation, amendment, or repeal of regulations for, and the issuance of permits under, such permit program;

''(iv) a legal certification that the State has, at the time of certification, fully effective statutes or regulations necessary to implement a coal combustion residuals permit program that meets the specifications described in subsection (c)(1); and

''(v) copies of State statutes and regulations described in clause (iv).

''(3) MAINTENANCE OF 4005(C) OR 3006 PROGRAM.—In order to adopt or implement a coal combustion residuals permit program under this section (including pursuant to subsection (f)), the State agency responsible for implementing a coal combustion residuals permit program in a State shall maintain an approved program under section 4005(c) or an authorized program under section 3006.

''(c) PERMIT PROGRAM SPECIFICATIONS.—

''(1) MINIMUM REQUIREMENTS.—The specifications described in this subsection for a coal combustion residuals permit program are as follows:

''(A) The revised criteria described in paragraph (2) shall apply to a coal combustion residuals permit program, except as provided in paragraph (3).

''(B) Each structure shall be, in accordance with generally accepted engineering standards for the structural integrity of such structures, designed, constructed, and maintained to provide for containment of the maximum volumes of coal combustion residuals appropriate for the structure. If a structure is determined by the head of the agency responsible for implementing the coal combustion residuals permit program to be deficient, the head of such agency has authority to require action to correct the deficiency according to a schedule determined by such agency. If the identified deficiency is not corrected according to such schedule, the head of such agency has authority to require that the structure close in accordance with subsection (h).

''(C) The coal combustion residuals permit program shall apply the revised criteria promulgated pursuant to section 4010(c) for location, design, groundwater monitoring, corrective action, financial assurance, closure, and post-closure described in paragraph (2) and the specifications described in this paragraph to surface impoundments.

''(D) If a structure that is classified as posing a high hazard potential pursuant to the guidelines published by the Federal Emergency Management Agency entitled 'Federal Guidelines for Dam Safety: Hazard Potential Classification System for Dams' (FEMA Publication Number 333) is determined by the head of the agency responsible for implementing the coal combustion residuals permit program to be deficient with respect to the structural integrity requirement in subparagraph (B), the head of such agency has authority to require action to correct the deficiency according to a schedule determined by such agency. If the identified deficiency is not corrected according to such schedule, the head of such agency has authority to require that the structure close in accordance with subsection (h).

''(E) New structures that first receive coal combustion residuals after the date of enactment of this section shall be constructed with a base located a minimum of two feet above the upper limit of the natural water table.

''(F) In the case of a coal combustion residuals permit program implemented by a State, the State has the authority to inspect structures and implement and enforce such permit program.

''(G) In the case of a coal combustion residuals permit program implemented by a State, the State has the authority to address wind dispersal of dust from coal combustion residuals by requiring dust control measures, as determined appropriate by the head of the lead State agency responsible for implementing the coal combustion residuals permit program.

''(2) REVISED CRITERIA.—The revised criteria described in this paragraph are—

''(A) the revised criteria for design, groundwater monitoring, corrective action, closure, and post-closure, for structures, including—

''(i) for new structures, and lateral expansions of existing structures, that first receive coal combustion residuals after the date of enactment of this section, the revised criteria regarding design requirements described in section 258.40 of title 40, Code of Federal Regulations; and

''(ii) for all structures that receive coal combustion residuals after the date of enactment of this section, the revised criteria regarding groundwater monitoring and corrective action requirements described in subpart E of part 258 of title 40, Code of Federal Regulations, except that, for the purposes of this paragraph, such revised criteria shall also include—

''(I) for the purposes of detection monitoring, the constituents boron, chloride, conductivity, fluoride, mercury, pH, sulfate, sulfide, and total dissolved solids; and

''(II) for the purposes of assessment monitoring, the constituents aluminum, boron, chloride, fluoride, iron, manganese, molybdenum, pH, sulfate, and total dissolved solids;

''(B) the revised criteria for location restrictions described in—

''(i) for new structures, and lateral expansions of existing structures, that first receive coal combustion residuals after the date of enactment of this section, sections 258.11 through 258.15 of title 40, Code of Federal Regulations; and

''(ii) for existing structures that receive coal combustion residuals after the date of enactment of this section, sections 258.11 and 258.15 of title 40, Code of Federal Regulations;

''(C) for all structures that receive coal combustion residuals after the date of enactment of this section, the revised criteria for air quality described in section 258.24 of title 40, Code of Federal Regulations;

''(D) for all structures that receive coal combustion residuals after the date of enactment of this section, the revised criteria for financial assurance described in subpart G of part 258 of title 40, Code of Federal Regulations;

''(E) for all structures that receive coal combustion residuals after the date of enactment of this section, the revised criteria for surface water described in section 258.27 of title 40, Code of Federal Regulations;

''(F) for all structures that receive coal combustion residuals after the date of enactment of this section, the revised criteria for recordkeeping described in section 258.29 of title 40, Code of Federal Regulations;

''(G) for landfills and other land-based units, other than surface impoundments, that receive coal combustion residuals after the date of enactment of this section, the revised criteria for run-on and run-off control systems described in section 258.26 of title 40, Code of Federal Regulations; and

''(H) for surface impoundments that receive coal combustion residuals after the date of enactment of this section, the revised criteria for run-off control systems described in section 258.26(a)(2) of title 40, Code of Federal Regulations.

''(3) APPLICABILITY OF CERTAIN REQUIREMENTS.—A State may determine that one or more of the requirements of the revised criteria described in paragraph (2) is not needed for the management of coal combustion residuals in that State, and may decline to apply such requirement as part of its coal combustion residuals permit program. If a State declines to apply a requirement under this paragraph, the State shall include in the certification under subsection (b)(2) a description of such requirement and the reasons such requirement is not needed in the State. If the Administrator determines that a State determination under this paragraph does not accurately reflect the needs for the management of coal combustion residuals in the State, the Administrator may treat such State determination as a deficiency under subsection (d).

''(d) WRITTEN NOTICE AND OPPORTUNITY TO REMEDY.—

''(1) IN GENERAL.—The Administrator shall provide to a State written notice and an opportunity to remedy deficiencies in accordance with paragraph (2) if at any time the State—

''(A) does not satisfy the notification requirement under subsection (b)(1);

''(B) has not submitted a certification under subsection (b)(2);

''(C) does not satisfy the maintenance requirement under subsection (b)(3); or

''(D) is not implementing a coal combustion residuals permit program that meets the specifications described in subsection (c)(1).

''(2) CONTENTS OF NOTICE; DEADLINE FOR RESPONSE.—A notice provided under this subsection shall—

''(A) include findings of the Administrator detailing any applicable deficiencies in—

''(i) compliance by the State with the notification requirement under subsection (b)(1);

''(ii) compliance by the State with the certification requirement under subsection (b)(2);

''(iii) compliance by the State with the maintenance requirement under subsection (b)(3); and

''(iv) the State coal combustion residuals permit program in meeting the specifications described in subsection (c)(1); and

''(B) identify, in collaboration with the State, a reasonable deadline, which shall be not sooner than 6 months after the State receives the notice, by which the State shall remedy the deficiencies detailed under subparagraph (A).

''(e) IMPLEMENTATION BY ADMINISTRATOR.—

''(1) IN GENERAL.—The Administrator shall implement a coal combustion residuals permit program for a State only in the following circumstances:

''(A) If the Governor of such State notifies the Administrator under subsection (b)(1) that such State will not adopt and implement such a permit program.

''(B) If such State has received a notice under subsection (d) and, after any review brought by the State under section 7006, fails, by the deadline identified in such notice under subsection (d)(2)(B), to remedy the deficiencies detailed in such notice under subsection (d)(2)(A).

''(C) If such State informs the Administrator, in writing, that such State will no longer implement such a permit program.

''(2) REQUIREMENTS.—If the Administrator implements a coal combustion residuals permit program for a State under paragraph (1), such permit program shall consist of the specifications described in subsection (c)(1).

''(3) ENFORCEMENT.—If the Administrator implements a coal combustion residuals permit program for a State under paragraph (1), the authorities referred to in section 4005(c)(2)(A) shall apply with respect to coal combustion residuals and structures and the Administrator may use such authorities to inspect, gather information, and enforce the requirements of this section in the State.

''(f) STATE CONTROL AFTER IMPLEMENTATION BY ADMINISTRATOR.—

''(1) STATE CONTROL.—

''(A) NEW ADOPTION AND IMPLEMENTATION BY STATE.—For a State for which the Administrator is implementing a coal combustion residuals permit program under subsection (e)(1)(A), the State may adopt and implement such a permit program by—

''(i) notifying the Administrator that the State will adopt and implement such a permit program;

''(ii) not later than 6 months after the date of such notification, submitting to the Administrator a certification under subsection (b)(2); and

''(iii) receiving from the Administrator—

''(I) a determination that the State coal combustion residuals permit program meets the specifications described in subsection (c)(1); and

''(II) a timeline for transition of control of the coal combustion residuals permit program.

''(B) REMEDYING DEFICIENT PERMIT PROGRAM.—For a State for which the Administrator is implementing a coal combustion residuals permit program under subsection (e)(1)(B), the State may adopt and implement such a permit program by—

''(i) remedying the deficiencies detailed in the notice provided under subsection (d)(2)(A); and

''(ii) receiving from the Administrator—

''(I) a determination that the deficiencies detailed in such notice have been remedied; and

''(II) a timeline for transition of control of the coal combustion residuals permit program.

''(C) RESUMPTION OF IMPLEMENTATION BY STATE.—For a State for which the Administrator is implementing a coal combustion residuals permit program under subsection (e)(1)(C), the State may adopt and implement such a permit program by—

''(i) notifying the Administrator that the State will adopt and implement such a permit program;

''(ii) not later than 6 months after the date of such notification, submitting to the Administrator a certification under subsection (b)(2); and

''(iii) receiving from the Administrator—

''(I) a determination that the State coal combustion residuals permit program meets the specifications described in subsection (c)(1); and

''(II) a timeline for transition of control of the coal combustion residuals permit program.

''(2) REVIEW OF DETERMINATION.—

''(A) DETERMINATION REQUIRED.—The Administrator shall make a determination under paragraph (1) not later than 90 days after the date on which the State submits a certification under paragraph (1)(A)(ii) or (1)(C)(ii), or notifies the Administrator that the deficiencies have been remedied pursuant to paragraph (1)(B)(i), as applicable.

''(B) REVIEW.—A State may obtain a review of a determination by the Administrator under paragraph (1) as if such determination was a final regulation for purposes of section 7006.

''(3) IMPLEMENTATION DURING TRANSITION.—

''(A) EFFECT ON ACTIONS AND ORDERS.—Actions taken or orders issued pursuant to a coal combustion residuals permit program shall remain in effect if—

''(i) a State takes control of its coal combustion residuals permit program from the Administrator under paragraph (1); or

''(ii) the Administrator takes control of a coal combustion residuals permit program from a State under subsection (e).

''(B) CHANGE IN REQUIREMENTS.—Subparagraph (A) shall apply to such actions and orders until such time as the Administrator or the head of the lead State agency responsible for implementing the coal combustion residuals permit program, as applicable—

''(i) implements changes to the requirements of the coal combustion residuals permit program with respect to the basis for the action or order; or

''(ii) certifies the completion of a corrective action that is the subject of the action or order.

''(4) SINGLE PERMIT PROGRAM.—If a State adopts and implements a coal combustion residuals permit program under this subsection, the Administrator shall cease to implement the permit program implemented under subsection (e) for such State.

''(g) EFFECT ON DETERMINATION UNDER 4005(C) OR 3006.—The Administrator shall not consider the implementation of a coal combustion residuals permit program by the Administrator under subsection (e) in making a determination of approval for a permit program or other system of prior approval and conditions under section 4005(c) or of authorization for a program under section 3006.

''(h) CLOSURE.—If it is determined, pursuant to a coal combustion residuals permit program, that a structure should close, the time period and method for the closure of such structure shall be set forth in a closure plan that establishes a deadline for completion and that takes into account the nature and the site-specific characteristics of the structure to be closed. In the case of a surface impoundment, the closure plan shall require, at a minimum, the removal of liquid and the stabilization of remaining waste, as necessary to support the final cover.

''(i) AUTHORITY.—

''(1) STATE AUTHORITY.—Nothing in this section shall preclude or deny any right of any State to adopt or enforce any regulation or requirement respecting coal combustion residuals that is more stringent or broader in scope than a regulation or requirement under this section.

''(2) AUTHORITY OF THE ADMINISTRATOR.—

''(A) IN GENERAL.—Except as provided in subsection (e) of this section and section 6005 of this title, the Administrator shall, with respect to the regulation of coal combustion residuals, defer to the States pursuant to this section.

''(B) IMMINENT HAZARD.—Nothing in this section shall be construed to affect the authority of the Administrator under section 7003 with respect to coal combustion residuals.

''(C) TECHNICAL AND ENFORCEMENT ASSISTANCE ONLY UPON REQUEST.—Upon request from the head of a lead State agency that is implementing a coal combustion residuals permit program, the Administrator may provide to such State agency only the technical or enforcement assistance requested.

''(3) CITIZEN SUITS.—Nothing in this section shall be construed to affect the authority of a person to commence a civil action in accordance with section 7002.

''(j) MINE RECLAMATION ACTIVITIES.—A coal combustion residuals permit program implemented under subsection (e) by the Administrator shall not apply to the utilization, placement, and storage of coal combustion residuals at surface mining and reclamation operations.

''(k) DEFINITIONS.—In this section:

''(1) COAL COMBUSTION RESIDUALS.—The term 'coal combustion residuals' means—

''(A) the solid wastes listed in section 3001(b)(3)(A)(i), including recoverable materials from such wastes;

''(B) coal combustion wastes that are co-managed with wastes produced in conjunction with the combustion of coal, provided that such wastes are not segregated and disposed of separately from the coal combustion wastes and comprise a relatively small proportion of the total wastes being disposed in the structure;

''(C) fluidized bed combustion wastes;

''(D) wastes from the co-burning of coal with non-hazardous secondary materials provided that coal makes up at least 50 percent of the total fuel burned; and

''(E) wastes from the co-burning of coal with materials described in subparagraph (A) that are recovered from monofills.

''(2) COAL COMBUSTION RESIDUALS PERMIT PROGRAM.—The term 'coal combustion residuals permit program' means a permit program or other system of prior approval and conditions that is adopted by or for a State for the management and disposal of coal combustion residuals to the extent such activities occur in structures in such State.

''(3) STRUCTURE.—The term 'structure' means a landfill, surface impoundment, or other land-based unit which may receive coal combustion residuals.

''(4) REVISED CRITERIA.—The term 'revised criteria' means the criteria promulgated for municipal solid waste landfill units under section 4004(a) and under section 1008(a)(3), as revised under section 4010(c) in accordance with the requirement of such section that the criteria protect human health and the environment.''.

(b) 2000 REGULATORY DETERMINATION.—Nothing in this section, or the amendments made by this section, shall be construed to alter in any manner the Environmental Protection Agency's regulatory determination entitled ''Notice of Regulatory Determination on Wastes from the Combustion of Fossil Fuels'', published at 65 Fed. Reg. 32214 (May 22, 2000), that the fossil fuel combustion wastes addressed in that determination do not warrant regulation under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.).

(c) CONFORMING AMENDMENT.—The table of contents contained in section 1001 of the Solid Waste Disposal Act is amended by inserting after the item relating to section 4010 the following:

''Sec. 4011. Management and disposal of coal combustion residuals.''.

The CHAIR. Pursuant to House Resolution 619, the gentleman from West Virginia (Mr. MCKINLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. MCKINLEY. Mr. Chairman, I want to thank Chairman MICA and the leadership for working with our office to allow this amendment to proceed and to be offered.

Just a reminder, this issue passed the House on a 2–1 vote last October and previously on a continuing resolution. The legislation has had strong bipartisan support, with numbers of Democrats voting in favor.

So we're not here to rehash those old fights. What we're here to do is discuss how fly ash pertains to maximizing funds for our roads and our bridges and our construction projects and protecting hundreds of thousands of jobs all across America. But there are those that don't see the correlation between coal ash and concrete, even though it's been an integral part of concrete in America for over 80 years.

Quite frankly, upwards of 316,000 jobs are at stake with this amendment and over $100 billion in roads, bridge, and infrastructure projects if coal ash is not recycled into concrete. Keep in mind, 60 million tons of fly ash are recycled annually.

Let's read some quotes from some of the individuals that have talked about this.

The Veritas Economic Consulting report talks about 316,000 jobs. There's one from the American Road and Transportation Builders Association talking about the $100 billion. Here's one from the Home Builders Association:

Removing coal ash from the supply chain would increase the price of concrete by an average of 10 percent.

□ 1540

Fly ash replaces the American concrete pipe and replaces 15 million tons of cement in its use. Look at what the administration's agencies are talking about under the Department of the Interior and the Department of Transportation.

Department of the Interior:

We concur with industry leaders who feel strongly that if fly ash is designated a hazardous waste, it will no longer be used in concrete.

Here from the same Department:

Fly ash costs approximately 20 to 50 percent less than the cost of cement.

From the Department of Transportation:

Fly ash is a valuable byproduct used in highway facility construction. It is a vital component of concrete and is important for a number of other infrastructure uses.

And the last:

Cement is more costly than fly ash. In some areas, it is as much as twice the cost.

So what does EPA say? Their own statement:

One ton of fly ash used as a replacement for cement reduces the equivalent of nearly 2 months of an automobile's carbon dioxide emissions.

One ton of fly ash used as a replacement for cement saves enough energy to provide electricity to an average American home for nearly 20 days.

Coal ash leads to ''better road performance.''

Mr. Chairman, let's be honest. What we're relating to here is about the use of fly ash in concrete that's been for over 80 years. Anyone opposing this legislation clearly has an agenda, and that agenda is anticoal. So that's why I'm asking my colleagues to join me today in supporting this amendment, once again, and protecting 316,000 jobs and maximizing the highway funds available for upgrading our roads and bridges all across America.

I reserve the balance of my time.

Mr. RAHALL. I ask unanimous consent to claim the time in opposition; although, I am in support of the amendment.

The CHAIR. Without objection, the gentleman from West Virginia is recognized for 5 minutes.

There was no objection.

Mr. RAHALL. I yield 3 minutes to the distinguished gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. I rise in opposition to the amendment.

President Obama has already threatened to veto this legislation because it

circumvents the longstanding process for reviewing the potentially dangerous Keystone XL pipeline. The McKinley amendment would add another extraneous provision to the underlying bill. This amendment would prevent EPA from regulating toxic coal ash and would put our Nation's drinking water and public health at greater risk.

On December 22, 2008, a coal ash impoundment in Kingston, Tennessee, burst, releasing 5.4 million cubic yards of toxic sludge, blanketing the Emory River and surrounding land and creating a Superfund site that could cost up to $1.2 billion to clean up.

At hearings in the Energy and Commerce Committee, we heard testimony about the devastating impacts contamination from coal combustion wastes can cause. We learned of contaminated drinking water supplies and ruined property values. We learned that improper disposal of coal ash can both present catastrophic risks from ruptures of containment structures and cause cancer and other illnesses from long-term exposure to leaking chemicals.

Two years ago, EPA proposed regulations to ensure stronger oversight of coal ash impoundments in order to prevent disasters like the one at Kingston and to protect groundwater and drinking water from the threat of contamination. The agency had proposed two alternatives for regulating coal combustion residuals. One proposal was to regulate these wastes under subtitle C of the Resources Conservation Recovery Act, or RCRA, as a hazardous waste. The other proposal was to regulate under subtitle D of RCRA as a nonhazardous solid waste.

Under both proposals, there would be a minimum Federal standard developed to protect human health and the environment. Those standards would address wet impoundments, like in Kingston, and would also ensure that basic controls like the use of liners, groundwater monitoring, and dust control meet a minimum level of effectiveness.

But this amendment blocks both of EPA's proposals. It replaces those proposals with an ineffective program that will not ensure the safe disposal of coal ash, won't protect public health, and won't protect the environment. We could and we should do better.

Under each of our environmental laws, Congress has always established a legal standard when delegating programs to the States. These standards are the yardsticks by which it is determined whether a State's efforts measure up. They ensure a minimum level of effort and protection throughout the Nation. This approach has worked well because it prevents a race to the bottom by the States.

The CHAIR. The time of the gentleman has expired.

Mr. RAHALL. I yield the gentleman from California an additional 30 seconds.

Mr. WAXMAN. This legislation does not include any legal standard to establish a minimum level of safety, and to the extent new safety requirements are established, nearly all of them can be waived at a State's discretion.

This legislation appears to create a program, but the decision about whether or not to go forward is one that will be at the States' discretion. The result will inevitably be uneven and inconsistent rules between the States. Some will do a good job and others won't.

If this legislation is adopted, no one should be fooled. This bill won't protect communities living near these waste disposal sites.

Mr. MCKINLEY. Mr. Chairman, just a quick couple of observations, just to remind everyone, we've been using fly ash in concrete for over 80 years, and the President has not—has not—issued a veto threat on this legislation. Perhaps he's aware of the 316,000 jobs that others are not as concerned about.

I want to thank my colleague from West Virginia for cosponsoring this legislation, and I hope he will continue to help us find the bipartisan support in protecting the jobs.

Mr. Chairman, how much time remains?

The CHAIR. The gentleman from West Virginia has 1¼ minutes remaining.

Mr. MCKINLEY. I'm going to yield time to the gentleman from Michigan, the chairman of the committee, for the purpose of closing.

The CHAIR. The gentleman is recognized for 75 seconds.

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

Mr. UPTON. I would just like to remind the House that this amendment is the same bill that the House passed last year with a vote of 267–144. We moved this through regular order through our committee hearings, subcommittee and full committee markup, and I want to say, as I recall, by nearly a 3–1 margin in the full committee did we pass this amendment.

This amendment establishes a program that protects human health and environment. It requires groundwater monitoring and requires that States monitor for the same constituents that EPA identified as being important for the regulation of coal ash. The amendment also requires that States require liners for new structures and establishes appropriate controls on fugitive dust.

For 2 years, EPA has been considering regulating coal ash. This bill would allow the safe use of coal ash in such products as concrete, wallboard, and roofing shingles. As the gentleman from West Virginia said, it saves 316,000 jobs. This is a highway and infrastructure bill. It is a jobs bill. This saves American jobs, and it is very important that the House continue to support the McKinley amendment, whether it be a freestanding bill, as we did last year, or the amendment to this bill.

Mr. RAHALL. Mr. Chairman, back in 1980, former Representative Tom Bevill of Alabama and I inserted an amendment into the Solid Waste Disposal Act requiring EPA to study and then determine how to regulate coal ash. That was in 1980. Today, 32 years later, EPA has not done so in a final manner, so I believe it is completely appropriate to place this authority within the hands of the State as the pending amendment by the gentleman from West Virginia would clearly do.

In the wake of the 2008 coal waste disaster at a TVA facility, I introduced legislation to strengthen the regulation of coal ash impoundments. The pending legislation is not perfect in these respects. In fact, there are some flaws which need to be worked out further. I also believe there are more appropriate ways to gain enactment of the provisions of H.R. 2273 which this amendment reflects. In fact, we should all note that the bill has already passed the House and been sent to the other body where Senators are actually working to achieve a bipartisan agreement.

□ 1550

I will, however, vote for this amendment because I have long supported many of the concepts embodied in it, including active oversight of coal ash impoundments and the promotion of the beneficial reuse of coal ash for activities like road building, which my colleague from West Virginia has already well demonstrated.

So as I conclude, I urge my colleagues to support this amendment, and I join in thanking my colleague from West Virginia for bringing it to us today. And I praise him for his consistency because he came to me early on in our T&I markup process to have this introduced in committee.

The CHAIR. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from West Virginia (Mr. MCKINLEY).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. RIBBLE

The CHAIR. Pursuant to clause 6 of rule XVIII, the unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. RIBBLE) 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 CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 255, noes 165, not voting 11, as follows:

[Roll No. 168]

AYES—255

Adams	Alexander	Austria
Aderholt	Altmire	Baca
Akin	Amodei	Bachmann

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

NOES—165

Ackerman
Amash
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
Cooper
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
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.
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
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Polis
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
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—11

Andrews
Cardoza
Filner
Flake
Kaptur
Marino
Napolitano
Paul
Pingree (ME)
Rangel
Slaughter

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining.

□ 1618

Mr. BILBRAY and Ms. HAYWORTH changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mrs. NAPOLITANO. Mr. Chair, on Wednesday, April 18, 2012, I was absent during rollcall vote No. 168 due to a family medical emergency. Had I been present, I would have voted "no" on agreeing to the Ribble Amendment No. 2.

Mr. FILNER. Mr. Chair, on rollcall 168, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

The CHAIR. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CHAFFETZ) having assumed the chair, Mr. WESTMORELAND, 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. 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, and, pursuant to House Resolution 619, he reported the bill back to the House with sundry amendments 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 reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were 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. POLIS. Mr. Speaker, I have a motion to recommit at the desk.

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

Mr. POLIS. I am opposed in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Polis moves to recommit the bill H.R. 4348 to the Committee on Transportation and Infrastructure with instructions to report the same back to the House forthwith with the following amendment:

At the end of subtitle A of title I of the bill, add the following (and conform the table of contents accordingly):

SEC. 112. PROHIBITION AGAINST CONSTRUCTION OF HIGHWAYS IN FOREIGN COUNTRIES.

(a) IN GENERAL.—None of the funds made available under this Act may be used for the construction of a highway outside of a State (as defined in section 101(a) of title 23, United States Code) or a territory (as defined in section 215(a) of that title).

(b) REMOVAL OF EXISTING AUTHORITY TO USE HIGHWAY TRUST FUND REVENUES TO CONSTRUCT A HIGHWAY IN A FOREIGN COUNTRY.—

(1) REPEAL.—Section 218 of title 23, United States Code, and the item relating to that section in the analysis for chapter 2 of that title, are repealed.

(2) NHS APPORTIONMENTS.—Section 104(b)(1)(A) of title 23, United States Code, is amended in the matter preceding clause (i) by striking '', $30,000,000'' and all that follows through ''Highway,''.

(c) RESCISSION.—Of the unobligated balances of funds made available for the Alaska Highway under section 104(b)(1)(A) of title 23, United States Code, $12,289,131 is rescinded.

SEC. 113. PROHIBITION ON FUNDING FOR CORRIDOR EARMARK THAT LIMITS FUNDING FOR OTHER ARC STATES.

(a) SYSTEM MILEAGE.—Notwithstanding any other provision of law, any corridor designation that increased the authorized mileage of the Appalachian development highway system above 3,025 miles shall no longer be effective.

(b) REVISION OF COST TO COMPLETE ESTIMATE.—Not later than 90 days after the date of enactment of this Act, the Appalachian Regional Commission shall revise the cost to complete estimate for the Appalachian development highway system under section 14501 of title 40, United States Code, to reflect the elimination of the corridor designation under subsection (a).

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

Mr. POLIS. Mr. Speaker, usually when something is killed, it stays dead.

But just like a zombie movie, some earmarks refuse to die and return to life as wasteful deficit spending. That's what has happened with this bill and what my simple commonsense amendment corrects.

This Congress was supposed to eliminate earmarks, but zombie earmarks from prior sessions keep appearing and reappearing and my amendment corrects that. Republicans are taking earmarks from previous sessions and calling them something else. Is that our new spending plan? Mr. Speaker, at a time when we face a massive national deficit and have limited resources to address our Nation's transportation needs, the pending measure provides billions of dollars for the construction of the Alabama Porkway and the Canadian Baconway.

Mr. Speaker, even as many in Congress have sworn off earmarks, this legislation continues funding to the Alabama Porkway, a 65-mile, six-lane beltway zombie earmark, a massive highway that surrounds the City of Birmingham, costing taxpayers billions. In fact, just last year, an article in the Birmingham News cited how cost estimates have soared from $3.4 billion to $4.7 billion before construction. So costs have soared, and now Alabama wants a bailout for their zombie highway, an earmark and a bailout.

Mr. Speaker, I guess the more Washington changes, the more it stays the same. The good news is, Mr. Speaker, with this amendment I'm calling out this bailout and giving Members on both sides of the aisle the opportunity to stop the bailout of the Alabama Porkway.

In 2004, a Republican Member of Congress added a provision that had not been included in either the House or the Senate bill behind closed doors to an appropriations bill adding a new 65-mile, six-lane Birmingham beltway to the Appalachian Development System. This earmark is unprecedented in the Appalachian region's more-than-45-year history. Alabama went from receiving 6.2 percent of highway funds to 25 percent in one fell swoop. That's good for the Alabama Porkway and those living high on the hog, but bad for taxpayers everywhere and worthy projects across Appalachia.

My amendment strikes the windfall bailout and a windfall that comes at the expense of 12 other States in the Appalachian region. The money comes directly from projects that would have been funded in Georgia, Kentucky, Maryland, Mississippi, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.

Even many Alabamans understand that this is a waste of Federal dollars. If Alabamans want to build a porkway around Birmingham, go right ahead. Just don't do it with our tax dollars outside of the normal process while competing for their share of Federal dollars.

Many Alabamans agree. One in the Birmingham News said, ''Spend, spend, spend. That's the mantra of the Birmingham beltway and State and local government.'' Another Alabaman says, ''As a businessman, I am more concerned about the flagrant disregard for the economic damage that will be wreaked on Alabama in the long term by the beltline.''

The beltline goes right through the farm of 88-year-old Ardell Turner. She lived her entire life in Alabama. The Northern Beltline goes right through her farm that she and her husband have had since 1950. This is big Federal deficit spending, a big beltway, a big porkway right through Ardell's farm.

My amendment also prohibits construction of highways in foreign countries, which this bill contains.

□ 1630

Mr. Speaker, the bill before us provides gas tax funds, $30 million a year, for a 325-mile Canadian baconway right through the Yukon, out of the pocket of American families and into a Canadian baconway.

The next time my colleagues are at home at a gas station talking to constituents, I encourage them to ask their constituents if they think our gas tax dollars should be used to build a 325-mile highway in Canada or any foreign county.

Now, this isn't an anti-Canada amendment. In fact, I don't think Mexico or Canada should be building highways through the United States. What this amendment does is it gives every Member of the House a chance to decide if we would rather build highways in Canada or reduce our deficit. Our choice.

If you want to reduce the deficit and make sure there isn't a precedent for Mexico or Canada building highways through your State, vote ''yes.'' If you want to engage in more deficit spending to build expensive highways through the Yukon, vote ''no.''

My amendment would prohibit the use of any funds provided under this act for construction of highways outside of the United States and reduce the Federal deficit by over $12 million.

Mr. Speaker, on March 2, 2011, I offered an amendment to stop Federal taxpayer money from funding the infamous Bridge to Nowhere. Mr. MICA gave a response to it and said it was smoke and mirrors. He said it's trying to mislead the House and it's smoke and mirrors.

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

Mr. POLIS. Mr. Speaker, this is not smoke and mirrors.

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

Mr. POLIS. The House cannot hide behind smoke and mirrors, behind wasteful pork—from Alabama to the Yukon.

The SPEAKER pro tempore. The gentleman will suspend.

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

Mr. MICA. Mr. Speaker, I claim time in opposition.

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

Mr. MICA. Mr. Speaker and my colleagues, I will be very brief.

The gentleman said that I had said before we had smoke and mirrors, and once again we have smoke and mirrors. Every opportunity was given to the other side. My committee sat for some 18 hours. They never brought this issue up. We heard over 100 Democrat amendments. It was not brought up in one of the single 200 amendments proposed to the committee.

What this is is an obstruction to getting people working, to getting our infrastructure for this country built. We need to vote down this motion to recommit and let's move forward in getting America building its infrastructure and getting people to work and affordable energy to people that can't even afford to fill up their gas tank today. I've had it with these delays.

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.

POINT OF ORDER

Mr. JACKSON of Illinois. Mr. Speaker, I would like to raise a point of order.

The SPEAKER pro tempore. The gentleman may state his point of order.

Mr. JACKSON of Illinois. In the future, when a Member is speaking and someone asks for order, does the clock stop or does the clock continue while they're asking for order in the House?

The SPEAKER pro tempore. The Chair will respond to the inquiry.

Time spent obtaining order is not charged to the Member under recognition.

Mr. JACKSON of Illinois. It is not charged against the speaker?

The SPEAKER pro tempore. The gentleman is correct.

Mr. JACKSON of Illinois. I thank the Speaker.

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered; and the motion to suspend the rules and pass H.R. 2453.

The vote was taken by electronic device, and there were—ayes 176, noes 242, not voting 13, as follows:

[Roll No. 169]

AYES—176

Ackerman	Barrow	Berman
Altmire	Bass (CA)	Bishop (GA)
Baca	Becerra	Bishop (NY)
Baldwin	Berkley	Blumenauer

Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
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
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Perlmutter
Peters
Polis
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
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
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—242

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
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
Owens
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Sewell
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—13

Andrews
Filner
Flake
Honda
Kaptur
Marino
McNerney
Napolitano
Paul
Pelosi
Pingree (ME)
Rangel
Slaughter

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1648

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

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 169, I was away from the Captiol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

Mrs. NAPOLITANO. Mr. Speaker, on Wednesday, April 18, 2012, I was absent during rollcall vote No. 169 due to a family medical emergency. Had I been present, I would have voted "aye" on the motion to recommit on H.R. 4348—Surface Transportation Extension Act of 2012, Part II.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 293, noes 127, not voting 11, as follows:

[Roll No. 170]

AYES—293

Adams
Akin
Alexander
Altmire
Amodei
Austria
Baca
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Cardoza
Carson (IN)
Carter
Cassidy
Chabot
Chaffetz
Chandler
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (IL)
Davis (KY)
DeFazio
Denham
Dent
DesJarlais
Diaz-Balart
Dicks
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Eshoo
Farenthold
Fattah
Fincher
Fitzpatrick
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, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hahn
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Higgins
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Keating
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Lamborn
Lance
Landry
Lankford
Larson (CT)
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Rothman (NJ)
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sanchez, Loretta
Scalise
Schilling
Schmidt
Schock
Schrader
Schwartz
Scott (SC)
Scott, Austin
Sessions
Sewell
Shimkus
Shuler
Shuster
Simpson
Sires
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)
Watt
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman

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

NOES—127

Ackerman
Aderholt
Amash
Baldwin
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Blumenauer
Bonamici
Brooks
Broun (GA)
Butterfield
Campbell
Capps
Capuano
Carney
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Cohen
Connolly (VA)
Conyers
Courtney
Crowley
Cummings
Davis (CA)
DeGette
DeLauro
Deutch
Dingell
Doggett
Edwards
Ellison
Engel
Farr
Frank (MA)
Fudge
Garamendi
Gonzalez
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Israel
Johnson (GA)
Jordan
Kildee
Kind
Kucinich
Labrador
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lowey
Luján
Maloney
Markey
Matsui
McClintock
McCollum
McDermott
McGovern
McNerney
Meeks
Miller (NC)
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Nadler
Neal
Olver
Pallone
Pelosi
Peters
Polis
Price (NC)
Quayle
Quigley
Reyes
Ross (FL)
Roybal-Allard
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schweikert
Scott (VA)
Scott, David
Sensenbrenner
Serrano
Sherman
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Waxman
Welch
Wilson (FL)
Woolsey

NOT VOTING—11

Andrews
Carnahan
Filner
Flake
Kaptur
Marino
Napolitano
Paul
Pingree (ME)
Rangel
Slaughter

□ 1658

Messrs. SMITH of Washington, SERRANO and HOYER changed their vote from ''aye'' to ''no.''

Messrs. GOSAR, BARTON of Texas, CAMP, AL GREEN of Texas and Ms. JACKSON LEE of Texas changed their vote from ''no'' to ''aye.''

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:

Mrs. NAPOLITANO. Mr. Speaker, on Wednesday, April 18, 2012, I was absent during rollcall vote No. 170 due to a family medical emergency. Had I been present, I would have voted "no" on final passage on H.R. 4348—Surface Transportation Extension Act of 2012, Part II.

Mr. FILNER. Mr. Speaker, on rollcall 170, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

MARK TWAIN COMMEMORATIVE COIN ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 2453) to require the Secretary of the Treasury to mint coins in commemoration of Mark Twain, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. LUETKEMEYER) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 4, answered ''present'' 2, not voting 17, as follows:

[Roll No. 171]

YEAS—408

Ackerman
Adams
Aderholt
Akin
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)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
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Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
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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
Keating
Kelly
Kildee
Kind
King (IA)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Neal
Neugebauer
Noem
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pearce
Pelosi
Pence
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
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—4

Amash
Brady (TX)
Nugent
Rigell

ANSWERED ''PRESENT''—2

Duncan (SC)
Mulvaney

NOT VOTING—17

Andrews
Cole
Filner
Flake
Garrett
Grijalva
Kaptur
King (NY)
Loebsack
Marino
McCotter
Napolitano
Paul
Perlmutter
Pingree (ME)
Rangel
Slaughter

□ 1706

Ms. JACKSON LEE of Texas changed her vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 171, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "yea."

Mrs. NAPOLITANO. Mr. Speaker, on Wednesday, April 18, 2012, I was absent during rollcall vote No. 171 due to a family medical emergency. Had I been present, I would have voted "yea" on the motion to suspend the rules and pass H.R. 2453—Mark Twain Commemorative Coin Act, as amended.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3993

Mr. GIBSON. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 3993.

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

There was no objection.

HOUR OF MEETING ON TOMORROW

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

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

There was no objection.

COMMUNICATION FROM THE HONORABLE JAMES P. MCGOVERN, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable JAMES P. MCGOVERN, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 18, 2012.

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

DEAR MR. SPEAKER: This is to notify you formally, pursuant to rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the Commonwealth of Massachusetts, Department of Industrial Accidents, in connection with a workers' compensation dispute currently pending before that department.

After consultation with the Office of General Counsel, I have determined that because the subpoena is not ''material and relevant,'' compliance with the subpoena is inconsistent with the privileges and precedents of the House.

Sincerely,

JAMES P. MCGOVERN,
Member of Congress.

HEEDING THE LESSONS OF THE TITANIC

(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, this week we remember and recognize the sinking of the Titanic 100 years ago. It is humbling to reflect upon the frailty of even so mighty a ship.

Titanic-like, this country faces threats that this generation must sadly confront and must address. We can see the icebergs in the water ahead. Recent spikes in interest rates on Spanish debt reinforce cause for concern about our own future. President Obama's successive trillion-dollar budget deficits have sunk us deeper in debt than we've ever been before. We see the fiscal icebergs looming around us, yet the Senate has not even passed a budget for 1,000 days.

Mr. Speaker, it's time to recognize that we cannot spend money that we do not have. It's time for us to get serious about finding ways to steer for open water. We owe it to ourselves, our children, and our grandchildren to balance the long-term income and expenses of this government and of this country. If we do not steer clear of the icebergs, they will send us down.

□ 1710

IN DEFENSE OF THE GREAT STATE OF NEVADA

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

Ms. BERKLEY. Mr. Speaker, today I rise in defense of the great State of Nevada. For almost 30 years, out-of-state Washington politicians have been trying to dump the Nation's nuclear waste in my State's backyard at a place called Yucca Mountain.

The site is 90 miles from the world's greatest tourism destination, Las Vegas, and in order to get the radioactive toxic nuclear waste to this location they have to truck it on Nevada roads, through Nevada neighborhoods, and by Nevada schools. A single accident would have devastating consequences to the health of the people of the State of Nevada, not to mention the economy.

Mr. Speaker, this is the most dangerous substance known to man. But there are still those in Washington trying to force it on the people of my State. One of those people is Nuclear Regulatory Commissioner Kristine Svinicki. Thankfully, her term ends on June 30. I strongly oppose the renomination of someone who puts the interests of the nuclear industry ahead of the people of the State of Nevada. And I urge my Nevada colleagues in the Senate to do everything in their power to ensure this Yucca nuclear waste pusher does not have another term.

SPACE TRAVEL IN AMERICA IS HISTORY

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

Mr. POE of Texas. Mr. Speaker, yesterday, the space shuttle *Discovery* flew through the blue sky over the Nation's capital on its way to its final resting place at the Smithsonian National Air and Space Museum in Virginia. The flyover was met by cheers from some but tears from others.

Space travel in America is history. Our government has chosen to abandon the space program as we know it. JFK, NASA, and America put the first man on the moon, but we have been the leader in the space race for years. Now the sun has set on American manned space travel. Now we are raising the white flag of surrender in space travel to the Russians. JFK might not approve.

Ironically, American astronauts will have to rely on an expensive ride from the Russians just to get to the Space Station.

Former *Discovery* astronaut Dr. Anna Fisher said it well when a bright young boy asked her how he could become an astronaut one day. She said, study Russian. That ought not to be.

But that's just the way it is.

SALUTING THE ACCESS TO JUSTICE COMMITTEES OF THE AMERICAN BAR ASSOCIATION

(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 to salute the Access to Justice Committees of the American Bar Association from States all over the Nation and, particularly, my constituents that I just met with, the chair of the Access to Justice Committee, Judge Lindsey, and a number of others who have come to join us to again emphasize that when lawyers, as myself, take our oath of office and become members of the bar, we have an obligation and a duty to public service. That public service is to ensure that every American under the Constitution has access to justice, and to insist that they're able to be represented and their legal rights protected.

I beg that this House accept the $402 million that is the Senate mark for Access to Justice programs, and not the $328 million that is the House mark. Shame on us if we realize that more and more laws are complex, more and more Americans suffer, more and more Americans need help, more and more Americans are under foreclosure over the years. And even though we have worked hard in this government to restore those homes, they need legal rights. Let us support the funding for Access to Justice.

SUMMITS OF THE AMERICAS

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

Mr. RIVERA. Mr. Speaker, this past weekend I attended the Summits of the Americas, where Western Hemisphere leaders were in attendance to discuss regional policy issues and challenges. Leftist regimes repeatedly criticized the United States for our strong opposition to communist Cuba participating in the summits.

This summit is and should be reserved only for democratic nations, not totalitarian, dictatorial terrorist regimes like the Castro dictatorship. We should continue our commitment to the Cuban embargo and reiterate the importance of condemning a regime that refuses to grant its citizens the freedoms every human deserves: human rights, civil liberties, and free elections.

The illicit drug operation in our hemisphere contributes to the problem of increasing violence and terrorism in

the regime. Legalizing drugs is not the answer. Instead, we must bolster regional security and directly target drug gangs and violent narcotraffickers. America must stand strong against these efforts and in favor of democratic values.

HONORING THE VOLUNTEER FIRE DEPARTMENTS OF LONG ISLAND

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

Mr. BISHOP of New York. Mr. Speaker, I rise today to recognize and honor the courageous volunteer fire departments of Long Island for their skill and dedication in combating the recent outbreaks of wildfires in my district. Once again, they have proved their mettle and won our trust and admiration.

While, thankfully, no lives were lost, the fire, now extinguished, consumed roughly 1,100 acres, destroyed three homes, and damaged or destroyed six other structures, including one commercial building. If not for the actions of our local firefighters, the damage could have been far worse.

We are also fortunate that the three firefighters who were injured fighting the fire are all recovering well.

As a lifelong resident of Suffolk County, I was inspired by the willingness to help shown by the county's fire departments, all 109 of which participated in the effort to combat what turned out to be the seventh-largest fire in Long Island history. Through their combined and coordinated efforts, a larger crisis was averted.

Mr. Speaker, I ask that you join me in thanking all of Suffolk County's Fire Departments, as well as our local elected leaders who supervised this operation, for their dedication and exceptional skill in subduing the recent fires.

SOLUTIONS FOR SMALL BUSINESSES

The SPEAKER pro tempore (Mr. LANDRY). Under the Speaker's announced policy of January 5, 2011, the gentleman from Georgia (Mr. GRAVES) is recognized for 60 minutes as the designee of the majority leader.

Mr. GRAVES of Georgia. Mr. Speaker, tonight we're going to have a conversation that I think impacts Americans all across this country, and it's about small businesses, and what has this Congress been doing, what has the President been doing or promoting, and how is it impacting small businesses.

I am going to be joined tonight by some great, great colleagues and champions of small business to talk about what are some of the solutions, what can we be doing here in Washington, not creating more government, not spending more money, but what can we be doing to create an environment that is conducive for business development and for our small business owners.

When I think about the greatness of America, we can list so many items and characteristics of this great Nation, and one of those would have to be small businesses—taking a simple idea in a free market system and taking it to the consumer and growing a business.

And we hear a lot from the administration. They say, businesses are too big. Yet, they need to be smaller. For small businesses, you guys are going too fast, too far. You need to slow down. When, in fact, it should be just the opposite. We should be encouraging small businesses to do more, to grow faster, to invest in their employees.

There is no big business in this Nation that did not first start out as a small business. And I would contend that tonight, Mr. Speaker, that there are small business owners all across this Nation, here even in the eastern time zone, that have yet to have gone home because they're still working. They get up each and every day, putting on their boots, chasing that dream, that idea that they have, and turning it into a business or a concept and chasing that American Dream, to realize that American Dream.

So, to all those small business owners across this great Nation, I want to say thank you. I want to say thank you for your hard work, for pushing against the burdens that come from the Federal Government, the high gas prices, the regulatory environment, this crazy Tax Code that we have, and say don't give up. We are here with you tonight, and we're going to be speaking on your behalf tonight.

I have been joined by some Members from all across this country who are going to talk about small business and concepts that we can be promoting here in Washington to help the small business owner to promote an environment in which small businesses can flourish, not creating more government.

□ 1720

Before I do that, Mr. Speaker, I'd like to read a letter. I think it's important to share correspondence from our constituents. This comes from Mark, who is in Cumming, Georgia. He says:

> Congressman GRAVES, I just wanted to let you know that I am a business owner in Cumming, and I'm tired of all my hard work going to pay taxes which the Federal Government squanders—Federal income tax, State income tax, property tax, sales tax. We are all taxed to death, and apparently, the tax system we have in place now is not working or we wouldn't be so far in debt. So I am strongly in favor of passing the Fair Tax. I believe this system is not only much more equitable, but it eliminates loopholes. It is a much simpler and fairer way to raise revenue. That won't solve the mismanagement of our taxes by government, but at least it will allow us to keep more of the money that we earn. Please vote for it. Thank you.

Mark, I'm happy to tell you, not only will I vote for it, but I'm a cosponsor of it.

Next up to speak on the Fair Tax is the sponsor of the Fair Tax himself, and that's Congressman WOODALL from the great State of Georgia.

Congressman WOODALL, share with us a little bit about the Fair Tax, about how it impacts small businesses and how it would help them.

Mr. WOODALL. Mr. GRAVES, I appreciate you taking this time tonight.

Folks ask me, What goes on in the evenings there on Capitol Hill? When you finish the votes for the day, what goes on next?

I say, Well, folks are all back in their offices, working, just like small business folks across the country. Just because the customers leave doesn't mean the doors close.

Folks are still working, and this is that time when we get to come down and really fully debate some of these ideas that folks have been watching all day today. We've been talking about transportation policy. We've been talking about Mark Twain a little bit. We've been talking about the rules, the process; but we haven't gotten to talk about small businesses.

When we talk about economic growth in this country—you're from the great State of Georgia, as I am, and we've got some fantastic big companies there. UPS is there, doing fantastic things. They're the folks dressed in brown. Delta Airlines is there, carrying more passengers than anybody else in the country. We've got Coca-Cola there, a brand name that's known the world around. There's Home Depot, the Big Orange, which everybody understands. But that is not where the jobs come from. The jobs come from those small business men and -women who risk everything—everything—to believe that by the sweat of their brows and the power of their ideas they can make their tomorrows better than today.

That letter that you got from your constituent, Mr. GRAVES, is exactly the kind of letter that I get from folks every single day who say, Rob, I don't mind paying the taxes. I understand part of the social contract is that the government has to run, but it doesn't have to be this painful. We can do it in a better way, in H.R. 25, the Fair Tax, of which you are a proud cosponsor, a huge leader on that bill. It is the single most popularly cosponsored piece of fundamental tax reform legislation in either the U.S. House or the U.S. Senate because voters are demanding it one Member of Congress at a time.

Mr. GRAVES of Georgia. I thank you for your leadership on that.

I see we've been joined here by the chairman of Rules, the gentleman from California.

Mr. Chairman, thank you for joining us.

Mr. DREIER. I thank my friend for yielding, and I appreciate his yielding.

The reason I've come to the floor is to share with our colleagues the very sad news of the passing of my very close friend Dick Clark, who just within the past couple of hours, it has been reported, has passed away.

When I listen to the topic of your discussion, I am reminded of a conversation. I had dinner with him 2 weeks ago, and he was somebody who said exactly what my friend from Georgia indicated. He was a proud taxpayer. I know people are going to be talking about ''American Bandstand.'' This was someone who actually broke the barrier by bringing African Americans on to television in the 1950s and the 1960s. He is someone who was an amazingly successful businessman. He was a small business man, himself, but was a very, very successful one. I just want to say that, as I listened to your discussion, I was reminded of how he regularly said everyone should pay their fair share of taxes. He said that not too long ago to me, and I said I appreciated that because he knew he was paying my salary and yours and yours as well.

But I just want to share with our colleagues what a great loss this is for our country. The show that he started initially and became so famous for was ''American Bandstand,'' and I think it's a very appropriate one because this guy was a very patriotic American. He was a believer in the free enterprise system. He was a believer in encouraging individual initiative and opportunity on a regular basis, and he is someone who provided inspiration to people all the way across the spectrum.

I just wanted to say that, as you guys are here, talking about the need for tax fairness and the imperative to ensure that we encourage more people like Dick Clark, I think it's important for us to remember the wonderful life that this man had. I've got to say just a couple of things if I might.

He was someone who, you'll all recall, on New Year's Eve would regularly host up in Times Square; and in 2004, he suffered a massive stroke. I have never seen anyone with more determination and fight than Dick Clark. A number of people said, Gosh, why did Dick Clark continue to go out and be on television?

Do you know what? I had a conversation with him just before he decided to go this past fall to do this program. People across this country said to him, The fact that you have suffered this stroke and are continuing to fight to get better and continuing to be active is something that is an inspiration to us.

So that kind of fighting spirit is exactly what the small business man or -woman has who at this hour is still working and who my friend was just talking about; and the imperative to make sure that everyone pays their taxes but no more is something that, I think, he should be remembered for along with all of the great, great accomplishments that he had.

I just wanted to take this moment to share this with our colleagues here in the House.

Mr. GRAVES of Georgia. Thank you, Mr. Chairman, for sharing that with us.

You're right, you talk about small business owners. They're going to work extremely hard. They get up early every day. They work late every night. They're going to pay their fair share. They just want to know it's being handled properly and that it's being fairly collected.

Mr. WOODALL, I hear criticisms every now and then about the Fair Tax. I'm a cosponsor of it. I hear criticisms here and there. They say, Well, this will impact one group more than another. How can something called the ''Fair Tax'' not be fair to everyone?

How do you refute that when they come up with the criticisms to the Fair Tax? Actually, I guess, when they're criticizing the Fair Tax, they're defending the current Tax Code and the 60,000 pages of mess that we currently have and the loopholes and the corporate welfare. They must be defending that. So how do you respond to the criticisms that you hear?

Mr. WOODALL. That is what is so amazing about small business folks. You never have a small business person come to your office and say, Rob, what I want is a leg up on everybody else. I want an unfair playing field so I can beat all my competition.

That's not who our small business owners are. Our small business owners are people who say, Rob, give me a level playing field, and I will out-compete anybody in any nation around the globe because nobody works harder and has more powerful ideas than does the American worker. Well, that's what the Fair Tax is all about. It says, let's create a level playing field.

My friend is not a freshman as I am. He got here 6 months earlier in a special election that he had to work incredibly hard for; but those of us who are newer to this institution, as you and I are, know there are some folks here who like using the Tax Code to pick winners and losers. I mean, it's an easy thing to do. I look around this body. I can find some examples. I see fluorescent lights here in the Chamber. I could put a huge tax on fluorescent lights so we would never have any more fluorescent lights. I could put a huge tax on plaid shirts so we never have any more plaid shirts. That is what happens with the Tax Code.

The Fair Tax says no. It says we're going to have a single tax rate on everything the consumer buys. You're going to be taxed on everything once—but only once—because those small business men and women who write those letters to your office and to mine say, Rob, I spend more time trying to figure out tax decisions than I do figuring out business decisions. So, when these are the men and women who employ so many of our friends and neighbors, when these are the men and women who create the job growth in this country, we have to have them focus on business decisions, not on tax decisions; and the Fair Tax does that.

Mr. GRAVES of Georgia. Thank you. I hope you'll stick around. In a minute, I'm going to yield to the gentleman from Ohio.

Just to make clear, I mean, the Fair Tax is not an additional tax; it's not something that is added on, a layer. It's actually eliminating income tax, eliminating corporate income tax, eliminating capital gains tax, dividend tax, death tax. It's eliminating all of that. It's throwing it all out. I guess it's eliminating the Internal Revenue Service for some part and in a great way, and I think there would be a lot of Americans across the country applauding on that day if that were to ever occur.

□ 1730

Also with us tonight is the chairman of the Republican Study Committee, Congressman JIM JORDAN from Ohio, a great leader on conservative principles, a great mind when it comes to policy, and I know a great advocate for tax reform. Regardless of fair or flat or whatever it is, it's about empowering the taxpayer and not empowering the government.

Mr. JORDAN. I thank the gentleman for yielding, and I thank him more importantly for his leadership here in the Congress.

You said it right. You said it well. Whether you're for a fair tax or for a flat tax, one thing is certain: The American people have had it with the current Tax Code.

Think about it. Any Tax Code that allows 47 percent of the citizens not to pay, 47 percent of all the people that live in this country not to pay the main tax, the income tax that we have, you can't repair it; you can't fix it; it's completely broken, and you've got to throw it away and start over. Any Tax Code that now requires our companies headquartered in the United States of America to pay the highest corporate tax rate in the world is broken.

This is one thing that is amazing to me. We are talking about small business and we are talking about tax policy. What's amazing to me is, in spite of stupid policies from the Federal Government, how well our small business owners do. It's a testimony to what Mr. WOODALL was talking about, the work ethic and the entrepreneurship of the American people and the American small business owner that, in spite of bad policies, they're still succeeding.

Imagine if we had a tax policy that actually made sense. Imagine if we had a regulatory environment that made sense. Imagine if we had an energy policy that made some sense and used the resources the good Lord has blessed us with in this country. Imagine if we had monetary and fiscal policy that made sense. We wouldn't be having 1.5 percent, 2 percent growth. We'd be having 3 percent, 4 percent, 5 percent growth in this economy. As you said, Mr. Chair, we would be creating an environment that is conducive to economic growth.

If we actually did that, get out of the way and let the American entrepreneur, let the American family, let

the American small business owner do what they've been doing for 200-plus years, they would be making good things happen: growing our economy, creating jobs, helping our communities, and making us the greatest Nation in the world. That's what's at stake here, and it does start with the policies that we have here at the Federal Government.

So we need to change this Tax Code, change the regulatory environment, and certainly change our energy policy and start getting spending under control. If we have a chance, we'll talk about that here in just a few minutes, but I know we've got another speaker who we want to get to.

Mr. GRAVES of Georgia. Thank you, Chairman JORDAN.

You're absolutely right about small business owners. They don't want equal outcomes; they just want equal opportunity. That's what it's all about. That is the American Dream. That's American exceptionalism. Just give me a chance and I will beat the next guy, the next Nation. We are more competitive. And when we have that more competitive advantage and it's a level playing field, we will win every time. That is the spirit of the small business owner.

Speaking of spirit and small business owner, we have joining us also tonight, JEFF LANDRY from Louisiana. I thank you for joining us, and I look forward to hearing your insight.

Mr. LANDRY. I thank the gentleman for yielding.

Mr. Speaker, this week marks another tax day, culminating another year that Americans have been subjected to an outdated and overcomplicated Tax Code.

Three years ago on tax day, I attended the first Tea Party rally in my hometown of New Iberia. I was fed up with an overreaching government and fed up with an overburdensome Tax Code.

As a small business owner in the oil and gas industry, I've created jobs; I have made payroll; I have paid insurance; I have balanced budgets. I did these things like the majority of small businesses out there across America did, with hard work, determination, and, of course, a fantastic accountant to sift through the 3,837,105 words of the United States Tax Code.

Mr. Speaker, it's no secret that small businesses are the real drivers of our economy. To date, small businesses employ half of the U.S. workers. And despite our lagging recovery, they have managed to generate nearly 65 percent of all of the new jobs created over the past 15 years, often outperforming their larger counterparts.

I often speak with small business owners in my district. The one word I hear again and again from them is ''uncertainty.'' From looming health care mandates to volatile energy prices, American small businesses simply don't know what to expect. To the farmer out there who is watching his energy prices and his fertilizer prices increase, to the small business owner trying to determine if hiring that new talent is the responsible thing to do, to building a new factory, the uncertainty in the current environment is what is keeping them from expanding and what is keeping them from creating jobs.

The oil and gas industry is a classic example. And I'm not talking about Big Oil. I'm talking about the nearly 18,000 independent oil and gas producers here in this country who are small business owners. These small business owners develop 95 percent of all oil and gas wells, produce 68 percent of America's oil, produce 82 percent of America's gas. In total, America's onshore independent oil and gas small businesses supported 2.1 million direct jobs here in the United States in 2010.

In my State alone, over 47,000 people are employed directly by the oil and gas sector. When you add in other aspects of the oil and gas industry—refining, transportation, pipeline—there are over 111,000 people in the State of Louisiana directly employed by the oil and gas industry.

And just like every other small business, these businesses, the ones that literally fuel America, are faced with a crushing tax burden that threatens their very survival. And they hear from our President who is threatening to take away parts of the Tax Code that helps them.

I'm not talking about Big Oil subsidies. I'm not talking about lowering the corporate tax rate either. Believe it or not, most of our domestic energy producers don't pay that corporate tax rate. They don't get a subsidy. They don't get a direct check from the government. They simply are taking advantage of the same credits out there that other small businesses around this country partake in.

Logically, as most small businesses deduct their expenses, these small businesses deduct theirs as well. These independent producers, like other small businesses, like I said, do not receive a direct check from the government. Instead, it's a cost of doing business.

Without the ability to expense these ordinary and necessary business costs, an independent producer would have to reduce its drilling budget by 20 percent to 35 percent almost immediately and bring a drastic decrease of energy production here in this country.

Without this reinvestment, U.S. production would decline rapidly because wells deplete as they are produced. America cannot afford a decrease in energy production, and small oil and gas businesses cannot afford a tax hike.

Tax hikes would also hurt American retirees whose mutual funds, pension plans, IRAs are invested in these publicly traded oil and gas companies, all the while harming American energy.

With so much uncertainty being created here in Washington, the threat of billions of dollars in new job-crushing tax hikes, a Federal takeover of hydraulic fracturing, regulations, less access to taxpayer-owned energy resources of our Federal lands, the permitting process still lagging, the cost of doing business continues to be challenging.

Mr. Speaker, Washington can do better. We can do better. We owe it to our small business owners in every industry to provide for a basic sense of consistency and certainty in our Tax Code.

Tomorrow the House will consider the Small Business Tax Cut Act, legislation that would allow small businesses to deduct 20 percent of their active income in order to retain more capital and create more jobs.

I congratulate our majority leader for bringing this bill to the floor. I'm confident that with a strong step in the right direction, we will continue to work to make sure that our small businesses have the certainty they need to grow and to thrive.

I thank you, Mr. Speaker.

Mr. GRAVES of Georgia. I thank the gentleman from Louisiana for sharing his insight tonight, and you're absolutely right. You brought us some great points about small business owners. They do all the things they do that the government never does: They get up every day early; they work hard and long; they know how to balance budgets; they pay paychecks; they pay their taxes. They have to every day be held accountable by the consumer with their goods.

□ 1740

Is it meeting the demands of the consumer? Is the customer service there? Every day they're held accountable, and every day they get up with that desire and that drive to produce a better product, a better good and provide a better service. What a great tribute to the small business owners across America.

With that, I'd like to shift over to Mr. HANNA from New York, who is going to share with us about small businesses in his region. I want to thank you for joining us and appreciate your leadership on this issue.

Mr. HANNA. I thank the gentleman for yielding.

Mr. Speaker, small businesses are the lifeblood of our economy. They are the catalyst for job growth and job creation all across our Nation. They certainly are in upstate New York where I started my own small business some 30 years ago, which I ran successfully for that same period of time, employing hundreds of people from my community, friends and neighbors to this day.

Unemployment is still too high. It's over 8 percent in my home of New York. Our constituents want to go back to work. They just need the opportunity. That's what I heard from small business owners when I hosted a meeting of the Central New York Business Network earlier this month.

Government can help by advancing policies that enable our 27 million small businesses to do what they do

best—compete and create jobs. There is no silver bullet, but there are solutions that we can work together on starting today. Here are a few:

Tax relief. Small businesses in America pay some of the highest taxes in the world, and the associated regulations are also an enormous barrier to growth. The average tax compliance cost for employees for small businesses is three times what it is for large businesses. We need to make taxes lower, fairer, more predictable and generally more understandable. We will be voting on a bill of this nature sometime this week.

Freedom from government competition. Too many of our small businesses find themselves pitted against their own government when it comes to doing commercial work like landscaping, construction, and engineering. We should require Federal agencies to use the private sector when providing goods and services that are available in the open marketplace. This gives small businesses in our community a chance to work efficiently and create jobs, and this has been shown to save taxpayers money.

Finally, and most importantly, a jobs-based education policy. A major root cause of our long-term unemployment is the changing nature of the global marketplace. We are competing against developing countries like never before. Competition isn't bad, but we need to be better prepared. In order to maintain a high standard of living, we need cultivate the value-added, knowledge-based innovative sector of our economy. This can only be achieved through education and a new focus on the fields of science, technology, engineering, and math, also known as STEM. STEM jobs, on the average, pay 27 percent more than non-STEM jobs. The only effective long-term way to rebuild the middle class is through education. It's been this way since the dawn of time with better-paying, tax-generating jobs that provide at least those basics of the American Dream: a home, a college education for your children, and a dignified retirement.

Mr. Speaker, there are few tasks more important than helping small businesses put our neighbors and friends back to work in America. Let's join to work on pro-growth policies that will enable them to do just that.

Mr. GRAVES of Georgia. I thank the gentleman from New York.

I appreciate your plea there. Let's get government out of the way. Let's let small business owners do what they do best, and that is dream big and work hard.

Next to share with us is Mr. BARTLETT from Maryland. Thank you.

Mr. BARTLETT. Thank you very much for yielding.

I would like to spend just a couple of minutes putting this discussion in context.

I'm from Maryland. I have been there 51 years now, and for 12 years my wife and I ran a small business, meeting a payroll every Wednesday morning. That's pretty good discipline. I wanted to give you some statistics from Maryland.

Now, we're an average, a little smaller than average State. We have only eight Representatives in the Congress. We have something over 5 million people. In our little State, we have 106,441 small businesses. That is a lot of individual businesses. They have between one and 500 employees, and they totally employ 1,105,200 individuals. Now, this is in a little State like Maryland.

It's interesting to see who employs these people. The top three industries by employment:

Over 157,000 in health care and social assistance. This is one of the most rapidly growing segments of our society, which we have to kind of calm down or we won't be able to afford it;

There are over 135,000 employees in professional, scientific, and technical services. And Maryland is probably either number two or number three in biotech in the whole country, so we're proud of that;

We have 133,000 employees in construction. That's down. We used to have more than that, of course, and we hope we can have more in the future.

According to the Census Bureau, of the small businesses in Maryland, 15,717 are women-owned, and they employ 147,751 employees.

I would just like to note that, before the recent increase in employment in Hispanic small businesses, that women-owned small business are the fastest growing small businesses in our country. They are better employers than men. Men and women are different. Our military has a little trouble figuring that out sometimes, but they are different. They are ranked to be better employers by their employees, so let's give a way to women who are entering the small business community.

In addition to this, to these small businesses, in 2009, Maryland was home to 365,492 sole proprietorships. These are small businesses with one person in them, sole proprietorships.

Many of these self-employed small businesses also benefit from the 20 percent small business tax cut in H.R. 9, which is one of the things we are focusing on this evening, because I understand that we're voting on that tomorrow.

A couple of interesting statistics:

Between '05 and '08, small business created a net total of 63,576 new jobs in Maryland, but in just '08 and '09, we've lost 57,433. So we just are barely up in small business now because of how many of those small businesses we lost.

One of the previous speakers mentioned the Tax Code and how we need to make it simpler and fairer. Let's just talk about the Fair Tax for just a moment.

If we went to the Fair Tax—that's a tax on consumption—then let's repeal the 16th Amendment. Don't give the government any chance to ever come back with a personal income tax again. If we did that, we could have a bigger tax revenue with no increase in tax burden, because the tax burden today is not just the tax as you pay, but the $200 billion that it costs businesses and individuals across their country every year to comply with the code.

I don't know anybody out there who wouldn't be happy to roll that compliance cost into the tax burden so that now the revenues will go up with no increase in tax burden. That's one of the things that we need to do to balance the budget. If we just went to the Fair Tax with no increase in tax burden, we'd have $200 billion a year more money flowing into the U.S. Treasury and small business would be a big part of this.

Mr. GRAVES of Georgia. Thank you. I appreciate your words there.

As I wrap up this segment that we have here this evening, I just want to say thank you to the small business owners across America. You have heard great reports from Members of Congress who are with you, who are fighting with you and fighting for you. We just want to thank you, because every day you're getting up and you're going against some of the greatest pressures and the greatest burdens that a government could ever place on you, but you don't give up.

You get up each day. You put the boots on. You go out and you work hard. You take that dream, that idea, that concept, and you build it into reality, and you are building jobs and you are providing for other families. We want to thank you for that.

While the optimism index is getting lower, the misery index is getting higher. I'm here to tell you Americans have not given up. Small business owners have not given up. In fact, statistics show that if just one out of two businesses across this Nation hire one person in the next 12 months, unemployment would be near zero. That's how close we are, because small business owners haven't given up. I want to thank you for that. I want to applaud you for that. Keep up the great fight.

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

□ 1750

SMALL BUSINESS TAX CUT ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Ohio (Mr. CHABOT) is recognized for 28 minutes as the designee of the majority leader.

Mr. CHABOT. Thank you very much, Mr. Speaker. I appreciate that, and I really appreciate Chairman GRAVES making it possible for so many of us who care about small business in this country this evening to take a little time to talk about how important it is and what we ought to be doing to support our small business folks all over the country. After all, 70 percent of the jobs that are created historically in the

American economy aren't the big guys. They're not the huge corporations, although we want them to do well and hire a lot of people. But even though a lot of people think it's the huge corporations that are doing all the hiring, it's really small business folks. It's mom-and-pops places. It's people that have fewer than 500 employees. Oftentimes, fewer than 50. Sometimes it's 5, or even 1. These are the folks that historically have created 70 percent of the jobs.

And, unfortunately, I would argue that this administration and the policies that have been implemented by many of the folks on the other side of the aisle, unfortunately, have made it very challenging to these small businesses to be successful and to hire additional employees. And there's a whole range of issues that we're going to talk about this evening. We have limited time, so I'm going to turn it over to a couple of my colleagues.

I would like to first recognize the gentleman from Arizona, DAVID SCHWEIKERT, who's been a leader in trying to come up with policies that will be supportive for small businesses in this country.

Mr. SCHWEIKERT. Mr. Speaker, to my friend, thank you for yielding me a few minutes here.

One of the reasons I'm standing here is, over the last week we've heard the President talk about what we call the Buffett rule, and the Senate, and its failure to move the Buffett rule—thank heaven. And realizing, for a lot of Americans, they don't understand this is, A, it's absolutely pretend math. But it's also meant as an absolute attack on the entrepreneurs, on the wealth creators and the people that create jobs and economic growth in this country.

So I thought I would do another one of my clocks to try to help folks understand the reality of the math. Think about this. We borrow about $3.5 billion every single day, which is actually an improvement from where we've been, but $3.5 billion every day. There's 1,440 minutes in a day. So we were trying to figure out how do you explain how little the Buffett rule does to help us in our debt crisis but how much damage it will ultimately do to our economic growth.

And where this came from is 2 days ago my phone rang, and I had a gentleman from my district who was absolutely insistent that the Buffett rule would solve the debt problem. So we made a clock. And here it is. If you think about how much we borrow in a single day—that $3.5 billion in a day—how much would the Buffett rule, with our math, how much of that day would it cover of the debt? Remember, 1,440 minutes in a day. It would cover 3½ minutes of borrowing in a day. It's fantasy.

So why does the left, why does this President engage in this sort of political theater? Maybe because it's good politics. But it's really crappy math.

And here's the reality of our future, and this keeps coming back, and why we so desperately have to do those things to get our small businesses to start hiring and growing. But we here in the Federal Government, we here in Congress, are going to have to deal with a reality that's coming at us like a freight train. This year, 63 percent of all of our spending is Medicare, Medicaid, Social Security, interest on the debt, veterans' benefits. In 4½ years—so the 2017 budget—75 percent of all of our spending will be what we call the mandatory—the entitlement.

It is consuming us as a people. Your government is very quickly becoming a health insurer with a shrinking army. We need the President to stop pushing policies that attack our job-creation engines. The fantasy of things like the Buffett rule may be great politics but it's not good for this country.

Mr. CHABOT. I thank the gentleman.

Reclaiming my time, the gentleman mentioned the Buffett rule. And maybe I'll talk about that as well very briefly here because I think the gentleman from Arizona did a great job in showing that this is really all about politics, is all this so-called Buffett rule policy is.

There's a gentleman named Charles Krauthammer who happens to be, I believe, one of the smartest, most interesting political commentators or pundits in the land. I saw him talk about the Buffett rule and what a farce it is the other evening, and he illustrated it a little bit differently but it's the same type of illustration. One that brings it, I think, down to Earth.

He had the numbers run on this from a very reputable organization. And if the dollars were collected on the so-called Buffett tax for the next 250 years—so the next 250 years this tax is collected—and he commented that that is longer than the Republic has been in existence, the United States of America. This is longer than our existence. So you collect it for the next 250 years. Do you know how much we would actually collect from that relative to the deficit, which is what this is supposed to do, pay down the deficit? It wouldn't cover last year's deficit alone. So not one year of the Obama deficit would be covered by the so-called Buffett rule if we collected it for 250 years. So it's nothing but pure politics. Don't be fooled by that.

Now, Mr. Speaker, as small businesses across the country fight to make ends meet and stay out of debt, the Federal Government continues to dig itself into a hole with its exorbitant spending habits. Small businesses are burdened with massive regulations brought on by ObamaCare. They're further plagued by the threat of tax increases—significant tax increases—next year, should the relief from the 2001 and 2003 tax cuts be allowed to expire. And that's what some people, particular those on the other side of the aisle, would like to happen. They would like the tax cuts to go away. In other words, if tax cuts go away, taxes go up. And this wasn't on the very wealthy. It was on virtually all Americans—middle class folks, people that take advantage of the child tax credit, and a whole range of people in the middle. And yes, at upper income levels as well.

So a lot of folks would be hit very hard with this, particularly small business folks, because the so-called wealth in this country, many of them are small business folks. Again, as I mentioned before, 70 percent of the jobs in this country are created by those folks. So if you're trying to bring the unemployment rate down, why put additional burden on the people that are actually creating the jobs?

Mr. Speaker, tax issues are the single most significant set of regulatory burdens for most small businesses. A recent NFIB Research Foundation study—the NFIB, by the way, is the National Federation of Independent Businesses—found that 4 of the top 10 small business problems were tax-related. Just this week, struggling families and businesses were forced to give the government more of their hard-earned money to satisfy the hungry appetite of government bureaucracies.

Mr. Speaker, enough is enough. Confiscatory tax rates and fiscal irresponsibility have got to come to an end. Small businesses across the country are fighting to keep their doors open and keep their lights on. It's shameful for the Federal Government to expect these hardworking taxpayers to foot the bill for GSA excursions to Las Vegas and inept corporate schemes like Solyndra while the backbone of our economy, which is the small businesses, continues to suffer. After all, American small businesses are responsible, as I said before, for 70 percent of the jobs that are created in this country. Why do we want to continue to make life so difficult for them? Why are they the target for the left in this House so often?

The America I know is a Nation where hard work creates opportunities for success. After all, that's what our forefathers were seeking in the first place. At the founding of our Nation, small businessowners came to this land to escape excessive taxation and cumbersome regulation. These were families of farmers and builders, traders, inventors, and merchants. It's disheartening that today it's our very own government that's creating the job-killing taxation and regulation.

Our economy is still struggling to rebound from the worst recession since the Great Depression, and we must support the engine that will propel America forward. This engine has always been fueled by hard work and an economic climate that rewards success.

When I'm back home in my district in greater Cincinnati, I make a point to frequently meet with small businessowners to talk about their successes as well as their struggles. I too often hear that the burden of taxes and regulations, coupled with great uncertainty, is keeping these businesses

from growing, and in many cases forcing many of them to close their doors altogether.

That's why I'm a cosponsor of H.R. 9, the Small Business Tax Cut Act. If passed, this legislation would amend the Internal Revenue Code to allow American businesses a tax deduction of 20 percent. This is common sense. It's a fair bill that would help small businessowners to keep more of what they have earned to invest in expansion and hiring. That's the important thing—hiring Americans who now need those jobs.

□ 1800

We still have over 8 percent that are unemployed. I urge my colleagues to support this critical legislation that will be a shot in the arm to small businesses across the Nation. If there are any of my colleagues that would have any additional things they would like to say, we would welcome them at this time.

May I ask the Speaker how much time we have remaining.

The SPEAKER pro tempore. The gentleman from Ohio has 16 minutes remaining.

Mr. CHABOT. One of the other issues that we haven't covered too much here, and let me talk about this very briefly, is the impact that the high cost of energy, gasoline in particular, what kind of difficulty that's causing small businesses across the country, because I hear this all the time from my small business constituents. It's not surprising that energy prices, and gas prices in particular, have been going up so much. They're double—the gas prices alone at the pump are double what they were when the Obama administration took over, and that's most unfortunate.

But it's really not surprising when you consider the person that President Obama appointed to be the head of energy in this country. The chief mind about energy and what we should do about it is the Secretary of Energy, Steven Chu. Steven Chu a couple of months before President Obama appointed him to that position said that it was his goal, what we ought to try to do, what we ought to strive for, is to raise the price of gasoline in this country, energy costs, prices of gasoline, for example, to European levels. Think of that.

Now they've got approximately, it depends on the country you're talking about, but it's around $9 a gallon—they do liters over there—but it's about $9 a gallon. Now we're not there yet, but, unfortunately, we're well on our way. It's approaching $4 back in my district in Cincinnati. Here in Washington, just the other day, I had to fill up, and it was about $4.50. So we're not quite there yet, but we're approaching that. It's just unbelievable that we're in this state.

But really I guess it shouldn't be surprising when you consider that the person that President Obama put in control of our energy policy here in this country said that it was his goal to get energy prices up to European levels. As I say, unfortunately, we're well on our way.

Those gas prices, that's what the delivery trucks have to pay, the small business folks that are delivering things to towns, or getting products from other manufacturers. When they come in, they cost more. So they can't charge the consumers as much; or if they do, they drive those consumers away. So it's a vicious circle. We need to get energy prices down in this country, and, unfortunately, they're on their way up.

Another, I think, terrible mistake that this administration has made is to basically shut the door on the Keystone pipeline. This is oil sands from Canada, our friendly neighbor to the north. Our largest supplier of petroleum, by the way, is Canada. And this is a pipeline that would mean a significant number of jobs here in the United States, tens of thousands of jobs. And if we ever needed jobs, we know it's now. And those are good-paying jobs. Many of them are union jobs. But the President has decided that, no, we're not going to make this decision until maybe after the election. So tens of thousands of jobs are at risk here.

Canada has been pretty clear about what they're going to do. If we're not going to accept the oil in our country and build the pipeline, it's quite likely that they'll go ahead and build the pipeline through Canada to British Columbia and ship that oil that ought to be going to the U.S. to China, who is one of our biggest competitors in a lot of ways. And if you know anything about China, the environmental controls that they have over there are far weaker than what we have in the United States.

So if your goal is to make sure that you're protecting the environment—and that's what many of the President's allies, the really radical left-wing environmentalists who are fighting against the Keystone pipeline—if you buy their argument, what they're saying is they want to protect the environment by not having that oil come down here and be refined in the gulf. But the controls we have here are much stronger than what they are over in China. So you're not protecting the environment at all or climate change or anything else if you're going to allow them to spew out what they usually do in China when they handle refining and manufacturing oftentimes and a lot of other things.

We all know how the administration supported an organization like Solyndra and how much tax dollars were wasted there. And it goes on and on. So the energy policy in this country by this administration is impacting consumers. It's impacting you and me and anybody who goes and fills up at the gas pump nowadays. But it's also adversely impacting small businesses and job creation.

Another way that this administration, I believe, has made a mistake which is causing these high prices is to continue to keep off limits much of the Outer Continental Shelf. The gulf, the moratorium, was disastrous for jobs in the gulf region after the spill down there; and, yes, it should have been investigated very thoroughly. But a lot of those oil derricks ended up leaving that area. They couldn't hold out with that cost, the expensive capital costs over 6 months' period of time, so they ended up off the coast of Brazil, for example.

And the President famously said, We'll be happy to buy your oil, Brazil. Well, we can look at oil all around the world, but we ought to be self-sufficient. And the President said he was interested in being energy self-sufficient in this country, but his policies are anything but that.

So he continues to put off limits much of the Outer Continental Shelf. We had the disaster in the gulf, and ANWR up in Alaska the administration has continued to put off limits. Now, we need to do all these things in an environmentally safe manner. And we have the ability to do that now. But, again, this administration has shut this down. That's affecting all of us in higher and higher gas prices. So it's long overdue for this administration to take a look, a long hard look, at what their policies are doing to the country and to reconsider this, to allow us to go after oil that we have available to us, clean coal, natural gas, and a whole range of fuels that we have here in this country so we don't have to be buying that from countries that oftentimes don't have our best interests at heart.

It sends a lot of money over to regions and countries where, unfortunately, a lot of terrorism that has endangered the world and endangers us has come from. So those dollars aren't always spent in a way that's going to help the United States. So, it's time for the administration to turn its policies around.

Mr. Speaker, without further ado, I will yield back the balance of my time.

□ 1810

HIGHER EDUCATION AFFORDABILITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Connecticut (Mr. COURTNEY) is recognized for 60 minutes as the designee of the minority leader.

Mr. COURTNEY. Mr. Speaker, I appreciate the opportunity to spend some time on the floor this evening. I will be joined by other colleagues, we anticipate, to talk about an issue which is front and center for millions of families all across the country.

As my poster next to me indicates, there is actually a very critical deadline that's approaching this country in terms of the issue of higher education

affordability, about helping families pay for college, one of the biggest challenges that middle class families face today.

Back in 2007, Congress made a very positive, progressive move when it enacted the College Cost Reduction Act, a measure which addressed issues that had been long neglected by prior Congresses in terms of helping students and families pay for college. The College Cost Reduction Act, in particular, took aim at the Stafford student loan program, a loan program that helps lower-income and middle-income students pay for college. It's a program which has been on the books since the 1960s; but over the late 1990s into the early 2000s, the interest rate in the Stafford student loan program had fluttered upwards to 6.8 percent, almost the same levels at what private banks were offering for student loans.

The College Cost Reduction Act in 2007 correctly moved forward to cut the interest rate for that program to make it more affordable for students, again, who are facing ever rising tuition increases in both public and private universities and colleges—2-year programs, you name it—all across the country. As a result of that measure, which passed by a bipartisan vote in this House—we had 77 Republicans who joined the Democratic majority that was in control at that time—it was sent to the Senate. Approximately two dozen Republicans voted in favor of the Stafford student loan program, and it was sent to President Bush, who signed it into law. That measure has helped 15 million students with lower interest rate costs pay for college.

That measure was sunset. It had an expiration date of July 1, 2012. As my poster indicates, that's a date which, today, is 73 days away for families and students who today are trying to budget for next year's school year. That deadline will, in effect, return the interest rate back to where it was back in 2007. It will double the interest rate from 3.4 percent to 6.8 percent unless Congress acts.

President Obama, during his State of the Union Address, alerted this Congress and the Nation to the fact that at a time when student loan debt now exceeds credit card debt and car debt, we must, as a Congress, move quickly to make sure that we lock in that rate at 3.4 percent; otherwise, students who use this program, it's been calculated, will have added debt levels of between $5,000 and $10,000.

Now, in terms of the stakes that exist right now for what that means, this chart—which is from a figure that was produced by the Federal Reserve Bank of New York—shows again, vividly, the challenge that we face as a Nation, that student loan debt now, as I mentioned earlier, exceeds credit card debt. It exceeds car loan debt. For many families, particularly if you're talking about going to a 4-year private college, it literally is like buying a house to try and figure out ways to pay for college.

So if we do not act, if we do not lock in that lower rate of 3.4 percent between now and July 1—the 73-day deadline that we face, literally, as we stand here today—we will, in fact, compound that bar graph which shows, again, rising debt levels for students who are trying to pay for college.

The stakes could not be bigger for our Nation.

Back in the 1980s, America was number one in terms of graduation rates across the world. Today, the national College Board—which tracks this data and has been doing it for decades—reports to us that the U.S. now ranks 12th in the world in terms of graduation rates. That is a dynamic for mediocrity. That is a dynamic that says that our country is not going to be able to produce the workforce that we need for the future in terms of facing all the technological challenges, all the competitive challenges that we face as a Nation. We here in Congress have that power within our hands to at least avoid worsening the situation that, again, has now, in my opinion, reached epidemic, critical proportions in terms of this country's capacity to refresh its workforce.

The Republican majority has leadership which recently talked about this issue. The chairwoman of the Higher Education Subcommittee, when asked last week on a radio program about the issue of student loan debt, basically stated very clearly that she has very little tolerance for people who tell her that they graduate with $200,000 of debt or even $80,000 of debt because there's no reason for that. Well, this morning's Wall Street Journal had a very long story about a couple who are exactly in this predicament, where they are carrying $74,000 of student loan debt, making monthly payments of approximately $900 a month. The headline basically is that student loan debt is deferring marriage and children for young people.

Frankly, that is an issue which is being compounded in terms of young people being able to go out and look for work and not be haunted or burdened—almost smothered and buried—by student loan debt. That affects the vitality of our economy. It affects, really, the career path of many of our young people who, at that point in life, really should be maximizing their attempts to really experiment and to innovate and to be, again, the leaders of a new generation in terms of taking this country to new heights.

This is a sad statement of the priorities of the majority that's controlling this Congress, which, again, at a point where we literally have before us in 73 days a choice to make in terms of whether or not we are going to avoid this explosion in interest rates, we have a leadership which basically says they have no sympathy or tolerance.

You know, as we're sitting here tonight, Capitol Hill is being visited in Members' offices hour after hour by organizations like dental students, nursing students, folks who, again, are very excited about starting their careers and have issues about policy that we're taking up here in their different professions. In each instance, when you asked a dental student, ''Well, what kind of student loan debt do you have?'' or a nurse anesthetist, ''What kind of student loan do you have?''—and they were in my office a couple days ago—in every instance, their debt levels exceeded the levels that the chairwoman of the Higher Education Subcommittee was talking about.

We need a Congress which is not out of touch with middle class families and young people in this country. We need a Congress which is ready to move forward with the need to lock in that lower interest rate so that, again, we do not compound this problem of student loan debt skyrocketing in increases.

There is legislation which is pending, H.R. 3826, a measure which I introduced, and now we have over 120 cosponsors in the House Democratic Caucus—I'm joined here this evening by some of the folks who have joined in that effort—that would lock in that rate, that would say that, You know what? This is a priority that really matters in terms of the future of this country, which is to invest in young people, to help middle class families deal with, again, probably as big a challenge as either buying a home or trying to save and prepare for retirement.

For us, at a time when the Federal Reserve is lending money almost for free, when home mortgage interest rates are about 3.1 percent for a 30-year mortgage and even lower for a variable rate, to say that we are going to stand here and turn our backs and allow interest rates for the Stafford student loan program—one of the workhorse, bedrock programs for middle class families to pay for college—to go from 3.4 percent to 6.8 percent is unconscionable. It is unforgivable. We cannot let this happen.

Here this evening on the floor I've been joined by some Members who agree and have been working hard on this issue back home, getting the word out in their States, and also have cosponsored this legislation and have joined us to talk a little bit about this issue from their perspective.

Congressman CICILLINE from Rhode Island was here first, and I am pleased to yield to my neighbor from Rhode Island. Thank you, sir, for joining us here this evening.

Mr. CICILLINE. I thank the gentleman from Connecticut for his extraordinary leadership on this issue, which is important to Rhode Island, but really important to students all across our country.

I think one of the things that has struck me during this debate about this issue in the last several weeks as we've tried to bring attention to this issue is that this is really a moment in the history of our country where we

need to recognize—maybe more than anytime at least in my lifetime—the urgency of investing in education and of ensuring that young people have access to a quality education.

The idea that we're in a position to prevent interest rates from doubling for those who are benefiting from Stafford loans and that this Congress seems poised not to do anything about it, to me, is, as you said, unconscionable.

There was a report that was done recently, the Georgetown University Center on Education and the Workforce. They found that over the period from 2008 to 2018, about 47 million job openings will be created; and of that, more than 30 million of these jobs will require at least some level of postsecondary education.

So this is the reality for our country, that we have got to realize if we're going to create jobs and be sure that we have young people who have the skills necessary to fill those jobs in this new knowledge economy of the 21st century, we have to make it easier for people to access higher education, not more difficult.

□ 1820

And Congress wisely cut the rate in half from 6.8 percent to 3.4. We have to make sure it stays there.

Now, I come from a State that brought us the great Senator Claiborne Pell, who was the creator of the Pell Grant, which created and continues to create hope and opportunity and access to education for millions and millions of Americans, really unlocking opportunity and keys to success.

We all understand that not only the student benefits from that education, but we all benefit. The community benefits when we have a well-educated group of young people that are making new discoveries, that are finding cures for diseases, that are inventing new products, that are building productive lives to support themselves and their families.

And this is a moment when we have to be sure that we're protecting families from the consequences of this kind of interest rate increase, doubling, as you just said, Representative.

The United States Public Interest Research Group says that without congressional action, borrowers who have taken out the maximum $23,000 in subsidized student loans will see their interest balloon to an additional $5,200 over a 10-year repayment and $11,300 over a 20-year repayment. So this is a huge increase for families, many of whom in my State, where we continue to have very high unemployment, the second highest in the country, where families are struggling with the consequences of the housing crisis and difficulty finding work, this cannot, we cannot allow this to happen. It will cause incredible hardship for families in Rhode Island and my district.

I was recently at Roger Williams University and at several other universities in my district meeting with young people. All were concerned about will Pell Grants continue, will we be able to protect Pell Grants, and what's going to happen when they graduate and have student loans. Are these kinds of interest rates going to be in existence, which are just not affordable to young people.

And the idea that we have 73 days, you know, this is a moment where we can demonstrate we can get something done. My friends on the other side of the aisle don't seem interested in addressing this issue which, for Rhode Islanders, and I know you recently had an event in Connecticut, and I know many of our colleagues around the country doing this, we've got to rally young people to demand that the legislation which you sponsored, H.R. 3826, and which I'm proud to be a cosponsor of, and my Senator, Senator REID on the Senate side is the lead sponsor, we've got to demand that Speaker BOEHNER bring this to the floor for a vote.

Our colleagues need to hear from their families in their districts, from young people all across this country. This is about our own investment in our future as a country, that we benefit from young people who have access to higher education. At a time where our economy is still recovering, we can't allow interest rates to student loans to double.

I'm going to continue to fight very hard. I thank the gentleman for his leadership on this. I hope that we will continue to beat the drums on this for the next 73 days till we force some action here on the floor of the House for the sake of the young people in this country and for the sake of our future as a thriving and prosperous democracy.

I again thank the gentleman for the opportunity to speak to this issue tonight.

Mr. COURTNEY. Thank you, Congressman CICILLINE. And I'm glad you mentioned Senator REID. Actually, we had an event in front of the Capitol a couple of weeks ago where Public Interest Research Group dropped off 130,000 petition signatures from college campuses all across America, and they are going to go out and get even more because, as I said, 15 million college students benefited from that rate cut in 2007; 8 million will be impacted if we do nothing with higher interest rates.

Someone who can speak on this issue as knowledgeably as almost anyone, literally, in the House or Senate, in the U.S. Congress is Congressman BISHOP, again, my neighbor across Long Island Sound in the State of New York. Again, thank you for joining us here tonight, TIM, and I yield to your comments.

Mr. BISHOP of New York. Thank you very much for the opportunity, Congressman COURTNEY. And let me begin by commending you for being the sponsor of H.R. 3826. I'm proud to join you in that effort, and over 100 of our Democratic colleagues have joined in this effort. And I find it both distressing and, frankly, shocking that we don't have a single Member from the other side of the aisle who cares about students and wants to see the student loan rate maintained at 3.4 percent.

Let me start with a statistic that ought to give pause to everyone who cares about the future of our country. We have fallen from first to 15th in the world in the proportion of our population ages 23 through 35 that has a college degree. In an intensely competitive global marketplace, we are going to continue to struggle if we do not have the educated populace that we need to have to compete in that global marketplace. And if we continue to make it more difficult for students to go to college, that's precisely the outcome that we'll have.

And so, at the very moment when we ought to be doing everything that we possibly can to facilitate college enrollment, we are, in fact, in the House of Representatives, being led by people who are taking us in the exact opposite direction.

The student loan issue is crucial. As you say, we have 73 days to act before students take on a significant additional hardship, doubling the interest rate.

But look at what the House Republican budget that has now been passed twice in this Chamber, once before Easter recess and as recently as yesterday, look what it does to higher education. It cuts funding for the Pell Grant program, as Representative CICILLINE said, the core program, the core student financial aid program that came about as a result of the leadership of Senator Pell. It cuts it by $104 billion over 10 years, $104 billion over 10 years at a time when we're trying to facilitate college enrollment.

It will render 18,000 students in my home State of New York ineligible for Pell, students who are eligible for it now who won't be eligible for it next year. Across the country, 400,000 students who are eligible for Pell now won't be eligible for it.

And at the very time that the Republican leadership of the House of Representatives is proposing that, they are also proposing to make it more expensive for students to do the only thing they could do to replace the dollars they're going to lose from Pell, and that's borrow. So we're going to hit them both ways. We're going to take away non-repayable assistance, grant assistance, and then we're going to make it more expensive for them to borrow. And it's just simply wrong.

We ought to be about opportunity in this country. And when I hear a Presidential candidate talk about how the desire to send more students to college is elitist, it, frankly, gives me great pause. And if we look at the history of higher education in this country, before World War II and the GI Bill, it was elitist. And then with the advent of the GI Bill and then the community college, higher education became egalitarian. And it's what built the great

middle class in this country. It is what has allowed us to thrive and become the strongest and most prosperous Nation in the world.

We cannot afford to take a step back; and this dual effort to both diminish Pell, significantly diminish Pell, and then make it more expensive for students to borrow, the consequence of that will be to move us backward at a time when we need to be aggressively charging forward.

Mr. COURTNEY. I thank the gentleman.

Again, someone who's been a leader on this issue, first sponsor after we introduced the bill is Congressman GARY PETERS from Michigan, so we're not all from New England and New York on the floor here this evening because this is a national issue; and thank you for joining us, Congressman PETERS.

Mr. PETERS. Thank you, Mr. COURTNEY, for yielding some time. And you're absolutely right: this is a national issue. Certainly in my home State of Michigan, it is an issue of incredible concern to people and young people and older folks, as well, that have been saddled with these debts over the years that are coming to me saying, you know, How can this happen? How can we be in a situation where interest rates are going to double when you look in the papers and you go to the bank and you see the banks basically pay no interest to anybody if you're trying to save money. The Treasury bonds are at a couple of percent. You've got mortgage rates at 4 percent, and yet these rates are going to be doubling to 6.8 percent.

It just defies logic that we even have to be here debating this for an issue that is so important to millions of Americans who will be impacted either directly or a member of their family that has to deal with these loans and these high costs.

And the thing that is really so tragic and so sad is that it is because of congressional inaction. We have the power to do it. It is very simple for us to make this change, to lock in these rates at 3.4 percent. And yet our colleagues on the other side of the aisle turn a blind eye and refuse to take the action that is necessary to help all of these young people and others that are going to be saddled with these additional costs.

And it's going to have an incredible burden, not just on their families. But it will actually have a major impact on the economy as well. We have all heard stories of folks who have to pay these loan amounts, these monthly payments that are very large and, as a result of that, people are postponing marriage, they're postponing buying a new automobile.

As a gentleman who represents the State of Michigan, I don't want to discourage anybody from purchasing an automobile and having the transportation they need. And yet young people are forced to do that because they have these loans that are now going to become even more expensive.

□ 1830

It also means buying homes and starting to live that American Dream and being able to make those kinds of investments that are being postponed.

So this inaction from Congress, in addition to being a big burden on many families, will actually slow down the economic recovery as well. Our focus here should be about jobs; it should be about the economic activity, strengthening that; and it should be about helping middle class families and working families be able to pursue that American Dream.

Mr. COURTNEY, I think you'll agree that we're kind of facing a perfect storm right now when it comes to this issue—and not just in this interest rate. We're looking at the fact that a growing number of high school seniors are now going into college. We also have increased unemployment and underemployment so that more folks are going back to try to get an education, to get the skills that they need in order to get those jobs. As a result of that, they need to be taking on loans. Otherwise, they aren't going to be able to afford that education. At the same time, we've got folks trying to better themselves and pursue their dreams.

We see college costs continually escalating. It's getting increasingly expensive for most people to be able to afford college. It's certainly not something that most people can do just by writing a check. Their families don't have that kind of money. It is just way too expensive. I know that we heard from one of the Presidential candidates who said this is a government subsidy to have a loan to help children go to school. I know that particular Presidential candidate never had to worry about paying for anything. He had very rich parents. He's very, very wealthy himself. He doesn't really face what most American families face, which is that, in order to pursue a college education today, you need to have a loan. It is very difficult to do it without taking that loan.

So the fact that we are standing here just 73 days away from when nearly every family in America is going to find that it's going to be harder to afford college I think is unconscionable. As we talked about what this means to put this in dollars and cents, this increase from 3.4 to 6.8 percent means it's about $11,000 more for the average family over a 20-year loan. It is $11,000 for an individual to be able to pay that loan back. It makes no sense, as I mentioned in my beginning comments, at a time when Treasury rates are at 2 percent and when mortgage rates are less, that the Federal Government would be charging 6.8 percent to these individuals.

We also know that the affordability of making these payments is becoming more difficult as new graduates are going into a weak employment market right now. Wage levels are lower. In fact, we've seen that the median wage for college graduates has gone down nearly $10,000, since just 2009, to about $37,000. So, with the median wage of $37,000, having an additional cost of $11,000 over the 20-year life of a loan is something that is a huge burden for a family, especially young families, trying to become established and move forward.

I think we have a couple of policy options here as Members of Congress. Certainly, first off, we want to make sure that young people who are going into college have all the facts and understand what sort of obligations they're getting into when they take out these loans and incur these debts. I am, certainly, very pleased with the Consumer Financial Protection Bureau, which we both fought for very aggressively to put into effect here in this country in order to protect people from predatory practices, particularly related to debt, in that it is now launching a new tool to help families.

I would encourage anybody who may be watching tonight to go to the Web site and look at those tools, which will help them really get a better handle on how much they will need to borrow to go to school, how much they'll have to pay back and really what those monthly payments are. If we can, we want to equip folks with information that helps people from getting in trouble, that helps them understand how they have to manage that debt; but while they are doing that, we certainly have to make sure, in addition to that financial literacy, that we're making sure that these costs are not onerous. By doubling this rate in just 73 days, by doubling the rate, it is something that we cannot tolerate.

I hope that we can convince our colleagues on the other side of the aisle that they need to be engaged in this debate, that they need to know that families back home are going to be suffering as a result of our inaction or, I should say, as a result of the unwillingness of some of our colleagues not to do our jobs, which is to stand up for our constituents back home.

So I will say that I am very proud to stand with you on this legislation, H.R. 3826. I certainly hope that as folks are watching here tonight that they will realize they need to contact their individual Members of Congress and make sure that their voices are heard: that they cannot handle additional college tuition loan payments. It is something that they're not going to be able to handle. It's going to put them in a very difficult situation. But with action—if they get on the phone, email, contact their Members of Congress—and in letting their voices be heard, hopefully, in 73 days, we can avoid what is going to be a certain hardship.

Mr. COURTNEY. Mr. PETERS, as to your comment about why this should not be a partisan issue, I just want to reiterate the fact that when we cut the rate back in 2007, 77 Republicans in the House voted with the Democratic majority to implement that law, and

there were over two dozen Republican Senators in the Senate who voted for it. George W. Bush signed it into law.

Ironically, the Stafford student loan program, which we've talked about a lot here this evening—and a lot of people are familiar with it, but some, I think, would be interested to know—was named after a Republican Senator, Robert Stafford from Vermont, who was a passionate advocate for education just like Senator Pell from Rhode Island was. This, again, used to be an issue that was nonpartisan totally. Abraham Lincoln was the force that started land-grant colleges in the middle of the Civil War. I mean, it's amazing to think about that, that he just had such vision during the worst conflict in American history to say, you know, we still need to be investing in the future of this country and so started the land-grant process. Stafford from Vermont was another guy who certainly represented a party that, at that time, would have easily understood the fact that we cannot create new barriers at a time when historic levels of debt are rising to a point which exceed credit card debt and student loan debt.

Mr. BISHOP, in your experience as a college administrator, you know. I mean, we are now in late April, and kids are literally getting notices from colleges in their mailboxes today. People are going to have to start planning in terms of how to pay for college. Again, notices are already being sent out to people, saying, you know, you may or may not have this rate right now. So it's changing family decisions literally by the inaction. Frankly, we should not have to wait 73 days. We should do this this week. We shouldn't go home until this gets done, because families need to have some horizon in terms of planning a decision that literally is almost as big as buying a house.

Then I know, Mr. CICILLINE, you were up on your feet, and I just want to keep contact.

Mr. CICILLINE. I just want to say that I think one of the things that we sort of recognize and are very proud of as Americans is that we have always revered our system of higher education and that we have always understood that people's ability to access education is part of, for many young people, the way they help to realize the American Dream for themselves and their families. We've always prided ourselves as a democracy on this mobility: that no matter who you are, if you want to and if you work hard enough, you can go to college and you can afford to, and then you can build a better life for yourself and your family. This mobility is really a key part of the American success story.

I read recently a piece in The Times about our living in a time now when that mobility is really being threatened, and college access is part of that challenge. If we are going to preserve the mobility that has made this democracy so strong and so great, we have to be sure we protect access to higher education for the young people who are pursuing it.

It's not only that it's going to be this incredible hardship on families, but we're going to be crushing the dreams of many young people. As you said, as they're getting these decisions in the mail, some young people are going to have to decide, you know, I can't go to the college of my choice. I can't pursue this dream I have because I'm not going to be able to afford to pay back these loans at these interest rates.

We're going to be crushing the dreams of young people. As you said, we can fix it. This is easy. This is something we can do by congressional action, and we should do it. We shouldn't wait 73 days. I was always taught—I think we were all taught—that education is the key. I come from a State that understands that. As I said, it's the home of Senator Pell. We understood education to be the key to success as well as the access to education for our own futures and the futures of young people. We've got to fix it. This is wrong. It's going to hurt families. It's going to hurt our economy. We've got to take action.

Mr. BISHOP of New York. I want to pick up on a couple of points but certainly on the point, Congressman COURTNEY, that you made with respect to students who are making decisions right now. I mean, they were notified of their acceptances between April 1 and April 15, and they've got to respond to the colleges that accepted them between May 1 and May 15.

□ 1840

They are making life-altering decisions right now. And we here in the Congress, I believe, have an obligation to give them the information they need to have in order to make informed decisions. If they're going to have a significant additional repayment burden upon graduation, that's going to affect their decisions. If a student has excelled and worked hard and gotten into the college of his or her choice, for them not to be able to accept that offer of admission in part because we haven't given them the information that they need, that's unconscionable.

The other point I would make is that governing is about choosing. What we're talking about here is an increase of $550 a year over the life of a 20-year repayment for 7.5 million students. If anyone walked into this Chamber and proposed a $550 tax increase on an annual basis for 7.5 million people, our friends on the other side of the aisle wouldn't discuss it, wouldn't hear it at all, and yet they are willing to sit silently by while we're going to impose that very kind of payment increase on 7.5 million students.

The last point I would make is that there is this myth that increased availability of student financial aid drives up college costs, and it is one of the arguments that is made. When people argue for reducing access to student aid, they say that if we reduce access to student aid, college costs will at least moderate, if not come down, because that is what is allowing administrators to raise prices. It is a myth that has absolutely no basis in fact. It is insidious, and it is damaging because it drives the kind of decisionmaking or priority-making that we're seeing here in this move to reduce Pell, this move to increase student loan rates.

The principal driver of student costs right now is diminished support from State and local government. We are funding public higher education, per FTE, at the lowest level we have funded it in 25 years. That's what's driving college costs. Seventy percent of the students in this country go to publicly supported colleges. Publicly supported colleges are increasing at a rate of 8½ to 9 percent a year because the funding for FTE from the State government or from local government, in the case of community colleges, is going down. That's what is driving costs. If our response to that increased need is to say that's not bad enough, we're going to make it even worse, we're going to take away Pell, and we're going to make your student loans much more expensive, we're going to rue the day we did that because 5 years from now, 10 years from now, 15 years from now we're not going to have the educated workforce we need to have to drive this country forward.

Mr. COURTNEY. Just for our viewers, FTE is an acronym.

Mr. BISHOP of New York. Full-time equivalent student.

Mr. COURTNEY. Again, a true college administrator.

Mr. CICILLINE. Mr. COURTNEY, I was just wondering. You talked about how the interest rate was cut in half by the prior Congress, which was obviously very important for young people and for families, and how the Stafford Act was created and named after Republicans. So this was done in a bipartisan way, which reminds me that I just finished reading a book called ''An Uncommon Man'' about Senator Pell. In fact, it recounted some of the bipartisanship that existed. I'm wondering what your sense of it is. Why was it that access to higher education seemed to enjoy bipartisan support as recently as a year or two ago when the rate was cut? Certainly the importance of higher education and access to college remains urgent and important. The economy has become more competitive, not less. So what has caused this sort of willingness of my friends on the other side of the aisle to turn their backs on young people? What do you think has changed?

Mr. COURTNEY. Congressman BISHOP was around before the 2006 election and was there when we passed the 2007 College Cost Reduction Act. I believe, frankly, that it is because there was an unprecedented boost in involvement by young people. The 18- to 29-year-old voter turnout in 2006 was a

historic high for a midterm election. Frankly, it did slip in the last cycle.

When I'm out at the University of Connecticut or other State universities in higher education, I tell that story about how in 2006, the issue of higher education was front and center. It was an issue that was a national issue in the 2006 campaign that we put forward to cut the interest rate. And frankly, I think the power of that issue and the message of that election from young voters turning out in record numbers basically kind of shook this place up, and people recognized that they've got to start doing something for higher education. I think in 2010, there was a bit of a slip and this issue kind of lost focus.

Again, I think as we get closer to this incredible doubling of interest rates on July 1—when I talk to people back home when I've done a number of events like you and others have, people greet that with absolute disbelief because they know how mortgage interest rates are, they see what banks are getting from the Federal Reserve, they see what the Treasury bonds are selling for. To say that this one segment of the economy—college students—is going to have a 6.8 percent rate in terms of a loan program is totally unacceptable. That's why, I think, this event we're doing here this evening—and certainly the efforts from PIRG with 130,000 petition signatures—is a way, again, that we can shake this place up again and avoid this catastrophe.

Mr. BISHOP of New York. I would absolutely agree.

I would also observe that when we passed it for 3.4 percent, it was at a time when this Congress was less racked by the partisan antipathy, frankly, that seems to have taken over our Congress. This is an example of that. We have just lived through the last several weeks of perhaps the greatest example of that. We've taken something that historically has sailed through this Congress on a bipartisan basis with little or no objection—the surface transportation bill—and we have been unable to pass the surface transportation bill in this House. It's an embarrassment.

In 2004, I believe it was, or 2005, we passed a surface transportation bill written by Chairman DON YOUNG, Republican of Alaska. It was a very good bill. We passed it with, I think, 30 dissenting votes. And it was written with bipartisan involvement and bipartisan support. That's gone away. I think when we were able to pass the legislation that did the student loan reduction in interest, we had bipartisan support, we had bipartisan involvement. And I hope perhaps this is the issue around which we can coalesce and bring it back, bring back that kind of bipartisan cooperation.

Mr. CICILLINE. I hope that what you're speaking about, kind of the young people of our country, not just the students, but the families of students who are affected—I was at a Portuguese social club recently, and a woman constituent of mine, a single mom, said, I have three children, and this question of what's going to happen to student loans and whether or not their interest rate is going to go up is important.

This is an issue not just for the students but for the whole family. I'm hoping that young people and families who are affected by this issue, which are obviously millions of Americans, will reach out to their Members of Congress and be sure their voices are being heard in this discussion because, I think, that's our only hope that there be sort of a national movement. I know U.S. PIRG is helping to really bring pressure on our Speaker and on our colleagues on the other side of the aisle to take the legislative action that will correct this.

The point we have to really underscore is it's not just for the student; it's for the sake of our country. Our young people are competing not just with a person in Connecticut or New York; they are competing with people all over the world in an increasingly global and competitive economy. We owe it to them to ensure that they have access to the best quality education we can provide. The interest rate doubling on their loans is clearly an impediment to that. We owe it to them, but we owe it to ourselves as a country.

So I thank you again.

Mr. BISHOP of New York. If I may just pick up on that point.

In President Obama's State of the Union address of January 2011, he said that in order for us to win the 21st century, we have to out-build the rest of the world, we have to out-innovate the rest of the world, and we have to out-educate the rest of the world. The innovation piece and the education piece is all about access to higher education.

This is about our future competitiveness. This is about our future economic stability and economic security. It's about filling the jobs that the economy of the 21st century is going to create. The economy of the 21st century is going to create jobs that require post-secondary training. If we make it more difficult for students to access that training, those jobs are going to go unfilled, and our economy is going to continue to struggle.

Mr. COURTNEY. I can give a local example of an employer in our area, which Mr. CICILLINE knows well—and so do you, TIM—which is Electric Boat, which has a new design project where they're going to be hiring about 300-plus new engineers and draftsmen.

□ 1850

They are scouring the countryside trying to find mechanical engineers. Again, these are high-value jobs. The fact of the matter is that it's a struggle out there to get these folks with hard science degrees for, again, really good openings that exist in our economy right now. They're going to get there. There is no question that's going to happen.

The fact of the matter is that opportunities like that are going to definitely continue to grow as this economy heals and recovers. We want to make sure these young people, again, have not been discouraged from having that chance to take hold of that opportunity when that time comes because of really just the indifference of this body to deal with an issue which, again, just goes to the heart of creating opportunity.

This chart, sadly, when we started it, it was 75 days when the rate was going to go up. Obviously, yesterday, it was 74, today is 73. We are going to continue to make sure that this countdown clock is front and center before the people of this country so that they know that here in this body we have control of this issue, direct control of this issue. Many other issues are so complex and affect a small part of the economy and the country. This is a broad-based issue that affects 8 million college students across America that we have a set deadline. Either we do it or we don't and, again, this colloquy this evening, again, I think is going to be part of the effort to build the noise to make sure that we do it.

Mr. BISHOP of New York. I couldn't agree more. Again, I want to commend you for your leadership first in filing the bill, generating over 100 cosponsors that the bill has, organizing this Special Order tonight. This is a very, very important effort.

One last thing I will say. I will say to the students of America, what I have found is the most compelling effort of advocacy that individuals can put forward is to put a human face on the consequences of our failure to act. If the students all across this country could make their Members of Congress aware of what this is going to mean for them, both in terms of their repayment and the future students in terms of the choices they are going to have to make, I think the decision we need to make will become a lot easier for many of our colleagues to make.

Mr. CICILLINE. I too want to thank the gentleman from Connecticut, and I hope that we will all do everything we can to keep this issue alive over the next 73 days. As you said, JOE, it's not something that has a complicated answer. We can fix it.

You have introduced the legislation. Many of us have cosponsored it to fix this problem. I think the more Members of Congress and our colleagues hear from young people and their families about the real-life impact in the coming week in Rhode Island, we are going to organize an event around this and with young people and their families to really put a human face on what the consequences of the doubling of these Stafford loans would be, what the impact would be for families.

If everyone does that, the voices of young people and their families have to

be heard and represented in this Chamber. I really want to salute you for your extraordinary leadership and leading the charge tonight, but also being a leader in our country on this issue.

Mr. COURTNEY. Well, again, I think you are going to have a really powerful event when you do that. Again, I think the media who have been covering this issue, in many instances they either have children in college or they themselves are still carrying student-loan debt. This issue touches really just a huge cross-section of the country.

To say and to point out the fact which, again, a lot of people aren't aware of, interest rates are going to double on July 1 from 3.4 percent to 6.8 percent unless Congress acts. Again, it is something that people just can't even comprehend the fact that at this moment in the economy, when interest rates are so much lower across the board, that this one segment, college students, particularly entering college students, kids who are in high school today, frankly, have almost as much, if not more, at stake than kids who are presently enrolled in college to make sure that this place hears their voices and listens and, most importantly, acts to avoid this totally unwarranted increase in college borrowing costs from a program which has a proud bipartisan history. Thank you both for joining me here this evening.

I look forward to getting a bill signing soon to protect these interest rates.

I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. NAPOLITANO (at the request of Ms. PELOSI) for today and April 19 on account of a family medical emergency.

PUBLICATION OF BUDGETARY MATERIAL

REVISIONS TO THE AGGREGATES AND ALLOCATIONS OF THE FISCAL YEAR 2013 BUDGET RESOLUTION RELATED TO LEGISLATION REPORTED BY THE COMMITTEE ON WAYS AND MEANS

Mr. RYAN of Wisconsin. Mr. Speaker, pursuant to sections 404 of H. Con. Res 34, the House-passed budget resolution for fiscal year 2012, deemed to be in force by H. Res. 287, and 503 of H. Con. Res. 112, the House-passed budget resolution for fiscal year 2013, deemed to be in force by H. Res. 614, I hereby submit for printing in the CONGRESSIONAL RECORD revisions to the budget allocations and aggregates set forth pursuant to the budget for fiscal years 2012 and 2013 as set forth under the provisions of those resolutions. The revision is designated for the Small Business Tax Cut Act of 2012 H.R. 9. A corresponding table is attached.

This revision represents an adjustment pursuant to sections 302 and 311 of the Congressional Budget Act of 1974, as amended (Budget Act). For the purposes of the Budget Act, these revised aggregates and allocations are to be considered as aggregates and allocations included in the budget resolutions, pursuant to sections 101 of H. Con. Res. 34 and section 101 of H. Con. Res. 112.

BUDGET AGGREGATES

[On-budget amounts, in millions of dollars]

	Fiscal Year		
	2012	2013	2013–2022
Current Aggregates:			
Budget Authority	2,858,503	2,793,848	(1)
Outlays	2,947,662	2,891,589	(1)
Revenues	1,890,365	2,293,339	32,472,564
Change for the Small Business Tax Cut Act (H.R.9):			
Budget Authority	0	0	(1)
Outlays	0	0	(1)
Revenues	−12,526	−32,174	−33,424
Revised Aggregates:			
Budget Authority	2,858,503	2,793,848	(1)
Outlays	2,947,662	2,891,589	(1)
Revenues	1,877,839	2,261,165	32,439,140

(1) Not applicable because annual appropriations Acts for fiscal years 2013 through 2022 will not be considered until future sessions of Congress.

ADJOURNMENT

Mr. COURTNEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 55 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, April 19, 2012, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5668. A letter from the Acting Assistant Secretary, Department of Defense, transmitting a proposed change to the Fiscal Year 2010 National Guard and Reserve Equipment Appropriation (NGREA) procurment; to the Committee on Armed Services.

5669. A letter from the Acting Assistant Secretary, Department of Defense, transmitting the National Guard Youth Challenge Program Annual Report for Fiscal Year 2011; to the Committee on Armed Services.

5670. A letter from the Assistant Attorney General, Department of Justice, transmitting the 2011 Annual Report regarding the Department's enforcement activities under the Equal Credit Opportunity Act, pursuant to 15 U.S.C. 1691f; to the Committee on Financial Services.

5671. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's 2011 annual Report on the Food and Drug Administration Advisory Committee Vacancies and Public Disclosures; to the Committee on Energy and Commerce.

5672. A letter from the Chair, Medicaid and CHIP Payment and Access Commission, transmitting the March 2012 Report to Congress on Medicaid and CHIP; to the Committee on Energy and Commerce.

5673. A letter from the Under Secretary for Industry and Security, Department of Commerce, transmitting Report to Congress: Export and Reexport License Requirements to Temporary Control Items that Provide at Least a Significant Military or Intelligence Advantage to the United States or for Foreign Policy Reasons; to the Committee on Foreign Affairs.

5674. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Senate's Resolution of Advice and Consent to the Treaty with Australia Concerning Defense Trade Cooperation (Treaty Doc. 110-07) activities report; to the Committee on Foreign Affairs.

5675. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-134, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5676. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BRP-Powertrain GmbH & Co KG Rotax Reciprocating Engines [Docket No.: FAA-2012-0126; Directorate Identifier 2015-NE-07-AD; Amendment 39-16959; AD 2012-04-03] (RIN: 2120-AA64) received March 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5677. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No.: 30830; Amdt. No. 499] received March 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5678. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Authorization to Use Lower Than Standard Takeoff, Approach and Landing Minimums at Military and Foreign Airports; Confirmation of Effective Date [Docket No.: FAA-2012-0007; Amt. No. 135-126] (RIN: 2120-AK02) received March 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5679. A letter from the Assistant Secretary — Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Production Measurement Documents Incorporated by Reference [Docket ID: BSEE-2012-0003] (RIN: 1014-AA01) received March 27, 2012, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Natural Resources.

5680. A letter from the Vice President, Government Affairs and Corporate Communications, Amtrak, transmitting an addendum to the Fiscal Year 2011 Legislative and Grant Request of February 1, 2012; to the Committee on Transportation and Infrastructure.

5681. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Technical Corrections to Customs and Border Protection Regulations: Petitions For Relief [CBP Dec. 12-07] received March 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5682. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — United States-Korea Free Trade Agreement [USCBP-2010-007] (RIN: 1515-AD86) received March 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5683. A letter from the Acting Chief, Branch of Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Listing and Designation of Critical Habitat for the Chiricahua Leopard Frog [Docket No. FWS-R2-ES-2010-0085] (RIN: 1018-AX12) received March 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5684. A letter from the Chief, Publications and Regulations Branch, Department of the Treasury, transmitting the Service's final rule — Applicable Federal Rates — Correction to Rev. Rul. 2012-9 (Rev. Rul. 2012-12) received March 21, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5685. A letter from the Chief Counsel, Department of the Treasury, transmitting the Department's final rule — Payments by Banks and Other Financial Institutions of United States Savings Bonds and United States Savings Notes (Freedom Shares) Regulations Governing Payment under Special Endorsement of United States Savings Bonds and United States Savings Notes (Freedom Shares) received March 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5686. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Applicable Federal Rates — April 2012 (Rev. Rul. 2012-11) received March 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5687. A letter from the Secretary, Department of Health and Human Services, transmitting A report on the Post-Acute Care Payment Reform Demonstration Program, pursuant to 42 U.S.C. 1395b-1 Public Law 109-171, section 5008(c) (120 Stat. 37); jointly to the Committees on Energy and Commerce and Ways and Means.

5688. A letter from the Assistant Secretary, Department of Defense, transmitting proposed legislation, titled ''National Defense Authorization Act for Fiscal Year 2013''; jointly to the Committees on Foreign Affairs, Veterans' Affairs, Ways and Means, Energy and Commerce, Armed Services, Education and the Workforce, House Administration, and Oversight and Government Reform.

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. ROSS of Florida (for himself, Mr. SMITH of Texas, Mr. COBLE, and Mr. PETERSON):

H.R. 4377. A bill to provide for improved coordination of agency actions in the preparation and adoption of environmental documents for permitting determinations, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CROWLEY:

H.R. 4378. A bill to amend title XVIII of the Social Security Act to provide for coverage and payment for complex rehabilitation technology items under the Medicare program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK (for himself, Mr. LEWIS of Georgia, Ms. MOORE, Ms. LEE of California, Mr. MCDERMOTT, Ms. WOOLSEY, Ms. SCHAKOWSKY, Ms. DELAURO, Mrs. MALONEY, Mr. JACKSON of Illinois, Ms. RICHARDSON, Ms. NORTON, Mr. CONYERS, Mr. DAVIS of Illinois, and Mr. RUSH):

H.R. 4379. A bill to amend title IV of the Social Security Act to permit States to exempt single parents with children under 60 months of age from TANF participation rate requirements; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Indiana:

H.R. 4380. A bill to suspend temporarily the duty on capacitor grade homopolymer polypropylene resin in primary form; to the Committee on Ways and Means.

By Mr. TIPTON:

H.R. 4381. A bill to direct the Secretary of the Interior to establish goals for an all-of-the-above energy production plan strategy on a 4-year basis on all onshore Federal lands managed by the Department of the Interior and the Forest Service; to the Committee on Natural Resources.

By Mr. COFFMAN of Colorado:

H.R. 4382. A bill to ensure Federal oil and natural gas lease sales occur, eliminate redundant leasing bureaucracy, and provide leasing certainty; to the Committee on Natural Resources.

By Mr. LAMBORN:

H.R. 4383. A bill to streamline the application for permits to drill process and increase funds for energy project permit processing, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VAN HOLLEN (for himself and Mr. BRALEY of Iowa):

H.R. 4384. A bill to permit manufacturers of generic drugs to provide additional warnings with respect to such drugs in the same manner that the Food and Drug Administration allows brand names to do so; to the Committee on Energy and Commerce.

By Mr. ROKITA (for himself, Mr. GOWDY, Mr. QUAYLE, Mr. SCHWEIKERT, Mrs. BACHMANN, Mr. WILSON of South Carolina, Mr. CHAFFETZ, Mr. MCHENRY, Mr. ROONEY, Mr. HENSARLING, Mr. ROE of Tennessee, Mr. DUNCAN of South Carolina, Mr. GRAVES of Georgia, Mr. GOHMERT, Mr. MULVANEY, Mr. HUIZENGA of Michigan, Mr. FLORES, Mr. HARRIS, Mr. YODER, Mr. HUELSKAMP, Mr. FLEMING, Mr. MCCLINTOCK, Mr. MANZULLO, and Mr. AKIN):

H.R. 4385. A bill to amend the National Labor Relations Act to permit employers to pay higher wages to their employees; to the Committee on Education and the Workforce.

By Mr. LAMBORN (for himself, Mr. CHABOT, Mr. ROKITA, Mr. MULVANEY, Mrs. MYRICK, Mr. HARRIS, Mrs. LUMMIS, Mr. ROE of Tennessee, Mr. MANZULLO, Mr. DUNCAN of South Carolina, and Mr. HUIZENGA of Michigan):

H.R. 4386. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to eliminate the adjustment for disaster funding; to the Committee on the Budget.

By Mr. POMPEO (for himself, Ms. JENKINS, Mr. YODER, and Mr. HUELSKAMP):

H.R. 4387. A bill to allow for a reasonable compliance deadline for certain States subject to the Cross-State Air Pollution Rule; to the Committee on Energy and Commerce.

By Mr. RIGELL (for himself, Mr. LANDRY, Mr. GRIFFIN of Arkansas, Mr. HARRIS, Mr. WALSH of Illinois, Mr. CLEAVER, Mr. ROSS of Florida, Mr. MULVANEY, Mr. THORNBERRY, Mr. LABRADOR, Mr. JOHNSON of Illinois, Mr. SIMPSON, Mr. ROKITA, Mr. MILLER of Florida, Mr. YOUNG of Indiana, Mr. REED, Mr. RIBBLE, Mr. DESJARLAIS, Mr. BUCSHON, Mr. GOWDY, Mr. CULBERSON, Mr. WILSON of South Carolina, Mr. GINGREY of Georgia, Mr. LANKFORD, Mr. CANSECO, Mrs. HARTZLER, and Mr. CONAWAY):

H.R. 4388. A bill to state that nothing in the Authorization for Use of Military Force or the National Defense Authorization Act for Fiscal Year 2012 shall be construed to deny the availability of the writ of habeas corpus for any person who is detained in the United States pursuant to the Authorization for Use of Military Force in a court ordained or established by or under Article III of the Constitution; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COSTA (for himself, Mr. THOMPSON of California, Mr. HERGER, Mr. DANIEL E. LUNGREN of California, Mr. MCCLINTOCK, Ms. MATSUI, Ms. WOOLSEY, Mr. GEORGE MILLER of California, Ms. PELOSI, Ms. LEE of California, Mr. GARAMENDI, Mr. MCNERNEY, Ms. SPEIER, Mr. STARK, Ms. ESHOO, Mr. HONDA, Ms. ZOE LOFGREN of California, Mr. FARR, Mr. CARDOZA, Mr. DENHAM, Mr. NUNES, Mr. BACA, Mr. CALVERT, Mrs. BONO MACK, Mr. CAMPBELL, Mr. BILBRAY, Mr. HUNTER, Mr. MCCARTHY of California, Mrs. CAPPS, Mr. GALLEGLY, Mr. MCKEON, Mr. DREIER, Mr. SHERMAN, Mr. BERMAN, Mr. SCHIFF, Mr. WAXMAN, Mr. BECERRA, Ms. CHU, Ms. BASS of California, Ms. ROYBAL-ALLARD, Ms. WATERS, Ms. HAHN, Ms. RICHARDSON, Mrs. NAPOLITANO, Ms. LINDA T. SÁNCHEZ of California, Mr. ROYCE, Mr. LEWIS of California, Mr. GARY G. MILLER of California, Mr. ROHRABACHER, Ms. LORETTA SANCHEZ of California, Mr. ISSA, Mr. FILNER, and Mrs. DAVIS of California):

H.R. 4389. A bill to designate the facility of the United States Postal Service located at

19 East Merced Street in Fowler, California, as the ''Cecil E. Bolt Post Office''; to the Committee on Oversight and Government Reform.

By Mr. GRIJALVA:

H.R. 4390. A bill to amend the Higher Education Opportunity Act to restrict institutions of higher education from using revenues derived from Federal educational assistance funds for advertising, marketing, or recruiting purposes; to the Committee on Education and the Workforce.

By Ms. HOCHUL:

H.R. 4391. A bill to require the Commodity Futures Trading Commission to take certain actions to reduce excessive speculation in energy markets; to the Committee on Agriculture.

By Mr. HONDA:

H.R. 4392. A bill to extend the temporary suspension of duty on subassemblies for instruments or apparatus for measuring or checking electrical quantities; to the Committee on Ways and Means.

By Mr. HONDA:

H.R. 4393. A bill to extend the temporary suspension of duty on parts or accessories of instruments or apparatus for measuring or checking electrical quantities; to the Committee on Ways and Means.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 4394. A bill to provide incentives to encourage financial institutions and small businesses to provide continuing financial education to customers, borrowers, and employees, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Financial Services, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANCE:

H.R. 4395. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish new procedures and requirements for the registration of cosmetic product manufacturing establishments, the submission of cosmetic product and ingredient statements, and the reporting of serious and unexpected cosmetic product adverse events, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LUJÁN (for himself and Mr. GOSAR):

H.R. 4396. A bill to extend Forest Service and the Bureau of Land Management stewardship end result contracting authority, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY:

H.R. 4397. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for expenses paid for household and dependent care services necessary for gainful employment and to increase, and make refundable, the credit for such expenses; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 4398. A bill to provide grants to States in order to prevent racial profiling; to the Committee on Transportation and Infrastructure.

By Mr. YODER:

H.R. 4399. A bill to amend the Legislative Reorganization Act of 1946 to reduce the rates of pay of Members of Congress by 5 percent and eliminate future cost-of-living adjustments in such rates of pay; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAULSEN (for himself, Mr. KIND, Mr. NEAL, Mr. DUFFY, Mr. TIBERI, Ms. MOORE, Mr. SHIMKUS, and Mr. ELLISON):

H. Con. Res. 116. Concurrent resolution expressing the sense of the Congress that tax-exempt fraternal benefit societies have historically and continue to provide critical benefits to Americans and United States communities; to the Committee on Ways and Means.

By Mr. CHANDLER (for himself, Mr. ROGERS of Kentucky, Mr. WHITFIELD, Mr. YARMUTH, Mr. DAVIS of Kentucky, and Mr. GUTHRIE):

H. Res. 622. A resolution congratulating the University of Kentucky Wildcats on winning the 2012 National Collegiate Athletic Association (NCAA) Men's Division I basketball championship; to the Committee on Education and the Workforce.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. ROSS of Florida:

H.R. 4377.

Congress has the power to enact this legislation pursuant to the following:

Article I, Sections 1 and 8, including, but not limited to, Clauses 1, 3 and 18 of Section 8.

By Mr. CROWLEY:

H.R. 4378.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution

By Mr. STARK:

H.R. 4379.

Congress has the power to enact this legislation pursuant to the following:

Clause 1, Section 8 of article I of the Constitution, to ''provide for the common Defence and general Welfare of the United States.''

By Mr. YOUNG of Indiana:

H.R. 4380.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 in which Congress has the explicit power to lay and collect taxes, duties, imposts and excises.

By Mr. TIPTON:

H.R. 4381.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3 of the Constitution.

By Mr. COFFMAN of Colorado:

H.R. 4382.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2 of the Constitution.

By Mr. LAMBORN:

H.R. 4383.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3 of the Constitution.

By Mr. VAN HOLLEN:

H.R. 4384.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. ROKITA:

H.R. 4385.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States that states ''The Congress shall have Power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.''

By Mr. LAMBORN:

H.R. 4386.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. POMPEO:

H.R. 4387.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mr. RIGELL:

H.R. 4388.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 9, Clause 2: The privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

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.

Article 1, Section 8, Clause 11: To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

By Mr. COSTA:

H.R. 4389.

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 1, Section 8, Clause 7 of the United States Constitution.

By Mr. GRIJALVA:

H.R. 4390.

Congress has the power to enact this legislation pursuant to the following:

U.S. Const. art. I, 1 and 8.

By Ms. HOCHUL:

H.R. 4391.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

By Mr. HONDA:

H.R. 4392.

Congress has the power to enact this legislation pursuant to the following:

Section 8 of article I of the Constitution

By Mr. HONDA:

H.R. 4393.

Congress has the power to enact this legislation pursuant to the following:

Section 8 of article I of the Constitution

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 4394.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. LANCE:

H.R. 4395.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution of the United States.

By Mr. LUJÁN:

H.R. 4396.

Congress has the power to enact this legislation pursuant to the following:

Article One of the United States Constitution, section 8

By Mrs. MALONEY:

H.R. 4397.

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.

By Ms. NORTON:

H.R. 4398.

Congress has the power to enact this legislation pursuant to the following:

Clause 17 of section 8 of article I of the Constitution.

By Mr. YODER:

H.R. 4399.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 6: The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States.

This clause is appropriate given that the legislation affects the level of compensation the members of their respective houses shall receive.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 104: Mr. RYAN of Ohio and Mr. POSEY.
H.R. 374: Mr. GOODLATTE and Mr. GOWDY.
H.R. 511: Ms. CASTOR of Florida.
H.R. 531: Mr. CARSON of Indiana, Mr. JACKSON of Illinois, Ms. BORDALLO, Mr. BACA, Mr. TOWNS, and Mr. KILDEE.
H.R. 709: Mr. HINOJOSA.
H.R. 860: Mr. CRAWFORD.
H.R. 881: Mr. ROONEY.
H.R. 891: Mr. MCGOVERN.
H.R. 904: Mr. PAULSEN.
H.R. 973: Mr. BARTLETT.
H.R. 1006: Mr. GRIFFIN of Arkansas and Mr. QUAYLE.
H.R. 1092: Mr. PLATTS.
H.R. 1195: Mr. BRALEY of Iowa, Ms. LEE of California, Mr. BLUMENAUER, Mr. FILNER, Ms. CLARKE of New York, Mr. MCGOVERN, Mr. COFFMAN of Colorado, Mr. CHANDLER, Mr. SMITH of New Jersey, and Mr. SHERMAN.
H.R. 1348: Mr. HOLDEN.
H.R. 1398: Mrs. CAPITO.
H.R. 1416: Mr. LOEBSACK.
H.R. 1418: Ms. ROYBAL-ALLARD.
H.R. 1513: Mr. HOLDEN.
H.R. 1580: Mr. COBLE, Mr. GARDNER, and Mrs. MYRICK.
H.R. 1648: Ms. BONAMICI.
H.R. 1653: Mr. CAMPBELL.
H.R. 1666: Mr. RANGEL.
H.R. 1733: Mr. KUCINICH and Mr. BLUMENAUER.
H.R. 1744: Mr. HALL.
H.R. 1860: Mr. JOHNSON of Georgia and Mr. MEEKS.
H.R. 1946: Mr. ANDREWS.
H.R. 1971: Ms. HERRERA BEUTLER and Mr. YOUNG of Indiana.
H.R. 2010: Mr. POSEY.
H.R. 2051: Mr. SCHOCK.
H.R. 2052: Ms. RICHARDSON.
H.R. 2077: Mr. MARCHANT.
H.R. 2104: Mr. HIGGINS, Mr. SCHIFF, Mr. PAULSEN, Mr. TURNER of Ohio, Mr. BISHOP of New York, Mr. CHANDLER, Mr. PETERSON, and Mr. ROSKAM.
H.R. 2108: Mr. KING of New York and Mr. MURPHY of Connecticut.
H.R. 2239: Mr. PRICE of North Carolina and Mr. PERLMUTTER.
H.R. 2288: Mr. PRICE of North Carolina, and Mr. HASTINGS of Florida.
H.R. 2311: Mr. LATHAM and Mr. HINCHEY.
H.R. 2335: Ms. FOXX and Mr. LATHAM.
H.R. 2489: Mr. TONKO.
H.R. 2492: Mr. CRITZ.
H.R. 2498: Mr. HASTINGS of Florida and Mr. MICHAUD.
H.R. 2505: Mr. PETERSON.
H.R. 2559: Mrs. CAPPS.
H.R. 2569: Mr. TURNER of New York.
H.R. 2595: Mr. ELLISON.
H.R. 2600: Mr. WALDEN.
H.R. 2607: Mr. OLVER and Ms. ROYBAL-ALLARD.
H.R. 2649: Mr. HARRIS, Mr. DAVID SCOTT of Georgia, and Ms. BONAMICI.
H.R. 2674: Mr. MCGOVERN.
H.R. 2696: Mr. CONNOLLY of Virginia and Mr. MICHAUD.
H.R. 2697: Mr. GIBSON and Mr. MCGOVERN.
H.R. 2758: Mr. GRIJALVA.
H.R. 2787: Mr. HINCHEY, Mr. ELLISON, and Mr. MURPHY of Pennsylvania.
H.R. 2810: Mr. REHBERG.
H.R. 2966: Mr. GUINTA.
H.R. 2977: Mr. BRADY of Pennsylvania.
H.R. 3032: Mr. PLATTS.
H.R. 3059: Mr. GARDNER and Mr. GRIFFITH of Virginia.
H.R. 3086: Ms. ROS-LEHTINEN, Mr. STARK, Mr. PETERSON, and Ms. EDWARDS.
H.R. 3088: Mr. HASTINGS of Florida and Mr. ELLISON.
H.R. 3192: Mr. WELCH, Ms. RICHARDSON, and Ms. CHU.
H.R. 3219: Mr. LUETKEMEYER.
H.R. 3307: Mr. KILDEE.
H.R. 3399: Mr. PETERSON.
H.R. 3418: Mr. KUCINICH.
H.R. 3443: Mr. SHIMKUS.
H.R. 3461: Mr. NUNNELEE, Mr. CHABOT, Mr. MILLER of Florida, Mr. KELLY, Mr. HINCHEY, Mr. WALBERG, Mr. CLEAVER, Mr. PETERS, Mr. SOUTHERLAND, Mr. NEUGEBAUER, and Mr. KING of Iowa.
H.R. 3462: Mr. PETERS.
H.R. 3522: Ms. ZOE LOFGREN of California, Mr. ANDREWS, Mrs. MCCARTHY of New York, Mr. OLVER, Mr. MCGOVERN, Mr. CLEAVER, Ms. LINDA T. SÁNCHEZ of California, and Mr. GONZALEZ.
H.R. 3541: Mr. BENISHEK.
H.R. 3553: Mr. HINCHEY.
H.R. 3554: Mr. HINCHEY.
H.R. 3555: Mr. BLUMENAUER and Mr. HINCHEY.
H.R. 3590: Mr. PASCRELL.
H.R. 3661: Mr. FARR, Mr. CAPUANO, Mrs. DAVIS of California, Mr. CLARKE of Michigan, Mr. MEEHAN, Ms. DELAURO, Mr. HONDA, and Mr. MCNERNEY.
H.R. 3691: Mr. PETERSON.
H.R. 3766: Mr. GERLACH and Mr. SENSENBRENNER.
H.R. 3768: Mr. ROSS of Florida.
H.R. 3792: Mr. GENE GREEN of Texas.
H.R. 3808: Mr. MCKEON.
H.R. 3826: Mr. MCNERNEY.
H.R. 3839: Mr. REYES.
H.R. 3848: Mr. AKIN, Mr. ROE of Tennessee, Mr. COLE, Mr. SESSIONS, and Mr. ROGERS of Alabama.
H.R. 3984: Ms. WOOLSEY.
H.R. 3991: Mr. PAUL.
H.R. 3994: Mr. LANKFORD.
H.R. 4082: Mr. OLVER.
H.R. 4094: Mr. GOODLATTE.
H.R. 4103: Mr. OLVER, Ms HANABUSA, and Ms. BORDALLO.
H.R. 4133: Mr. COLE, Mrs. MCMORRIS RODGERS, Mr. POSEY, Mr. MARCHANT, Mr. RYAN of Wisconsin, Ms. HIRONO, Mr. ROONEY, Mr. MCCAUL, Mr. YOUNG of Indiana, Mr. WESTMORELAND, Mr. CHANDLER, Mr. WOMACK, Mr. TURNER of New York, Mr. SCHWEIKERT, Mr. BARTLETT, Mr. TERRY, Mr. FLAKE, Mr. FLEISCHMANN, Mr. KLINE, Mr. MCCOTTER, Mrs. ELLMERS, Mr. OLSON, Mr. DUFFY, Mr. CARTER, Ms. HAYWORTH, Mr. CLEAVER, Ms. SCHAKOWSKY, Ms. SPEIER, Mr. TIBERI, Mr. HASTINGS of Washington, Mr. REED, Mr. WALBERG, and Ms. FOXX.
H.R. 4134: Mrs. LUMMIS, Mr. FARR, Mr. BOREN, Mr. BOUSTANY, Mr. HARPER, Mr. WELCH, and Mr. LATHAM.
H.R. 4155: Mr. NUGENT.
H.R. 4157: Mr. WOMACK, Mr. PETRI, Mr. PENCE, Mr. HANNA, and Mr. NUGENT.
H.R. 4160: Mr. BISHOP of Utah.
H.R. 4169: Mr. HONDA.
H.R. 4170: Mr. RANGEL.
H.R. 4173: Mr. MORAN, Mr. SCOTT of Virginia, Ms. BASS of California, Mr. OLVER, Mr. HOLT, and Ms. SLAUGHTER.
H.R. 4196: Mr. LATHAM, Mr. REYES, Mr. LUJÁN, Mr. MCHENRY, Mr. HIGGINS, Mr. RYAN of Ohio, Mrs. MILLER of Michigan, Ms. JENKINS, Mr. KLINE, and Mr. GARDNER.
H.R. 4200: Mr. SCHOCK.
H.R. 4215: Mr. JONES, Mr. BUTTERFIELD, Mr. DESJARLAIS, Mr. FORTENBERRY, Mr. GERLACH, and Mr. YOUNG of Indiana.
H.R. 4225: Mr. PASCRELL.
H.R. 4229: Mr. MILLER of Florida, Mr. KING of New York, Mr. KLINE, Mr. HARRIS, Mr. LAMBORN, and Mr. DOLD.
H.R. 4236: Mr. LATHAM.
H.R. 4248: Mr. VISCLOSKY.
H.R. 4278: Mr. THOMPSON of Pennsylvania, Mr. BISHOP of Georgia, Mr. GOSAR, Mr. JONES, and Mr. CANSECO.
H.R. 4301: Mr. RIBBLE, Mr. ROE of Tennessee, Mr. FLEMING, Mr. KINGSTON, and Mr. ROKITA.
H.R. 4304: Mr. SCOTT of South Carolina.
H.R. 4315: Mr. OLVER.
H.R. 4332: Mr. MATHESON.
H.R. 4342: Mr. COHEN, Mr. SHIMKUS, and Mr. OLSON.
H.J. Res. 104: Mr. LUCAS.
H.J. Res. 107: Mr. HUIZENGA of Michigan.
H. Con. Res. 40: Ms. HAHN and Ms. MOORE.
H. Con. Res. 107: Mr. BURTON of Indiana and Mr. COFFMAN of Colorado.
H. Con. Res. 110: Mr. LANDRY and Mr. ROONEY.
H. Res. 59: Mr. SHERMAN.
H. Res. 137: Mr. YODER.
H. Res. 152: Mrs. ELLMERS.
H. Res. 262: Mr. LUETKEMEYER.
H. Res. 271: Mr. GRIFFIN of Arkansas.
H. Res. 507: Mr. NUNNELEE.
H. Res. 583: Ms. WATERS.
H. Res. 608: Mr. PASCRELL.
H. Res. 613: Mr. BLUMENAUER.
H. Res. 618: Ms. BORDALLO and Ms. RICHARDSON.

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. 3993: Mr. GIBSON.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158 WASHINGTON, WEDNESDAY, APRIL 18, 2012 No. 56

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Gracious God, our shelter from life's storms, give to the Members of this body a faith strong enough to face the tempest of our time. Strengthen them to confront with courage the challenges that come, knowing that Your purposes will prevail and that Your providence will sustain them.

Lord, help that this day with singleness of purpose and constancy of commitment, Your Senators will seek first Your kingdom and Your righteousness, serving You with unfettered feet and following You with freedom and faith. Reign as sovereign Lord in this Chamber. Guide the deliberations, debates, and decisions of this day.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE.)

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 18, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks the Senate will resume consideration of the motion to proceed to S. 1925, the Violence Against Women Reauthorization Act. The majority will control the first 30 minutes, the Republicans the final 30 minutes. The filing deadline for first-degree amendments to the substitute amendment and the postal reform bill is 1 o'clock this afternoon.

POSTAL REFORM

Mr. REID. Mr. President, I really hope we can work out an agreement on the postal reform bill. I spoke to Senator LIEBERMAN, the chairman of the committee, late last night, and he is hopeful, as I am, that we can move forward on this legislation. It is a shame if we cannot. As we speak, there are more than half a million men and women working for the Postal Service, and 25 percent of them are returning veterans. We have 30,000 post offices around the country. We have about 8 million people who depend on the post office for their jobs. So to think that we can't move forward on this would be really untoward. It is something we really need to get done. I am hopeful we can get that done. People can offer amendments, and we should do that as quickly as possible and move forward on this legislation. If there is no agreement, we will have to vote on the substitute amendment tomorrow morning. I repeat, it would be too bad if we cannot get it done.

Enshrined in the Constitution by the Founding Fathers, the U.S. Postal Service has delivered this Nation's letters and other mail since the day of the quill pen and the inkwell. That is why we have inkwells here. That is what these are. I have paper clips in mine now, but originally that was the only way people who sat at these desks and did their work could write. Most of the time it was for mail.

Mail has been delivered through the years when stamps cost a nickel. Mail has been delivered through the years when mail traveled up and down America's waterways by steamship, and it has been delivered through two world wars when soldiers sent letters home to their sweethearts and families. Through it all, the U.S. Postal Service has been there to deliver the mail, rain or shine. But today America's postal system is in crisis.

We kind of use that as a throwaway, ''through rain or shine.'' When I was a little boy, we had really bad snowstorms all over the West. In Searchlight, NV, we had a little snow a few times a year. But we had 3 feet of snow on the level. It was very, very bad.

I can remember a man named Con Hudgens. The mail came to Searchlight. There was a railroad that went through Nipton, CA, which was 22 miles from Searchlight. As that train sped through Nipton, they had an apparatus that would snatch the mail that was on the train. That mail was for Searchlight. They sorted it that way. This old man, Con Hudgens, walked through snow 22 miles to bring the mail. That is what we talk about when we say that mail has been delivered through rain or shine. That is the mantra of the post office.

But today America's postal system is in crisis. Today a personal note from a

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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friend or payment to the electric company can be delivered online with a few quick keystrokes on your computer. This changing technology has meant serious new challenges for an organization that has serviced citizens of this Nation from its very beginning. It has served this Nation whether they live on city streets or rural routes.

Although the world the post office deals with has changed, the postal system's message and mission have not changed; that is, to deliver letters, packages, medicines—much of which is vital—online purchases, birthday cards, phone bills to hundreds of millions of Americans no matter how rural or how urban the places they call home. Neither has the current crisis changed the importance of that mission. Nearly half of rural households don't have broadband Internet access, making it difficult or impossible to pay bills or ship packages online. Rural families in Tuscarora, NV, or Baker, NV, in Elko County, NV, rely on the Postal Service. That is their way of communicating.

Small businesses benefit from cost-saving options offered at the post office, such as bulk mail. American businesses rely on the U.S. Postal Service. As I indicated earlier, 8 million people's jobs are dependent on the Postal Service.

For seniors who cannot leave their homes, mail carriers deliver livesaving medications—an important link to the outside world. Elderly Americans rely on the U.S. Postal Service.

I will go home tonight to my home here in Washington, and there will be some mail there. A lot of it is what some people refer to as junk mail, but for the people who are sending that mail, it is very important.

And talking about seniors, seniors love to get junk mail. It is sometimes their only way of communicating or feeling they are part of the real world. Elderly Americans, more than any other group of people in America, rely on the U.S. Postal Service.

Unless we act quickly, thousands of post offices—I indicated there are more than 30,000 in America—many of them rural, will close. I said this earlier today, and I will repeat it. These rural post offices are the only way people in those small communities have to communicate with the outside world. There may be some medicine they are getting, it may be to keep in touch with their family or friends, but it is their way of keeping in touch with the world. Hundreds of mail-processing facilities will close, and the jobs of hundreds of thousands of dedicated postal employees are at risk.

Timely, dependable mail delivery is not the only thing at stake in this debate. Today the Postal Service employs, as I have indicated, more than half a million middle-class workers, and the postal system gives more than 130,000 men and women who volunteered for this country in the armed services a chance to serve again. A quarter of all postal employees are veterans of the U.S. Armed Forces. So there is really a lot at stake in this debate.

The Postal Service has been playing an important role in the history of this country and the lives of its citizens for more than 200 years, but it has also seen a 21-percent drop in mail volume over the last 5 years and is on the verge of insolvency. Yesterday the Postal Service lost about $20 million—1 day.

Changing times demand a leaner, more modern post office. To make that possible, we must pass legislation. The Senate must act. We must change the Postal Service business model. They cannot do it on their own. They need legislation. They need it to keep pace with technology and to keep up with the times.

The bipartisan bill before this body enacts reforms that are major but measured. The people who have worked on this so hard—I have already talked about Senator LIEBERMAN. His counterpart, Republican Senator COLLINS, has worked extremely hard. I have worked with her to maintain the 6-day delivery. This is something she believes in strongly. I really admire her for the fight she has put up to get the things that she feels are important in this legislation.

If we act, it would reduce the number of employees and facilities the Postal Service maintains in a responsible way, and that would protect employees and millions of Americans relying on the mail. It would responsibly restructure the postal system, while preserving overnight 6-day-a-week delivery. It would help the Postal Service innovate and grow by offering new products that will attract new customers and, most importantly, would save the Postal Service from insolvency. It will help an institution enshrined in the Constitution modernize to meet the challenges of a changing world.

What Senators LIEBERMAN and COLLINS have come up with is not perfect, and we all recognize that. It is not a perfect compromise. It will not make every Senator happy. It will not make every American happy. It will not save every post office. But it is a very good compromise and one that is bipartisan. It will save an institution that has been a part of the fabric of this Nation for more than 200 years. So let's work together to save the American Postal Service, which, by the way, is the best in the world.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

GAS PRICES

Mr. MCCONNELL. Madam President, with gas prices hovering around $4 a gallon, I think it is important for the American people to realize there are really two camps on this issue here in Washington: there are those who want to do something about the problem, and there are those who want people to think they are doing something about the problem. And let's be clear—President Obama is firmly planted in the ''say anything but do nothing'' camp. If there were any doubt about that, he dispelled it when he blocked the Keystone Pipeline and then again this week by embracing the age-old Democratic dodge of blaming gas prices on speculators.

Look, what bothers Americans is not that the President has unpopular views on this issue. Everyone knows he does not really support an all-of-the-above approach to energy. What bothers people is the fact that he pretends as though he does.

What bothers people is the President is blocking one-half of a pipeline one day and showing up at a ribbon cutting for the other half on another day. It is blocking domestic energy and then taking credit for increases that came about as a result of his predecessor's decision. It is pretending that speculators have a big impact on the price of gas when his own staff can't even point to any.

The President said he was different, and a lot of people believed him. But to a growing number of Americans that is just what he has become: just one more politician saying the same things they always say.

This week has been a real clarifier for people when it comes to this President. Whether it is the Buffett tax that would not lower the deficit or a commission on speculators that even the White House says would not lower the price of gas, what people have seen this week is a President who seems a lot more interested in looking like he is solving problems than actually solving them.

For years Washington Democrats have had the same totally rigid opposition to expanding domestic energy exploration. The only people they seem to listen to are extremists. But instead of just stating their position and letting the political chips fall where they may, they pull out the same poll-tested talking points they always do, on the assumption that reporters will just reprint them like it is the first time they have used them and that everybody else will just somehow forget.

But with gas prices at about $4 a gallon, it is time somebody called them out on it. Ten years ago today Democrats voted down a bill to open a tiny

area of Alaska known as ANWR to drilling. They relied on the nonargument that it would take too long to get the oil to market. That was 10 years ago today. Every Democrat who was asked about it said the same thing, that it would take too long to get the oil to market. I have two pages of quotes from Democrats saying it would take at least 7 to 10 years to get the oil to market.

Well, here we are 10 years later. In some places gas prices are now three times what they were in April 2002. The United States still imports one-half of its oil. ANWR is still off-limits. If we ask Democrats why they oppose more domestic exploration, they will say the same thing they said 10 years ago.

This is precisely the kind of thing this President campaigned against 4 years ago. He was the one who was going to stop kicking the can down the road. He was the one who was going to tackle the problems everybody else was afraid to face. He was the one who was going to rise above petty squabbles and the tired talking points of the past and offer something different. He was going to be a different kind of politician who would usher in a new era of authenticity.

What did the American people get? They got the same gimmicks as before. They got someone whose idea of solving a problem is to give a speech about it or to blame whatever person, place, or thing doesn't happen to poll well that day. What the American people got was a President who absolutely refuses to lead.

It is the same thing they got from the Democrat-controlled Senate, the same tired talking points, the same evasion, the same refusal to address our problems at all.

Yesterday, the chairman of the Budget Committee made it official. For the third year in a row, Senate Democrats will refuse to do the basic work of governance by refusing to offer a budget blueprint for government spending—by the way, as required by the law.

After pledging both to me and his Republican counterpart on the committee that he would, in fact, mark up a budget this year, the chairman of the Budget Committee bowed, once again, to the political pressure and said he would not put his Democratic colleagues at any political risk by asking them to vote on a plan their constituents might not like; that is, not until after the election. The Democratic chairman did suggest, however, that if Europe implodes, he might change his mind.

Well, with all due respect, the statute doesn't say the majority must present a budget if the European economy implodes. It says it must present a budget, period, so that the American people can see how much they are going to be taxed and how their tax dollars are going to be spent.

I am having a hard time thinking of a word to describe the level of leadership we are getting from Democrats in Washington these days—whether it is the President or the Democratic Senate. Frankly, it is a disgrace. There isn't a single issue I can think of that they are willing to do anything about.

Under this President's watch, Washington has been spending more than $1 trillion a year more than it takes in. Senate Democrats don't even have the courage to put it all in black and white. They don't have any problem spending it; they just don't want to be on record voting for it. That is what passes for leadership in Washington these days.

Well, something has to give. Our challenges are too urgent. The status quo just would not cut it anymore.

NUCLEAR REGULATORY COMMISSION

Mr. McCONNELL. Madam President, I want to talk about the Nuclear Regulatory Commission. This is the Federal agency that ensures the safety of our Nation's nuclear powerplants.

Specifically, I want to bring attention to the reappointment of Kristine Svinicki—or, rather, the curious lack of action surrounding her reappointment.

Commissioner Svinicki is one of the most respected Commissioners ever to serve at the NRC. She is an experienced and fair-minded regulator whose leadership has earned her the admiration of Members of Congress on both sides of the aisle. She was confirmed for her first term without a single dissenting vote.

Prior to her 4 years on the Commission, Commissioner Svinicki spent more than two decades in public service working on nuclear safety issues in the Senate, at the Department of Energy, and with the Wisconsin Public Utilities Commission. A nuclear engineer, she is one of the world's foremost authorities on nuclear safety and nuclear power, and a great asset to the Commission.

Last year Commissioner Svinicki had the courage to stand up and blow the whistle on a sitting NRC Chairman, Gregory Jaczko, for bullying subordinates.

According to an Associated Press story from December:

> The commissioners told Congress [that] women at the NRC felt particularly intimidated by Jaczko. Commissioner William Magwood—

Who is a Democrat, by the way—

> told the oversight panel that Jaczko had bullied and belittled at least three female staff members, one of whom told Magwood she was ''humiliated'' by what Magwood called a raging verbal assault.

This is the Democratic Commissioner on NRC, and here is an excerpt from the inspector general's report:

> ''Several current and former Commission staff members,'' it says, ''said the Chairman's behavior caused an intimidating work environment. A former Chairman told OIG that the Chairman often yelled at people and [that] his tactics had a negative effect on people. He described the behavior as ruling by intimidation.''

Commissioner Svinicki stood up to this guy, who somehow managed to avoid being fired in the wake of all of these revelations, in an effort to preserve the integrity of the agency and to protect the career staffers who were the subject of the Chairman's tactics. Now, for some mysterious reason, she is being held up for renomination.

The FBI completed its background check on Commissioner Svinicki 15 months ago. Her ethics agreement was approved around the same time. She has been ready to go for more than a year. There is no legitimate reason for Commissioner Svinicki not to have been renominated and reconfirmed by now. Any further delay is unacceptable.

If Commissioner Svinicki isn't renominated by June 30, NRC will lose one of its finest members, the Commission's work will be impaired, and we will be forced to conclude that the reason is related to her honorable actions as a whistleblower—that she is being held up in retaliation for speaking up against a rogue Chairman who bullies his subordinates.

There is a reason Congress charged five Commissioners with the responsibility to protect public health and safety. Ensuring the safety of our Nation's nuclear powerplants is serious business. So this morning I am calling on the White House to renominate Commissioner Svinicki today to ensure that this well-qualified and widely respected woman remains in place for another term.

The public is best served by a commission that is fully functional. There should be no question in anyone's mind that it will be fully functional. We cannot wait any longer for this nomination.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2011—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 1925, which the clerk will report by title.

The assistant legislative clerk read as follows:

> Motion to proceed to S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

The ACTING PRESIDENT pro tempore. Under the previous order, the first hour will be 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.

The Senator from Rhode Island is recognized.

LEADERSHIP IN WASHINGTON

Mr. WHITEHOUSE. Madam President, to follow up briefly on the subject of leadership in Washington, perhaps the Speaker of the House could show some leadership on jobs by calling up the bipartisan—75 to 22—jobs highway bill that passed this Senate, which is widely supported and its delay is actually costing us jobs because of the summer construction season wasting away as these extensions go on. There would be some leadership that would mean something for jobs in America.

Madam President, I rise today to address the need we have in the Senate for comprehensive cybersecurity legislation. I ask unanimous consent to speak for up to 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CYBERSECURITY

Mr. WHITEHOUSE. Madam President, our Nation's inadequate cybersecurity poses an ever-growing threat to our safety, our prosperity, and our privacy. Attackers go after our intellectual property, our national security, and our critical infrastructure. The McAfee Night Dragon Report, for example, concluded that foreign intruders had access to major oil, energy, and petrochemical companies' computer networks for at least 2 years and likely as many as 4 years. Government reports are equally sobering, though usually classified.

One that is not classified is the Department of Homeland Security report recently that attacks on computer systems that control critical infrastructure, factories, and databases increased almost eightfold in just the last 12 months. Secretary of Defense Leon Panetta has warned that ''the next Pearl Harbor we confront could very well be a cyber attack.''

Majority Leader REID has recognized the severity of this national and economic security threat and intends to bring cybersecurity legislation to the Senate floor soon. We recognize too the hard work of Chairman LIEBERMAN and Ranking Member COLLINS of the Homeland Security Committee, as well as Chairman FEINSTEIN of the Intelligence Committee, and Senator ROCKEFELLER of the Commerce Committee. The Cybersecurity Act of 2012, which they introduced—and I am proud to cosponsor—is a good start toward addressing the many cybersecurity threats that face this Nation.

The SECURE IT Act, introduced by Senator MCCAIN and seven colleagues, seeks to improve the sharing of cybersecurity threat information; the Federal Information Security Management Act, or FISMA, which governs cybersecurity at Federal agencies; and our cyber research and development. There is considerable overlap between these bills, which signals that the Senate could legislate on cybersecurity in a bipartisan and serious manner.

Support for cybersecurity legislation is also bicameral. The Cybersecurity Task Force constituted by House Republicans produced recommendations that share key points with our Cybersecurity Act of 2012. Numerous bills are working their way through the House on a bipartisan basis. Central to that work in the House are the contributions of Rhode Island Congressman JIM LANGEVIN. His leadership is a major reason the House has come to recognize the dangerous vulnerabilities within our critical infrastructure and that we now stand on the verge of a breakthrough in improving the security of those networks.

When a test at the Idaho National Labs showed hackers could blow up a power generator from thousands of miles away, Congressman LANGEVIN brought the owners and operators of our electric grid before Congress and investigated their promise the issue was being addressed. When he found out that wasn't true, he called them out. His subsequent work as a cochair of the Center for Strategic and International Study Commission on Cybersecurity, along with other experts from within and outside of government, resulted in many of the recommendations reflected in our legislation. Then, in 2010, Congressman LANGEVIN passed a landmark cybersecurity amendment in the House that provided a legislative template for setting standards for critical infrastructure. I thank JIM LANGEVIN, my colleague from Rhode Island, for his relentless commitment to keeping America safe in cyberspace.

I am here this morning to stress four points I believe we must keep in mind as we take up cybersecurity legislation. The first is that cybersecurity legislation should improve the public's limited awareness of current cybersecurity threats and the harm those threats present to our national security economy and privacy. The public, for years, has been kept in the dark, and that is wrong.

The corporate sector systematically underreports cyber attacks for fear of scaring customers, for fear of encouraging competitors or for fear of triggering regulatory review. I was pleased the Securities and Exchange Commission, after prompting by Senator ROCKEFELLER and myself and others, issued guidance for when registered companies must disclose breach information.

The government itself systematically underreports cyber attacks because it overclassifies information about cyber attacks on government systems. Jim Lewis of the Center for Strategic and International Studies, for example, recently explained that cybersecurity has a unique problem in that some of the most reliable data is classified. It was a rare exception when a November 2011 report by the Office of the National Counterintelligence Executive identified China and Russia as responsible for the systematic theft of American intellectual property through cyber espionage. The legislation that we pass must shed light on the scale and severity of the cyber threat to the American public.

In that vein, I am pleased the Cybersecurity Act of 2012 includes provisions from the Cybersecurity Public Awareness Act, S. 813, which I introduced with Senator KYL. These provisions will at least begin to improve the public's awareness of the current cyber threat environment we face.

Second, we must recognize that inadequate awareness and inadequate protection against cyber risks is endemic among our largest corporations. Part of the problem is a gulf in cybersecurity awareness between corporate chief information officers and corporate CEOs. Carnegie Mellon's CyLab recently reported:

> Boards and senior management still are not exercising appropriate governance over the privacy and security of their digital assets . . . These findings are consistent with the complaints by CISO/CSOs that they cannot get the attention of their senior management and boards and their budgets are inadequate . . . There is still an apparent disconnect.

Nor is this an area in which the market can be trusted to work. As former Bush Secretary of Homeland Security Michael Chertoff has explained:

> The marketplace is likely to fail in allocating the correct amount of investment to manage risk across the breadth of the networks on which our society relies.

This is not an area where corporations manage adequately on their own. FBI Director Robert Mueller recently explained:

> There are only two types of companies: those that have been hacked and those that will be.

Even more trenchant, the McAfee report on the ''Shady RAT'' attacks similarly stated it is possible to divide ''the entire set of Fortune Global 2,000 firms into two categories: those that know they've been compromised and those that don't yet know.''

Kevin Mandia of the leading security firm Mandiant has explained:

> [I]n over 90 percent of the cases we have responded to, government notification was required to alert the company that a security breach was underway. In our last 50 incidents, 48 of the victim companies learned they were breached from the Federal Bureau of Investigation, the Department of Defense or some other third party.

The National Cybersecurity Investigation Joint Task Force, led by the FBI, told me the same thing: more than 90 percent of the time the corporate victim had no idea.

What we can conclude from this is that improved sharing of cybersecurity threat information is necessary but is not sufficient to protect our Nation's cybersecurity. Even a perfect information-sharing process will not prevent cyber attacks if the information being shared is incomplete. The blindness of most corporations to this threat limits the effectiveness of corporate-to-corporate information sharing. The NSA's Defense Industrial Base pilot—the so-called ''DIB'' pilot—proved the government can share classified information

with trusted corporations, but it revealed significant risks and limitations, particularly if the government were to share its most sensitive intelligence information with a broad set of private companies.

The third point I want to make this morning, and perhaps the most important, is that this legislation on cybersecurity will have failed if it does not ensure that our American critical infrastructure has adequate cybersecurity. There must be a process for identifying critical infrastructure, establishing appropriate security standards, and ensuring that critical infrastructure companies meet the standard.

If an attack comes, we must be sure that America's most capable defenses and countermeasures are pre-positioned to defend critical American infrastructure. We simply cannot wait until an attack is underway on basic needs and services on which we depend, such as our electric grid, our communications networks, and the servers that process our financial transactions. So there are two measures here: One is that we must have a way to define critical infrastructure so we know what it is and, just as important from a civil liberties perspective, we know what it isn't. When we identify critical infrastructure on which our safety and economic and national security depend, we are also defining what does not qualify and where privacy concerns can be much more important than national security concerns. Nobody wants government in our chat rooms, e-mails, or social media; everyone gets why government should protect the electric grids that bring power to our homes.

The second is that once we identify our critical infrastructure, we need to find a way for our national security assets to protect that critical infrastructure. Our government has unique capabilities to protect those basics, such as our electric grid.

As Kevin Mandia has explained:

[t]he majority of threat intelligence is currently in the hands of the government.

Some of this information can be disclosed, but some cannot be, in order to protect sensitive sources and methods. This requires us to find other ways for our most sophisticated government capabilities to protect our critical infrastructure. For example, we should think seriously about the concept of secure domains and how they can be deployed effectively while protecting civil liberties. I am glad section 804 of the Cybersecurity Act of 2012 takes on that task by requiring expert study of the advantages and disadvantages of establishing secure domains for critical infrastructure.

If the business community can identify a workable alternative approach, such as a voluntary or opt-in regulatory system, I am willing to get to work, but we must not balk at taking on the hard question of how to secure our critical American infrastructure.

The last point I want to make today is that Congress, in this bill, should consider the appropriate structure and resources for the cybersecurity and cyber crime mission of the Department of Justice, the Federal Bureau of Investigation, and law enforcement components of the Department of Homeland Security. We do not do enough to investigate, prosecute, and take other appropriate legal action against cyber crime, cyber espionage and other cyber threats. Last year's takedown by the Department of Justice of the Coreflood botnet should be a regular occurrence, not a special occurrence. But it will not be—it cannot be—with our current cyber crime resources. The technical, international, and legal aspects of these investigations are too complex.

I spent 4 years as a United States attorney, I spent 4 years as our State's attorney general. These are astonishingly complicated and difficult cases. They are massively resource intensive. So it is time for a fundamental rethinking of cyber law enforcement resources: both the level of resources and the manner in which they are structured. We should be discussing whether cyber crime should have a dedicated investigatory agency akin to the DEA or ATF or whether existing task force models should be used. These are important questions the legislation has not addressed. Accordingly, I plan to offer a floor amendment that will require an expert study of our current cyber law enforcement resources that can recommend a proper level of funding and structure of forces going forward.

Once again, I thank my colleagues for their hard work to date on cybersecurity issues. I urge that all of us join together to pass cybersecurity legislation into law as soon as possible. Two years ago, I said that because of cyber we in the United States are on the losing end of the largest transfer of wealth through theft and piracy in the history of the world. GEN Keith Alexander, who leads the National Security Agency and U.S. Cyber Command, has reached the same conclusion when saying recently that cyber theft is ''the greatest transfer of wealth in history.'' McAfee likewise has recently evaluated the theft of national secrets, source code, designs, and other documents, and concluded that what ''we have witnessed over the past 5 to 6 years has been nothing short of a historically unprecedented transfer of wealth.''

We are the losers in that transfer of wealth. We cannot afford to wait to address this enormous and ever-growing threat.

I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

POSTAL SERVICE REFORM

Mr. WYDEN. Madam President, shortly we will be turning to the legislation to reform the Postal Service, and I wanted to take a few minutes to talk about a particularly important part of that discussion.

In recent years there has been a revolution in how our citizens exercise their right to vote. Instead of every American showing up in person, more and more Americans are choosing to vote by mail, using absentee ballots, no-excuse absentee voting or, in the case of my home State of Oregon, the entire election is conducted by mail. This amendment I will be offering and that I am discussing this morning—and in which I join Senator FEINSTEIN and other colleagues—is designed to protect the millions of Americans who choose to use the post office to exercise their right to vote. This amendment protects those millions of Americans from any kind of postal delay that could disrupt their ability to ensure their vote is counted.

My home State of Oregon has a system in which all ballots are cast by mail.

In Oregon, if the ballots are not delivered by mail to the county election offices by the deadline on election night, they are not counted. So it is essential to the conduct of fair elections in my home State that delivery of ballots cast by mail not be delayed.

To prevent the potential threat to our elections from delayed mail delivery, the Wyden-Feinstein amendment would place a moratorium on the closure of postal facilities until November 13, 2012, in States that vote by mail or allow any voter to vote no-excuse absentee. It would also require the Postal Service to notify election officials of closings and consolidations and require the Postal Service to study the effect of closing or consolidating a mail processing facility on the ability of the affected community to vote by mail.

My home State consistently has high voter turnout. Vote by mail has been successful and it is popular. In my State, more than 85 percent of registered voters participated in the 2008 elections, but this kind of approach to voting is popular not just in my home State of Oregon. In the 2008 election, 89 percent of ballots in Washington State were cast by mail, as well as 64 percent of those in Colorado, over 50 percent in Arizona, and it was nearly that high a percentage in California.

In my home State, the Postal Service is a place where people send and receive packages and mail order prescriptions, and it is also a place that community residents come together. It seems to me that if we are going to close and consolidate postal facilities, not only will it harm the delivery of ballots and campaign-related mail to voters and return of the ballots to election officials, but it also will zap much of what is vital to rural America; that is, the opportunity to come and gather in one place.

Jordan Valley, located in beautiful eastern Oregon on the Nevada border, is 457 miles from Portland. With the proposed consolidations, the nearest regional processing center would literally be almost 500 miles away. If the U.S. Postal Service goes ahead with their proposed closures and consolidations, then a ballot cast in Jordan Valley could travel approximately 1,000

miles before it reaches the hands of election officials. This is unacceptable for constituents who vote in the far corners—the rural corners—of my State.

Cuts to the Postal Service mean that ballots mailed in the final days before an election may not get to election officials in time to be counted. Ballots sent the weekend before a Tuesday vote may not get into the hands of election officials by the present-day deadline of election day. Closing and consolidating postal facilities disproportionately harms the ability of rural residents to have their votes counted.

These issues raise important questions: Is closing postal facilities in States that primarily vote by mail a responsible approach? For me and many of my constituents and the millions of Americans who have chosen to vote in this fashion, the resounding answer is, no, this is not a responsible approach. Closing processing facilities and potentially impacting the delivery of ballots in a general election is a risk not worth it. Closing postal facilities will have unintended and unforeseen consequences on the impact of elections.

That is why this amendment would place a moratorium until November 13, 2012, in States that conduct all their elections by mail or permit no-excuse absentee voting to ensure that elections are fair. No-excuse voting, of course, allows any voter to vote absentee without having to offer additional reasons for their making that choice. Twenty-seven States allow no-excuse absentee voting. So not only will the constituents that I and Senator MERKLEY and Senator FEINSTEIN and Senator BOXER represent in Oregon and California be affected by this amendment, but States such as Nevada, Arizona, Florida, Georgia, Iowa, Kansas, Maine, Nebraska, New Jersey, New Mexico, North Carolina, Ohio, Oklahoma, Utah, Wisconsin, and Wyoming are part of the many states in this country that this amendment would protect.

In September of 2011, election officials in California were doing their jobs and preparing and mailing sample ballots for a September election in an isolated community in northern California. Unaware that the small post office that serves the area was closing on October 1, the sample ballots were not immediately returned so they had no reason to believe the voters had not received them. But as ballots slowly trickled in, election officials grew a bit suspicious, and they learned many voters had just received their sample ballot more than 3 weeks after it was mailed, and many had not received their official ballot yet. Election officials received no more than two or three a day literally for the first week.

Voters explained to officials there was so much confusion over the closure of the post office that they were much more concerned about receiving their other first-class mail—bills and prescriptions—than their ballots and hadn't been looking for them. They were told the contents of their post office box were being directed to the Arcata Post Office. But when they went to Arcata to retrieve it, there was no mail for them in Arcata. For 18 days, they didn't receive any mail at all.

Only 15 days before the election, the staff attempted several times to contact the Arcata Post Office but could only leave a message for the postmaster who was not returning their calls. Folks then contacted friends at a local central processing center in yet another town, Eureka, CA, who were able to give a direct line to the Arcata postmaster.

At first, the postmaster indicated nothing was wrong, but the residents, in his terms, were ''confused about the closure of their post office.'' After checking the number of ballots that had been returned from the precincts, election officials decided to resend all those ballots. The postmaster finally provided election officials with the change of address list for all residents, and they were able to correct the database, cancel the ballots that had not yet been received, and remail ballots to all voters who had not yet returned their ballots.

Obviously, the bottom line is clear. The closure of small post offices requires more preparation and sharing of information with the residents of an impacted area as well as agencies and businesses that rely on the post office to communicate with their customers. Had election officials not had a contact in that area, they may not have become aware of the problem until it was too late to resend the ballots.

Under the amendment I will be offering later with Senator FEINSTEIN, the Postal Service would be required to notify election officials of closings and consolidations to prevent the kind of calamitous repeat of what I have described happened in a recent local election in California. Additionally, the amendment would require the Postal Service to study the effect of closing or consolidating a mail processing facility on the ability of the affected community to vote by mail and the ability of the Postal Service to deliver ballots on time in accordance with applicable State law.

Disenfranchising voters or discouraging the millions of Americans who now have chosen this new approach to voting is not a wise or prudent step for the Senate to take at this time. Placing a moratorium until after the elections will ensure that what is done in the Senate does not negatively impact voting in Oregon, California or the scores of other States that make extensive use of mail ballots in their elections.

I hope it will be possible for us to win bipartisan support for the proposition that ensuring the highest level of voting participation in our country is fundamental to our democracy. I hope my colleagues will support the amendment I intend to offer later with my colleague and friend from California, Senator FEINSTEIN, to protect the millions of Americans who choose to vote by mail.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

TEN YEARS AGO TODAY

Mr. GRASSLEY. Madam President, I am here to point out that 10 years ago this very day, this Senate decided not to drill for more oil in the United States, where we know oil exists. At that time, the argument that was used was why drill because it was going to take many years to get it online. The Senate bought the argument we shouldn't drill because it was going to take too long.

Today, we think about more opportunities to drill for oil in the United States.

I wish to point out that the very same arguments that were used 10 years ago are being used today: If we drill today, we might not get some of that oil online for several years down the road. We want to be thinking about the future, as we should have thought about the future in 2002, 10 years ago, when we decided not to drill.

Around the country, American consumers are paying near-record prices for gasoline at the pump. The current average price for gasoline is near $3.90. Since January 2009, the average price of a gallon of regular gasoline has more than doubled. In 2011, consumers spent a greater percentage of their household income on gasoline than any year since 1981, when we thought 90 cents for a gallon of gas was a lot of money.

Affordable energy is a major economic issue. Paying nearly $4 for gas acts as a hidden tax and results in people having less money to spend on other things. Rising energy prices also increase the cost of doing business for job creators, taking away dollars that otherwise could go to hiring workers. We should be doing everything possible to prevent these high energy prices today or tomorrow.

The Senate had an opportunity 10 years ago today to take action to increase our domestic oil supply. Unfortunately, the Senate missed that opportunity. It missed an opportunity for lower prices today and importing something less than the $830 million we spend every day to import oil. We need to keep that money in this country.

Ten years ago today, the Senate considered an amendment offered by then-Senator Frank Murkowski—father to present Senator LISA MURKOWSKI—to open a tiny portion of the Arctic National Wildlife Refuge to oil and gas development. A vote on the cloture motion was rejected by the Democratic majority in the Senate on April 18, 2002.

During that debate, opponents argued that opening ANWR to development would never supply more than 2

percent of our Nation's oil demands. They opposed it based on the belief that opening ANWR wouldn't address the real problems; namely, our dependence upon fossil fuels. They said we needed to work toward a comprehensive approach.

Opening ANWR was also portrayed as a distraction from the real solutions, such as conservation, alternative and renewable energy, and less environmentally sensitive fossil energy development. Some even argued that fully inflated or low friction tires should be a larger part of our national energy policy.

I recognize the need for a comprehensive, balanced national energy policy. I truly believe in an all-of-the-above approach that includes conservation, alternative and renewable energy, nuclear power, and oil and gas development.

But the fact remains we were talking about these policies as solutions to our energy problems in 2002. Yet gas prices are still near $4 a gallon.

I listened to dozens of speakers in the Senate that day who argued against opening ANWR because it wouldn't address our near-term energy needs. They said it would take nearly 10 years to get that oil to the consumers. Ten years ago we were told to forget about opening ANWR because development was too far down the road to impact our energy supply and energy security.

Here are a few quotes from my Democratic colleagues during the debate in April 2002. I am not going to use their names. But this Democratic Senator said:

> I oppose the proposal to drill in the Arctic National Wildlife Refuge. Drilling in ANWR will not increase energy independence, even if we started drilling tomorrow, the first barrel of crude oil would not make it to our market for at least ten years. So it would not affect our current energy needs.

Another Democratic Senator said—and these Senators are still here today:

> The oil exploration in ANWR will not actually start producing oil for as many as 10 years. Exploring and drilling for oil is not forward thinking.

Another Democratic Senator said this:

> That oil would not be available for 10 years. This means drilling in ANWR would not provide any immediate energy relief for American families.

Another Democratic Senator said:

> Developing ANWR is simply not a necessary component of a progressive energy policy for this country. For a period starting about 2012—

That is this year, understand; he was looking ahead 10 years—

> For a period starting at about 2012, we would see an increase of domestic production under ANWR, if ANWR was open to development. So development would not address the near-term prices or shortages with which people are faced.

Ten years down the road, here we are, but if we drilled back then we would have this oil on line and we would not be spending $830 million every day to import oil.

Another Senator said this:

> When my colleagues come to the floor of the Senate and suggest to us that the crisis in the Middle East is a reason to drill in ANWR, that is a misleading argument because no oil will flow from ANWR until from 7 to 10 years from now.
>
> That means if you open the refuge today, you are not going to see oil until about 2012, maybe a couple of years earlier.

You see, a decision made in 2002—people were looking ahead 10 years and saying it was not going to make much difference, but 2012 is here and we could have been using that oil.

Another Senator said:

> Oil extracted from the wildlife refuge would not reach refineries for 7 to 10 years.

That is the end of my quotes of several Democratic Senators who are now serving. If they are using the same argument now, are they going to be smart enough to look ahead to 2022 when maybe we could start using the oil we would start drilling for today? The defeat of the Murkowski amendment back in 2002 was then enormously shortsighted. If we had voted to open ANWR 10 years ago, that oil would be driving down the price at the pump for consumers today. You know the rule of economics; if you increase supply, you reduce price. And we would at least be keeping the money in the United States instead of spending $830 million every day to import oil. Time after time, opponents of domestic oil production have argued that because it will not lower prices at the pump today it is not worth doing. You know from the debate of 2002 that is a bunch of hogwash. Does anybody wonder if the American people wish that the Senate had opened ANWR 10 years ago?

It is past time to take action to ramp up domestic production of traditional energy, energy we can harvest in this country instead of importing it and paying $830 million to import it. Greater domestic energy production would increase supply and help to lower prices. It would create American jobs.

President Obama continues to push policies that contribute to higher gas prices, including restricting access to Federal lands and permitting delays, regulatory threats to refiners, and his decision to deny Keystone XL. He says he is for ''all of the above,'' but when you look at that list, he is for ''none of the above.'' By limiting domestic energy production we have less supply and higher prices.

The Obama administration has made things worse by restricting access to domestic energy sources. The President's record contradicts his remarks that he is for an ''all of the above'' strategy. His policies have prevented more oil production in the United States and resulted in higher prices, lost opportunities for jobs creation, less energy security, and shipping out of the country 830 million of our dollars that could be used in this country and kept in this country, money we are spending to import oil.

President Obama's denying of the Keystone XL Pipeline inhibits energy-related development that could create 20,000 jobs. Greater domestic energy production would increase supply and help to lower prices, and it would create American jobs.

It is time to take action. Denying ANWR development 10 years ago was a mistake, a mistake I hope we learn a lesson from. The Senate missed an opportunity 10 years ago that would have brought gas price relief and more supply, keeping more money in this country, creating jobs in this country right now. We should not make the same mistake again. You cannot repeat that statement too often. We should not make the same mistake again. We should be looking ahead 10 years, as they were doing in 2002, but they were using it as an excuse to do nothing. So don't ever tell me don't drill today because it will not come on line until 10 years from now. That is not a very wise thing to say to me, after you said that 10 years ago. We should have learned the lesson.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

GULF OILSPILL

Mr. VITTER. Madam President, I come to the floor to recognize a solemn occasion. In two days, on Friday, April 20, it will be the 2-year anniversary of the Deepwater Horizon explosion. I want to pause at this moment of anniversary, 2 years, and offer a few thoughts about what was clearly a very significant episode and challenge for our whole country, but particularly for my State of Louisiana and for the gulf coast.

First of all, I want to start where I think we should always start in discussing and considering this event, and that is the loss of 11 lives. Eleven men were killed in that explosion. Again, we need to pause, reflect, pray, and offer prayerful support to them and their families. Those 11 victims were Donald Clark, Stephen Curtis, Aaron Dale Burkeen, Adam Wiese, Roy Kemp, Jason Anderson, Gordon Jones, Blair Manuel, Dewey Revette, Karl Dale Kleppinger, Jr., and Shane Roshto.

I ask unanimous consent that here on the Senate floor we pause for a few seconds in silent, prayerful thought and consideration of those 11 men and their families.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(Moment of silence.)

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. VITTER. Thank you, Madam President. The tragedy, of course, started there with those 11 lives lost and we must never forget that, including as we redouble our efforts to ensure safety in those sorts of drilling environments in the future.

Of course, the second big impact was on the environment, particularly the gulf environment where I live, in Louisiana—4.9 million barrels of oil were discharged during the spill. That was

about 50,000 barrels a day, every day for 3 months; 320 miles of Louisiana coastline were oiled. That was a little over half of the total coastline on the gulf that was oiled—600 miles. Over 86,000 square miles of waters were closed to fishing; about 36 percent of Federal waters in the gulf were closed.

We did that on a very aggressive, proactive basis to make sure we avoided any contaminated seafood ever reaching a store shelf, ever reaching a restaurant. The good news is we accomplished that. Through that proactive closing, not a single piece of contaminated seafood ever reached a store shelf or ever reached a restaurant customer. That was quite an accomplishment.

Lots of dead animals were collected—6,800; 6,100 birds and also other sea turtles and dolphins. It was the biggest ever in American history, a huge environmental disaster.

Two years later, as we pause and look at the environmental effect of that, frankly, there is good news and bad news—or at least good news and continuing challenges. The good news is I don't think anyone would have predicted that the gulf would rebound to where it is today. Mother Nature has proved again to be amazingly resilient. That is good news. At the time there were all sorts of pretty dire predictions of huge dead zones covering half the gulf. That has certainly not materialized. So Mother Nature has proved amazingly resilient. But I don't want to trivialize continuing challenges, continuing work. There is continuing environmental work, I understand core projects that are ongoing that are very important. First is the NRDA process, under Federal law, the Natural Resource Damage Assessment. That is the process under Federal law by which all stakeholders help assess the damage to the environment so that the folks guilty of this horrendous incident pay for those damages, pay the State, pay the Federal Government, pay others who will work to restore the environment.

That NRDA process is ongoing. It is a multiyear process. But there is some positive result from that process already. Step one of the process was a settlement with BP for an upfront payment of about $1 billion.

Just today, two specific projects in Louisiana were announced as a direct result of that first—not last but first—upfront payment of $1 billion. There is the Lake Hermitage Marsh Creation Project in Plaquemines Parish. That will create approximately 104 acres of brackish marsh from beneficial use of dredge material. That is being announced today. And the Louisiana Oyster Culture Project—that is the placement of oyster cultch onto about 850 acres of public oyster seed grounds throughout coastal Louisiana. So those projects are the start of that NRDA project coming to fruition.

Then the second important work that is ongoing that involves all of us here in the Senate directly is the need to pass the RESTORE Act through the highway reauthorization bill, the transportation reauthorization bill.

The RESTORE Act language would dedicate 80 percent of the Clean Water Act fines related to this disaster to gulf coast restoration. I thank all of my colleagues again for an enormously positive, overwhelmingly positive, bipartisan vote to attach that RESTORE Act language to the Senate highway bill. I urge my House colleagues, including House conservatives, to pass a House version of the highway bill today. That is important for our country, for highway infrastructure, and it is important because it is a vehicle for this RESTORE Act.

A third and final category I want to touch on that is not as positive, frankly, as the environmental rebound is the impact of all of this and the related moratorium on drilling to our economy on the gulf coast and energy production. Immediately after the disaster, very soon thereafter, President Obama announced a complete moratorium on activity in the gulf on new drilling. That moratorium lasted several months. I think that was a bad mistake, an overreaction to the disaster. I think that has been borne out in several ways, including the panel of experts that the President got together. Their report, we now know, was actually doctored and edited at the White House to make it seem like those true experts supported a full moratorium, when we know directly from them that they did not.

This moratorium went in place anyway and it created a lot of additional economic harm and hurt to a lot of gulf coast residents and workers that was unnecessary. Of course we needed to pause and get new procedures and some new safety regulations in place, of course we needed to learn the lessons of the disaster and incorporate those into practices, but we did not need an all-out moratorium for months. And we do not need a continuing slowdown that continues to this day. An analogy I have often used is when we have a horrible disaster such as an airplane crash, we do not ground every plane for months after such an incident. We allow the industry and that important travel and commercial activity to continue as we immediately learn the lessons of the disaster and incorporate it into safety proceedings.

Well, unfortunately, my point of view did not hold sway at the White House. We had this complete, formal moratorium which lasted into October 2010. But when that formal, complete moratorium was lifted, it didn't just end there. For months and months after that, we had a de facto moratorium, permits which were not happening. There was only a trickle of permits. Now, even though permitting has increased somewhat, we have a dramatic permit slowdown and a slowdown of activity in the gulf. Now more than ever, our country and our citizens cannot afford that. The price at the gas pump is about $4 a gallon. It has more than doubled during President Obama's tenure. We cannot afford this avoidable slowdown and decrease in important domestic energy activity.

Again, a lot of folks around the country don't realize it, but permitting in the gulf is still way below pre-BP levels. It is 40 percent below pre-BP levels. Now, again, we need to learn and we have learned the lessons of the BP disaster. We need to incorporate those into our regulatory policy, and we have. But we cannot afford a permit slowdown of more than 40 percent since before the BP disaster. Because of that and because of other factors, energy production is down on Federal property and all oil production was down about 14 percent in the last year. Federal offshore production is down about 17 percent. So that is some of the most lasting negative economic impact from the disaster. The Obama administration's wrongheaded reaction to it and the lingering policy on energy production is something we cannot afford as the gulf region, we cannot afford as a country, and we can afford less than ever now with the price at the pump.

Again, I hope we do learn the lessons of this disaster. I hope we continue to ensure that those safety and other lessons are built into our regulatory framework and best practices in the industry. I think that has largely been done, and that work continues. I also hope we honor the lifework of those 11 men who lost their lives, who worked hard every day in that industry producing good American energy by not only allowing that work to happen safely but allowing that work to happen and allowing American citizens to benefit from that work.

The United States is the single most energy-rich country in the world, bar none. For instance, we are far richer than any Middle Eastern country, such as Saudi Arabia. The problem is that we are the only country in the world that puts well over 90 percent of those domestic resources off limits and says: No, no, no. No you can't do this, and no you can't touch that.

We need to build a commonsense American energy policy that says: Yes. Yes, we can. Yes, we can do it safely, and, yes, we can provide American energy for American families and the American economy.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

GSA

Mr. HELLER. Madam President, I come to the floor today to highlight an issue I fight for every day; that is, jobs in Nevada. In Nevada, having a strong tourism industry means more jobs in the State. Las Vegas, Henderson, Lake Tahoe, and Reno have long been favorite destinations for millions of visitors both domestically and, more increasingly, internationally. The entire

southern Nevada economy is heavily dependent on the hotel, gaming, and convention industry, which employs over one-quarter of the region's labor force. Plain and simple, tourism is the lifeblood for business and job creation in Nevada.

Like many taxpayers, I was shocked and disappointed to read the GSA inspector general's report that found inappropriate spending at the 2010 Western Regions Conference that was held in Nevada. This conference was excessive, wasteful, and it completely ignored Federal procurement laws and internal GSA policy on conference spending.

I believe it is appropriate for Congress to exercise its oversight authority on GSA to look into the agency's practices and provide corrective oversight to ensure that taxpayer dollars are spent wisely by this administration. However, I want to be clear: This is not an issue about location, this is the result of poor decisionmaking and leadership by the GSA. Las Vegas is one of the greatest locations in the world for a conference, a meeting, or a vacation. With over 148,000 hotel rooms and 10.5 million square feet of meeting and exhibit space citywide, it is ideally suited to host companies and organizations both large and small. In fact, this past January Las Vegas hosted the Consumer Electronics Show, which had more people attend than the Iowa caucuses. I fully agree that it was inappropriate for the GSA to waste taxpayer dollars, but it is not inappropriate to come to Las Vegas for conventions and meetings.

The actions of GSA should not reflect negatively on Las Vegas, and I am asking all of my colleagues to be mindful of that as they conduct their investigations. The viability of the economy in Nevada is dependent upon the volume of visitors to our State. Last year nearly 39 million visitors came to Las Vegas alone. These visitors came because Las Vegas continues its reign as the No. 1 trade show and convention destination in North America. Las Vegas hosts thousands of meetings and conventions annually and generates billions in revenue.

It is no secret that Washington politicians and this administration have had a negative impact on the Las Vegas economy due to their comments issued publicly. For example, in 2009 attendance at conventions and meetings in Las Vegas fell by 13.6 percent. The following year attendance fell by another 7.2 percent. In total from 2009 to 2010, Las Vegas lost 1.4 million convention attendees. While I recognize that it is unfair to blame total decline on a few ill-advised lines in a speech, there is no doubt that spoken words by politicians clearly have an impact on the Las Vegas economy. Las Vegas and the great State of Nevada should not be political targets because of GSA's misconduct. Las Vegas is an excellent destination for conferences, and I am proud of my State's ability to entertain and accommodate businesses, organizations, and individuals from all over the world.

Again, while several congressional committees investigate this issue, I would respectfully advise my colleagues that it is not the location that can be blamed for the misuse of taxpayer funds. The convention services my State offers are the best in the world. And no town in Nevada should be singled out due to poor judgment by the GSA. It is my hope that all of my colleagues will focus on the misconduct of the GSA and push for a new initiative that spurs growth in the tourist industry instead of blaming Nevada for the mistakes of incompetent government bureaucrats.

I yield the floor.

Mr. LIEBERMAN. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. MERKLEY. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

POSTAL REFORM

Mr. MERKLEY. Madam President, I rise today to address an issue that goes to the very heart of our rural communities—our post offices.

First, let's set the context. Our Postal Service is facing a challenging and difficult situation, no doubt. Americans' habits with first-class mail have changed, and there is greater competition for packages with groups such as FedEx and UPS. But perhaps the biggest wound to the post office's bottom line is one that Congress imposed: a $5.5 billion yearly financing of health care costs 75 years into the future. That is health care costs not just for folks who aren't yet employed with the post office but for future employees who have not yet been born. So, yes, the post office system must restructure, and it should start with Congress reversing the $5.5 billion yearly requirement for advanced yearly health care payments.

Let's go to the other end of the spectrum, which absolutely does not make sense, and that is to close our rural post offices. In a rural town, the post office is the only place where nearby residents can send and receive mail. But it is more than that: It is a shipping center for the small businesses of the communities. It is the pharmacy for seniors and others who need medicines through the mail. It is the community center where folks gather and exchange information. In short, it is the very heart of our rural communities.

Let's start by examining the critical role of rural post offices on small businesses. Virtually every small town is home to a host of small businesses that take orders through the mail and ship their products through the mail. What would happen to the efficiency of a small business if it had to drive an additional 50 miles per day in order to pick up orders and mail products? Well, quite obviously, it would destroy their efficiency, and they would think about shutting down or they would think about moving.

What would happen to the profit margin of a small business if they had to spend three or four times more on gas—very expensive gas, as we all know? Obviously, it would do a lot of damage to their bottom line and, again, they would think about shutting down or moving.

What would the impact be to that small community of the small businesses shutting down and moving? Well, it would do enormous damage. I think no one would dispute that. So we need to be clear that when we are talking about shutting down rural post offices that are many miles from the next possible opportunity to receive orders and ship products, we are talking about destroying the economic heart of our small towns. It is economic havoc, and it is unacceptable.

Here is the irony. Folks come to the floor of the Senate and talk about economic development. They talk about creating jobs. They talk about how small businesses are the job factory. And they are right on every single point. So if there were no post office in a small community, the very first thing we would do for economic development is to create one so the small businesses can pick up their orders and ship their products. So how is it possible we are considering a bill that is going to shut down these rural post offices that are so essential to small businesses across rural America?

Another powerful role of rural post offices is to deliver critical medicine to America's seniors. What happens if seniors cannot receive their medicines through the mail? One of my colleagues glibly said: Well, of course, they get it from FedEx.

Well, I beg to differ because FedEx uses the postal system to deliver medicines the last mile and to deliver packages the last mile. So, no; they simply can't get their medicines through FedEx. Now they are driving roundtrip 50 miles, sometimes on impassable roads, in order to get critical medicines? Well, they will start thinking about moving.

Then there is the fact that these post offices are the places where citizens gather, where they exchange information, where they find out what is going on. Indeed, sometimes even the last small store has closed in these communities of 200 or 300 families, so then it is the post office that is the heart of communication. So if we take away the small business, we take away the seniors, we take away the communication hub, and we do enormous damage. Why is that bill being considered with this clause on the floor of the Senate? We must change that.

That is why a number of us are putting forward an amendment to say, no;

this is absolutely wrong—wrong on economic development, wrong on service to our senior citizens, and wrong in understanding the cultural heart of our rural communities.

I am going to focus on some comments from two communities in Oregon—two that are on the list of 41 post offices the Postmaster General said were slated for possible consideration for closing. This is a picture of the Tiller Post Office. It is 16 miles from the next nearest post office. Now, imagine being 5 miles from Tiller or 10 miles from Tiller and another 16 miles from the next post office. Now we are talking about 40 to 50 miles roundtrip every single day to pick up orders, ship products, and get medicines. It doesn't make sense.

Here is a letter from Diana Farris, a former postmaster in Tiller. She writes:

> Tiller is one such community, where in many ways, time stands still and new technology is beyond their grasp. In Tiller, cellular phone service is unavailable. DSL and cable internet service are unavailable, satellite service is overpriced with the majority of residents unable to afford it and there is no Wi-Fi access in the area.

Diana continues:

> Dial up Internet is available (when the poorly maintained telephone service is operational) at top speeds of approximately 24 to 26k, so slow that many websites, including USPS—

That is the U.S. Postal Service—

> time out before you can access needed info.

She continues:

> The unemployment rate has risen to 13 percent in Douglas County—

That happens to be the county where I was born in rural southern Oregon—

> and the lowest gas price in Tiller in the last few months has been $3.95 per gallon. For communities like this, the local Post Office remains the only option.

That is the end of her letter.

In Tiller, the nearest post office, if Tiller were to close, is 16 miles away. It would mean, a roundtrip, a full hour's drive through winding mountain roads, and that is assuming the best weather and road conditions.

Because of that difficult drive, closing the Tiller Post Office would have a devastating impact on small businesses that rely on the Postal Service to ship their goods.

Here is a letter from Alexandra Petrowski who owns a small business with her husband in Tiller called Singing Falls Mohair. She writes:

> We utilize the services of the U.S. Post Office extensively. I would estimate that between 3 and 5 packages go out from our home to destinations all over the world on a daily basis.
>
> We sell our products on Ebay and the business is flourishing! Our growing market is worldwide using the U.S. mail system every day of the week excluding Sundays. In the Ebay marketplace, timely mailing is an integral part of good customer service.
>
> As it is, the Tiller Post Office is seven miles from our rural mountain ranch. A closure of the Tiller Post Office would require a 45-mile round trip journey that would severely impact our modest profit margin.

Alexandra concludes:

> We have been engaged in this business for 30+ years. We are seniors and rely extensively on our cottage industry to sustain our ranch operation. Would closing Tiller's Post Office mean effectively an end to our business? The answer at this point in time is that it would seriously jeopardize our business.

Now let's turn to Malheur County and the town of Juntura. This is a picture of Juntura Post Office, approximately 19 miles, or 20 miles if we round it off, to the nearest additional post office. I have a report from a citizen of Juntura named Laura Williams. She details the negative impacts that closing Juntura Post Office would have on the community. Her report is 42 pages long, an incredibly researched and detailed study of the impact that closing this modest modular post office would have on the rural community of Juntura.

Let me read a little bit from her report. She writes:

> Juntura residents will either have to drive to Drewsey, to the west, to mail packages, buy money orders and complete a variety of other transactions, or they'll have to drive east to Harper, 34 miles away, a route that winds through a river canyon dangerously choked with deer during the winter months. In essence, Juntura is between a rock and a hard place.

She notes in her letter that 25 percent of Juntura's post office users are seniors who would be particularly impacted by these changes as they rely heavily on the Postal Service to receive medication and may have difficulty driving the long distances required in the particularly hazardous winter months. There is just one word in bold on the front page of her report, and it sums up the closure of the Juntura Post Office. The word is ''disastrous.'' That is how she sums up her 42-page report. The impact would be disastrous on this town of Juntura, this modest structure open a couple of hours a day, serving the citizens, providing the money orders, providing the stamps, providing the ability to receive orders and to send packages. Every part and role it plays she has detailed.

These are just a few stories from rural post offices across America, but these comments are far from being isolated. I think we would find very similar comments from every single small town where these towns of modest size depend on these post offices for critical services.

I have heard these comments all across Oregon. Two weeks ago I visited Fort Klamath, which is also on the closure list. Residents converged once word went out that I was at the post office. People started arriving, cars started arriving, people started sharing their stories, and I would like to share a couple of them.

I want to start with Jeanette and Bob Evans. Bob is a veteran who receives medication through the mail that often needs to be scanned and signed for. They would need to take a 30-mile trip to pick up medications if Fort Klamath Post Office closes. Jeanette and Bob pointed out that they have a rental business that must follow State law requiring many documents be sent via first-class mail verifying the date of notification. Again, closure would force them to take 30-mile trips to Chiloquin to process this mail correctly.

Fort Klamath is a seasonal community, and the post office is the only place during the winter months where the people gather and meet each other. Without the post office, friends and neighbors will be traveling snowy, icy roads to get mail 15 miles away.

Heidi McLean comes to the Fort Klamath Post Office. She shared these comments. She is a proprietor of the Aspen Inn in Fort Klamath that operates seasonally. She uses the post office daily as they send out packages to everyone interested in staying with them during the season. They could get by with fewer days or partial days, but they feel very strongly they need access to a local post office. A 30-mile roundtrip to Chiloquin would be a serious problem for their small business.

That is why, in partnership with a number of my colleagues, I am offering an amendment to this bill that would create a 2-year moratorium on the closure of rural post offices and would ensure that future closures meet certain conditions.

Under those conditions, no rural post office could be closed unless seniors and persons with disabilities will receive the same or substantially similar service, including access to prescription medicine through the mail; businesses in the community will not suffer economic loss, and the economic loss to the community resulting from the closure will not exceed the savings the Postal Service obtains by closing the rural post office—and that, by the way, goes to a key point which is, it is much more efficient in terms of the economy to have a common mail service in the heart of a small town than to ask hundreds of families to drive 50 or more miles daily to obtain their mail. That makes no sense. It is an enormous waste of citizens' time, an enormous cost in gasoline, in both cases devastating and economically idiotic.

Let any Member come to the floor and defend shutting down a rural post office, requiring hundreds of families to drive 50 miles every day to get their mail, when for a couple hours a day you could have a post office open, and they can access it and support their small businesses, support their access to medicines.

Let's be clear: This is not a Democratic or Republican issue. This is about critical infrastructure for our small towns. I thank Senator LEE, who has worked on this issue in brainstorming with me, Senator MCCASKILL, Senator TESTER, Senator BAUCUS, and others, who are all working on this issue.

I agree that we do need to reform the Postal Service for the 21st century.

Conditions have changed, and we need to start by reversing the $5.5 billion advance payment for folks yet unborn for health care payments. But we must not carve the heart out of our rural communities.

So for the citizens of Tiller, for the citizens of Juntura, for the citizens of Fort Klamath, and for the citizens of small towns across our Nation who depend on these rural post offices, I urge my colleagues to support the amendment I and others are offering.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Acting President pro tempore.

Madam President, I thank my friend from Oregon for his excellent statement, really. Senator COLLINS and I want to work with the Senator and the other cosponsors of the amendment.

I want to say a couple things. The first is, the particular examples Senator MERKLEY gave of the importance of post offices in small towns and in rural America make a larger point to those who have said—those within the Senate and those outside—that in the age of the Internet, the Post Office is a relic we cannot afford, and we have to cut, cut, cut, cut.

Well, there is no question that because the Postal Service is running big deficits—up to about $13 billion over the last 2 years—there has to be economizing and we have to look at a different business model. But to draw an easy conclusion that in the age of the Internet the post office and the Postal Service do not have a role to play and are not playing a role anymore is wrong. I think the Senator's examples, in very personal ways, show that.

I said yesterday about three times—and I am going to say it again today—notwithstanding the drop in mail volume because of the Internet today, every day the U.S. Postal Service delivers 563 million pieces of mail, and a lot of the things the Postal Service is delivering are critically important to people. An awful lot of the prescription drugs people are getting today, in an increasing number, are coming through the mail. It is an example the Senator cited. The same is true for small businesses with a particular urgency or dependency in small-town and rural America.

So the Senator makes a good point. That does not mean everything that exists has to exist forever. It means we cannot reach an easy conclusion that because the Internet exists we do not need the post office or the Postal Service anymore. The fact is, a lot of people depend on the Postal Service every day, and we want to respect that reality, which is important to the quality of life people live and to the health of our economy overall.

I look forward to working with the Senator on his amendment. The existing bill tried to recognize this problem and contains within it, S. 1789, a number of steps that are aimed at ensuring the post offices in rural areas and towns are protected and appropriate weight and consideration is given to the importance of such post offices in their communities.

This was done in large part in our committee thanks to a bipartisan amendment offered by Senators Tester and Moran. That was strengthened, we think, in the substitute amendment we are now considering. It includes retail service standards, standards for possible post office closings, and what the standards would be on appeal to the PRC. But I do not believe this is a perfect document and I accept, therefore, the Senator's amendment as a thoughtful attempt to do even better on what we are trying to do. I say to Senator MERKLEY, I look forward to working with you to see if we can reach common ground on this issue.

I will say something else, to put this in a different sort of hard numbers context. The Postmaster General set as a goal at the outset to try to cut about $20 billion from the annual operating expenses of the Postal Service. That is a tough number. That is over the next 3 or 4 years. We think this bill—and the Postal Service seems to agree—does not quite do that, but it gets pretty close to it. It certainly is somewhere in the $15 billion to $20 billion range.

Some of the elements in the bill that save a lot are the money we provide for incentivizing postal workers to retire early. That is an $8 billion annual savings. There are significant savings in terms of the mail processing facilities—in the billions.

The reality is, interestingly enough, as I think my friend from Oregon knows, the amount of money saved if the Postmaster General actually closed the 3,700 post offices that he put on the list of possible closings is relatively small. It is not nothing, but we are talking about $150 million to $200 million if we closed all of them.

So as compared to the billions in the other items we are doing, and in relating that number to what the Senator described in the examples he has given and what we heard in our committee, I think this is an area in which I personally believe we have to tread cautiously.

I thank Senator MERKLEY for his thoughtful statement. I look forward to working with him. I know Senator COLLINS does too, and the other sponsors of the amendment, to see if we can reach an agreement so we can find a way to accept the Senator's amendment.

Mr. MERKLEY. Madam President, I thank my colleague from Connecticut. I appreciate him addressing this issue and I look forward to working with him.

I understand efforts were made to identify issues the Postal Service must consider before closing a post office. But the key is not simply to have them consider an issue but to have a standard by which it can be evaluated whether that standard has been met. That is the critical distinction, which then allows the review commission, which the Senators have appropriately included in the bill, to have a standard; simply: Did the Postal Service consider this? They will say, yes, they did consider it. But did it have a substantial impact in damaging the local economy? Now there is a standard for the review commission.

I look forward to working with the Senator and thank him so much. And I thank Senator COLLINS and Senator CARPER, who have been working to help address this issue as well.

Mr. LIEBERMAN. I thank the Senator.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Madam President, I rise to speak on the postal reform bill and to offer constructive suggestions. I know Senator COLLINS was scheduled to speak. I am going to take this time. She is in a meeting, and it is agreeable to her we follow this sequencing.

There is no doubt that the Postal Service is in need of reform, and I support the concept of reform. I salute the architects of the bill, Senators LIEBERMAN and COLLINS, on the framework they have proposed. I think it was thoughtful and robust and even ambitious. I wish to compliment them on the process that is the hallmark of this committee.

If I could have the attention of the Senator from Connecticut for a moment, I say to Senator LIEBERMAN, I want to comment that we know you are about to retire, and we are going to miss you because here we are having a civilized, rational, thoughtful, data-driven type of conversation, and I think it is a hallmark of the way you and Senator COLLINS have functioned to bring this bill to our attention. The Senate ought to do more of it.

I thank the Senator for his leadership, though I disagree with some of the parts in this bill. But that is the way the Senate should be.

Let me talk about postal reform, and first about the post office. The post office is not a business. It is a public utility, and we need to think of it as a public utility; that which provides universal service to keep the juice and electricity of our economy going. If we think of it as a public utility mandated by a national interest to provide universal service, then that is the way we should think about it. Will it require subsidy? Yes. Does it require an open checkbook? No. Does it require reform? Yes.

But the Postal Service has reformed itself from the days of the Pony Express to the present. They had to face the challenge when they invented Western Union. They faced the challenge when we got telephones. Why do we need the Postal Service? Time and time again, the Postal Service has needed to reform. It is time to reform again. But if we are going to reform, we need to make sure we provide safeguards to protect rural communities,

to protect small businesses, and to protect vulnerable populations that do not have access to the Internet.

We have a digital divide in the United States of America. We do not have a universal superinformation highway in the United States of America. We do have a digital divide, and the divide is because of both geography and income. Not everybody walks around with these cool 500 devices. So people rely on the post office for correspondence, for paychecks, for the delivery of products that have been ordered over the Internet—those e-Bay entrepreneurs we know about. Small business relies on it for time-sensitive business documents and the time-sensitive delivery of products.

This is even more important for rural areas. Rural areas have a unique geography, and that can complicate mail delivery or create delays. I represent the mountain counties of western Maryland. At times that weather is so rugged up there you need a snowmobile to get through. Then there is the Eastern Shore—the beautiful, dynamic, charming Eastern Shore. But it is nine counties stretching over 150 to close to 200 miles. Sometimes in places they do not even have cell phone coverage. Reductions to delivery standards, closing a post office, and, most of all, closing a processing center would have a Draconian impact. So in my State we are very concerned about this.

We are willing to do reform. We were willing to close a processing center in western Maryland and work with Pennsylvania and West Virginia—bordering States—to do this. But now they want to close the Easton Mail Processing Center. It is the only processing center on the Eastern Shore. It is the only mail processing center serving nine counties. To use the processing center in Baltimore, it is miles away and across the Bay Bridge.

Then there is this whole issue of merging it with Delaware. Delaware is nine counties away from Somerset County—over 150, close to 200 miles. The operation of this Eastern Shore postal processing facility is absolutely crucial.

Everybody says: Oh, we love the Eastern Shore. Well, I love it too. But I want it to have business. I want my senior citizens to be able to get their prescription drugs by mail, and get them on a timely basis. It is a community of small business. That is what the Eastern Shore is. Even our big business of poultry and seafood is made up of small entrepreneurs involved in this. They need the Postal Service, and they need to have it accessed on the Eastern Shore.

So last February, the Postal Service, in its unique way, announced the closing. Senator CARDIN and myself asked for hearings. The Postal Service responded in a very dismissive way. They dismissed not only CARDIN and MIKULSKI, but they dismissed a half a million residents who live on the Eastern Shore and who rely on this.

When I asked them if they would even hold a hearing so farmers and small businesses and seniors could voice their opinions, they said they heard all they needed. They had no intention of holding a hearing. My constituents have a right to be heard. They have a right to standards of delivery service and they have a right for me to fight for them and I am going to fight for them. But I am also going to fight for postal reform. The way Senator MERKLEY wants to improve the bill, so do I.

I have four amendments pending to get the post office to make sure they not only look at what they are doing—right now they look at what is the impact of what they are doing on the post office. Senator BARB looks at the impact they are having on the customer and on the community. Remember, think of it as a public utility, and we are turning the lights off on the Eastern Shore.

My first amendment says: No processing center can be closed unless a Governor from the State certifies that a closure will not harm the community or disrupt commerce.

My second amendment says: No processing center can be closed unless an independent third party, such as the Commission, talks about the impact on jobs, the unemployment rate and small business and to make the study public.

My third maintains the standard of delivery for overnight. On the Eastern Shore, my veterans need their medical care, my seniors need to be able to get their Social Security checks, and also business—even live birds come through this processing center. Are they going to sit around and go back and forth to Baltimore? Man does that ruffle my feathers. I can tell you that right now.

Fourth, it is strictly ZIP Code politics. I will offer an amendment to prevent the closing of the Easton Post Office. If my other three amendments prevail, I think we have it. It is not just my criteria; it is what Senator MERKLEY and all of us are talking about. The post office is a public utility. We look at the impact of closing, not only the impact of what the post office saves but what the community loses and if is it worth the cost. I do not want to turn the lights out on the Eastern Shore, but I do want to keep the lights of the post office going.

In the spirit of compromise and conversation and civility that marks the leadership of this committee, I want to work with the leadership and see if I can be accommodated. I wish to again congratulate Senators COLLINS and LIEBERMAN on their leadership and on their whole civilized way and also to Senator SANDERS for doing this.

I think I have made my point. Next time, the post office should listen more to the people or they will hear more from Senator BARB.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Ms. COLLINS. Madam President, before my friend and colleague from Maryland leaves the floor, I wish to thank her for her passionate advocacy on behalf of her constituents. I have a similar problem in my home State of Maine, where a processing center has been targeted for closure that would have an extraordinarily detrimental impact on mail delivery for two-thirds of the State of Maine. It makes no sense whatsoever. It would do away with overnight delivery, as the Senator has indicated.

I would encourage her to continue to work with us and also to look at the specific provisions we have put into the substitute that reflect the input we have had from her and many other concerned Senators. One of those standards deals with the overnight delivery and the need to maintain that standard of service.

This is an advantage the Postal Service has, and it helps it keep customers. In my view, to do away with overnight delivery would be foolhardy, and it would actually cause more mailers to leave the Postal Service, which would produce a further decline in volume and, thus, revenues would plummet still further.

I understand a lot of the concerns the Senator from Maryland has raised. I do think we have taken care of some of her concerns in the new substitute we have proposed on a bipartisan basis. But we look forward to continuing to work with her to address her concerns.

Ms. MIKULSKI. If I may respond to the Senator, first of all, I do thank the Senator for the substitute. I think it does make substantial improvements in the bill. It demonstrates that the Senator is listening to colleagues and also to people who are affected.

I am familiar, when we worked on home health care, and the Senator and I teamed up, that in parts of Maine and parts of western Maryland, we had visiting nurses on snowmobiles and they were not going to be reimbursed. So we have an understanding of these rural, rugged communities. I do want to work with Senator COLLINS. In the spirit and tone represented by Senator COLLINS and Senator LIEBERMAN, perhaps we could have an additional conversation.

Mr. LIEBERMAN. Madam President, if I may just briefly, thanks to Senator MIKULSKI for her kind words but also for her directness about her concern about the processing facility she talked about and overall and to thank her for her willingness to work with us to see if we can work out something acceptable.

As Senator COLLINS said, we have made some changes in this substitute that will still require overnight delivery—less broadly than before because we are trying to deal with how to responsibly react to the precipitous drop in mail volume because of the Internet, yet not reduce the quality of service so much that people leave the mail system even more.

I used an analogy yesterday which is probably not exact, but way back when

I was in the State senate in Connecticut, we had a crisis in the financing of our public bus system. One of the things that was done that seemed quite logical at the time was to raise the price of the bus fare. What does the Senator think happened in response to that?

Ms. MIKULSKI. They left.

Mr. LIEBERMAN. Fewer people were riding the buses and the fiscal problem got worse. There is a reality here. The mail volume has dropped so much that we have to close some of the mail processing facilities or—and Senator COLLINS and I feel very strongly about this—we have to thin out the number of personnel working at the facilities.

We put this in as a condition which we thought originally was what the Postmaster was going to be interested in. Do not just precipitously close a lot of mail processing facilities. First—and we require this now—they have to consider a plan to reduce the capacity of a particular facility and presumably the number of people working there before they absolutely close it.

Anyway, bottom line, thanks to Senator MIKULSKI. We look forward to working with her to reach a mutually agreeable result.

Ms. COLLINS. Madam President, I wish to discuss in more detail a key provision of the postal reform bill that is before us; that is, the provision that would refund to the Postal Service an $11 billion overpayment that the Postal Service has made to the Federal Employee Retirement System.

This is the key provision of our bill because part of the money from that refund would be used to finance the buyouts and retirement incentives the Postmaster General has estimated would allow him to decrease the size of the workforce, in a compassionate way, by about 100,000 workers.

The Postal Service has about 600,000 workers, just to give an idea of how many we are talking about. So it is about 18 percent. That would help the Postal Service right size. It is patterned on the practices many private corporations use when they find they need to downsize. They provide a little incentive for people to retire early or to retire. If they are eligible for retirement, it gives them a little incentive to take advantage of that.

I am convinced this will work because more than 33 percent of postal employees are eligible for retirement right now. We use the standards that are in current laws. The retirement incentive cannot exceed $25,000. That is in current law for Federal agencies to use, and we would extend that so it is capped to postal employees.

We also would allow the Postal Service to give 1 year of retirement credit for someone who is 1 year short of the necessary number of years under the old Civil Service Retirement System, 2 years under the newer FERS system.

But yesterday I heard one of our colleagues describe this refund of $11 billion as being an overpayment that will come from taxpayer pockets. That is not an accurate statement. I realize this bill is very complex. So I wish to provide to my colleagues some additional information. They do not have to just take my word for it; they can take the word of the inspector general of the U.S. Postal Service.

The FERS system does have tax dollars in it from Federal agencies that are paying in for their employees and, of course, the employees also contribute to the system. But when it comes to the Postal Service, the money is not coming from taxpayers. The contributions are not coming from taxpayers. They are coming from postal employees themselves, and they are coming from the Postal Service, which is using its revenue from postage and other services and, thus, it is the ratepayers' money.

The inspector general makes this very clear in his letter. I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF INSPECTOR GENERAL,
UNITED STATES POSTAL SERVICE,
February 2, 2012.

Senator JOSEPH LIEBERMAN,
Senator SUSAN COLLINS,
Senator TOM CARPER,
Senator SCOTT BROWN,
U.S. Senate,
Washington, DC.

DEAR SENATORS LIEBERMAN, COLLINS, CARPER, AND BROWN: In response to your request, I am providing the following information. The postal surplus for the Federal Employees' Retirement System (FERS) has been projected to be $11.4 billion for fiscal year (FY) 2011. The Office of Personnel Management (OPM) made this projection as of September 30, 2011. In addition, OPM has projected the postal surplus of the Civil Service Retirement System to be $1.7 billion for FY 2011.

The source of the FERS funding comes from two streams of revenue: (1) the U.S. Postal Service contributes 11.9 percent of employee salaries to the fund and (2) the employees contribute 0.8 percent. The Postal Service contribution comes from revenue paid for postage, and this money comes from the ratepayers. The employee contribution, as with all federal employees, is made in exchange for a defined benefit.

If you have any questions, please do not hesitate to contact me or Mohammad Adra or Wally Olihovik in my office.

Sincerely,

DAVID C. WILLIAMS,
Inspector General.

Ms. COLLINS. Madam President, first of all, the inspector general verifies the amount of the overpayments. His letter to Senator LIEBERMAN, Senator CARPER, Senator SCOTT BROWN, and myself, dated February 2, 2012, says:

The postal surplus for the Federal Employees Retirement System (FERS) has been projected to be $11.4 billion for fiscal year 2011. The Office of Personnel Management made this projection as of September 30 of 2011.

In addition, OPM has projected the postal surplus of the Civil Service Retirement System to be $1.7 billion for fiscal year 2011.

We are not trying to deal with that; we are only dealing with the FERS surplus. Here is the key paragraph.

The source of the FERS funding comes from two streams of revenue: (1) the U.S. Postal Service contributes 11.9 percent of employee salaries to the fund and (2) the employees contribute 0.8 percent. The Postal Service contribution comes from revenue paid for postage, and this money comes from the ratepayers. The employee contribution, as with all Federal employees, is made in exchange for a defined benefit.

This could not be more clear. This is not taxpayers' money. No matter how many times some of our colleagues may say this is a taxpayer bailout or this is taxpayers' money, it is not true. It is not an accurate understanding of how the system works. I am going to circulate this letter widely, and I hope my colleagues will take the time to read it.

I can understand the confusion, because if it were a Federal agency, a regular Federal agency, it would be taxpayer money. But it is the Postal Service and it is not taxpayer money, and that is important.

The other important point I wish to make is that this is a real overpayment. It has been verified by an independent board of actuaries. This is not something the Postal Service came up with or that our committee came up with. This has been verified by the OPM Board of Actuaries, an independent body comprised of private sector actuaries that advises the Office of Actuaries within OPM and reviews annual reports.

So it is not even OPM's actuaries. It is an independent board of private sector actuaries that has verified that this is, in fact, an overpayment and it is $11.4 billion.

I ask unanimous consent to have printed in the RECORD a letter from the Office of Personnel Management which explains the independent boards.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES OFFICE OF
PERSONNEL MANAGEMENT,
Washington, DC, February 3, 2012.

Hon. SUSAN M. COLLINS,
Ranking Member, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR COLLINS: On February 2 and 3, 2012, you contacted my office requesting information regarding the amount of surplus contributions made by the U.S. Postal Service to the Civil Service Retirement and Disability (CSRD) Fund for its employees who participate in the Federal Employees Retirement System (FERS).

My staff has contacted the U.S. Office of Personnel Management (OPM) Office of the Actuaries (OA). In an email exchange and follow-up discussions on February 3, 2012, the OA indicated to us that its most recent determination of the Postal Service's projected FERS surplus is $10.9 billion as of September 30, 2010.

We have also confirmed that this figure appears on page 20 of the ''Civil Service Retirement and Disability Fund Annual Report: Fiscal Year Ended September 30, 2011'', which is attached. This report is issued annually by the OA and OPM's Office of the

Chief Financial Officer. The OPM Board of Actuaries, an independent body comprised of private sector actuaries that advises the OA, reviews the annual reports.

If you have any further questions, please do not hesitate to contact David Cope, the Assistant Inspector General for Legal Affairs, or Susan Ruge, Attorney-Advisor.

Sincerely,

PATRICK E. MCFARLAND,
Inspector General.

Ms. COLLINS. Madam President, the Government Accountability Office has also looked at this issue and found that OPM's Actuary did assess that there was an overpayment—what GAO calls a surplus.

There is one paragraph in the GAO letter that I particularly want to bring to my colleagues' attention because it is a call for action. The Comptroller General says:

We have also reported that Congress and USPS urgently need to reach agreement on a comprehensive reform package to address the Postal Service's financial problems. Congress could consider a one-time return of some, or all, of the FERS surplus as part of a broader package tied to specific actions on the part of USPS to help it address its financial problems. These actions could include prefunding its retiree health benefit obligation, reducing its $13 billion debt, or developing incentives to reduce its workforce.

Madam President, that is what our bill does. We are following the advice of the GAO to do this one-time refund of the overpayment and dedicate it specifically to the incentives to reduce its workforce and to reducing the debt the Postal Service owes to the Treasury. We also deal with the prefunding of the retiree health benefit issue in our bill as well.

My point is that there is agreement that this is not taxpayers' money. There is agreement that this is a true overpayment. And we have GAO suggesting that we do exactly what this bill does, which is the one-time refund of the overpayment, tied to reform to address the USPS's financial crisis and specifically mandating that the money be used to develop incentives to reduce the size of the workforce and pay down its debt.

I wanted to take this time today to explain this issue because I am very concerned that there are Members who are operating on the basis of a complete misconception that somehow this is a taxpayer bailout or that it is taxpayer funds that are being used to repay this overpayment. That is not accurate.

This bill is very complicated, and I hope we can stick to the facts as we debate it. People may have different views on the way forward or the path forward, but I hope we can keep this free from mischaracterizations about the bill. I understand how it is going to happen because it is a complex matter. That is why we have spent, on our committee, so many months carefully studying this issue and getting help and expertise from GAO, OPM, and outside parties to make sure—and from the IG—we fully understand the provisions of the bill.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I note the presence of my friend from Tennessee on the floor. Before he speaks, I would like to spend a moment responding to Senator COLLINS, and then I will quickly yield to him.

I thank Senator COLLINS. She made a quite complicated subject very understandable. It is a misunderstanding—really a misstatement—to say the money the Postal Service will be refunded is taxpayer money. It is not. It is the return of money collected, as the Senator said, by the post office from ratepayers and from their own employees which was mistakenly put into this retirement fund. This is no more a bailout with taxpayer money than in the case—which happens—where an individual or a business overpays taxes to the Federal Government. When that miscalculation or error is discovered, they can ask for a refund. That is exactly what has happened here with the Postal Service.

It is critically important to this bill and to the future of the Postal Service because we are requiring in the bill and authorizing that the money refunded not be used for more spending but be used to, one, pay down the debt and, two, make investments by incentivizing the retirement of employees, which will have an enormously important effect on the annual Postal Service budget.

The Postmaster believes that with the money he receives back—really not a majority of it—he can incentivize the retirement of approximately 100,000 current employees of the Postal Service, which is the goal we set for them in this bill. That will result in a savings of over $8 billion a year for the Postal Service. So this is not only a refund of the Postal Service's own money—not taxpayer money—but it is going to be used to save $8 billion a year, which is the largest savings component of the proposal we have made.

Again, I thank my friend from Maine.

I yield to my friend from Tennessee.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. DURBIN. Will the Senator from Tennessee yield briefly?

Mr. ALEXANDER. Yes.

Mr. DURBIN. Madam President, I ask unanimous consent that I may speak following the Senator from Tennessee.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, first, I thank the Senator from Maine and the Senator from Connecticut for letting me take a few minutes, and I congratulate them on their hard work on this bill. This is a bipartisan bill that has some bipartisan amendments and suggestions about a big problem. It is the kind of thing we ought to be working on.

I hope that—while we ran into a little obstacle yesterday, in terms of our ability to move forward with relevant amendments to the Postal Service bill, I hope we can move back in that direction so we can have a good debate.

I thank the Senator from Maine for her full explanation of the refund, which is an essential part of the bill.

TRIBUTE TO FRANKLIN NAMON WATSON AND LOWELL RUSSELL

Mr. ALEXANDER. Madam President, my late friend Alex Haley, the author of ''Roots,'' lived his life by these six words: ''Find the good and praise it.''

Occasionally, I come to the floor and cite an example of a Tennessean or some circumstances in my State that fit those six words.

A few weeks ago, I came here to talk about 91-year-old Tennessean Bill Hoffman, a resident of Memphis, who turned down a Purple Heart in 1944 when he was wounded in Germany because there were so many other people who were hurt worse than he was. His son thought, since his father is now 91, that maybe it is time that he does get it, and he contacted our office, and we got in touch with the Army. Lo and behold, he not only deserves the Purple Heart, he turns out to be one of the last three surviving rangers who scaled the cliffs at Pointe du Hoc on D-day, which was one of the most daring and courageous acts of World War II. President Reagan talked about it in his 40th anniversary speech, ''The Boys of Pointe du Hoc.''

Last week in Memphis, the Army presented Bill Hoffman not only with his Purple Heart but with the Bronze Star and a ''V'' for valor, and they gave him a special ranger cap to go along with it. That was a good day.

I am here today to talk about another story, two extraordinary Tennesseans who are united by both their friendship and their courage—LCpl Franklin Namon Watson, who sacrificed his life for our freedom, and his devoted friend and mentor, Tennessee Highway Patrol Sergeant Lowell Russell, who is recovering from critical injuries he sustained while on duty.

LCpl Franklin Namon Watson, or ''Frankie'' to everyone who knew him in East Tennessee, enlisted in the U.S. Marine Corps Reserve in 2010. Last year, in September, at the age of 21, Frankie was killed while serving our country in Afghanistan, sweeping for improvised explosive devices in the Helmand Province.

Frankie, the son of Stacy Couch and Troy Watson, didn't shy away from difficult or dangerous work when he was back in Tennessee. He was a law enforcement officer in the police department of Madisonville in East Tennessee, just a few miles down the road from my hometown. The chief deputy of the Monroe County Sheriff's Department, Brian Graves, described Frankie as ''very upbeat and focused on what he wanted to do.'' What he wanted to do was be a peacekeeper and a law enforcer. Family members say his dream was to join the Secret Service and protect the President.

Madam President, I will read from a letter to the editor of the Knoxville

News Sentinel written by a prominent Knoxville attorney, Billy Stokes. He wrote about the escort of Frankie's body, delivered by a small airplane to the National Guard base and transported by a six-person military detail to a hearse, which then traveled from the airport to Madisonville in East Tennessee. Billy was one of the several hundred motorcyclists who road behind the police cars. This is what he said:

All along the route were thousands of well-wishers, many holding American flags. Lots of them were veterans, proudly holding crisp salutes as the processional passed. A significant number of those folks were crying. As we got closer to Madisonville, many young men and women were obviously grief stricken. I suppose they were school friends of Watson's.

I saw thousands of East Tennesseans trying to honor and respect a young man who has given his all for this country. Watson was a wonderful young man by all accounts from those who knew him best.

I am an Army veteran but did not experience the horrors of combat. I do know that we have an all-volunteer force protecting our liberty and freedoms every day. I am so glad that we don't seem to take them for granted. I've never been prouder to be an American and an East Tennessean than I was that day.

Another law enforcement officer, Tennessee Highway Patrol Sergeant Lowell Russell, helped raise Frankie and was a devoted friend and mentor. Not long ago, Lowell talked with a member of my staff in Knoxville, Jane Chedester, and told her about Frankie. He said that Frankie's love of serving the Madisonville Police Department was great. He told her about Frankie's dedication to honoring his State and his country.

Then, in March, Sergeant Russell was critically injured in a collision on Interstate 40 in West Knoxville when a tractor trailer hit his squad car as he sat on the shoulder finishing up some paperwork after a traffic stop. Earlier this month Lowell was discharged from the University of Tennessee Medical Center to continue his recovery in a rehabilitation facility.

Lowell is beloved by his community. A Facebook page dedicated to ''Prayers for Sergeant Lowell Russell'' is filled with loving prayers for Lowell. They call him ''a wonderful man.'' They talk about his ''huge heart.'' One says that ''Lowell has done so much for everyone else.''

Numerous efforts are being made to raise money to help Russell and his family with expenses.

Tennessee's General Assembly passed a resolution to honor Lowell, noting his ''immeasurable contributions to his community as a Tennessee Highway Patrolman . . . who exhibits superior standards of professional conduct and ethics.'' It also says that ''Sergeant Russell is wholly committed to noble precepts of public service that have earned Tennessee recognition as the 'Volunteer State,' and he should be specially recognized for his courage and gallantry as an esteemed member of the local law enforcement.''

I add my great appreciation for Lowell to that expressed by our Governor and our general assembly. Honey and I pray for his strength in recovery and for strength for his family and friends during this very difficult time.

So Frankie Watson and Lowell Russell, we are proud of you. Find the good and praise it.

I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. I want to address the pending legislation before I go into a morning business speech—the Postal Reform Act that is before us. It is my understanding that we have an opportunity——

The ACTING PRESIDENT pro tempore. The Senate is currently considering the motion to proceed to the Violence Against Women Reauthorization Act.

Mr. DURBIN. Well, I renew my request to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

POSTAL REFORM

Mr. DURBIN. Madam President, coming before us soon on the Senate floor will be the Postal Reform Act. This is a matter which is timely because we understand our Postal Service is in a situation where it is currently losing millions of dollars every single day. Because many things have changed in America—the use of the Internet, e-mail, bill payer—fewer people are using the Postal Service. Less revenue is coming into the Postal Service. So they are trying to reconcile today's demands with the actual costs they face.

Several years ago we said to the Postal Service: We think the day will come soon when you will have more retirees than actual workers, so start banking money for retirement and health care for those who will need it in years to come. We set a number—about $5 billion a year—and they kept up with it for several years but then found they couldn't meet that requirement. So the Postmaster General came through with a sweeping plan in terms of cutting costs to the Postal Service. I understand the imperative to do that, although I question the premise of his statement because this is one of the first things he said: We are going to change the Postal Service, and the first thing we will do is slow down delivery.

If there is ever a marketing technique designed to fail, it is the announcement you are going to slow down the delivery of your product. Yet that is what he said, and I am sorry he did.

So now we are in the predicament or situation where we are trying to find alternatives to the Postmaster General's proposals. We have been given until May 15. At a meeting in my office, which the Presiding Officer and the Senator from Vermont and others attended, the Postmaster General said: Yes, I will give Congress its chance to pass a bill to save money that might be different than my own suggestions.

Well, now is our chance. Unfortunately, we are tied up on the floor of the Senate. That is not a headline because it happens to be the normal state of affairs in this body. But imagine, if you will, that Senator REID, the majority leader, comes to the floor and says: We have this important Postal Service reform bill before us, and I think we should move forward on it and we should consider amendments that are relevant to that subject. In other words, if you have an amendment that is about the Postal Service and how to make it better, save money, make it operate in the black, come forward with that amendment.

There was an objection from the junior Senator from Kentucky. He said, no; he thought the Postal Service reform bill should be used to debate foreign aid to Egypt—foreign aid to Egypt. Not that foreign aid to Egypt is not an important issue; it is. But here is an issue that is timely and important and affects every single American, where the Senate has a responsibility to step up and do its job, with a deadline looming of May 15, and one Senator has said: No, not unless I can bring to the floor whatever I want to bring.

It is his right to make that request, and he has bottled things up pretty handily at this point. I hope he will reconsider.

I wish we could take up this bill right now and have a debate on the floor of the Senate about an amendment. How about that—have people disagree and actually have a vote. It would be like the good old days in the Senate. But, no, we are lurching from quorum call to quorum call and cloture vote to cloture vote, and those newcomers to the Senate may wonder if there was ever a day we debated issues.

We need to get this postal reform right. It is one of the most important institutions in America. It is protected and embodied in the Constitution. There are hundreds of thousands of men and women who are serving us in the Postal Service, one-fourth of them veterans who have served our country and have gone to work for the government.

When we ask people across America which function of government do you respect the most, the Postal Service comes out on top because we know our local letter carriers. In my neighborhood it is David Lasley. David has been my buddy for 20 years. I have known him for that long or longer, and he is a friend of my family. He is not just the person who brings the mail. Others before him, the same way. It is a personal relationship with government that very few people have. But the letter carriers, the postal folks, the folks who do the processing and distributing are doing an important job.

The Postal Service has an amazing history. Just as a reminder, on May 7, 1833, there was a 24-year-old young man who was named postmaster general of a small town in central Illinois. It wasn't his last government job. The town was New Salem, IL, and the young man was Abraham Lincoln, who got his start in the Postal Service, which has a tradition that goes back even before then.

We need to work together on a bipartisan basis. I am glad Senator COLLINS and Senator LIEBERMAN are on the Senate floor. They have worked so closely together on a bipartisan basis to move us forward. Let's build a Postal Service that will serve us in the 21st century. Let's try to make certain we find new ways to cut costs that are reasonable, to enhance revenue that makes sense, and make certain in the process that we don't damage the brand. The U.S. Postal Service is the best in the world, the most affordable in the world, and we can make sure it continues to serve our Nation and our economy.

It is critically important to those of us who represent States with small towns. I know every small rural post office cannot survive—many of them have failed in the past—but we have to understand what a critical element that rural post office is to the culture of these communities, to the identity of these communities and, in some cases, to their very existence. So let's find flexible ways to reduce costs and still recognize that reality.

THE DREAM ACT

Madam President, 11 years ago I introduced the DREAM Act. At the time, Senator HATCH of Utah was my cosponsor. It was a bipartisan measure called to the floor of the Senate and, at one time, we had 12 Republican votes. The last time it was called we had 3. Unfortunately, over the years, it has not passed the Senate. I think it has received a majority every time we have called it but not the 60 votes which are now the norm in the Senate.

As a result, for 11 years I have been striving to change the law when it comes to immigration for a specifically small group of people. We are talking about people who came to the United States as children. They have been U.S. residents for a long period of time. They have good moral character. They have graduated from high school, and they are prepared to either serve in our military or to complete at least 2 years of college. This is a special group of people who, unfortunately, fall through the cracks in our current immigration laws.

I have met hundreds, maybe thousands of them now in the 10 years I have been working on this issue. I know they dream of the day when they will have a country. Currently, they do not; they are undocumented. The only country they have ever known is the United States, but they just can't go forward. When it comes to college or a university, they get no help from the government unless the State they live in has a special arrangement but certainly no help from the Federal Government.

When they finish school many of them can't be the teachers, nurses, engineers, or doctors they want to be because it requires citizenship, which they do not have. We are trying to give them that chance.

I have come to the floor time and time again to introduce some of these young people to America so they can put a face with a name to the DREAM Act. The person I want to speak about today is named Yaniv Steltzer.

Yaniv was brought to the United States by his parents from Israel when he was just 3 years old. This is a photograph of Yaniv. Today he is 25. He grew up in America. Like every other American child, he believes this is home. In 2010, he graduated from Richard Stockton College in New Jersey with a bachelor of science degree in hospitality and tourism management. In college, he was chair of the Jewish Student Union/Hillel Club and was an active volunteer with several other student groups.

Yaniv's dream is to open a restaurant. He wrote a letter to me, and here is what he said:

> I fell in love with cooking in high school when I took a home-economics class and I knew this is what I wanted to do for the rest of my life. I would love to give back to America by opening my own restaurant, creating jobs, contributing to the economy, and becoming a citizen in the country I love.

Now, let me tell you Yaniv's challenge. He can't become a citizen. His father was born in the United States, but Yaniv was born in Israel, so he is not an American citizen. Yaniv's father applied for Yaniv to become a citizen, but because the process took so long he became ineligible. Under our immigration laws, once Yaniv turned 21 his father could not petition for him to become a citizen any longer.

So Yaniv has lived in this country since he was 3 years old, his father is an American citizen, and he is undocumented. The only solution for him is the DREAM Act.

Here is what Yaniv told me about his situation:

> America is the only country I know. I grew up here, all my family and friends are here and everything I know is in America. The DREAM Act is important to me and many others like me who are in the same situation. We have the resources to help this country greatly, but don't have that piece of paper that allows us to do this. I have high hope and optimism that Congress will do the right and humane thing, put all political issues aside and pass the DREAM Act.

Yaniv is right. I ask my colleagues, would America be a better place if we deported Yaniv Steltzer? Of course not. This young man grew up in our country. He has overcome the odds to achieve great success. He doesn't have a criminal background or any problems that we should be concerned about. He is no threat to us. He would make America a better country, a stronger country if we just gave him a chance.

Yaniv is not an isolated example. There are thousands of others like him around this country. Over the Easter break, I went out to Los Angeles and got a cab from the hotel to the airport. I looked at the cab driver's name and saw that his last name was Ark. I asked him: Where are you from?

He said: Take a guess.

So I said: France.

He said: No; I am from Belarus. My father was in the Soviet Army, and 15 years ago I came to the United States with my wife. She is a registered nurse, speaks English. I didn't speak a word of English when I got here, but I was able to come as a refugee from Belarus, which, of course, is where the last dictator in Europe presides—Lukashenko. He said: I came here and I started learning English. I just spoke Russian.

I asked: How in the world did you ever get a license to drive a cab?

He said: I had to work at it. I not only had to learn enough English to be able to have a successful business as a cab driver in Los Angeles, but I had to learn these streets and freeways and everything that came with it. He said: I did it, and now the son we brought as a citizen—my two kids—are now Americans, and 15 years later I own three cabs.

What a story. But it is not unique. It is the story of America, of people who said: I am sick and tired of where I am, and I have no chance here, but I know there is a place that will give me a chance. That was the story of my family. My mother was an immigrant to this country. I think it is the story of America.

So why do we, in this day and age, in the 21st century, have such a negative feeling about what immigration has brought, the diversity and strength it has brought to this country, and why can't we see the most fundamental question of justice when it comes to these children, these kids brought here as infants who only want a chance to do what this refugee from Belarus was able to do: make America a better place, build a life for himself, create a family that would be part of the American family.

I will continue this battle because I know all over the country there are people such as Yaniv Steltzer and many others who are waiting to see if the Senate can rise to this occasion, put politics aside, and do what is important for this country: show fairness, show justice, and give these young people a chance.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank Senator DURBIN for a moving statement and for his persistence in introducing the DREAM Act, which it has been my honor to cosponsor with him, among many others, and to support its passage. It is about basic fairness.

I think it also describes the reality, and the Senator reminded me of my own situation. We lived in my grandmother's house most of my childhood—

my mom, dad, sisters, and I—and she was always one of the most patriotic Americans I ever met because she had something to compare America to. She was an immigrant from Central Europe. Particularly important to her was freedom of religion, and the respect she got from her neighbors for her religious observance, and, of course, the dream that her children and grandchildren would do better in this country, which was realized.

But I was moved by the Senator's report of his conversation with the cab driver. Maybe all of us need to do that. But when I get the immigrant cab drivers and they are a little older, I always ask: What are your kids doing? And it is quite amazing because they have the kind of excitement and sense of gratitude about the opportunity that America provides that sometimes people who have been here for a while, unfortunately, may lose. Their kids are all working hard, achieving, and contributing to this country.

We are at a time in our history where a lot of people are down about their future and down about America, which was never the case when the Senator and I were growing up—and I started growing up a little before the Senator from Illinois.

But when we think about these stories, it makes one feel good about how unique this country is. I know, because illegal immigration—people may take what I am about to say the wrong way. But I always say one of the great market measurements of the greatness of America today is that there is not another country in the world that more people are trying to get into—legally, I am talking about—and fewer people are trying to get out of than the United States of America. I think the DREAM Act recognizes that reality and is totally consistent with the values of our country.

I thank the Senator for his persistence. One day, I hope not too far from now, we are going to get that adopted into law.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

VIOLENCE AGAINST WOMEN ACT

Mrs. GILLIBRAND. Mr. President, I rise to join a strong and growing group of my colleagues in support of the Violence Against Women Act, a commonsense bill that since it was first signed into law has always been an issue we could build a consensus around, both Democrats and Republicans alike. The reason for this is quite simple.

There is no room for tolerance of violence against women in the home anywhere in our society, and when we are talking about the safety of our families, there is simply no space for partisanship. That is why I am calling on my colleagues to not seek to block or delay this important piece of legislation any further. To do so is a disservice to the families so deeply affected by domestic violence every single day.

Anyone who is guilty of domestic abuse should be held accountable to the fullest extent of the law. Any victim of abuse should be empowered to speak out and to have access to help and support. Keeping women and families safe is a basic commonsense principle and one we have easily found agreement on since the bill was first passed, and we should be able to again agree on it today.

Every day an average of three women are murdered by a husband, a boyfriend, a partner. Every single day 600 women are raped or sexually assaulted. Millions of women and families rely on the help and support that the Violence Against Women Act provides to keep them safe. It is outrageous to turn the Violence Against Women Act into a political circus. When we allow ourselves to get bogged down in politics as usual, we are telling women and families across the country that their safety can wait for the next election.

Let's do better. Let's be better. Let's agree that women deserve access to basic justice and basic safety, and let's show the American people that we, as a body, can do what is right.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. 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.

POSTAL SERVICE REFORM

Mr. SANDERS. Mr. President, let me begin by once again thanking Senator LIEBERMAN and Senator CARPER and Senators COLLINS and BROWN for their long and hard work on this issue, which is of enormous consequence to the American people.

Sometimes what people inside the beltway perceive as opposed to what people outside the beltway perceive are two different worlds. I can tell you that back in Vermont—and I suspect in rural areas and States all over this country—people want to save the post office. They know how important it is for small businesses, for our economy, and for their own needs. So the issue we are dealing with is a very significant issue, and I hope that as a Senate we can show America that we can come together regardless of political ideology. This is not a progressive issue, a conservative issue, Republican, Democratic or Independent. This is an issue that impacts tens of millions of Americans, and I hope we can move together as we should.

I wish to say a few words on the Postal Service and finances today. Everybody knows the Postal Service is, in fact, facing significant financial difficulties. Revenue at the Postal Service has gone down from about $75 billion in 2008 to $66 billion last year. In the midst of the digital revolution, first-class mail has gone down significantly—no debate about that—and it has been replaced and will continue to be replaced by e-mail usage and the Internet. There is no question but that this is a real issue that has to be addressed.

But let me be very clear that in terms of the revenue problems facing the Postal Service, the major problems we have are not just the decline in first-class mail. It is an issue that happens not to be the major issue. The major issue, in fact, is that the Postal Service has seen a significant loss in mail volume and revenue due to the most severe recession our country has faced since the 1930s. As the Postal Service indicated on May 30, 2010, ''The effects of the recession account for two-thirds of the mail volume decline.''

The first point we want to understand is, yes, decline of first-class mail is a real issue. But second of all, similar to businesses all over this country, revenue is being impacted by the recession. How we can get our country out of the recession, create more jobs, put more money into the hands of working people is, of course, a major issue we must address.

In that regard, I do wish to say that in the middle of this terrible recession, when real unemployment—real unemployment; it is not 8.2 percent but, in fact, is closer to 15 percent, counting those people who have given up looking for work, those people working part time—it would seem to me this body wants to do everything we can not to see 200,000 jobs slashed at the U.S. Postal Service, many of them decent-paying jobs, many of them union jobs.

We may not be able to save every one of those jobs; we want the Postal Service to be efficient. But on the other hand, I would hope we see as a significant priority that in the midst of a recession, we do not want to downsize a major American institution by 200,000 jobs—many of them, by the way, jobs belonging to veterans.

A couple months ago there was a whole lot of debate about how do we create jobs for veterans. I can tell you one thing we don't do is downsize the Postal Service by 200,000 workers, many of them being veterans.

We talked about the decline in first-class mail being important. We talked about the recession being important. But I wish to raise another issue that I think many people are not familiar with and that has nothing to do with first-class mail, nothing to do with the recession or, in fact, e-mail or the Internet; that is, to a very significant degree, the major reason the Postal Service has been running a deficit since 2007 is due to accounting issues.

For example, everybody has to understand this issue if we are going to have an open and honest debate about the future of the Postal Service: Due to a law passed in 2006, the U.S. Postal Service—uniquely in America, uniquely within government, Federal, State, local, uniquely in terms of the private sector—has been forced to prefund 75

years' worth of future retiree health benefits in just 10 years—seventy-five years' worth of future retiree health benefits in just 10 years. There is no other agency of government that comes close to that onerous requirement, nor are there any companies in the private sector that have been asked to do that. This mandate costs the U.S. Postal Service between $5.4 billion and $5.8 billion per year.

So what I beg of my colleagues is when they look at the financial problems facing the Postal Service—which are real—do not forget that, because of this 2006 legislation, the Postal Service needs to come up with approximately $5.5 billion every single year to prefund retiree health care. This is an important point, and I hope my fellow colleagues in the Senate are listening. One hundred percent of the Postal Service's $20 billion debt from 2007 to 2010 is the result of this prefunding mandate. Let me repeat it. One hundred percent of the Postal Service's $20 billion debt from 2007 to 2010 is the result of this $5.5 billion per year prefunding mandate. Without this mandate, the Postal Service would have made a $700 million profit from 2007 to 2010.

Let me repeat that, because these are facts that have not often been introduced into this debate. We have folks coming up here who are saying the Postal Service is collapsing financially and so forth and so on. But it is important to understand the facts, and the facts are that despite the worst recession—which we are currently in—since the 1930s, despite the competition from e-mail and the Internet, the Postal Service would have made a $700 million profit from 2007 to 2010 if it was not forced to prefund future retiree health benefits.

In addition—and I hope people listen to this as well—during the first quarter of 2012, a few months ago, the U.S. Postal Service would have generated a $200 million profit had it not been required to prefund its future retiree health benefits.

I think as we debate these issues about the future of the post office, it is absolutely imperative that we understand the role of the $5.5 billion every single year that the Postal Service has to come up with to prefund retiree health benefits.

A few months ago I asked the Inspector General of the Postal Service, whose name is David Williams, David C. Williams—he is the Inspector General of the Postal Service—I asked him to talk a little bit about what this prefunding of health benefits meant. I ask unanimous consent to have printed in the RECORD a copy of his letter, which is dated February 6, 2012.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF INSPECTOR GENERAL,
UNITED STATES POSTAL SERVICE,
February 6, 2012,

Senator BERNIE SANDERS
Dirksen Building, U.S. Senate,
Washington, DC.

DEAR SENATOR SANDERS: For several days last week, I met with you and your staff to discuss solutions to the current financial crisis within the Postal Service. At the conclusion of those discussions, you requested that our office focus on one of the solutions that we presented which examined an option to address the current benefit fund financing. This proposal would eliminate the requirement for the Postal Service to make annual $5.5 billion payments into its retiree health benefit fund, and allow the $44 billion currently in the fund to grow with interest. No payments would be made from the fund until it is deemed to be fully funded, and the Postal Service would continue to directly pay the healthcare premiums for retirees. An additional element of the proposal would allow current overpayments of $13.1 billion in the Postal Service pension funds to be refunded to the Postal Service. Any future overpayments would also be refunded in the year of occurrence.

Our analysis of this proposal shows that if it were adopted, the amounts in retiree healthcare fund would grow from $44 billion to the $90 billion estimated current liability, in 21 years. This $90 billion projected liability is not a static or precise figure, as there are forces that will increase and decrease the liability. Historically, the figure has risen, but we note that the $90 billion has not changed significantly over the last 3 years ($87 billion in 2009, $91 billion in 2010, and $90 billion in 2011).

This solution is one option to provide needed short-term flexibility for the Postal Service to address its current financial crisis. It would alleviate payments due of nearly $30 billion over the next 4 years, and provide an additional $13 billion to address current needs. Though this would provide substantial relief, additional actions would be necessary to address remaining financial gaps between projected revenues and expenses during the next four year period.

To put the pension and retiree health funding issue into perspective, my office has conducted benchmarking to evaluate the Postal Service's prefunding levels as compared to both the public and private sector. The Postal Service has 2 significantly exceeded pension and retiree healthcare benchmarked funding levels of both public and private sector organizations. Using ratepayer funds, it has built a war chest of over $326 billion to address its future liabilities, prefunding combined pension and retiree healthcare obligations at 91 percent. This is an astonishingly high figure for a company with such a large employee base.

For example, the Postal Service is currently over 100 percent funded in its pension funds. The federal government is funded at a much lower 42 percent level, and the military is funded at 27 percent. The average Fortune 1000 pension plan is funded at 80 percent, and only 6 percent of the Fortune 1000 companies have pension plans that are 100 percent funded.

Prefunding retiree healthcare is rare in the public and private sectors. We have been unable to locate any organization, either public or private, that has anything similar to the Postal Service's required level of prefunding of retiree healthcare benefits. The Postal Service is currently funded at 49 percent of its estimated current liability. The federal government does not prefund its retiree healthcare liabilities at all, and the military is funded at a 35 percent level. Only 38 percent of Fortune 1000 companies who offer retiree health care benefits prefund the expense at all, and the median funding level for those organizations is 37 percent.

I appreciate the opportunity to analyze this proposal, and describe it further. If you have any questions, please do not hesitate to call me or Wally Olihovik.

Sincerely,

DAVID C. WILLIAMS,
Inspector General.

Mr. SANDERS. If I might, because I think this is an important letter, I wish to report a significant part of it. I hope people appreciate what the Inspector General of the U.S. Postal Service is saying. This is a guy who knows something about the Postal Service. This is a letter to me.

Dear Senator Sanders:

For several days last week I met with you and your staff to discuss solutions to the current financial crisis within the Postal Service. At the conclusion of those discussions you requested our office focus on one of the solutions that we presented, which examined an option to address the current benefit fund financing. This proposal would eliminate the requirement for the Postal Service to make annual $5.5 billion payments into its retiree health benefit fund, and allow the $44 billion currently in the fund—

Let me talk about that. There is right now, as a result of these funding payments, $44 billion currently in the fund—''to grow with interest.''

What he is saying here, what happens if you have $44 billion and it accrues, as it does, interest between 3 and 4 percent a year. Then he continues. If you did that:

No payments would be made from the fund until it is deemed to be fully funded, and the Postal Service would continue to directly pay for the health care premiums for retirees. An additional element of the proposal would allow current overpayments of $13.1 billion in the Postal Service pension funds to be funded to the Postal Service.

This is also a point that has not been discussed at all. In fact, we do address it in the current legislation. That is, not only is the Postal Service being asked to come up with an onerous $5.5 billion a year to prefund future retiree health benefits, it is generally acknowledged—I think by everybody who has studied the issue—that the Postal Service has made overpayments of $13.1 billion into the Federal Employees Retirement System and the Civil Service Retirement System, adding those two together. This is what he said, the Inspector General of the U.S. Postal Service:

Our analysis of this proposal shows that if it were adopted,the amounts in retiree healthcare fund would grow from $44 billion to the $90 billion estimated current liability in 21 years. This $90 billion protected liability is not a static or precise figure—

It varies a little bit is what he is saying—but essentially he says that if you don't add another nickel into the $44 billion, it will grow to $90 billion in 21 years and essentially take care of the payments it has to take care of.

The point I want to make clear is that in terms of future retiree health benefits, we already have $44 billion in the account. In my view and in the view of people who know more about

this issue than I do, it is not necessary to put more money into that account. That is an issue that this legislation attempts to address.

Let me conclude by saying the issue we are dealing with is of enormous consequence to our country. It is imperative, in my view, that we not shut down 3,700 rural post offices. I commend the Postmaster General. We have been working with him and he has moved away from that position. In my view, we have to do everything we can to make sure that we maintain very high standards for mail delivery in this country. So when a business puts a package in the mail, they know it will be delivered in a reasonable time. That is one of the strengths of the Postal Service. In my view, we do not want to shut down, as in the Postmaster General's original proposal, half the processing plants in this country which would slow down mail delivery service. In my view, we do not want to end Saturday mail. I think it is an important part of maintaining mail delivery standards.

But the main point I want to make today is, yes, the Postal Service faces financial problems. But not to understand the significant role—the causation of those problems that are a result of the $5.5 billion in prehealth funding for retirees—is to miss a very significant part of this debate. I think it is fair to say in this bill we are beginning to address that issue and also address the issue of the overpayment from the Postal Service to the Federal Employees Retirement System.

Let me conclude by thanking Senators LIEBERMAN, COLLINS, CARPER, and BROWN for the work they have done. I hope we can have an intelligent and constructive and kind of nonpartisan discussion as we go forward, with good amendments that are relevant, from both sides of the aisle.

The bottom line is that saving the Postal Service is enormously important for our economy and certainly for the tens of thousands of workers who are out there every day doing a great job for us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank the Senator from Vermont for his statement but more broadly for his real steadfastness and the hard work he has done to improve the bill. It has been a pleasure to work with him.

Before Senator COLLINS came to the floor, and not counting the occupant of the chair, I was reveling in the fact that the only Senators on the floor were Independents.

Anyway, I thank Senator SANDERS. We have tried to deal with this problem. In the postal reform of 2006, Senator SANDERS is quite right, for various reasons which we need not go into the Postal Service was required to make payments into the retiree health benefit fund that were beyond what most any business or other governmental entity is doing, more than was necessary to sustain the payments and in a much shorter period of time, as the Senator from Vermont said.

I would say, to state it as bluntly as I can, maybe too bluntly, the people advocating this were, frankly, concerned that the Postal Service might get to a point where it defaulted, it was no longer able to operate, and then the fear was that the government, the U.S. Treasury, the taxpayers would at some point in the future be forced to pick up the cost of the retiree health benefits. So this uniquely demanding responsibility for payment now was put on the Postal Service.

I think everybody agrees, particularly in light of all the real problems the Postal Service has now, that is not sensible or fair. I do want to point out that in the underlying bill, S. 1789, we have attempted to ease the Postal Service's prefunding requirements for retiree health benefits by immediately beginning a stretched-out 40-year amortization schedule for these payments and we require the Office of Personnel Management, when determining how much the Postal Service has to put into the retiree health benefit fund every year, to use the same discount rate that is used to calculate the Federal Government's pension obligations to the Federal Employees Retirement System and the Civil Service Retirement System. The Postal Service thinks this accounting change will reduce their unfunded liability for the retiree health benefits plan by literally billions of dollars.

The other change made here is that right now the health benefits of retired employees come out of the operating expenses of the Postal Service. That was going to be the case until a day later in this decade. But there is enough money in the fund that it can pick up money that the Postal Service has put in, that it can pick up the cost of health benefits for postal retirees now. So we require that. I want to state for the record we are trying to deal with that reality in the bill as it is and of course I state my intention to continue to work with Senator SANDERS to make this bill as good as we can, both in accomplishing the purposes we all have, which is to keep the Postal Service alive and well because so many people depend on it, and to do so in a much more fiscally responsible way, in every way in which that term might be understood, including the fairness of payments under the retiree health benefits plan, than has been the case before.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I, too, want to comment on this issue of the prefunding for the health care benefits of future retirees. I think it is important to note that when the 2006 law was written, the Postal Service supported this provision because it recognized that it had a huge unfunded liability for future health benefits and it knew it was important to start putting money aside to ensure that at the time those retirees needed to claim those benefits, the money would be there and the promises would be kept.

It was also important because we wanted to avoid the possibility of a system going into default and taxpayers having to step in to keep the promises the Postal Service has made.

The fact is the current liability is about $46 billion for those retiree health benefits, the future retiree health benefits. That liability is a very real one. It is not going away. Nevertheless, we have taken steps in our bill, as Senator LIEBERMAN has described, to ease the funding by setting up a 40-year amortization schedule and by changing the discount rate. So those two provisions should save the Postal Service approximately $2 billion—the exact number would be determined—each year, and that is obviously very welcome.

But I do want to address what I believe is another misconception, and that is that the funding for future retirees' health benefits is somehow the cause of the Postal Service's financial crisis. It is not. The fact is that the Postal Service has not made its payment of $5.5 billion that was due to this fund in either of the last 2 fiscal years. Yet the Postal Service lost billions in both of those years, despite not paying the $5.5 billion that was due to this fund. In total, the Postal Service has made only $6.9 billion of the $16.4 billion that was required in prefunding payments for the past 3 years, but has posted losses, total losses for those 3 years of $26.9 billion. So it is certainly true that we can and should ease the funding requirement in light of the problems of the Postal Service. It is also true that we don't need to fund to 100 percent, which the 2006 law requires. If my memory serves me correctly, I believe we have lowered the funding level to 80 percent. Those provisions all have a substantial impact on lowering the annual payment.

I have two final points I want to reiterate. The prefunding requirement is not the cause of the Postal Service's financial crisis; and second, that $46 billion liability is very real and it is not going away. Indeed, stretching out the amortization schedule, which I believe we should do, is going to actually cause that liability to increase because we will be paying it over a longer period of time.

Nevertheless, I think the changes that have been made in the funding for future retirees' health benefits make sense. I think they are financially responsible and they will provide some needed relief to the Postal Service without exposing taxpayers to the possibility of having to pick up the tab and without breaking the promise that has been made to postal employees.

Thank you, Mr. President.

Mr. LIEBERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARRASSO. I ask unanimous consent to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

A SECOND OPINION

Mr. BARRASSO. Mr. President, this being tax week, people all around the country are sending in their tax returns. The deadline just passed yesterday—April 17—so people are focused a lot on what happens in Washington. They think about the IRS. They think about the money being sent and how that money is being spent. As people pay their annual tax bills, I wish to remind Americans about how the Obama administration is actually spending tax dollars on the President's unpopular health care law. That is why I come to the floor, as I have every week since the health care law passed, with a doctor's second opinion about the health care law.

I said at the time it was passed that there would be some new revelation, some unintended consequence, something new that people would learn week after week. As someone who has practiced medicine for almost a quarter of a century taking care of families in Wyoming, I wanted to offer a doctor's second opinion, because I felt from the beginning that in spite of the many promises the President made, the bill that was actually passed and signed into law is one that is bad for patients, bad for providers—the nurses and the doctors who take care of those patients—and terrible for taxpayers.

So I come to the floor because it seems to me that instead of using much of the money to improve medical care in America, this administration is devoting hundreds of millions of dollars to what—the Internal Revenue Service. In fact, The Hill newspaper reported on April 9 of this year that the Obama administration is quietly sending an additional $500 million to the IRS—the Internal Revenue Service. The headline is: ''Obama administration diverts $500M to IRS to implement healthcare reform law.''

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The Hill, Apr. 9, 2012]

OBAMA ADMINISTRATION DIVERTS $500M TO IRS TO IMPLEMENT HEALTHCARE REFORM LAW

(By Sam Baker)

The Obama administration is quietly diverting roughly $500 million to the IRS to help implement the president's healthcare law.

The money is only part of the IRS's total implementation spending, and it is being provided outside the normal appropriations process. The tax agency is responsible for several key provisions of the new law, including the unpopular individual mandate.

Republican lawmakers have tried to cut off funding to implement the healthcare law, at least until after the Supreme Court decides whether to strike it down. That ruling is expected by June, and oral arguments last week indicated the justices might well overturn at least the individual mandate, if not the whole law.

''While President Obama and his Senate allies continue to spend more tax dollars implementing an unpopular and unworkable law that may very well be struck down as unconstitutional in a matter of months, I'll continue to stand with the American people who want to repeal this law and replace it with something that will actually address the cost of healthcare,'' said Rep. Denny Rehberg (R–Mont.), who chairs the House Appropriations subcommittee for healthcare and is in a closely contested Senate race this year.

The Obama administration has plowed ahead despite the legal and political challenges.

It has moved aggressively to get important policies in place. And, according to a review of budget documents and figures provided by congressional staff, the administration is also burning through implementation funding provided in the healthcare law.

The law contains dozens of targeted appropriations to implement specific provisions. It also gave the Department of Health and Human Services (HHS) a $1 billion implementation fund, to use as it sees fit. Republicans have called it a ''slush fund.''

HHS plans to drain the entire fund by September—before the presidential election, and more than a year before most of the healthcare law takes effect. Roughly half of that money will ultimately go to the IRS.

HHS has transferred almost $200 million to the IRS over the past two years and plans to transfer more than $300 million this year, according to figures provided by a congressional aide.

The Government Accountability Office has said the transfers are perfectly legal and consistent with how agencies have used general implementation funds in the past. The $1 billion fund was set aside for ''federal'' implementation activities, the GAO said, and can therefore be used by any agency—not just HHS, where the money is housed.

Still, significant transfers to the IRS and other agencies leave less money for HHS, and the department needs to draw on the $1 billion fund for some of its biggest tasks.

The healthcare law directs HHS to set up a federal insurance exchange—a new marketplace for individuals and small businesses to buy coverage—in any state that doesn't establish its own. But it didn't provide any money for the federal exchange, forcing HHS to cobble together funding by using some of the $1 billion fund and steering money away from other accounts.

The transfers also allow the IRS to make the healthcare law a smaller part of its public budget figures. For example, the tax agency requested $8 million next year to implement the individual mandate, and said the money would not pay for any new employees.

An IRS spokeswoman would not say how much money has been spent so far implementing the individual mandate.

Republicans charged during the legislative debate over healthcare that the IRS would be hiring hundreds of new agents to enforce the mandate and throwing people in jail because they don't have insurance.

However, the mandate is just one part of the IRS's responsibilities.

The healthcare law includes a slew of new taxes and fees, some of which are already in effect. The tax agency wants to hire more than 300 new employees next year to cover those tax changes, such as the new fees on drug companies and insurance policies.

The IRS will also administer the most expensive piece of the new law—subsidies to help low-income people pay for insurance, which are structured as tax credits. The agency asked Congress to fund another 537 new employees dedicated to administering the new subsidies.

The Republican-led House last year passed an amendment, 246–182, sponsored by Rep. Jo Ann Emerson (R–Mo.) that would have prevented the IRS from hiring new personnel or initiating any other measures to mandate that people purchase health insurance. The measure, strongly opposed by the Obama administration, was subsequently dropped from a larger bill that averted a government shutdown.

Mr. BARRASSO. This money is transferred outside the normal appropriations process. That is a concern. The money is transferred outside the normal appropriations process. It goes to the very tax agency that is responsible for implementing many of the key provisions of the health care law. One would think that maybe we would have doctors and nurses implementing many of the provisions of the health care law. No, we have the IRS. This includes the controversial and unprecedented mandate that all Americans must buy a government-approved product—health insurance.

We remember the Supreme Court just held hearings on this unprecedented mandate. Seventy percent of Americans believe it is unconstitutional. They believe that either part or all of the health care law ought to be ruled unconstitutional. Yet the article says that the Obama administration's Health and Human Services Department has, to date, transferred almost $200 million to the IRS over the past 2 years and plans to send another $300 million this year. These secretive transfers hide the true cost of the health care law. They also make it difficult for Congress to perform the agency oversight that is part of our obligation.

So I look at this and I say this law is bad. It is bad, I believe, for our patients and providers and taxpayers. I look at the way it has been structured and the way this money is being transferred and I think it highlights the problems with the law. What does the IRS intend to do? They want to hire more than 300 new employees next year to implement the Tax Code changes, such as the taxes imposed on drug companies, device manufacturers, and health insurers. This bill is a laundry list of taxes and fees. The IRS also has to implement and monitor the laws of the priciest component—the exchange subsidies. For this, the IRS is asking Congress to fund another 537 new employees dedicated to administering just the subsidies.

Last week Ways and Means Committee Chairman CAMP sent a letter to

the IRS Commissioner asking that the Commissioner provide specific details about these reports.

Chairman CAMP specifically asked the IRS Commissioner to tell the committee how many employees are being hired and which tax increases the agents will be working on. The American people deserve to know how their dollars are being spent, where these tax dollars are being used, what the IRS is doing with the money. They deserve to know because the health care law actually increases the IRS's power to insert itself into the American people's lives.

How is it the health care law increases the IRS's power to insert itself into Americans' lives? By, one, having the IRS verify that Americans have acceptable government-approved insurance; also by having the IRS penalize Americans if they do not have acceptable government-approved insurance; also by having the IRS confiscate Americans' tax refund dollars if they do not have government-approved insurance; and, finally, by having the IRS have additional power in terms of auditing our American citizens' lives.

This is all included in the health care law. This is not health care reform. The IRS should never be allowed to intrude into the private health care decisions of the American people. The American people deserve to know how this alleged $500 million transfer is being spent and how many additional IRS agents will be hired to investigate their private health care decisions.

When Americans send their hard-earned dollars to Washington, they want to make sure their money is being spent wisely. The American people want to know they are getting value for their tax dollars. They do not want their dollars to create more bureaucracy and further invade their privacy.

So I come to the floor, as I have over the last couple years since the health care law has been passed, with a doctor's second opinion. This health care law did not provide the American people with what they wanted, which was the care they need, from a doctor they want, at a price they can afford. Instead, what they are seeing is the President's promises have been broken.

The President promised if someone likes their care, they can keep it. We now know that is not going to be true for many Americans. The President promised health care costs would actually go down instead of going up and he told Congress and he told others the health care insurance costs would drop $2,500 per family. Instead, what families across the country have seen is that their health care premiums have gone up by about $2,100 a year since the health care law has gone into effect, rather than going down. So we hear the President's promises and we see the reality on the ground.

When I travel Wyoming and talk to folks and ask: How many of you believe under the health care law your own costs—your own costs—are going to go up, despite the President's promises they are going to go down, every hand goes up. When I ask the question: How many of you believe the quality of your own care—which is what people are concerned about: their own care, their own family—how many of you believe the quality of your own care will go down, again, every hand goes up. That is not what Americans want: paying more and getting less. That is why it is time to repeal and replace this terrible health care law.

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. TESTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

POSTAL SERVICE REFORM

Mr. TESTER. Mr. President, I rise to discuss this postal reform bill. The Postal Service keeps rural America connected. It helps Montana seniors receive everyday necessities such as medicines, it allows our small businesses to conduct business, and it even makes sure our election ballots get counted on time. That is why this reform bill is so critically important all across rural America.

First, I wish to thank my colleagues on the committee for their hard work on the substitute amendment to the postal reform bill. I want them to know how much I appreciate their efforts to work across the aisle with my colleagues and me to address several of our concerns with this bill. This bill has come a long way from the version I opposed in committee. But there is still a lot of work that needs to be done to make sure it works for rural America.

I have been working for several months on some changes, such as preserving the requirement for overnight delivery and providing better protection for rural communities that could lose their post offices. But we need to go further to find more ways to keep rural post offices open and functioning. That is why Senator FRANKEN and Senator LEVIN and I have submitted an amendment to prevent the Postal Service from closing a post office if it leaves rural communities without sufficient access to Postal Services, from buying stamps to regular mail service.

Our amendment gives the Postal Regulatory Commission more teeth in being able to reject the Postal Service's efforts to close post offices and mail processing facilities if the Postal Service does not follow the criteria laid out in the bill.

The Postmaster General is seeking to close around 3,700 post offices and over 200 mail processing facilities in this country.

This bill will result in the reduction of another 100,000 postal employees. It will rewrite the rules of workers' compensation across the entire Federal Government. In short, it will change the lives of many people—to say nothing of the millions of Americans who will be impacted by a change in mail service.

With this in mind, I think it is critically important that the upper management at the Postal Service and the Board of Governors lead by example. That is why I am offering an amendment to reduce the number of Governors on the Postal Board of Governors from nine to seven. The Board is currently not at capacity, and it should be encouraged to work with the six Governors who presently sit on the Board.

Governors receive compensation for expenses and a stipend of about $30,000 a year, with total compensation up to about $42,600. It seems like a small savings. However, reducing up to $80,000 a year by cutting two positions could save three post offices in my State: For example, in Dupuyer or Wyola or Coffee Creek.

We need to make sure everyone is tightening their belts, not just the folks who depend on mail service or the employees who will be forced into retirement or laid off over the next few years.

My final amendment limits the six most senior postal executives—including the Postmaster General—to a base salary of not more than $200,000, which is what a Cabinet Secretary makes.

I know there are some folks who think the Postal Service should be a private enterprise and that the pay of the postal executives should reflect that. But the reality is, the Postal Service is a public service. It is right there in the Constitution that the Congress has the power to establish post offices. You cannot get much more public than that.

Again, the savings from this amendment may seem like a drop in the bucket, but saving just $200,000 a year in reduced executive compensation is the same savings we would get from the closure of the mail processing centers in Helena, Montana's State capital, and Havre, an important town in north-central Montana.

To me, the choice is simple. If the Postal Service is out of money and painful cuts have to be made, they need to be felt up at the top as much as at the bottom.

I hope we get a chance to consider these amendments. They are relevant to the bill. This is a debate that is long overdue. It is time to have a serious debate in the Senate about what we want the Postal Service to look like. That is why I voted to begin the debate on a bill I cannot support yet. I want to get to the point where we have a bill that is going to save the Postal Service and not lead to its dismantling.

So let's have the debate, let's look at amendments, and let's start voting.

I'd like to add one additional point that is of critical importance to rural America.

I have expressed my concern that the Postal Service is rushing to close rural post offices, and I have asked the Postmaster General to find alternatives to this effort.

Many people aren't aware that, in rural America, nearly 90 percent of postal facilities are owned by private parties and leased to the Postal Service, rather than the Postal Service owning those facilities itself. Across the nation as a whole the Postal Service leases more than one-third of its facilities.

Without the Postal leasing program, the Postal Service would not be able to meet its mandate of universal service. It would not be able to provide mail service to huge swaths of our nation in rural America. By partnering with the private sector, the Postal Service has facilities and provides service without the enormous expense of constructing, owning and maintaining its own buildings.

More than 40 of the postal facilities in Montana are leased by the Postal Service. In all, more than 3,000 private property owners lease facilities to the USPS across America. Without the Postal leasing program, the infrastructure to serve many parts of America either would simply not exist or would require massive expenditures on building facilities that the Postal Service cannot afford.

As the Postal Service explores options about the future of rural post offices across America, I urge it to look carefully at the leasing program and to realize the role it plays in saving money and providing universal mail service. Both of those roles are critically important. So as we make the tough choices about the how we can preserve rural post offices, I hope that the Postal Service will continue to consider the leasing program as part of its future.

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. WICKER. 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. WICKER. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESTORE ACT

Mr. WICKER. Mr President, this week marks the somber anniversary 2 years ago, on Friday, April 20, 2010, of an explosion on the Deepwater Horizon oilrig in the Gulf of Mexico which took 11 lives and triggered the worst oilspill in American history. We still remember the families of those who were lost and those who were injured on that fateful day. We are forever grateful to the thousands of volunteers and relief workers from all over the world who responded in the wake of this disaster.

In Mississippi, like other Gulf States, the BP oilspill caused immeasurable damage not only on the shoreline but also to all sectors of our economy. Misperceptions of tainted seafood and oil-covered beaches devastated our seafood and tourism industries. Local businesses already challenged by a difficult economy were crippled by the disruption in market demand.

The moratorium that the Obama administration put on drilling cost our economy critical jobs related to domestic energy production and its associated support industries. The administration's delays on drilling permits are still stalling job creation along the gulf coast.

Many of my colleagues and I have come to the floor in recent weeks to talk about a better energy policy, specifically to offer solutions to lower gas prices. The administration's slowdown of domestic energy production keeps us dependent on foreign energy providers, ultimately hurting Americans at the pump.

There is no doubt that the residents of Mississippi and other Gulf States are resilient and have persevered through unprecedented circumstances. But there is work left to do. I urge all of my colleagues to remain committed to the coast's full recovery. I applaud the Senate's recent bipartisan passage of the RESTORE Act as part of the Transportation bill. It is imperative that coastal communities have the resources they need to rebuild and revitalize.

Under the provisions of the RESTORE Act, local officials will have the ability to prioritize the economic and ecological projects that are most critical to their own recovery. Local communities are in the best position to make these decisions, and needless government redtape should not stand in the way. Directly distributing Clean Water Act fines would ensure that the affected parties are compensated accordingly.

The RESTORE Act is an encouraging step forward for all Gulf Coast States.

I urge the House of Representatives to show the same support for the gulf coast in passing this important piece of legislation. Both parties can agree that the revitalization of our Gulf States is a priority and that providing local perspectives is vital to our recovery efforts. The disaster that occurred 2 years ago was an extraordinary tragedy with long-term consequences, and we cannot forget about the needs that persist.

The gulf coast provides one-third of the seafood harvested in the continental United States. The gulf coast is home to 6 of our country's 10 largest commercial ports. Mississippi and all Gulf States make up a vibrant part of this country, and the residents and businesses there are key contributors to the national economy.

There is no doubt that keeping our gulf strong is vital to our national interest, and part of that would be the passage of the RESTORE Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, I concur with my friend from Mississippi on the importance of passing the RESTORE Act. It is in our transportation reauthorization bill, and it is an important part. It not only helps the Gulf States but all the States that border oceans in this country. It is an important part of the bill that we worked out in a consensus manner in the Senate.

I take this time and ask unanimous consent that I may speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SURFACE TRANSPORTATION ACT

Mr. CARDIN. Mr. President, we need to pass a long-term transportation reauthorization bill. The Senate has done this. The Senate passed its bill 2 months ago by a very strong margin of 74 to 22. I call it a consensus bill and not a bipartisan bill, because we went beyond bipartisan. This bill came out of the two committees of jurisdiction, the Banking Committee and the Environment and Public Works Committee, by a unanimous vote. The Finance Committee dealt with the financing provisions.

This bill gives us predictability in transportation funding. Here is the problem: The other body, the House, is currently working on a bill that would basically be a short-term extension of our transportation program. We need a long-term commitment as to the Federal partnership in transportation. We need that for many reasons. We need it for predictable funding so our local governments can commit to do the types of transportation programs that are necessary for our safety, necessary for economic expansion, and necessary for our communities.

We are missing the construction season by the failure to enact a long-term transportation reauthorization plan. Major projects cannot be planned—whether it is to replace a bridge, major maintenance programs, new highways, or expansion of our transit systems.

This translates into jobs. We are in a recovery. We all want to do everything we can to maintain and expand job opportunities in this country so our economy can recover at a quicker pace. The transportation reauthorization bill that passed the Senate is responsible for 3 million jobs.

In my State of Maryland, 28,700 jobs are connected to the passage of the transportation reauthorization program—21,000 in highways and over 7,000 in transit.

The Senate bill, as I pointed out, was a consensus bill. It was done in the finest manner of legislating. I compliment Senators BOXER and INHOFE on the Environment and Public Works Committee, on which I serve, for marshaling this bill through. There were

numerous challenges in the Senate, and a number of committees had to consider it and, of course, there was floor consideration. During that entire process, we maintained the consensus and the balance that is important.

Let me point out that here you have a bill that invests in transit and roads and bridges. We were able to reach a compromise to make sure that both priorities were preserved in the transportation reauthorization bill.

I authored an amendment, with Senator COCHRAN, that dealt with local input into the transportation decisions. We had the right balance between the Federal Government's partnership working with our States but allowing the locals to have input particularly on transportation enhancement programs. We have reform in our bill that consolidates a lot of specific programs into broader programs, providing greater flexibility, but still maintaining accountability on the Federal partnership.

During this most recent work period, when we were off for Easter and Passover, I visited various parts of Maryland. I was down in western Maryland, Appalachia country. I heard firsthand how important reauthorization of this transportation bill is to the economy of western Maryland. This is a rural part of our State. They need to build a north-south highway that will connect Pennsylvania, West Virginia, and Maryland. The bill we passed—the transportation reauthorization bill—contains some very important provisions to allow that highway to be constructed. It provides toll credits so Pennsylvania can complete an important segment of this north-south highway. It also contains a stronger match so that it makes it more feasible that we can move this highway to completion. The completion of the north-south highway means jobs and hope to the people of that region of America. It is very important to get that done. It will mean jobs. They told me—the companies that are directly dependent upon that highway being constructed—if we don't pass a multiyear reauthorization bill, that project gets delayed. Once it is delayed, we lose job opportunities.

I also spent part of the work period visiting other parts of Maryland. I was a few miles from here at the Metro Command, at the Carmen Turner facility in New Carollton, where they operate the bus and rail command center for the Nation's transit system, which is both bus and rail in this area. It is the Nation's system. The Federal Government depends upon this, upon the Washington transit system. Many people who work in the Capitol come to us through the transit program. It is true in all of the Federal facilities.

That is an aging system. The rail system needs to be repaired. It is the second busiest rail transit system in the Nation. It is in desperate need of repair. Without predictable funding, major projects will be delayed. I will give you a list of some of the projects we need to do for the Washington metro transit system:

Overhauling the Landover and Southern Avenue bus maintenance shop in Prince George's County, MD; improving perimeter security at the Bladensburg bus garage, also in PG County; complete the design and construction of 10,000 feet of test track at Greenbelt that is needed to test the new, safer 7,000 series railcars due to arrive in 2014.

I remind my colleagues that we had a tragedy on the transit system here not too long ago. There was a study done as to improvements that need to be made, including replacement of railcars to safer cars. These changes need to be done to improve safety of people who depend upon the transit system in this region. Also we need to continue to implement systemwide switch testing and replacement needed to comply with the National Transportation Safety Board's safety recommendations following the June 2009 red-line crash. All of that will be delayed. Yes, safety will be put at risk if we do not pass a reauthorization of the transportation program.

It is interesting that one part of my State is very rural, which I visited, and the other part of the State is urban, and it is important to that region. It is important to the entire country. We need to get this done. Every State is impacted by bridge replacement, highways, and transit.

The Maryland Department of Transportation tells me that due to the uncertainty, they are planning on a 20-percent reduction in the projects that would otherwise be done in this year. That will have a huge impact on our workforce—a huge impact on our economy.

As I am speaking, the House is taking action. It is going to pass a short-term extension. That is not good enough. That doesn't solve the problem. That doesn't give us the predictability or allow us to complete the north-south highway in western Maryland, or make the improvements we need to in the WMATA system, or in any State, to be able to move forward with transportation projects. That is not good enough. We need to do more.

However, I am pleased to see the House taking some action. I urge that as soon as they complete action, let's get into conference and resolve the differences between the House and Senate and get a bill back on the floor as quickly as possible. We did our work. We passed a bipartisan consensus bill. They are passing a partisan bill in the other body. They are delaying things again. That is not good.

Let's get together and complete a conference as quickly as possible. Let's get Americans back to work building roads and transit systems that are vital to the continued economic recovery of this Nation.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. RUBIO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

Mr. RUBIO. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RUBIO. Mr. President, I think this is topical to the item we are debating, which is to proceed to the Violence Against Women Act, and I wish to take a moment to highlight a couple of egregious examples around the world where young girls and women are being threatened by violence in what remains a scourge throughout the planet, and then I will focus on here at home as well.

On April 17—and this is a pretty shocking incident—about 150 Afghan school girls were poisoned after drinking contaminated water. It appears by all signals that it was a deliberate contamination of the water. They are blaming this on conservative radicals who are opposed to female education. So there is evidence to suggest that 150 girls from Afghanistan were poisoned because they went to school. This is happening in the 21st century.

A new report from the Human Rights Commission on Pakistan says there were 943 Pakistani women killed in 2011 and they were killed for ''honor.'' Of the 953 victims, 93 were minors. Around 595 of the women killed in 2011 were accused of having ''illicit relations,'' and 219 of them were accused of marrying without permission. Again, this is the 21st century we are talking about where these things are happening. In fact, this same report, in 2010, says there were 791 honor killings of women in Pakistan.

Here is one that is really disturbing and very sick. In South Africa, a group of young males in Soweta were filmed raping a 17-year-old who was believed to be mentally ill. In fact, the term ''rapevideo'' was trending on Twitter in South Africa on Wednesday. It is estimated by some organizations that a woman is raped every 26 seconds in South Africa. There is a report with regard to this specific Soweta rape that the men promised the girl 25 cents if she kept silent.

Let's turn to our hemisphere for a moment, where, tragically, of the 25 countries around the world with the highest homicide rates for women, 14 are in Latin America and the Caribbean, according to a recent survey by a Geneva-based research organization called Small Arms Survey. The three most dangerous countries for women were El Salvador, Jamaica, and Guatemala, respectively.

As a region, a U.N. study found in 2011 that the Americas, including the United States and Canada, were ranked

second only to Africa for female homicide rates. While females represent only 10 percent of the murder victims in the Americas, the sheer level of violence in the region, particularly in Latin America, puts women at risk.

Here at home, I was honored a few weeks ago to sign a letter, along with Senators KIRK, BLUMENTHAL, and CORNYN, which we wrote to about 40 organizations back on April 12 to inform them that the parent company of the Village Voice publications they advertise on owns backpage.com, an online classified advertising Web site linked to dozens of child-trafficking cases in this country. We asked these companies, charitable organizations, and public, educational, and cultural institutions to work together to use their economic influence to stop this from happening, to stop this online child sex trafficking that is being facilitated by sites such as these.

I want to report to my colleagues today that there has been some progress. This letter is already having an impact. We have had representatives from two of the recipients of the letter respond that their companies will quickly act to end their advertising on the Village Voice publications.

The fact is what I just outlined now is happening here in the United States of America. I highlighted things happening around the world, and I highlighted a case of something we can be doing right now here in the United States.

The reason I come to the floor on occasion to speak about human rights violations that are happening around the world and in our own country is to remind us that atrocities are not just things that happened in history, they are happening today. If we just open a newspaper and open our eyes, we will find modern-day atrocities that rival things we have read about in history. Things we might believe are unimaginable or impossible are occurring in this century. Here in our country, we have instances such as this, where it is estimated that up to 300,000 children could potentially be at risk—300,000 people, young women, children, et cetera, in our hemisphere—to become victims of human trafficking. Part of that happens here in our own country. So we have an obligation to focus on these issues.

I will continue to use this forum and any opportunity I get to highlight human rights abuses that are happening across the world and in our own country because awareness is always the first step toward confronting these issues. The notion that one can somehow get away with this without condemnation encourages people to do more of it, encourages people to think they can get away with it, encourages people to think it may even be culturally acceptable. It is not culturally acceptable for any civilized people to stand by and watch human beings being enslaved, trafficked, abused, or targeted. We cannot stand by silently—and I am not claiming anyone in this Chamber does this—and argue that it is culturally acceptable to carry out an honor killing of a woman because she got married without permission. That is outrageous and it is absurd. It has no place in our world.

If this Nation is to remain a leader on human rights, then those of us who serve it have an obligation to use forums such as this to call attention to egregious examples, such as those I cited today, and to condemn them in the loudest voice possible. So in the weeks and months to come, I hope to continue to come to the floor and provide not just examples of abuses happening around the world but also examples, such as the one I finished with today. That is an example of how we can, working across the party aisle in this Chamber, work collaboratively to do something about it. This letter to the advertisers on backpage.com in the Village Voice is just one example of the things we can be doing to ensure we condemn and put a stop to some of these most heinous practices.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, before I proceed to the Senator from Missouri, I want to thank my friend from Florida for his principled and passionate statement. He speaks from his own experience—his family's own experience in leaving a dictatorship in Cuba and coming to the freedom of this country, but he speaks more broadly from the depths of American history and American experience. We are a very different nation. We are different from our beginning because we defined ourselves not by our geographical borders but by our values and the values expressed in the Declaration of Independence about those human rights, that life, liberty, and the pursuit of happiness are the endowment of our Creator. Those rights, obviously, were not just the endowment God gave the people of the United States but all human beings anywhere on this planet. It is what makes us a great nation. I think the extent to which we hold to that principle that was the motivation for our founding is one by which we can measure ourselves day by day.

I really appreciate that the Senator from Florida has committed himself both to the upholding and the application of the principle of human rights, the sanctity of human rights, and America's role in protecting them, and to persistently continue to come to the floor to speak of particular cases where that principle is being violated. I happened to be on the floor for the postal reform bill, but I wanted to take this opportunity to thank him for his very compelling statement.

I yield the floor to my friend from Missouri.

The PRESIDING OFFICER. The Senator from Missouri.

POSTAL REFORM

Mrs. MCCASKILL. Mr. President, I spent a lot of my childhood in a very small town in Missouri. From the time I was about 3 years old until the fourth grade, I lived in a town called Lebanon, MO. My dad was a life insurance salesman and sold life insurance, in fact to many of the soldiers at Fort Leonard Wood, and my mother's family had the corner drugstore about a block off Main Street in Lebanon, MO.

I have fond and vivid memories of my childhood in Lebanon, and one of them was the trip I would take whenever I was hanging out down at my family's drugstore. This was my great-uncle and great-aunt who had raised my mother, so they were like my grandparents. He was the pharmacist and she ran the lunch counter at the drugstore, and I would go with my great-uncle on his run to the post office. We would walk up 2 blocks and go into the post office. I even remember how it smelled. I remember how it looked. I remember what happened there. My memory is that it was a gathering place, that I would have to tug on my great-uncle's coat and say, ''Let's go, Uncle Tom. Let's go'' because he would invariably find people at the post office with whom he needed to visit. It wasn't a big place, but it was a very important place in Lebanon, MO.

I rise today to talk about an amendment that will save that sense of community for dozens of rural towns in Missouri. I am very aware, as a former auditor and someone who spends a lot of time looking at our budgets and trying to figure out the numbers, of the crisis we have in terms of the fiscal sustainability of our Postal Service.

I commend the work of the committee on which I am lucky to serve with Senator LIEBERMAN as the chair and Senator COLLINS as the ranking member. It is one of the places where we have maintained strong bipartisanship in the Senate. In fact, I believe Senator LIEBERMAN's committee could serve as a role model for other committees on how to work in a bipartisan way. And I commend Senator CARPER and many others—Senator BROWN of Massachusetts and also Senator MERKLEY—who have worked on this amendment, also, trying to find a way to save these rural post offices.

I know we have a problem here, but when we look at the numbers, closing rural post offices doesn't help. It is 1 percent—less than 1 percent—of the budget. It is less than 1 percent of the amount of savings we need to save out of the postal budget. So in 167 different communities in my State, something that is essential far beyond the bricks and mortar to those communities would close all in the name of less than 1 percent. That doesn't make sense to me.

The strength of our Postal Service has been that it is reliable, that it is affordable, and that it goes to the very last mile. What will we lose in these communities if we shut down these

post offices? Senior citizens would lose a place where they can depend on getting their prescription medicines. Many of these communities have no pharmacies—in fact, most of them don't—and they rely on the mail for their drugs. Small business owners would lose a shipping location. The small business owners in these rural communities depend on that post office to take packages to and to receive packages from. I think this is a sacrifice we should not make. These post offices are worth fighting to save.

When I go home and meet with Missourians and when I get outside of St. Louis and Kansas City and Springfield and Columbia, almost every single time, someone walks up to me and talks about their post office. They feel strongly that it is the one symbol they have in their community that makes them viable as a community, and I would hate to see them lose it.

I believe we should look at the closure of these post offices as a very last resort. Frankly, to me, it looks knee-jerked because it doesn't appear to me to be very thoughtful. I have not been able to get the post office to even give me the rhyme or reason as to why some of these post offices are closing. Very few of them save a significant amount of dollars.

This amendment would impose a 2-year moratorium on rural post office closures to allow the Postal Service to enjoy some of the reforms that have been put in this bill in a very thoughtful and thorough process by Chairman LIEBERMAN and many of his colleagues. It would also say after 2 years that there is a specific list of transparent criterion that must be considered before a post office could be closed.

First, it would have to ensure that seniors could retain the same access to their prescriptions they receive in the mail, that seniors and those with disabilities would have the same access to postal services they currently do, and make sure small businesses are not financially harmed by a rural post office closure.

This is not kicking the can down the road. This is being more thoughtful about preserving the part of the Postal Service that defines it. I am hopeful this is not a Republican or a Democratic issue. I am hopeful this is a rural issue.

We all know the last mile is the most expensive. Throughout the history of our country, government has stepped in and done a little more to give services the last mile. No business model in the world works when you have to take services that last mile down that one road, all the way down to a house at the end of the road sometimes several miles. It didn't work for electricity, so we did things to help with rural electric co-ops. It didn't work for phones, so we did the USX fund to help with phones. It didn't work for broadband, so we stepped in and have done things to assist with broadband. Now we are going to say to these rural communities: The last mile is not as important. These post offices are not as important. We can make due without it.

I think that is a big mistake, and I hope we can save these rural post offices. This is very important in my State, and I want young girls who are growing up in these small communities to have the same warm and fond memories of the local post office that I carry with me every day.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank Senator MCCASKILL for her statement. What is interesting, this is one of those cases where maybe we appreciate something more than we would every day when we think it may disappear. It is true of institutions as well as people. There is no question that post offices, both in rural areas and small towns—and I will say for Connecticut, in neighborhoods and cities—that the post office has played an important community-building role. But beyond that, in a tough time economically, a lot of people depend on those post offices for their mail, for their prescription drugs, and for the business interactions they need. But here is the other side of it, which my friend from Missouri knows very well.

We have 32,000 post offices in America. If we consider them to be retail outlets, which they are, that is more retail outlets than Walmart, Starbucks, and McDonald's combined. But we are talking about necessities. So we are very concerned that post offices not be closed in a precipitous manner if some have to be closed.

So as my friend from Missouri knows, we put language in this bill that doesn't stop the process of review but forces the Postal Service to consider other options, such as consolidating post offices within a reasonable distance, reducing the number of operating hours, for instance, and permitting a contractor or a rural carrier to provide retail services in the communities served by the post office.

We also allow an appeal to the Postal Regulatory Commission, and I know there are other amendments that will come in to strengthen that part of the bill.

We have to find a balance between the financial pressures on the post office—which, if unresponded to, will take it down—and the continuing dependence that millions of American people, including in small towns and rural areas, have on the post office.

Just a final word. Some of our colleagues have come to the floor and spoken about the post office as if it was in its entirety a relic which has no purpose anymore because of the Internet. Obviously, the Internet is affecting the volume of first-class mail. But the fact is today—I repeat, every day 563 million pieces of mail are delivered by the Postal Service, as you said, consistent with the promise of universal service anywhere you are, anywhere your business is.

Incidentally, that capacity to deliver to the last mile is one of the great, unique, irreplaceable assets of the Postal Service, so irreplaceable that big private sector companies such as FedEx and UPS depend on it. People depend on the Postal Service increasingly for packages too. I maybe have a limited horizon, but I still can't conceive of an Internet that can transport a package from one place to another, and a lot of those packages are needed by the recipients, including, particularly, prescription drugs.

So I thank my friend from Missouri. I say that Senator COLLINS and I would like to work with her. I think we can find a way without doing damage to the purpose of the bill to accommodate the concerns about the preservation of rural post offices, and I look forward to doing so.

I might add this for the information of Members who haven't said this yet today: Yesterday, both cloakrooms hotlined—in the vocabulary of the Senate—a request to every Senator to indicate whether they have an intention to file amendments. At this point, we have a list of over 50 amendments that have been filed. Senator COLLINS and I, Senator CARPER, and Senator BROWN are working to try to reduce that to a number that can be the basis, I hope, of a bipartisan agreement to go ahead and debate those amendments and vote on them.

We have a cloture vote that probably will occur tomorrow, unless vitiated, which will critically determine whether we have the 60 votes that say we can go forward. If we get those 60 votes, I think we can come to an agreement on a number of amendments, have a good, open debate, both sides, and then pass this bill.

If we don't pass this bill or if we don't achieve the 60 votes tomorrow, it is not as if nothing is going to happen to the post office. The fact is the deficit will continue to build, and let me be more specific.

A while back the Postmaster General issued a notice, which he was required to do, saying that as of May 15, less than a month from now, he would have a list of mail processing facilities—not post offices but mail processing facilities—which are candidates for closure. I believe he will close some on or about May 15 unless there is movement on this bill.

So I hope we can reason together; that we can agree on a good, balanced, representative, bipartisan group of amendments and, most of all, that we will not block the bill from being taken up for the lack of 60 votes to grant cloture and stop any attempt at a filibuster.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PAT SUMMITT

Mr. ALEXANDER. Mr. President, today, the University of Tennessee, where I was once President, announced that our basketball coach, Pat Summitt, is resigning after 38 years in that position. Women's college basketball will never be the same without Pat Summitt and women's college basketball would not be the same were it not for Pat Summitt's 38 years of leadership. There will be much said about her winning record, and it is an astonishing accomplishment: 1,098 wins in basketball, more than any other coach, man or woman, in the sport; 8 national championships; in the Southeastern Conference, 32 Southeastern Conference titles, 31 straight trips to the NCAA tournament. But the statistic I always valued most, especially when I was president of the university, was every single one of Pat Summitt's athletes who have completed their eligibility with her have graduated from the University of Tennessee. That is over 38 years. So she has a remarkable record, for which we all are very grateful.

It is hard for people outside Tennessee to understand how much Pat Summitt has become a part of the lives of so many citizens in our State. She actually was asked by the university to take over the basketball program when she was in her early twenties. This was in 1974. Back then, many women's basketball games were played with three women on one end and three women on the other end, offense and the defense.

She changed all that in a big-time way. When I say women's college basketball would not be the same without her, I mean that because almost every women's coach in America would attest to the fact that Pat Summitt has played a role, either an important model or personal role in their development. Even before big games, she would have over to her house in Knoxville the opposing team and the opposing coach. She always had time for community events in Knoxville, despite her busy schedule as such a winning coach. She is a terrific person individually and a great model.

She taught many of us in Tennessee the game of women's college basketball. She was so upfront and personal about it, with her famous stare, which could stare anybody down, and her discussion of these extraordinary athletes she had and what their pluses were and what the things were that they had to work on, that we all felt we not only knew her, but we knew the athletes as well.

I have enjoyed watching Pat Summitt's team for many years. I made a point to watch three of her games in person this year in Knoxville. I arranged my Senate schedule around it because I feared this might be her last season. She announced last year that she has Alzheimer's disease and she is now devoting herself to fighting that disease. So I am sure she will be as accomplished in some appropriate way in the next stage of her life as she has been in the last 38 years.

I wanted to come to the Senate floor and say, on behalf of all the people of our State, that women's college basketball will never be the same without Pat Summitt, and women's college basketball would never be what it is today if it weren't for Pat Summitt.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to thank my friend for his moving and eloquent statement, as a Senator from Connecticut, a proud fan and admirer of UConn women's basketball, with the great coach Geno Auriemma. No one appreciates someone such as Coach Summitt more than those who have competed against her, including Coach Auriemma and the great players in the University of Connecticut women's basketball history.

She sets the standard and she has set the standard. I join my colleague in his praise of her, and with some confidence, wishing her well in the future.

Mr. ALEXANDER. Mr. President, I thank Senator LIEBERMAN. I think it is appropriate, and most fans of women's college basketball would agree, that the first two Senators on the floor to commend Pat Summitt would be the Senator from Tennessee and the Senator from Connecticut.

Mr. LIEBERMAN. It is fortuitous and I cannot believe it is accidental.

Mr. ALEXANDER. I thank the Senator for his generous remarks. I know Pat would as well.

Mr. LIEBERMAN. If Geno Auriemma were here, he would have at least echoed what I had to say and added some great stories and words of tribute because I know the respect that Coach Auriemma has for Coach Summitt.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Minnesota.

Mr. FRANKEN. 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. FRANKEN. I ask unanimous consent to speak as in morning business for about 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

POSTAL SERVICE REFORM

Mr. FRANKEN. Mr. President, I rise today to talk about the importance of the Postal Service to Minnesota and to urge my colleagues to make thoughtful changes to strengthen S. 1789.

The Postal Service has proposed a cost-cutting plan that would close or consolidate nearly 3,700 mostly rural post offices. This plan will eliminate thousands of jobs in communities across the country and will leave many residents and businesses without direct access to the Postal Service. Of course, that includes Oregon, the Presiding Officer's State.

In Minnesota, 117 post offices are on the closure list. That includes the post office in Calumet, MN, a town of 367 people in northeastern Minnesota. I have heard from the mayor of Calumet, John Tourila, about the hardship that closing the post office would have on his community. He told me about disabled residents who can't get a driver's license and how important it is that they are able to walk to the post office. He also told me about an elderly couple in the town. The husband has Alzheimer's, and he and his wife take a walk every day, hand in hand, to the post office.

When the Postal Service held a public meeting in Calumet to discuss the proposed post office closure, over 70 residents showed up. That is a lot. That is about one-fifth of the town.

These are the stories I hear when I travel across Minnesota, especially in rural Minnesota. Post offices are the center of so many communities. They serve as the gathering place and a source of information. Individuals and businesses rely on the Postal Service to receive medications, paychecks, absentee ballots, equipment, and even livestock. If the Postal Service's closure plan is implemented, it will have a devastating impact on rural Minnesota.

The Postal Service has also proposed to close 250 processing facilities. Five of Minnesota's processing facilities are on the block. Under the Postal Service's plan, all of the mail processing activities currently taking place in Duluth, Bemidji, Mankato, Rochester, and Waite Park would be moved to the Twin Cities.

For anyone who hasn't driven around Minnesota, let me explain what that means. When someone in Bemidji, MN, sends a birthday card to her neighbor or a local small business sends an invoice to a customer a few streets away, that letter will be sent more than 200 miles south to the Twin Cities to be processed before it is sent 200 miles back north to Bemidji.

That doesn't make any sense. During Minnesota winters when roads are impassable, that is going to mean severe mail delay. It is going to drive business away from these communities.

The processing centers in Rochester and Duluth are also on the list. These are the third and fourth largest cities in Minnesota. Duluth is over 150 miles away from the Twin Cities. Closing these processing centers will significantly impact local businesses and will drive business away from the Postal Service. One important example is the Duluth News Tribune. This one business distributes over 2 million pieces of mail annually through the Postal Service. Last year, they paid the Postal Service well over $400,000 for these

services. If the Duluth processing center is closed, the Postal Service will no longer be able to guarantee overnight delivery of local newspapers. The Duluth News Tribune is going to have to find a different way to deliver their papers—the daily paper. That will cost both the businesses and the Postal Service a lot of money.

I have heard from hundreds of Minnesotans and met with postal workers, mayors, concerned community members, and business leaders who rely on the Postal Service. What they all agree on is that we need a strong and financially sound Postal Service. They understand that tough choices need to be made and that some cuts are on the way. But not like this, not by closing five of Minnesota's seven processing facilities and forcing the workers to move to the Twin Cities if they want any hope of keeping their jobs, not by closing nearly 3,700 post offices to save less than 1 percent of the budget, not by slowing down mail so much that it will basically render it useless for many businesses.

The Post Office is in the Constitution. It is in the Constitution. It has been around since the beginning of our country. There is a reason for this. For centuries, universal service has been at the heart of the Postal Service's mission. It is the mission that is described in the Constitution. No matter where people live—be it in Minneapolis or International Falls, MN—people count on the Postal Service delivering their mail. The Postal Service gives us a connection to the outside world. Somehow we have lost sight of that.

Senators LIEBERMAN, CARPER, COLLINS, and SCOTT BROWN put forward a bill to reform the Postal Service. I wish to thank them all for their important work moving this bill forward. S. 1789 would refund overpayments the Postal Service has made to the Federal pension program. It will also reduce the requirement that the Postal Service prefund retiree health care benefits. I am very supportive of both of these provisions. It could save the Postal Service over $15 billion over the next 2 years.

However, I believe the bill can be strengthened to maintain delivery standards and better protect rural post offices. I have been working with a group of my colleagues, including the Presiding Officer, led by Senator SANDERS, to improve the bill. I wish to thank Senators CARPER and LIEBERMAN for working with us.

The managers' amendment addresses some of our concerns. Most importantly, it would require the Postal Service to retain regional overnight delivery standards. This will protect many processing facilities. Importantly for Minnesota, it will likely keep the Duluth processing facility open.

But the substitute still doesn't do enough to protect rural post offices. I have introduced an amendment with my friends and colleagues, Senators TESTER and LEVIN, that will give communities the opportunity to fight to prevent the closure of their local post offices and processing facilities.

Right now the Postal Regulatory Commission can review post office closure decisions, but it can only issue advisory options. Our amendment would give the commission authority to reverse post office and processing facility closure decisions. That would guarantee that individuals and communities impacted by closures would have real recourse. I urge my Senate colleagues to support our amendment.

We need to make thoughtful changes to S. 1789 and we need to act now. Last December, I joined with a number of my Senate colleagues in pushing the Postmaster General for a 5-month moratorium on postal closures. The moratorium is now running out and the Postal Service is not waiting. It can't. On May 16, the Postal Service will close thousands of post offices and hundreds of processing centers. We need to act now.

Mr. President, I wish to now change the subject to speak about a topic that hits close to home for many Minnesotans.

(The remarks of Senator FRANKEN pertaining to the introduction of S. 2295 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. FRANKEN. Mr. President, 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. BLUMENTHAL. 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. BLUMENTHAL. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO COACH PAT SUMMITT

Mr. BLUMENTHAL. Mr. President, I noted earlier the very eloquent exchange between the Senator from Tennessee and my colleague from Connecticut, Senator LIEBERMAN, on Pat Summitt's resignation as the coach for women's basketball at the University of Tennessee. I wanted to comment very briefly at the opening of my remarks on Pat Summitt—like Senator LIEBERMAN, a fan of UConn women's basketball team, a rival to the University of Tennessee, deeply entrenched rival, enthusiastic and stalwart rival—in recognition of her enormous contribution to women's sports.

As a coach, leader, and mentor Pat Summitt transformed women's athletics in America fundamentally and forever. Her passion for excellence and her fight for fairness made her a force on and off the court. In a cause larger than herself, she achieved recognition for women's basketball, not just for her own team, and enriched the lives and careers of countless women.

Although her team was a rival of the University of Connecticut and I rooted against her when she played us, I wish her every good thing in the years ahead and admire her continued courage and fortitude.

NCAA ACADEMIC PROGRESS RATE

Mr. President, I want to speak on another basketball topic, one that is serious to the University of Connecticut and to my State where we have some wonderful student athletes—we do. The University of Connecticut has great student athletes. Connecticut residents have watched with pride as the UConn Huskies, both the women's and men's teams, have brought home numerous basketball championships.

I am a strong believer that success in the classroom must accompany success on the court. I support efforts by universities and the NCAA to develop rigorous academic standards for student athletes. I believe schools failing to meet these standards should be penalized. But I also believe these standards must be applied fairly, not capriciously or arbitrarily.

Regrettably, the NCAA's application of its own rules appears to be arbitrary, unjust, and unfair against the UConn men's basketball program. Last October, the NCAA adopted new standards that determined a school's eligibility based on 2- or 4-year average academic progress rates, so called APRs. These standards set a high bar for performance, but unfortunately they did not provide schools with a phase-in period for the new rules.

Because these standards are based on several years of data, it is possible a school could be retroactively punished for actions that occurred before the rules were implemented. That is exactly what has happened to the UConn men's basketball team. Those players have been told they will not be eligible to compete in the 2013 postseason, including the Big East tournament and March Madness, because of the APR scores from the 2006 to 2010 academic years.

None of the players from those seasons remain on the UConn team now. This severe punishment falls on players who are clear of any substandard academic performance. In fact, UConn's recent student athletes have demonstrated exemplary academic performance. The team's academic progress rate for the 2010 to 2011 academic area was nearly perfect. The team's academic progress rate for the fall 2011 semester was, in fact, perfect.

Instead of commending this improvement, the NCAA is ignoring it. The NCAA is basing its 2013 eligibility decision on data from the 2006 to 2010 academic years. If they had included the scores from the 2010 to 2011 academic years, UConn's average would be high enough to meet the NCAA's new standards.

UConn's administrators, coaches, and student athletes have placed a strong

emphasis on academic performance. The school and students have worked hard to meet these standards and to improve academics. They have demonstrated laudable success. Instead of this progress being acknowledged, it has been ignored by the NCAA, and these student athletes have been harshly punished for their predecessors' actions, not for their own.

I have written—joined by my colleague from Connecticut, Senator LIEBERMAN—to the President of the NCAA, Mark Emmert, raising these objections. We have been joined by other colleagues of the delegation. I ask unanimous consent that letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEAR PRESIDENT EMMERT: We write to express our concern with the implementation of the National Collegiate Athletic Association's (NCAA's) new structure for the Academic Progress Rate (APR). As currently implemented, we believe this structure will have unfair negative ramifications for our academic institutions and their students.

As you are aware, last October the NCAA Board of Directors adopted new standards (four year average of 900 or two year average of 930) that institutions must meet in order to qualify and participate in NCAA post-season championship events. These standards were made effective immediately and were to be applied to student-athlete academic performance that had already occurred.

We appreciate and support the NCAA's pursuit of new standards as a means to improve academic achievement. We are dismayed, however, that the NCAA based eligibility for the 2013 NCAA Men's Basketball Tournament on data from the already completed academic years of 2009–10 and 2010–11. As a result, student-athletes and their institutions were given no phase-in period, no opportunity to adjust to the new standards, and no chance to avoid the penalty. We are deeply concerned that with this action the NCAA is ignoring the reality that more current data are now available to determine an institution's most current APR for purposes of determining eligibility for the 2013 Tournament. Using the most current, available data would remedy the existing unfairness.

While we understand and support the goals of ensuring quality educational opportunities for student-athletes and the need for strong sanctions for failure to meet those goals, we have misgivings about the retroactive implementation of the penalty. In particular, the NCAA appears to have imposed an overly harsh and unfair penalty by imposing APR sanctions retroactively for conduct and circumstances that had already occurred. By including previous years in a rolling four year average, it should have been clear at the time of adopting the new standard that some universities would be unable to avoid the new penalties—even if the university had achieved a stellar score in the most current year. Due to this rule's retroactive application, student-athletes, who are not in any manner culpable for the APR performance that is the basis of these new penalties, will be punished.

The uncompromised commitment to the academic success of student-athletes remains the paramount responsibility for any academic institution engaged in intercollegiate athletics. With this obligation in mind, we support necessary and reasonable measures that condition participation in intercollegiate post-season events on a requisite level of academic progress or achievement by student-athletes. However, and no less critical, the process for developing, adopting and implementing regulatory type measures that will be applicable to all academic institutions must be grounded in fundamental fairness. Only then will the regulatory structure appropriately address the institutional responsibility for academic success without penalizing innocent individual student-athletes.

With the enactment of the new APR penalty structure, however, we believe the NCAA has failed to meet this important standard. The NCAA has the means to address this matter at its upcoming meeting of the Committee on Academic Progress on April 23. We therefore call on the NCAA to review and modify the APR rule this session to remove its retroactive application. Such an approach would be a sensible and fair way to resolve this matter while ensuring tough standards and penalties to ensure future compliance.

Thank you for your consideration of our concerns.

Mr. BLUMENTHAL. This letter expresses our outrage and frustration with this process. It is a process that may be well intentioned. Its goals may be laudable. Raising academic standards must be done, and I support that effort enthusiastically and passionately. But the application of any rule must be fair, and applying them arbitrarily and unjustly undermines the credibility of the cause that is sought.

As we say to President Emmert of the NCAA: The present performance, current data, and facts as they now are on the ground, on the court, in the classroom are the ones that should be operative and determinative. To deny this team an opportunity to demonstrate its excellence on the court as well as in the classroom and punish it for the failures of past teams is simply unfair and arbitrary. I hope its decision will be changed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend and colleague from Connecticut for his words. I stand with him in this cause. You can say this is parochial, but it is obvious that we are all—both of us and most everybody in Connecticut are very proud of our UConn basketball programs, both the men's and the women's. But there by the grace of the NCAA go every one of our colleagues and their teams.

Everybody understands and agrees that there has to be academic standards. As Senator BLUMENTHAL said so well, these standards are being unfairly applied to the University of Connecticut men's basketball program in this case because they have been punished essentially already and they have corrected the shortcomings. They have had what might be described as a perfect record in terms of players achieving academic—the threshold standard.

To keep them out of the NCAA tournament next year is unfair. Frankly, in a direct sense, it hurts the University of Connecticut in terms of the revenues it needs to continue to produce not only good basketball but great academic offerings. It also deprives basketball fans around the country of a competition with all the best teams in it. And it has, for our program at the University of Connecticut, consequences beyond next year. In my opinion, this is cruel and unusual punishment.

I am very glad to be joining with Senator BLUMENTHAL. He has taken the lead on it, but I stand arm in arm with him and the other members of the Connecticut congressional delegation. We are going to push forward until we get this unjust decision overturned.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LEVIN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

(Mr. CASEY assumed the Chair.)

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

MATT RUTHERFORD'S SOLO SAIL

Mr. HARKIN. Mr. President, I just had a very wonderful phone call from a young Matt Rutherford, a 31-year-old man. I have spoken about him on the floor on a couple of occasions. He just made it safely home on his boat, the St. Brendan. He just crossed the finish line, coming out of the Atlantic Ocean into the Chesapeake Bay.

For those of you who have not followed this story, about 309 days ago young Matt Rutherford, on a 27-foot sailboat—a 36-year-old sailboat to boot—left the Chesapeake Bay on one of the most audacious adventures ever undertaken. It has never been done before. He sailed his little boat out of the Chesapeake Bay. He sailed it in the Atlantic Ocean, up around Newfoundland, Labrador, by Greenland, and sailed that little boat through the Northwest Passage, from the Atlantic Ocean over to Alaska. He has been certified now as the first person to ever do so solo in a small sailboat.

He sailed around Alaska. He sailed it from Alaska down to Cape Horn. Mind you, he is by himself on a 27-foot boat. He rounded Cape Horn and came up the east coast of South America, sailed up through the Caribbean, and is back, as of just a few hours ago, into the Chesapeake Bay—solo, nonstop, all by himself. He never touched land in all these days. He will set foot on land this Saturday at a homecoming in Annapolis at the National Sailing Hall of Fame dock in Annapolis, this Saturday around noontime. I am sure it will be a big welcome for Matt Rutherford.

To add frosting to the cake of what he did—which, again, is an incredible, incredible adventure—he did it to raise funds for CRAB, Chesapeake Region Accessible Boating, which is an organization that helps people with disabilities, including wounded warriors from our armed services who have service-connected disabilities, to get them out

on boats that will teach them how to sail, to let them know they too can participate in that recreational activity.

So to Matt Rutherford, who has done something that has never been done before, welcome back. I am glad you are safe. I am glad you made it OK.

To those of you who want to catch up on this incredible, incredible journey—I mean, think about Robert Peary going to the North Pole. Think about Roald Amundsen going to the South Pole. Think about Sir Francis Chichester sailing around the world in the Gypsy Moth IV, who, by the way, stopped once, or Joshua Slocum, who was the first person to sail solo around the world. Think about Sir Edmund Hillary climbing Mount Everest. These are the kinds of people whom Matt Rutherford now stands alongside of in sailing solo. You can go to the Web site to catch up on this. It is www.solotheamericas.org. To think about him sailing all the way around by the North Pole, all the way down, almost, to the South Pole, back up to America again—nonstop, never touched land, never stopped, and did it solo in a small 27-foot sailboat—it is one of the great adventures of our time—of any time.

So I am happy he is back and he is safe and will be back on dry land this Saturday.

REBUILD AMERICA ACT

Mr. President, as chair of the Health, Education, Labor, and Pensions Committee, I have come to the floor on a number of occasions over the last year to express my concern about the distressed state of the American middle class. I do so again today in order to share with my colleagues my ideas for how we can rebuild the middle class in America and make our economy work for those who work for a living.

Over the past year, while Washington has been gripped by a fear of budget deficits, I gave speech after speech here on the Senate floor pointing out an even more serious deficit: the deficit of vision in Washington, our failure to confront the current economic crisis with the boldness earlier generations of Americans summoned in times of national challenge.

By this economic crisis, I do not just mean the current economic downturn. Instead, I am referring to the economic crisis that has taken place over the last 30 to 40 years that has resulted in a shrinking middle class, rising inequality in our country, a weakened economy, and a sense that the American dream is slipping away. This is the fundamental challenge—the fundamental challenge—facing our Nation today: rebuilding the American middle class.

Altogether, I now have chaired five HELP Committee hearings on the crisis of the middle class. Last year my State staff visited all 99 counties in Iowa to gain greater insight into the challenges facing working Americans. During these events, I have heard from a diverse array of Americans, including economists, employers, union members, community college students, and everyday, hard-working, middle-class families. Not surprisingly, we found that more and more people are struggling just to make ends meet. Their jobs are insecure, their savings and pensions have shrunk, and they see an economic system that is rigged in favor of the very rich and the powerful.

At a hearing last June, I invited Amanda Greubel, a social worker in her local Iowa school district, to share her story with the HELP Committee. During her testimony, she defined what it means to be in the middle class in this way:

> My husband and I didn't have dreams of great wealth. We never expected to have summer homes or expensive cars or vacations on the Riviera. We chose careers that inspire us, knowing that we would never make six-figure salaries. All we have ever wanted is security and a little comfort . . . to know that our bills are paid, our needs are met, that we can have a getaway every now and then, that our children can pursue higher education without the burden of student-loan debt, and that someday we can retire and enjoy our final years together in the way we choose. . . . When I think back over our adult lives, it strikes me that we did everything we were always told to do in order to have the American dream. . . . We did everything that all the experts said we should do, and yet still we're struggling. When you work as hard as we have and still sometimes scrape for the necessities, it really gets you down.

That was Amanda.

Unfortunately, those of us in Washington have not listened enough to people such as Amanda. People such as Amanda do not feel this way because of factors such as ''globalization'' or ''technology change.'' Indeed, harnessing those developments has helped to make the U.S. economy the envy of the world.

Instead, the crisis of the middle class can be traced largely to unwise policy choices made here in Washington. For starters, for the last three decades, too many here in Washington have bought into the failed economic doctrine that says if we give more and more to the very wealthy and to the largest corporations, then prosperity will somehow trickle down to the rest of us. That idea has utterly failed to work for the American people. It is time we get back to policies that are premised on how our economy really works. A strong, vibrant middle class with money in their pockets to spend drives the economy forward because, very simply, businesses will not make things if they do not have any customers.

As Mr. Nick Hanauer, a very successful private sector investor, put it in a recent Business Week column:

> Rich business people like me don't create jobs. Middle-class consumers do, and when they thrive, U.S. businesses grow and profit.

So what is the best way forward? Instead of the slash-and-burn approaches of the past year and the failed economic doctrines of the past few decades, we need a way forward that rebuilds the middle class by reflecting the hopes and the can-do spirit of the American people, people such as Amanda Greubel.

To meet the great challenge of our day, restoring and revitalizing the middle class, after having a number of hearings last year, as I said, and countless visits with people throughout my State, I recently introduced sweeping legislation called the Rebuild America Act. It now has a number, S. 2252. This legislation provides comprehensive solutions to rebuilding the American middle class.

Some will say it is too bold and too ambitious, but I disagree. The sweep of this legislation is commensurate with the extraordinary challenge it addresses. The bill aims to rebuild the middle class in four broad ways: creating jobs, investing in the future, helping families, and bringing balance back into our tax system. Let me touch briefly on those four principles.

One, we need to create jobs for all Americans, including for groups of Americans such as people with disabilities who have been especially hard hit by the recent recession. With the official unemployment rate over 8 percent, and some unofficial measures as high as 17 percent, the middle class will continue to lose ground.

When jobs are scarce, workers do not have the leverage to demand fair treatment, paychecks stop growing, or even fall, and even people who are fortunate enough to have a job become fearful of losing it. People have less discretionary money in their pockets or the confidence to spend it. In the absence of robust consumer demand, businesses choose not to expand or invest.

Secondly, we must invest in our future. Not only will investing in our infrastructure help create badly needed jobs in the short term, these investments will lay the groundwork for sustained economic growth in the long term. So my bill tackles this challenge head on by providing for robust new investments in America's infrastructure, including, of course, time-tested things such as roads and bridges, energy efficiency systems, also rebuilding and modernizing our public schools, rebuilding our manufacturing base in America.

In addition, there is also the investment in the human infrastructure: helping prepare great teachers, providing better pathways to good jobs for workers, job retraining so that the old jobs that are now gone, we can now take those workers and retrain them for the future jobs, to ensure that current and future workers will have the education and skills they need to be successful and to be in the middle class.

Three, we need to do more to help middle-class families succeed. It is time for us in Washington to wake up to the harsh reality that middle-class families have been living in for the last few decades. Unfortunately, the programs and policies that helped create

the middle class have been either intentionally discarded or have fallen victim to neglect.

For example, the real value of the minimum wage has declined for the last four decades, dragging down all workers' paychecks. In 1968, that was the height. That was when someone making the minimum wage had the highest purchasing power ever since we had a minimum wage—1968. Since that time, it has fallen in real terms. If, in fact, the minimum wage had kept pace just with inflation from 1968 to today, the minimum wage would be slightly over $10.30 an hour. Right now the Federal minimum wage is $7.25 an hour. So think of it this way: The same class of people that was making the minimum wage in 1968 is basically the same class of people making the minimum wage today: young people, minorities, people in businesses that are just starting, people who are not highly educated, new immigrants to this country, for example. So the same people who are making the minimum wage then are the same kind of class of people making the minimum wage today.

But think about it this way. That same class of people today—today—has 30 percent less buying power than that same class had in 1968—30 percent less. Think about that. That same person making the minimum wage today is making 30 percent less than his or her counterpart in 1968.

So what my bill does is basically over a stage raise that minimum wage and then peg it to inflation in the future so we do not have that erosion again in the future. Also families and workers have seen basic rights, such as the right to organize and to bargain collectively, eroded. It is harder and harder and harder all the time for people to organize and join a union in this country.

The right to overtime pay has been eroded under the Fair Labor Standards Act. So a lot of these things have been eroded by misguided regulations, bad court decisions, and years of lax enforcement.

The fourth part of the bill. It is essential that we put balance back in the economy through a balanced tax system that will help reduce our deficit, get our fiscal house in order over the longer term. To do so, among other provisions, my bill includes a tax on Wall Street trades, often called a financial transaction tax. At just 3 cents per $100 dollars in trade value, that would raise $350 billion over 10 years.

Again, you might say, well, is this something now? No. We had a transaction tax, a financial transaction tax, in this country until 1966. Then it was done away with. Well, that is again one of the reasons why we have seen this terrible inequality grow in our society where more and more of our wealth goes to fewer and fewer people.

A small transaction tax would do two things. It would raise money. It would also discourage a lot of the spinning and the churning of transactions on Wall Street whereby some of these traders make hundreds of thousands of dollars a day, megamillions of dollars a year, but not adding much to our economy at all. So it's a small transaction tax.

In addition, the bill requires high-income taxpayers to pay their fair share. Well, sort of like the Buffett rule that the present occupant of the chair, the distinguished Senator from Rhode Island, championed the other day that we voted on here. It got voted down on party lines. I do not understand this, that we cannot even ask those who have the most in our society to pay their fair share.

Well, just because we lost the vote on the Senate floor the other day does not mean we have to give up on it. I am sure the Senator from Rhode Island, Mr. WHITEHOUSE, is going to continue his efforts, as he always has, to make sure that we have more fairness in our tax system. So that is in our bill also.

Restoring balance and fairness to the Tax Code is critical to the success of our economy and is critical to the rebuilding of the middle class in America. So in sort of broad strokes, that is my Rebuild America Act, S. 2522.

Over the last few years, the American people have heard from too many of us politicians and talking heads that our country is broke, that we can no longer afford the investments that make for a strong middle class. You know, that is sort of the premise of the Ryan budget in the House, cut and slash. The premise is one that has been in favor around this town for far too long. Here is the premise. The premise is that we are broke, the United States of America is broke and we cannot afford to do these things.

This is false. The United States of America remains a wealthy Nation. We are the wealthiest Nation in the history of the world. We have the highest per capita income of any major country. So one might reasonably ask: If we are so rich, how come we are so broke? Think about that. If we are the richest Nation in the history of the world, if we have the highest per capita income of any major country, then why can we not afford to invest in our infrastructure, invest in better teachers, make sure our kids get a good education without a mountain of debt on their heads? Why cannot we invest in making new energy systems that are cleaner and more productive for the future?

We can. We can do these things. The problem is not that we are broke, the problem is that because of actions or inactions by this government over the last 30 years, America's wealth has not been spread among our people in a reasonable way. The wealth has been concentrated in fewer and fewer and fewer hands. And the middle class in the meantime has been decimated.

I submit that there can be no sustainable economic recovery to America, no sustained return to fiscal balance, without the recovery of the middle class. That is exactly the aim of the Rebuild America Act. It is comprehensive. Yes. Ambitious. Of course. But it rises to the challenge of our time.

I urge my colleagues to join me in advancing this legislation and doing all we can to restore the American middle class. It is the fundamental challenge of our time.

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.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

POSTAL SERVICE REFORM

Mrs. SHAHEEN. Mr. President, the U.S. Postal Service is a fundamental part of our Nation's history and what it means to be an American. In fact, it was actually talked about in our Constitution.

Nationwide, the Postal Service employs 550,000 Americans, and it serves as the linchpin of an industry that contributes over $1 trillion to our economy. I have heard from a number of businesses in New Hampshire—one being Goss International in a neighboring community, which has been a major competitor in the area of printing presses, and now they are making wind turbines, or parts of wind turbines. They are very concerned, as is a company called Polaris Direct, about what is going to happen to our Postal Service and are we in Congress going to resolve this issue.

In New Hampshire, the Postal Service provides thousands of jobs, as well as a critical economic connection for many of our rural communities, which are not often in some areas of New Hampshire connected to the Internet, so they don't have high-speed broadband, and the Postal Service is their connection with much of the outside commerce and community.

Today, as we know, the Postal Service is facing a fiscal crisis that threatens its future. We should all be concerned about Draconian proposals that seek to slash 220,000 good jobs, close 3,700 post offices, and make mail delivery slower across America. The bill before us today attempts to avoid the worst of these outcomes, and I commend all of the bipartisan managers of the legislation, including Senator LIEBERMAN, Senator COLLINS, and Senator CARPER, for their tireless work to save the U.S. Postal Service.

I was proud to join a group of 28 Senators who pushed for important changes to the bill in an attempt to better protect rural post offices, develop new sources of business, and maintain the reliable and timely service Americans have come to expect. Some of these changes have been incorporated into the legislation, and I think they are an important step toward improving it.

With that said, I think we have more work to do. I know there are a lot of

people in this body who wish to see us debate a number of amendments related to the bill and try to make changes to improve the work already done. Rural communities rely on the Postal Service, and I think Congress and this Senate should improve the legislation to make sure that people have a real voice in the process when their post office is threatened.

If we don't act, the Postal Service could go bankrupt or could be forced to make devastating service cuts. So while this legislation is not perfect, I urge my colleagues to vote for cloture tomorrow so we can consider relevant amendments and make sure this important American institution, the U.S. Post Office, is saved for all Americans who so desperately need the services it provides.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I ask unanimous consent to address the Senate as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AFRICA

Mr. ISAKSON. Mr. President, I rise to speak to the Senate, but in a broader sense to the American people and, in particular, to the young people of America. An Internet posting went viral a few weeks ago, by a group called Invisible Children about Joseph Koni in Uganda, the Central African Republic, Congo, and the South Sudan.

As a member of the Africa Subcommittee of the Foreign Relations Committee and one who travels to Africa quite frequently, I have just returned from a trip to meet, in part, with our special forces and U.S. advisers who have been deployed in those countries to help assist in the search for Joseph Koni.

I wish to share with the Senate the information about what America is doing, what Joseph Koni has done, and how important our commitment is to Central Africa and to see to it that this evil man is brought to justice. Joseph Koni is under indictment by the International Criminal Court today, but for 26 years he has roamed Central Africa with his Lord's Resistance Army, killing, raping, and maiming the African people. By some estimates, Joseph Koni has abducted 66,000 children into his army and young women as sex slaves. He has displaced over 2 million Africans into camps, and they have had to be displaced because their villages were destroyed and their families disrupted. He has killed untold tens of thousands of people. He is by any stretch of the imagination an evil person. Invisible Children's posting, which went viral on the Internet, has caught the attention of America's youth, because they see the damage that has been done to the youth of Africa, and they want to know what America is doing.

I am proud to include in my remarks what America is doing, and has been doing even before the posting went viral on the Internet and most people didn't know who Joseph Koni was. Our President deployed 100 special advisers to the Central African Republic, in the Sudan and Uganda, about 2 months before this posting went viral. I met with them in a private, secured briefing, a lot of which I cannot talk about but a lot of which I can.

Because of U.S. technology, U.S. resources, and the commitment of these individuals, we are assisting to a much higher level in the intelligence that we are gaining on Joseph Koni. A lot of people think Koni is in Uganda. He isn't there and hasn't been there for 5 or 6 years. He is somewhere near the Central African Republic, where it is extremely easy to hide. We thought Vietnam had jungles. You haven't seen foliage until you've seen the Central African Republic, the Sudan, and the Congo. There is no electricity, no roads, no paths, and no listening devices. Intelligence is all human intelligence. We are fortunate to have great intelligence operatives over there and great resources there, and we are gaining more and more information.

I commend our forces also in what they have done in an amnesty program. They dropped leaflets in villages that are known to house some of Koni's workers and cronies. They drop leaflets that offer amnesty for anybody who leaves Koni, comes back to their village, and gives information to our forces, the Ugandan Army, and the African Union Army as to where Joseph Koni might be. We are getting closer all the time. We are not there yet, but thanks to the assistance of our foreign-deployed individuals, the commitment of our country, the commitment of Uganda, the Democratic Republic of the Congo, the Central African Republic, and the new country of South Sudan, we are going to close that noose and stay until the job is finished, because Joseph Koni needs to be brought to justice. He is an evil man who has killed and raped far too many people and maimed far too many people, and Africa is too good a friend of the United States for us not to offer the necessary assistance.

My message to the American people and our youth is we are doing our job. Joseph Koni hasn't been caught, but we are in pursuit. I commend Senator KERRY, the chairman of the Foreign Relations Committee; Senator COONS, chairman of the Africa Subcommittee; and Senator LUGAR and myself have joined together to support legislation that will be introduced in the Senate to include Joseph Koni, or information leading to the arrest and conviction of Joseph Koni, in our rewards program that we offer mostly now for terrorist capture. That will be an incentive for more information to be brought forward so that the noose will grow tighter.

It is time for Joseph Koni to be brought to justice, and the United States is making every effort to assist in that process in Central Africa.

My other reason for going to Central Africa is equally important. I was accompanied by members of CARE. CARE is a tremendous nongovernmental organization that delivers humanitarian aid, assistance, education, knowledge, and technical assistance to countries around the world and, in particular, in the nation of Africa. It was the second time I traveled with CARE; the first time was 10 years ago to Ethiopia, where I saw CARE's outreach in terms of basic education and improvement and enhancement of educating young Muslim women.

On this trip, I got to see what they are doing firsthand in the city of Gulu on the border with the Congo and Northern Uganda—an area that 5 or 6 years ago, because of Joseph Koni, had been destroyed, people were displaced, everybody was in hunger, and there was a lot of violence. It is now a beautiful village. Granted, it is not a village such as you and I might know, Mr. President—thatched huts with thatched roofs, mud huts with thatched roofs, small enclaves of African citizens eking out an existence in a very difficult part of the world.

Because of what they are doing in their project, known as the village savings and loan, they are bringing about microeconomics in Africa, and they are empowering women. The village savings and loan program is a very simple program that teaches basic economics and capitalism to these villages. Groups form together, they are given a strongbox, literally like the ones that used to be on the stagecoach in the old ''Lone Ranger'' days. In that box, each of the women will make contributions of the money that they have into the strongbox, and they get a passbook savings account just like the occupant of the chair and I used to get when we were in elementary school a long time ago. Then they make loans out of that money they save to other people in the village to start businesses, whether it is making beads, using the shea tree to make shea butter, or doing boutique cloth, or whatever it may be. As those industries develop, those cottage industries develop, the money they make goes back into the savings and loan to be reinvested in other plans.

We met a young lady who was making beads, and I bought about 12 strands. My wife and grandkids love them. She makes beads for a German distributor in Europe. It is unbelievable what you can see being developed because of what CARE is doing. They are empowering African women and families and are bringing about the principles of economics that you and I enjoy and appreciate, and they are uplifting people who need that with empowerment, so they can be sufficient on their own, so they can rise up economically and educationally.

I also visited with the CDC folks delivering PEPFAR and health care and better awareness and better testing to identify those with AIDS, to get our retrovirals distributed to those mothers who are pregnant, so their babies

can be born without AIDS and live a happy life. One of our great challenges now in Africa—it used to be that the challenge was what we did with all the children who died because they were born to a mother with AIDS. Now we see what we can do to keep them through their life because they live a normal and happy life. And their mother, although infected with AIDS, because of the U.S. technology and retrovirals, and the CDC is providing them with a lifetime of drugs and an opportunity to live as normal and productive a life as possible.

It was great to go with CARE and to see U.S. tax dollars deployed and helping uplift the nation, uplift the people, help solve the greatest scourge on the continent, which is AIDS and its spread, and help people to be able to reinvest in themselves. CARE is a great nongovernmental entity that happens to be housed in Georgia, which is helping all over the continent of Africa, and they are empowering women and African citizens, and they are making their plight in life better, and they are reducing the amount of Federal assistance we will provide in the years to come because they will be more productive, which is the payback you want to see from foreign assistance dollars when they are invested.

As far as Joseph Koni is concerned, America knows he is a bad man, that he is indicted by the International Criminal Court, and America is making the investment of intelligence and manpower to assist the Central African Republic, Uganda, the Congo, and the South Sudan to pursue him until he is captured. He needs to be brought to justice for the evil and terror he has contributed to the continent of Africa.

I was proud to go and see America's investment of our best, our men and women in harm's way in Africa who are looking for him and providing the assistance necessary to bring him to justice.

With that said, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN of Ohio. Mr. President, I thank the Senator from Georgia. I so appreciate Senator ISAKSON's comments about Africa. He is lucky enough to represent the CDC, which is one of the greatest organizations in human history, which has made such a difference in health care for low-income people in this country and around the world and, frankly, not just low-income people but what we call the public health of this country. Few achievements are greater than the achievements of public health, whether it is eradicating smallpox internationally—we are both old enough—the Presiding Officer may not be—to remember kids that we knew from grade school who were afflicted with polio and the fear of every parent that their child might get that, and the CDC and the public health system in this country removed that threat with vaccines and all that.

THE EXPORT-IMPORT BANK

Mr. President, I rise briefly for 4 or 5 minutes to talk about one way that companies in my State grow and create jobs, and that is by selling their products around the world. President Obama set a goal to double exports from the United States in the next 5 years. I am part of the President's advisory council. There is a handful of Senators and a few Members of the House of Representatives who are part of this advisory committee, along with many business leaders in the country, CEOs of large companies, presidents and CEOs of small companies, small businesses, too, to advise the President.

Earlier today, I joined with Fred Hochberg, president of the Export-Import Bank of the United States, and Eric Burkland, president of the Ohio Manufacturing Association in Columbus, to discuss the need to reauthorize the Export-Import Bank.

Ohio has had quicker increases in job growth than other States. We are coming back; our unemployment rate is now lower than the national average, but it is still far too high. Too many Ohioans want to work and cannot find jobs. Some have jobs but are not working full time or their pay has been cut or is stagnant. Manufacturing is gaining nationally, adding 470,000 jobs since January 2010. To put that into historical perspective, for 12 years, from 1997 to 2010—12-plus years—we saw a manufacturing job loss in this country every single year from the year before, with fewer factories, fewer workers, and less manufacturing. But since early 2010, we have seen almost every single month, in Ohio and across the country, job growth in manufacturing. It is still not enough. It is positive, but we are not out of the woods yet. I fear we take a step back if Congress fails to reauthorize the Export-Import Bank.

We know that Ohio manufacturers and small businesses can compete with anyone in the world, from Zanesville to Springfield, to Ashtabula, to Toledo; American manufacturers can compete with anybody in the world if there is a level playing field.

We know how to make things in Ohio. When we stamp ''made in Ohio'' on a product, we know it was made with pride and by some of the most efficient, progressive companies in the world, and some of the best workers in the world.

Exporting is tough, especially for small businesses. Fewer than 1 percent of the Nation's nearly 26 million small businesses export their products. Very few small businesses are able to export for a whole host of reasons.

I hear from small business owners who want to expand and who want to get access to foreign markets, but they can't secure private financing due to the credit risks associated with some overseas investments. One of the most important resources to help small businesses and midsize manufacturers to boost their exports is the Export-Import Bank.

Ex-Im's mission is simple: It facilitates exports and contributes to job creation in the United States. It does it through loans, through guarantees, through insurance. It fills in gaps through trade financing at no cost to taxpayers. The market sometimes doesn't deliver in these situations. The Ex-Im Bank can fill in some gaps and help companies that have the ability to grow and export to actually do that.

The Ex-Im Bank generates revenue to the U.S. Treasury. Yet despite this record of success in exports, jobs are at stake because Congress cannot agree to the Ex-Im reauthorization. The Ex-Im Bank's lending authority expires May 31. We know companies that export products create jobs, pay higher wages, and are more likely to remain in business. Export-supported jobs linked to manufacturing already account for an estimated 7 percent. One out of fourteen of Ohio's total private sector jobs, 1 out of 14 Ohio workers are linked to export. More than one-fourth of manufacturing workers in Ohio depend on exports for their jobs—the eighth highest among the 50 States.

We need to do a better job in ensuring that America's small businesses have access to that global market. The Ex-Im Bank helps. It provides credit that otherwise wouldn't be available to turn export opportunities for businesses into increased jobs, higher wages, and increased sales.

In 2011, the bank worked with almost 100 Ohio businesses to support more than $400 million in export sales. According to the National Association of Manufacturers, Ex-Im supports 290,000 export-related jobs. More than 8 percent of Ex-Im's transactions supported small businesses last year.

Renewing the bank's charter should be a cause all Senators support, just like the 25 times the Senate has overwhelmingly reauthorized the agency since its establishment in 1934. Think about that. Since 1934, time after time after time, this body has unanimously or overwhelmingly reauthorized—kept going—the Export-Import Bank—but not today, for whatever reason. Perhaps it is the same reason as when the Presiding Officer's Buffett rule was on the floor of the Senate this week that a number of Senators said no to moving forward. I don't know if it is because the Republican leader has said he wants President Obama to fail or if it is just this rigid philosophy that there is no positive role for government.

Whether it is the highway bill, the Buffett rule or the Ex-Im Bank, we know at least that the Ex-Im Bank works, and it is strongly supported by the chamber of commerce, the National Association of Manufacturers, and the machinists who testified in our Banking Committee this week. It is supported by all kinds of people who want to see this economy grow. Unfortunately, a number of my colleagues, for whatever reason, don't want to move forward.

This is a matter of American jobs. It is a matter of competitiveness. We had

a trade deficit with China of $295 billion in 2011, meaning every day we buy about $800 million more in goods from China than we sell to China. The first President Bush, some years ago, said that $1 billion in exports or imports could translate into 13,000 jobs. When we have a $295 billion deficit, with one country alone last year, one can see the kind of job loss it means. We know China's Export-Import and development banks provide as much as $100 billion in export credits each year. That is three times as many new export credits as the U.S. Export-Import Bank does.

So we know, even with reauthorization, that China still does way more of this than the United States. Yet we are unilaterally disarming if we allow this May 31 date to come and go and the Ex-Im Bank reauthorization expires. It makes no sense for our manufacturers, for our big and small companies, and it makes no sense for our workers and our communities that will all be hurt if we don't do that.

It is time to end the delay. It is time to reauthorize the Export-Import Bank.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WHITEHOUSE. 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.

SURFACE TRANSPORTATION ACT

Mr. WHITEHOUSE. First, I want to thank my colleague, Senator CARDIN, and just recently Senator BROWN of Ohio, for referencing the highway bill.

The state of play on that at this point is that the House has just passed another extension. We passed an extension back at the end of March that extended the existing highway program to the end of June. What that bill did is cause significant job loss because not knowing for sure what the highway plan will be means that jobs will fall off the list of the departments of transportation around the country. So a further extension to September—which just passed the House 1 hour ago—just makes the situation even worse.

The solution to that problem is to make sure the House and the Senate appoint their conferees so we can get to conference quickly on that bill and get out a lasting authorization.

So I want to again thank Senator CARDIN for spending some time on the floor this afternoon on that subject. We will keep the pressure on until we actually have a highway authorization as we go through these different procedural hurdles.

CLIMATE CHANGE

I came to speak on the floor about an issue that many in Washington would prefer to ignore; that is, climate changes that are being caused by our carbon pollution. Nature keeps sending us messages about what is happening out there, and in Washington we continue to ignore those messages. But they keep on coming.

Every week for the past 15 months I have distributed in our caucus, as the Presiding Officer knows, a quick thumbnail summary of the week's Climate News.

The stories from this week include that ''Temperature Variations''—which relate to the extra energy put into the climate by the warming weather—''Could Lower Life Expectancies of the Chronically Ill.'' That is one story.

Another is a new report from the NOAA that ''Coral Risks Extinction Due to Climate Change.'' More than 50 coral species in U.S. waters are likely to go extinct by the end of the century, and the experts cited human-driven releases of carbon dioxide as a key driver of the ocean's warming and acidification that is causing these extinctions.

A third is, ''Tree Diseases Likely to Spread as Temperatures Rise.'' According to a new report by the U.S. Forest Service, forest diseases are expected to spread more quickly in the western U.S. as climate change warms the region's forests.

The fourth is a recent study published in the journal Nature, which finds that rising carbon dioxide levels drove temperature increases at the end of the last Ice Age. At the end of the last Ice Age, atmospheric CO_2 concentrations rose 80 parts per million. Over the past 100 years, CO_2 concentrations have risen roughly 100 parts per million. So the effects are linked very closely to climate.

Other news, as reported in the Providence Journal on March 30, said: The winter's warm air temperatures have helped drive up water temperatures in the Gulf of Maine, in line with a continuing trend, and the warm waters could result in lobsters molting their shells earlier than usual and ocean algae blooming ahead of schedule.

Jeffrey Runge, a biological oceanographer at the University of Maine and a researcher at the Gulf of Maine Research Institute in Portland, told the paper that the Gulf of Maine water temperatures have been rising gradually since at least the 1870s, but the increase has been pronounced in the last decade or so.

Moving from the North to the South, we have Professor Emeritus Orrin H. Pilkey, a professor of geology at Duke University, who wrote in the Charlotte Observer on March 25 that new peer-reviewed research demonstrates that sea level rise and storm-surge elevations could be greater along much of the U.S. coastline than has been predicted. His opinion piece went on to say that North Carolina, Washington, California, Louisiana, Florida, and Maine have convened sea level rise panels that estimate a sea level rise of 3 to 5 feet by the year 2100.

A new study has come out from the Center for Biological Diversity confirming the link between massive oyster die-offs in the Pacific Northwest and ocean acidification caused by carbon dioxide emissions. The release reports that each day the oceans absorb 22 million tons of carbon dioxide pollution from cars and industry, setting off an unprecedented chemical reaction that since the Industrial Revolution has made the world's oceans 30 percent more acidic.

Just this morning in the Senate, Senators BINGAMAN and MURKOWSKI held a bipartisan hearing on the devastating effects of sea level rise on coastal communities. So it is good that some leaders on both sides of the aisle are starting to talk about the terrible consequences of climate change.

However, the special interests who control so much of what goes on around here and who deny that carbon pollution causes global temperatures to increase and deny that melting ice caps will raise our seas to dangerous levels still have a stronghold. Dr. Pilkey, writing in the Charlotte Observer, warned that the deniers' influence is, tragically, starting to influence local planning decisions, despite what he calls ''new studies that predict higher than previously predicted sea level rise and storm-surge levels in coming decades.'' He concludes:

> Preservation of the status quo (including real estate prices) may prevail on our coasts, but in a democratic society such as ours, the state has no right to shield citizens from unpleasant environmental realities.

In the face of so much evidence constantly, daily, of a changing climate, we have special interests working overtime in Washington to propagate a myth. This myth is that the jury is still out on climate change caused by carbon pollution. So with the jury still out, we don't need to worry about it or even take precautions.

This is simply outright false. Virtually all of our most prestigious scientific and academic institutions have stated that climate change is happening and that human activities are the driving cause of this change.

On October 21, 2009, I think all of us in the Senate received a letter from virtually every leading scientific organization in the country, stating:

> Observations throughout the world make it clear that climate change is occurring, and rigorous scientific research demonstrates that the greenhouse gases emitted by human activities are the primary driver. These conclusions are based on multiple independent lines of evidence, and contrary assertions are inconsistent with an objective assessment of the vast body of peer-reviewed science.
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> Contrary assertions are inconsistent with an objective assessment of the vast body of peer-reviewed science.

So the American Association for the Advancement of Science, the Chemical Society, Geophysical Union, Institute of Biological Sciences, Meteorological Society, Society of Agronomy, Society of Plant Biologists, Botanical Society, and on and on it goes of the scientific community signed up for this.

It is, of course, not just the scientific community that knows that the jury is not in fact still out; that knows that in fact the verdict is in and that it is time to act. The insurance industry is alarmed about our inaction and has started to take action, holding a press conference with myself and Senator SANDERS not too long ago.

Marsh & McLennan, one of the largest insurance brokers in the world, called climate change ''one of the most significant emerging risks facing the world today.'' The insurance giant AIG has established an Office of Environment and Climate Change to assess the risks to insurers in the years ahead.

It is not just the insurance industry. It is our intelligence community, it is our military services, many of our electric utilities, some of our biggest capitalists and investors all recognize that the jury is not still out; that in fact a verdict is in, and we should act.

Unfortunately, Governor Romney once wrote:

> I believe that climate change is occurring. I also believe that human activity is a contributing factor.

Under the pressure of the Republican primary, he has changed his views and now claims: ''We don't know what's causing climate change on this planet.''

Well, that runs contrary to the evidence. More than 97 percent of the climate scientists most actively involved in publishing on this issue accept that the verdict is actually in on carbon pollution causing climate change and oceanic changes—97 percent. Think of that in terms of your own life if you were relying on expert opinion.

If you had a child who was sick and you went to a doctor and they said: She is pretty sick and she needs treatment, you thought: Well, let's be prudent and let's get a second opinion. So on you went and got a third opinion and a fourth opinion. Let's say you were just a wildly determined parent, and you went and got 99 more second opinions so that you had 100 opinions of doctors, and 97 of those 100 doctors said: Yes, your child is ill and you need to do something about this.

How foolish would you be if you did not pay attention to the 97 percent and you allowed the 3 percent to sway your judgment and not take action to protect your child. Well, it looks as if Governor Romney is with the 1 percent when it comes to the economy for the middle class, and he is with the 3 percent when it comes to the science of carbon pollution.

This is not very debatable stuff. The basic principle that carbon dioxide traps heat in the atmosphere and traps more of it as its concentration increases was determined in 1863, at the time of the American Civil War. There is nothing new about this.

In the early 1900s it became clear that changes in the amount of carbon dioxide in the atmosphere could account for significant increases and decreases in the Earth's annual average temperatures, and that carbon dioxide released from what we call anthropogenic sources, manmade sources—primarily then the burning of coal—would contribute to these changes. This is well-established stuff, and the effects are measurable.

Over the last 800,000 years, until very recently, the atmosphere stayed within a bandwidth of 170 to 300 parts per million of carbon dioxide, 170 to 300 parts per million. That is the bandwidth, and that is a measurement. That is not a theory. We know that. We can find ancient bubbles in ancient ice and measure, and there are different ways that scientists do this, but it is measurement.

Since the Industrial Revolution, we have burned carbon-rich fuels, also in a measurable way. Now we know we burn up to 7 to 8 gigatons a year. That is the release. A gigaton, by the way, is a billion with a ''b'' metric tons. When you release that enormous amount of carbon into the atmosphere, it is predictable that it would have a result, and, indeed, it is having a result. We now measure carbon concentrations climbing in the Earth's atmosphere—again, a measurement, not a theory. The present concentration exceeds 390 parts per million. For 8,000 centuries we were in a bandwidth of between 170 and 300, and in recent years we have veered out that bandwidth. We are at 390 parts per million and climbing.

The increase has a trajectory—there is nothing very new about plotting trajectories either. Children do that in school, soldiers do that in the field, corporations do that to plan their businesses, and scientists do that. We do that every day. If you follow the trajectory of our carbon pollution, it predicts 668 parts per million at the end of this century and 1,097 parts per million at the end of the next century. Those carbon concentrations are not just outside the bounds of 8,000 centuries but of millions of years.

It is coming home to roost particularly in our oceans, which is a matter of real concern to me as a Senator from the Ocean State. In April of last year, a group of scientific experts came together at the University of Oxford to discuss the current state of our oceans. Their workshop report stated:

> Human actions have resulted in warming and acidification of the oceans and are now causing increased hypoxia.

That is when there is not enough oxygen in the water to sustain life.

> Studies of the Earth's past indicate that these are the three symptoms . . . associated with each of the previous 5 mass extinctions on Earth.

We experienced two mass ocean extinctions, 55 and 251 million years ago. Last year at Brown University in Providence, RI, paleobiologist Jessica Whiteside published a study demonstrating that after the earlier extinction 251 million years ago, it took 8 million years for plant and animal diversity to return to preextinction levels. We also know that in the lead-up to those extinctions, scientists have estimated that the Earth was emitting carbon into the atmosphere at the rate in the first one of 2.2 gigatons and 1 to 2 gigatons per year, respectively. You recall we are currently releasing at the rate of 7 to 8 gigatons per year.

We are taking some very dangerous chances with our planet. We have very solid information that is the product of measurement and not theory about the changes that are already underway. It is a continuing disgrace that in this building and in this Chamber, we are unable to do anything about this issue because of the continuing power of a small group of special interests who are controlling the debate, who are interfering with progress, and who are putting us all at risk.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MORAN. 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. MORAN. I ask unanimous consent that I be allowed to address the Senate as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

POSTAL SERVICE REFORM

Mr. MORAN. Mr. President, I am here this evening to express concern about the developments of the day in which I thought we were going to be addressing the issue of postal reform with the goal of making certain that this Senate, this Congress makes decisions in short order that would preserve the financial viability, the future of postal delivery and the Postal Service of the United States. I am concerned now because apparently the process has been put in place by which virtually no amendment can be offered to the 21st Century Postal Service Act of 2011.

On two occasions I voted to proceed to this piece of legislation. It is an important one, in my view. The idea of reforming and improving the opportunity for the financial viability of the Postal Service is important to the country. It matters to the Nation. We have an obligation under the U.S. Constitution to provide postal service. It matters in the sense that there are many items that are transported in commerce on an ongoing daily basis in which the Postal Service is the method by which that transportation occurs, by which we certainly deliver mail and packages. Shipping occurs in the United States as a result of the viability of the U.S. Postal Service. It is important, in my view, especially to me as a Kansan.

One of the things that is pending in the absence of reform, improvements, and financial stability in the Postal Service is the potential demise of many rural post offices across Kansas and around the country. In my view,

and I have expressed this to the Postmaster General, the U.S. Postal Service on many occasions has made a decision that I think, while it may save a few dollars, reduces the service the Postal Service provides and ultimately hastens the day in which the Postal Service has even more challenges remaining viable. One of those was the decision by the Postal Service to close many rural post offices across the country, 130-plus in Kansas.

We have had attendance at more than 90 of the community meetings that revolve around the potential closing of a post office. I have expressed great concern in the committee. I serve on the Committee on Homeland Security, in which this bill originates. During that markup and debate, I expressed concern then and expressed concern on several occasions to the Postmaster General that there is no basis for making an intelligent decision about which post office should or should not be closed. In fact, when citizens across Kansas and across the country attend one of these community meetings, their question to the representative of the Postal Service is, What can our community do? What can I do to make certain our post office remains open and we have the opportunity to receive and have mail delivered from here at the U.S. post office in our community?

In working with the committee, provisions were added to the 21st Century Postal Service Act that create criteria by which these decisions would be made and the community has an opportunity to appeal should the decision be adverse and those criteria not met.

In my view, the Senate should not delay any longer addressing the issue of what we do to make certain the Postal Service is and remains viable today and in the future. It matters, as I say, for a series of reasons but certainly to me as a Kansan who is concerned about what happens to the community, its senior citizens, if there is no longer postal service provided.

I know there are some in the Senate and in the House of Representatives and across the country who want to make certain the Postal Service is operated as a business. I certainly support that concept and believe we ought to do what is necessary to improve the business environment by which the Postal Service conducts its business. There is a long list of those. Some of them are addressed in the legislation that I hope remains pending here in the Senate.

But there is another reason in addition to the need to provide service to Americans that we need to address this issue. I want to make certain the decisions we make today eliminate the need that there ever would be a call upon the taxpayers of the United States to provide taxpayer dollars to support the Postal Service.

I am here this evening to encourage my colleagues but particularly the majority leader to work to find an agreement by which amendments can be offered to this bill so that we do not lose the opportunity we have this week and next to address this issue of making certain we make changes to the Postal Service that allow it to be successful.

I am concerned that, as I understand it, there is no agreement yet that would allow Members of the Senate to offer amendments to this legislation. While the provisions of this bill are important to me and important to Kansans, I also recognize the importance to every Member of the Senate to be able to offer legislation, to have debate, to make certain that our rights are protected. I know that particularly in a sense as a member of the minority, as a Republican in the Senate, but I know that even more as a member of a minority called rural America. I do not want to lose the opportunity in the Senate for me to be able to speak on issues that are important to my constituents and to be able to offer amendments to legislation that is important to a minority of Americans called rural America.

What I am troubled by and what I want to see addressed is the legislation that is pending. I do not want it to disappear because there is no agreement for Members of the Senate, all 100 of us, majority and minority, to offer amendments. So I am asking the majority leader to work with Senators to make certain their amendments are available for consideration in this legislation. Don't put me and other Senators, who care about this legislation, in the position of not being able to support moving forward because the rights of some Senators have been violated in their ability to offer amendments to this piece of legislation.

Again, this matters. The Postal Service desperately needs our attention. The American people who are served by the Postal Service desperately need our attention. We need to set the stage today in which the taxpayers of the United States are protected from any future calls for support for the U.S. Postal Service. We need to make certain in that process, as we pursue this legislation, that the ability of those who live in rural communities, where it is very difficult for the Postal Service to be financially viable, to have access to the Postal Service is not trampled on by the desire to see that only those post offices that are financially viable individually are the ones that remain. In fact, I remind my colleagues that the Postal Rate Service Commission in their study said we could close 3,700 post offices in the United States and save less than .7 percent of the money necessary to put the Postal Service back on a financially sound basis.

This legislation is important. The concepts that are contained in it matter to me as a Member of the Senate who represents a very rural State, Kansas. But I also know how important it is to make sure we do not lose our ability to offer amendments on this legislation or legislation in the future.

Please, Mr. Majority Leader and other Senators, please come together to make certain those rights are protected so this legislation can be fully considered by the Senate.

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. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO JUDGE G. WIX UNTHANK

Mr. MCCONNELL. Madam President, I rise today in honor of a man who has made a great contribution to our Nation's judiciary system and to his native Commonwealth of Kentucky. The man of whom I speak has valiantly served in the line of duty and justly served in almost every level of our Nation's court system. He is a pioneer in the legal discipline, a patriot through and through, and a dear friend: the Honorable Judge G. Wix Unthank of Harlan County, KY.

Judge Unthank has announced his retirement and will soon bang the gavel for the last time on June 1 of this year, ending a six-decade-long legacy in the legal field. Although his official day-to-day job may be coming to an end, his public service is most likely far from over. Judging by the colorful life he has led thus far, I trust that his passion for the law and the legal system will lead him back inside the familiar walls of the courthouse for many years to come.

The Honorable Judge Unthank is a solid testimony to the attainment of the American dream. G. Wix Unthank proved that with hard work and ambition you can accomplish truly anything. He was born in the small Harlan County, KY, town of Tway in 1923. His father, Green W. Unthank, and mother, Estelle Howard Unthank, were both teachers in the Harlan County school system. Between the two of them, they spent 68 years in the classroom inspiring young men and women to achieve great things. The emphasis placed on education in the Unthank household rubbed off on young Wix, and he graduated from Loyall High School in Harlan County with the class of 1940. That same year he enlisted in the U.S. Army and proudly served in World War II.

Not even having been on this Earth for two decades, the young Mr.

Unthank displayed courage, bravery, and patriotism well beyond his age. While in the service, he was a member of the 509th Paratrooper Battalion. During their training, the unit practiced jumping out of airplanes that flew at heights of 250 to 300 feet. Squad sergeant Ernie Komula of Wix's battalion will never forget how surprised his men were when the planes wouldn't go lower than 2,000 feet once behind enemy lines. Despite the unfamiliar new height, Unthank and the rest of the men didn't think twice about jumping out of that plane and fighting for their beloved country.

After completing a 5-year stint in the Army, in which he received both a Bronze Star and a Purple Heart, he was honorably discharged in 1945. He attended the University of Kentucky for his undergraduate schooling. Then he went on to the University of Miami, where he obtained a J.D. in 1950. Once he had acquired the knowledge his parents had always hoped he would, Wix entered public service in what would turn out to be a prosperous and fulfilling professional life.

Judge Unthank worked as a practicing attorney in Harlan County for a short time before running for the public office of county judge. Throughout his political career, Judge Unthank used the slogan ''You'll never be Unthankful with Unthank,'' and obviously the people never were because he never lost an election.

In the summer of 1980, President Jimmy Carter appointed G. Wix Unthank to the U.S. district court to serve as the presiding judge of the Eastern District of Kentucky. Eight years after his appointment, he assumed the honorable title of senior judge on the U.S. district court.

After many years of successfully running the courts in the Eastern District, Judge Unthank was honored with a portrait unveiling ceremony in Lexington, KY, in 1991 and Pikeville, KY, in 1992. At the ceremonies the judge was honored by his colleagues, family, and friends for the many achievements he had been blessed with throughout his lifetime up until that point. His portrait was hung in the courtrooms of both Lexington and Pikeville, which Judge Eugene E. Siler, Jr., who led the ceremonies, said that he believed were among the best courtrooms in the United States.

Judge Unthank was known for running a top-notch court system. He promoted collegiality amongst the judges and employees of the Eastern District. Under the leadership of Judge Unthank, they were more than just colleagues, they were a family. They enjoyed working together and seeing that the law was carried out equally and justly with each and every case.

Despite the judge's high-ranking senior status, he never shied away from work. He had an unheard-of workload for a senior judge. Day in and day out, he worked through social security cases, bankruptcy appeals, and retirement disputes with hard work and dedication.

The words carved into the front of the Supreme Court Building in our Nation's Capital read ''Equal Justice Under Law.'' That is a standard that we as a country hold up highly and a motto that those in the legal profession look to for guidance in every decision they make. Wix Unthank was no exception to this rule. He understands the importance of equal justice, and he demonstrated an unbelievable amount of integrity both in and out of the courtroom.

As I have said many times before, I am not in the business of speculation, so I would not testify to the character of Judge G. Wix Unthank if I was at all unsure of it. Therefore, with the utmost certainty, it is my pleasure today to stand and honor the Honorable Judge G. Wix Unthank for his tremendous contribution to his profession, his community, the Commonwealth of Kentucky, and the United States of America, and I ask my Senate colleagues to join me in paying tribute to a brave veteran, a wise jurist, and a confirmed patriot of our great Nation.

CONGRATULATING STEPHANIE THACKER

Mr. MANCHIN. Madam President, today I wish to congratulate Stephanie Dawn Thacker, a native of Hamlin, WV, on her confirmation to the 4th Circuit Court of Appeals.

It is my privilege and my honor to speak on her behalf, and I am so proud she was confirmed. I would like to thank my colleague Senator JAY ROCKEFELLER for nominating such a qualified jurist.

Stephanie Thacker's impressive background and extensive list of accomplishments in both the public and private sectors make her an exceptional judge for the 4th Circuit. She is renowned in our State for her mastery of the law and of the courtroom, and I have no doubt that she will make a highly successful Federal judge.

Ms. Thacker has dedicated much of her career to fighting some of the worst offenses in our society. As a trial attorney, Deputy Chief of Litigation, and Principal Deputy Chief, she spent several years prosecuting cases on Child Exploitation and Obscenity at the Department of Justice. Her outstanding work and leadership earned her a number of honors at the Department of Justice, including four ''Meritorious'' Awards and two ''Special Achievement'' awards.

Her impressive performance in prosecuting the case of United States v. Dwight York earned her the Attorney General's ''Distinguished Service'' award, one of the Department's highest honors. She was also a recipient of the Assistant Attorney General's award for ''Special Initiative'' and ''Outstanding Victim and Witness Service.''

Prior to her service at the Department of Justice, Ms. Thacker worked with the U.S. Attorney's Office for the Southern District of West Virginia, where she prosecuted a wide variety of criminal cases, including money laundering and fraud. While at the U.S. Attorney's Office, Ms. Thacker participated on the trial team prosecuting United States v. Bailey, the first case ever brought under the Violence Against Women Act.

Since 2006, Ms. Thacker has been a partner at the law firm of Guthrie & Thomas in Charleston, West Virginia. There, she has concentrated on cases involving product liability, environmental and toxic torts, complex commercial defense, and criminal defense.

Ms. Thacker was a model student in both her undergraduate and legal studies. She earned her Bachelor's degree in Business Administration, magna cum laude, from Marshall University, and her J.D., Order of the Coif, from West Virginia University College of Law. While at West Virginia University she was a recipient of the Robert L. Griffin Memorial Scholarship and Editor of West Virginia Law Review's Coal Issue. She has also recently been named ''Outstanding Female Attorney'' by WVU Law's Women's Caucus.

Ms. Thacker's wide-ranging expertise in civil and criminal matters, her impressive track record in the courtroom as both a prosecutor and a defense attorney, and her outstanding academic accomplishments will make her a first-rate addition to the 4th Circuit. I am proud to call her a fellow West Virginian and I am pleased that she has finally been confirmed.

ADDITIONAL STATEMENTS

TRIBUTE TO KIKKAN RANDALL

• Mr. BEGICH. Madam President, I wish to recognize Kikkan Randall, an Olympic athlete and World Champion Nordic skier from Anchorage, AK. On March 18, 2012, Kikkan was awarded the Joska crystal globe as the Cross Country World Cup sprint champion, recognizing her as the world's top sprint ski racer. She clinched the sprint title in Drammen, Norway, despite breaking a binding and skiing on one ski for part of the race. Nevertheless, Kikkan secured the sprint title with a World Cup record that included four podium finishes. This victory makes Kikkan the first American to win a World Cup Nordic skiing title since Bill Koch in 1982.

Kikkan made her Olympic debut in the 2002 Winter Olympics in Salt Lake City. Since then, she has represented the United States in the 2006 and 2010 Winter Olympics. In 2010 Kikkan finished eighth in the sprint competition, registering the best ever Olympic finish for a female American Nordic skier.

Kikkan has been a role model for thousands of young athletes through her extensive community involvement and encouragement of a healthy and active lifestyle. She has worked with young athletes and trained with her

fellow Alaskans as a member of the Alaska Pacific University Nordic Ski Team. Her hard work, training, and dedication have clearly paid off. She is an inspiration to young skiers and athletes everywhere.

I would like to congratulate Kikkan on her championship season and wish her the best of luck as she trains for the 2014 Olympics in Sochi, Russia. All of Alaska is proud of Kikkan and her accomplishments.●

REMEMBERING PETER DOUGLAS

● Mrs. BOXER. Mr. President, earlier this month, California and the Nation lost one of our true environmental heroes when Peter Douglas, the longtime executive director of the California Coastal Commission, passed away. Peter was truly a giant among California conservationists, and our State is a much better and more beautiful place because of his life's work.

Peter Douglas was there at the creation of the California Coastal Commission, which for four decades has worked to protect, conserve, restore, and enhance the California coast and ocean for current and future generations. As a legislative aide in the early 1970s, he helped draft the 1972 Coastal Initiative and the California Coastal Act of 1976, which made the Coastal Commission a permanent public institution. After 7 years as the Commission's Chief Deputy Director, he was named executive director in 1985 and served brilliantly in that capacity for more than 25 years.

When Peter was diagnosed with cancer, he faced it as he did all the other challenges in his life with intelligence, courage, grace, and good humor. Last spring, Peter began writing a cancer blog. As he noted in his first posting, his doctors were ''quite pessimistic and advised I get affairs in order and focus on my bucket list. But I am an inveterate and aggressive activist not about to give up on life, especially not my own. My time will come, but not quite yet I hope. Besides, I am too busy to die.''

Peter kept writing, producing a remarkable record of his final battle with cancer along with his political autobiography and some profound personal insights. He advised his readers to ''live mindfully and fully every moment. Keep hope alive. . . . When the time comes to pass over to the other side, try to embrace that passage with dignity and grace knowing you have done well.'' Peter Douglas certainly did just that.

On behalf of the people of California, who have benefitted so much from Peter Douglas's life work, I send my deepest gratitude and condolences to his sons, grandchildren, brother, sister, and extended family and friends. Peter's memory and legacy will live on with everyone who loves the California coast and our priceless natural heritage, which he did so much to preserve and protect.●

TRIBUTE TO JAMES MICHAEL KELLY

● Mr. JOHANNS. Madam President, today I pay tribute to a dedicated public servant and true legal professional, James Michael Kelly. For nearly 40 years, he has served with distinction in his many roles at the U.S. Department of Agriculture. This spring, J. Michael will be retiring from USDA's Office of General Counsel. It is a privilege to take this opportunity to recognize his many contributions and thank him for his service.

Since beginning his career at USDA in 1973, J. Michael has served as the department's Ethics Counselor, Acting General Counsel, Deputy General Counsel, and Associate General Counsel. In these roles, he has distinguished himself as a legal professional of the highest integrity. I had the honor of working closely with J. Michael during my service as Secretary of Agriculture. In fact, throughout his career he has worked with a total of 13 Secretaries of Agriculture. J. Michael has guided many at USDA in upholding all legal and ethical standards. His character, commitment, and professionalism are to be commended.

Though J. Michael's nearly 40-year history with USDA is impressive, it does not reveal the full extent of his service to our country. In addition to his years at USDA, he served for two years in the U.S. Army and for six years at the U.S. Small Business Administration. I thank J. Michael for his combined 47 years of military and civilian service.

I can personally speak to J. Michael's dedication to USDA, which will long be remembered and appreciated. I congratulate him on his retirement and thank him again for his service to our country. I also wish to express my gratitude to J. Michael's wife, Mary Jo (Josie), and their family for supporting his service. May God bless J. Michael and Josie as they begin a new chapter in their lives.●

RECOGNIZING DAVIS HIGH SCHOOL MARCHING BAND

● Mr. LEE. Madam President, today I wish to congratulate the marching band of Davis High School in Kaysville, UT. The band was recently selected to represent Utah and the Mountain West region in the 124th Tournament of Roses Parade, an exceptional honor bestowed upon only 15 of the finest marching bands in the country.

Director Steven Hendricks has been a music educator for 24 years and the director at Davis High School for 22 years. During his time there, the band has tripled in size and has been a five-time Bands of America regional finalist. Mr. President, 2013 will mark the second time that the band will march in the Tournament of Roses Parade under Hendricks's leadership, having already received the honor once in 2003. Earlier this year, Hendricks was recognized as Utah's Outstanding High School Music Educator by the Utah Music Educators Association.

It should also be noted and is of equal importance that Davis High School regularly sets a high standard of academic excellence. The school is consistently ranked as one of the top 1,000 high schools in the country. In addition, the Davis High School advanced placement examination scores are among the highest in Utah.

The members of the Davis High School Marching Band have worked diligently for this day, and the reward is undoubtedly well deserved. They will be able to demonstrate their talent and skill in front of nearly 1 million live spectators and tens of millions more watching on television. I know that the band will represent Utah and the Mountain West with excellence and professionalism.●

TRIBUTE TO LAUREN BARLOW

● Mr. BARRASSO. Madam President, I would like to take the opportunity to express my appreciation to Lauren Barlow for her hard work as an intern for the U.S. Senate Republican Policy Committee. I recognize her efforts and contributions to my office.

Lauren is a native of Gilbert, AZ, and a graduate from Gilbert High School. She graduated from the Brigham Young University with a degree in English. She has demonstrated a strong work ethic which has made her an invaluable asset to the U.S. Senate Republican Policy Committee. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Lauren for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.●

TRIBUTE TO GREYSON BUCKINGHAM

● Mr. BARRASSO. Madam President, I would like to take the opportunity to express my appreciation to Greyson Buckingham for his hard work as an intern for the U.S. Senate Republican Policy Committee. I recognize his continued efforts and contributions to my office.

Greyson is a native of Kelly, WY, and a graduate of Jackson Hole High School. He is a student at Georgetown University, where he is majoring in history and government. He has demonstrated a strong work ethic which has made him an invaluable asset to the U.S. Senate Republican Policy Committee. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Greyson for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know

he will have continued success with all of his future endeavors. I wish him all my best on his next journey.●

TRIBUTE TO LAURA CAPASSO

● Mr. BARRASSO. Madam President, I would like to take the opportunity to express my appreciation to Laura Capasso for her continued dedication as an intern in my Casper office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Laura is a native of Wyoming and a graduate of Kelly Walsh High School. She currently attends the University of Wyoming/Casper College Center where she is majoring in psychology and minoring in sociology. She has once again demonstrated a strong work ethic which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the time she has been with us.

I want to thank Laura for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.●

TRIBUTE TO KEVIN FETTEL

● Mr. BARRASSO. Madam President, I would like to take the opportunity to express my appreciation to Kevin Fettel for his hard work as an intern in the U.S. Senate Committee on Indian Affairs. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Kevin is a native of Laramie, WY, and graduated from Laramie Senior High School. He currently attends the University of Wyoming, where he is majoring in microbiology and molecular biology and minoring in chemistry. He has demonstrated a strong work ethic which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Kevin for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.●

TRIBUTE TO STEPHEN HUDSON

● Mr. BARRASSO. Madam President, I would like to take the opportunity to express my appreciation to Stephen Hudson for his hard work as an intern in my Washington, DC, office. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Stephen is a native of Casper, WY, and a graduate of Natrona County High School. He graduated from Casper College with an associate of arts and from the University of Wyoming with a bachelor's degree in international studies and minor in Russian. He has demonstrated a strong work ethic which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Stephen for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.●

TRIBUTE TO TYLER NEASLONEY

● Mr. BARRASSO. Madam President, I would like to take the opportunity to express my appreciation to Tyler Neasloney for his hard work as an intern in my Washington, DC, office. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Tyler is a native of Cheyenne, WY, and a graduate of Central High School. He graduated from the University of Wyoming with a bachelor of arts in Russian and a bachelor of science in marketing. He has demonstrated a strong work ethic which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Tyler for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.●

TRIBUTE TO BERNADETTE NELSON

● Mr. BARRASSO. Madam President, I would like to take the opportunity to express my appreciation to Bernadette Nelson for her hard work as a volunteer in my Washington, DC, office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Bernadette is a native of Jackson, WY, and a graduate of Jackson Hole Community School. She attends the Georgetown University School of Foreign Service, where she is majoring in science, technology, and international affairs with a concentration in global health. She has demonstrated a strong work ethic which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Bernadette for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.●

TRIBUTE TO LAUREN PERRY

● Mr. BARRASSO. Madam President, I would like to take the opportunity to express my appreciation to Lauren Perry for her hard work as an intern in my Washington, DC office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Lauren is a native of Buffalo, WY, and graduated from Paint Branch High School in Burtonsville, MD. She recently earned a master of arts in English at the University of Wyoming. She has demonstrated a strong work ethic which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Lauren for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.●

TRIBUTE TO KATELYNN THOMAS

● Mr. BARRASSO. Madam President, I would like to take the opportunity to express my appreciation to Katelynn Thomas for her hard work as an intern for the U.S. Senate Republican Policy Committee. I recognize her efforts and contributions to my office.

Katelynn is a native of Rock Springs, WY, and a graduate of Oakton High School in Vienna, VA. She graduated from the University of Kentucky with degrees in marketing and management and a minor in international business. She has demonstrated a strong work ethic which has made her an invaluable asset to the U.S. Senate Republican Policy Committee. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Katelynn for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.●

TRIBUTE TO KALEIGH WILLIAMS

● Mr. BARRASSO. Madam President, I would like to take the opportunity to express my appreciation to Kaleigh Williams for her hard work as an intern—for a second term—in my Cheyenne office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Kaleigh is a native of Cheyenne and a graduate of Cheyenne East High School. She graduated from the University of Wyoming in 2011 with a degree in political science. She has once again demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Kaleigh for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with

all of her future endeavors. I wish her all my best on her next journey.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:33 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1815. An act 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.

H.R. 4089. An act to protect and enhance opportunities for recreational hunting, fishing and shooting.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1815. An act 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; to the Committee on Banking, Housing, and Urban Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5691. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Silicic Acid, Sodium Salt etc; Tolerance Exemption'' (FRL No. 9333–6) received during adjournment of the Senate in the Office of the President of the Senate on April 11, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5692. A communication from the Manager of the BioPreferred Program, Office of Procurement and Property Management, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Designation of Product Categories for Federal Procurement'' (RIN0599–AA14) received during adjournment of the Senate in the Office of the President of the Senate on April 11, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5693. A communication from the Secretary of the Commission, Division of Clearing and Risk, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Customer Clearing Documentation, Timing of Acceptance for Clearing, and Clearing Member Risk Management'' (RIN3038–0092, –0094) 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–5694. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Vice Admiral Ann E. Rondeau, United States Navy, and her advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–5695. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General John E. Sterling, Jr., United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–5696. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–5697. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to whether providing an annual allowance would increase the use of preventive health services among members of the Armed Forces and their family members; to the Committee on Armed Services.

EC–5698. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to clinical quality management in the Military Health System; to the Committee on Armed Services.

EC–5699. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report entitled ''The Department of Defense Evaluation of the TRICARE Program: Access, Cost and Quality Fiscal Year (FY) 2012''; to the Committee on Armed Services.

EC–5700. A communication from the Assistant Secretary of Defense (Logistics and Material Readiness), transmitting, pursuant to law, a report relative to core depot-level maintenance and repair capability requirements and sustaining workloads; to the Committee on Armed Services.

EC–5701. A communication from the Under Secretary of Defense (Policy), Department of Defense, transmitting, pursuant to law, a report relative to the training of the U.S. Special Operations Forces with friendly foreign forces during fiscal year 2011; to the Committee on Armed Services.

EC–5702. A communication from the Secretary of the Air Force, transmitting, pursuant to law, a report relative to the Evolved Expendable Launch Vehicle (EELV) program and program baseline estimates; to the Committee on Armed Services.

EC–5703. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Rule; Changes in Flood Elevation Determinations'' ((44 CFR Part 65) (Docket No. FEMA–2012–0003)) received during adjournment of the Senate in the Office of the President of the Senate on April 11, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–5704. 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 11, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–5705. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' ((44 CFR Part 65) (Docket No. FEMA–2011–0002)) received during adjournment of the Senate in the Office of the President of the Senate on April 11, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–5706. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' ((44 CFR Part 65) (Docket No. FEMA–2012–0003)) received during adjournment of the Senate in the Office of the President of the Senate on April 11, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–5707. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Addition of Certain Persons on the Entity List: Addition of Persons Acting Contrary to the National Security or Foreign Policy Interests of the United States'' (RIN0694–AF43) received in the Office of the President of the Senate on April 16, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–5708. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–5709. A communication from the Executive Vice President and Chief Financial Officer, Federal Home Loan Bank of Chicago, transmitting, pursuant to law, the Bank's 2011 management reports; to the Committee on Banking, Housing, and Urban Affairs.

EC–5710. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((44 CFR Part 67) (Docket No. FEMA–2012–0003)) received during adjournment of the Senate in the Office of the President of the Senate on April 12, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–5711. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((44 CFR Part 67) (Docket No. FEMA–2012–0003)) received during adjournment of the Senate in the Office of the President of the Senate on April 12, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–5712. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to obligations and unobligated balances of funds provided for Federal-aid highway and safety construction programs during fiscal year 2011; to the Committee on Commerce, Science, and Transportation.

EC–5713. A communication from the Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Rules and Regulations Implementing the Telephone Consumer

Protection Act of 1991'' (CG Docket No. 02–278) received during adjournment of the Senate in the Office of the President of the Senate on April 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5714. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Export Administration Regulations (EAR): Export Control Classification Number 0Y521 Series, Items Not Elsewhere Listed on the Commerce Control List (CCL)'' (RIN0694–AF17) received during adjournment of the Senate in the Office of the President of the Senate on April 11, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5715. 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 ''Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Interim Action'' (RIN0648–BB89) received during adjournment of the Senate in the Office of the President of the Senate on April 11, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5716. A communication from the Acting Assistant Secretary of Energy (Energy Efficiency and Renewable Energy), transmitting, pursuant to law, the semi-annual Implementation Report on Energy Conservation Standards Activities of the Department of Energy; to the Committee on Energy and Natural Resources.

EC–5717. A communication from the Director of the Sustainability Performance Office, Department of Energy, transmitting, pursuant to law, the Uniform Resource Locator (URL) for the Department's Fleet Alternative Fuel Vehicle Acquisition Report for fiscal year 2008; to the Committee on Energy and Natural Resources.

EC–5718. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the cost of the Little Calumet River, Indiana, Local Flood Control and Recreation Project; to the Committee on Environment and Public Works.

EC–5719. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; South Dakota; Regional Haze State Implementation Plan'' (FRL No. 9658–9) received during adjournment of the Senate in the Office of the President of the Senate on April 11, 2012; to the Committee on Environment and Public Works.

EC–5720. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Delaware; Amendments to the Handling, Storage, and Disposal of Volatile Organic Compounds Emissions; Automobile and Light-Duty Truck Coating Operations; Paper Coating; Coating of Flat Wood Paneling; Graphic Art Systems; and Industrial Cleaning Solvents'' (FRL No. 9657–1) received during adjournment of the Senate in the Office of the President of the Senate on April 11, 2012; to the Committee on Environment and Public Works.

EC–5721. 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 State Implementation Plans; Missouri: Prevention of Significant Deterioration; Greenhouse Gas Tailoring Rule; New Source Review Reform'' (FRL No. 9657–8) received during adjournment of the Senate in the Office of the President of the Senate on April 11, 2012; to the Committee on Environment and Public Works.

EC–5722. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Waste Technical Corrections and Clarifications Rule'' (FRL No. 9659–7) received during adjournment of the Senate in the Office of the President of the Senate on April 11, 2012; to the Committee on Environment and Public Works.

EC–5723. 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; Small Container Exemption from VOC Coating Rules'' (FRL No. 9651–5) received during adjournment of the Senate in the Office of the President of the Senate on April 11, 2012; to the Committee on Environment and Public Works.

EC–5724. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan; Yolo-Solano Air Quality Management District'' (FRL No. 9652–2) received during adjournment of the Senate in the Office of the President of the Senate on April 11, 2012; to the Committee on Environment and Public Works.

EC–5725. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants from Coal- and Oil-Fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units; Correction'' (FRL No. 9654–8) received during adjournment of the Senate in the Office of the President of the Senate on April 11, 2012; to the Committee on Environment and Public Works.

EC–5726. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Quality Implementation Plans; Kentucky; Attainment Plan for the Kentucky Portion of the Huntington-Ashland 1997 Annual $PM_{2.5}$ Nonattainment Area'' (FRL No. 9657–4) received during adjournment of the Senate in the Office of the President of the Senate on April 11, 2012; to the Committee on Environment and Public Works.

EC–5727. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Northern Sierra and Sacramento Metropolitan Air Quality Management District'' (FRL No. 9659–8) received during adjournment of the Senate in the Office of the President of the Senate on April 11, 2012; to the Committee on Environment and Public Works.

EC–5728. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Arizona State Implementation Plan, Pinal County Air Quality District'' (FRL No. 9639–5) received during adjournment of the Senate in the Office of the President of the Senate on April 11, 2012; to the Committee on Environment and Public Works.

EC–5729. 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 ''Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates'' (Notice 2012–28) received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2012; to the Committee on Finance.

EC–5730. 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 ''Nonconventional Source Fuel Credit, 2011 Section 45K Inflation Adjustment Factor and Section 45K Reference Price'' (Notice 2012–30) received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2012; to the Committee on Finance.

EC–5731. 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 ''Alan Baer Revocable Trust v. United States'' (AOD 2012–04) received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2012; to the Committee on Finance.

EC–5732. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Convention on Cultural Property Implementation Act, a report relative to extending the Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Bolivia Concerning the Imposition of Import Restrictions on Categories of Archaeological Material; to the Committee on Finance.

EC–5733. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Report to Congress: Plan to Reform the Medicare Wage Index''; to the Committee on Finance.

EC–5734. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2012–0037—2012–0041); to the Committee on Foreign Relations.

EC–5735. A communication from the Assistant Secretary of Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, a report relative to the waiver of the restrictions contained in Section 907 of the FREEDOM Support Act of 1992; to the Committee on Foreign Relations.

EC–5736. A communication from the Director of the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Examinations of Work Areas in Underground Coal Mines for Violations of Mandatory Health or Safety Standards'' (RIN1219–AB75) received in the Office of the President of the Senate on April 16, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–5737. A communication from the General Counsel, General Services Administration, transmitting, pursuant to law, a report relative to a vacancy in the position of Administrator, General Services Administration, received during adjournment of the Senate in the Office of the President of the

Senate on April 12, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–5738. A communication from the Administrator, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, a report relative to the Administration's decision to enter into a contract with a private security screening company to provide screening services at Greater Rochester International Airport, Rochester, NY, Tupelo Regional Airport, Tupelo, MS and Key West International Airport, Key West, FL; to the Committee on Homeland Security and Governmental Affairs.

EC–5739. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, ''Certified Business Enterprise Expenditures of Public-Private Development Construction Projects for Fiscal Year 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–5740. A communication from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Inmate Communication with News Media: Removal of Byline Regulations'' (RIN1120–AB49) received during adjournment of the Senate in the Office of the President of the Senate on April 11, 2012; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–70. A resolution adopted by the Legislature of the State of Arizona urging Congress to adopt the measures and policies contained in the Save Arizona's Forest Environment (SAFE) Plan and provide for a temporary emergency suspension of the requirement to perform National Environmental Policy Act studies; to the Committee on Energy and Natural Resources.

SENATE CONCURRENT MEMORIAL NO. 1001

To the Congress of the United States of America:

Your memorialist respectfully represents:

Whereas, the State of Arizona, its citizens and its communities have drastically suffered from catastrophic wildfires that devastated more than 850,000 acres of wildlife habitat, watersheds, timber, livestock forage and private property; and

Whereas, the water and air pollution from these catastrophic wildfires have negatively impacted human health and have endangered species and the human environment; and

Whereas, millions more acres of Arizona's forest lands face the threat of future catastrophic wildfires.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

1. That the United States Congress adopt the measures and policies contained in the Save Arizona's Forest Environment (SAFE) Plan and provide for a temporary emergency suspension of the requirement to perform National Environment Policy Act studies on forest thinning and timber and forage management activities in Arizona's forest lands that have suffered from or are threatened by future catastrophic wildfires.

2. That the Secretary of State of the State of Arizona transmit a copy of this Memorial to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM–71. A resolution adopted by the Legislature of the State of Arizona urging Congress to adequately fund the United States Forest Service in order to properly manage forests and grasslands and prohibit the Forest Service from acquiring and managing additional lands until the Forest Service demonstrates its ability to properly manage and protect forests; to the Committee on Energy and Natural Resources.

SENATE CONCURRENT MEMORIAL NO. 1003

To the Congress of the United States of America:

Your memorialist respectfully represents:

Whereas, the United States Congress established the United States Forest Service in 1905 to provide quality water and timber for the nation's benefit; and

Whereas, over the years, the United States Congress has directed the United States Forest Service to manage more national forests and grasslands; and

Whereas, the President's fiscal year 2012 budget increased funding for land acquisition by $26,360,000; and

Whereas, the President's fiscal year 2012 budget reduced funding for the Wildland Fire Management by $396,675,000; and

Whereas, the President's fiscal year 2012 budget reduced budgeting for the FLAME Wildfire Suppression Reserve Fund by $97,114,000; and

Whereas, in 2011, the total number of acres consumed by wildland fires on Arizona lands that are managed by the United States Forest Service was 878,540 out of the total of 981,189 acres that were burned in Arizona that year; and

Whereas, the United States Forest Service has existed for more than 100 years with the express purpose of managing public forests and grasslands; and

Whereas, the mission of the United States Forest Service is to sustain the health, diversity and productivity of the nation's forests and grassland.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

1. That the United States Congress adequately fund the United States Forest Service in order to properly manage forests and grasslands.

2. That the United States Congress prohibit the United States Forest Service from acquiring and managing additional lands until the Forest Service demonstrates its ability to properly manage and protect forests.

3. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States, the Chief of the United States Forest Service, the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM–72. A resolution adopted by the Legislature of the State of Arizona urging Congress to enact legislation making monies collected under the federal gas tax immediately available to the individual states to fund their transportation needs; to the Committee on Finance.

HOUSE CONCURRENT MEMORIAL NO. 2004

To the Congress of the United States and the Secretary of the United States Department of Transportation:

Your memorialist respectfully represents:

Whereas, the United States Department of Transportation was established by an act of Congress on October 15, 1966, and the department's first official day of operation was April 1, 1967; and

Whereas, the mission of the department is to ''serve the United States by ensuring a fast, safe, efficient, accessible and convenient transportation system that meets our vital national interests and enhances the quality of life of the American people, today and into the future''; and

Whereas, the main mission of the department has largely been fulfilled by the completion of the federal interstate highway system; and

Whereas, state and local governments are faced with difficult decisions regarding local transportation needs on a continuing and ever-increasing basis; and

Whereas, the federal motor fuel taxes charged to the citizens of Arizona are needlessly sent to the federal government before being returned to the state government; and

Whereas, federal restrictions, mandates and spending requirements prevent the citizens of Arizona from setting their own transportation priorities.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the United States Congress enact legislation making monies collected under the federal gas tax immediately available to the individual states to fund their transportation needs.

2. That the United States Congress enact legislation to cease the collection of motor fuel taxes in Arizona so that this state can collect and distribute the taxes without the delay caused by federal collection and disbursement.

3. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the United States Department of Transportation and each Member of Congress from the State of Arizona.

POM–73. A joint memorial adopted by the Legislature of the State of New Mexico requesting a Congressional resolution requesting the United States postal service issue a commemorative stamp honoring the sesquicentennial anniversary of the battle of Glorieta pass in New Mexico and recognizing the importance of the battle; to the Committee on Homeland Security and Governmental Affairs.

HOUSE JOINT MEMORIAL

Whereas, in January 1862, confederate General Henry Hopkins Sibley, with a brigade of two thousand six hundred Texans, invaded the territory of New Mexico with the intention of claiming the territory and the west for the confederacy; and

Whereas, the volunteers of the Texas confederate forces were victorious in defeating the union forces at the battle of Valverde on February 21, 1862, and shortly afterwards, on February 25, 1862, they captured Socorro, and on March 7, 1862, Albuquerque was captured; and

Whereas, the confederate forces captured Santa Fe on March 10, 1862, the capital having been moved earlier by the New Mexico territorial governor, the honorable Henry Connelly, to Las Vegas, New Mexico; and

Whereas, following these battlefield successes, the Texas confederate forces planned to conquer Fort Union and then march to Colorado to take over the mines located there; and

Whereas, from there, the forces intended to form an alliance with the Mormons and together take over the gold fields of California, which would have provided much needed capital for the confederacy; and

Whereas, the conquest of California would have additionally provided two sorely needed ports, free of union blockades; and

Whereas, the fulfillment of their plans would have severed the western territories

from the Union and strengthened the position of the confederacy; and

Whereas, they next planned to take over the Mexican states of lower California, Sonora and Chihuahua, which had the potential to gain much needed recognition by foreign countries; and

Whereas, the Texas confederate forces were met in a skirmish and fought two battles with the union forces at Glorieta Pass on March 26 to 28, 1862; and

Whereas, even though the confederate forces were victorious in these two battles, they were forced to abandon their dream of taking over Fort Union and conquering the west when their supply of sixty to eighty wagons, loaded with weapons, medical supplies, food and blankets, was burned and four hundred mules and horses were captured by a contingent of United States regular army forces from Fort Union and volunteers from Colorado and New Mexico; and

Whereas, after this tremendous loss, the confederate Texans had no other choice but to abandon General Sibley's dream and retreat back to Santa Fe, then to Albuquerque and eventually out of New Mexico and back to Texas; and

Whereas, this turning point in the confederate campaign in New Mexico, the ''battle of Glorieta pass'', is referred to by some historians as ''the Gettysburg of the west''; and

Whereas, although the loss of men killed, wounded or missing in the Civil War battles fought in New Mexico may seem insignificant compared to the carnage of the Civil War battles that were fought in the east and south, the importance and significance of this battle cannot be overstated, as the ultimate outcome helped hold the union together and assured its survival in what we now know as the United States of America; Now, therefore, be it

Resolved by the legislature of the State of New Mexico, That the New Mexico congressional delegation be requested to introduce a congressional resolution requesting the United States postal service to issue a commemorative stamp honoring the sesquicentennial anniversary of the battle of Glorieta pass in New Mexico and recognizing the importance of the battle of Glorieta pass; and be it further

Resolved, that copies of this memorial be transmitted to the president of the United States, the speaker of the United States house of representatives, the president of the United States senate, the members of the New Mexico congressional delegation, the secretary of the United States department of the interior, the postmaster general of the United States postal service and the nonprofit organization, the friends of the Pecos national historical park.

POM–74. A resolution adopted by the Lauderdale Lakes City Commission, Lauderdale Lakes, Florida urging the public condemnation of President Bashar al-Assad of Syria and renouncing all genocidal regimes and the use of genocidal methods on civilian populations, including women, children and the elderly, in order to retain dictatorial power against repeated cries for freedom; to the Committee on Foreign Relations.

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 Mrs. BOXER (for herself, Mrs. GILLIBRAND, and Mr. MERKLEY):

S. 2293. A bill to establish a national, toll-free telephone parent helpline to provide information and assistance to parents and caregivers of children to prevent child abuse and strengthen families; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY (for himself, Mr. CARDIN, Ms. MIKULSKI, Mr. WARNER, and Mr. WEBB):

S. 2294. A bill to provide for continued conservation efforts in the Chesapeake Bay watershed, increase energy production from animal waste, improve transparency of Federal restoration efforts, and expand agricultural opportunities to participate in State voluntary water quality credit trading programs; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LEAHY (for himself, Mr. FRANKEN, Mr. COONS, Mr. WHITEHOUSE, Mr. BINGAMAN, Mr. BROWN of Ohio, and Mr. BLUMENTHAL):

S. 2295. A bill to permit manufacturers of generic drugs to provide additional warnings with respect to such drugs in the same manner that the Food and Drug Administration allows brand names to do so; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. HAGAN (for herself and Mr. HARKIN):

S. 2296. A bill to amend the Higher Education Opportunity Act to restrict institutions of higher education from using revenues derived from Federal educational assistance funds for advertising, marketing, or recruiting purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MANCHIN (for himself, Mr. KIRK, and Mrs. GILLIBRAND):

S. 2297. A bill to amend the Controlled Substances Act to make any substance containing hydrocodone a schedule II drug; to the Committee on the Judiciary.

By Mr. BROWN of Ohio:

S. 2298. A bill to amend the Rural Electrification Act of 1936 to improve the program of access to broadband telecommunications services in rural areas; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. MURRAY (for herself, Mr. BEGICH, Mr. WHITEHOUSE, Mr. ROCKEFELLER, and Mr. AKAKA):

S. 2299. A bill to amend the Servicemembers Civil Relief Act and title 38, United States Code, to improve the provision of civil relief to members of the uniformed services and to improve the enforcement of employment and reemployment rights of such members, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MORAN (for himself and Mr. ROBERTS):

S. 2300. A bill to allow for a reasonable compliance deadline for certain States subject to the Cross State Air Pollution Rule; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. GRAHAM, Mr. KYL, Ms. AYOTTE, and Mr. HOEVEN):

S. Res. 424. A resolution condemning the mass atrocities committed by the Government of Syria and supporting the right of the people of Syria to be safe and to defend themselves; to the Committee on Foreign Relations.

By Mr. WEBB (for himself, Ms. SNOWE, Mr. WARNER, Mr. BROWN of Ohio, and Mr. COCHRAN):

S. Res. 425. A resolution designating April 23, 2012, as ''National Adopt a Library Day''; considered and agreed to.

By Mrs. HUTCHISON (for herself and Mr. CORNYN):

S. Res. 426. A resolution congratulating the Lady Bears of Baylor University on winning the 2012 National Collegiate Athletic Association Division I Women's Basketball Championship; considered and agreed to.

ADDITIONAL COSPONSORS

S. 714

At the request of Mr. BINGAMAN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 714, a bill to reauthorize the Federal Land Transaction Facilitation Act, and for other purposes.

S. 847

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 847, a bill to amend the Toxic Substances Control Act to ensure that risks from chemicals are adequately understood and managed, and for other purposes.

S. 881

At the request of Mr. VITTER, his name was added as a cosponsor of S. 881, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide substantive rights to consumers under such agreements, and for other purposes.

S. 941

At the request of Mr. REED, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 941, a bill to strengthen families' engagement in the education of their children.

S. 1039

At the request of Mr. CARDIN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1039, a bill to impose sanctions on persons responsible for the detention, abuse, or death of Sergei Magnitsky, for the conspiracy to defraud the Russian Federation of taxes on corporate profits through fraudulent transactions and lawsuits against Hermitage, and for other gross violations of human rights in the Russian Federation, and for other purposes.

S. 1316

At the request of Mr. ENZI, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1316, a bill to prevent a fiscal crisis by enacting legislation to balance the Federal budget through reductions of discretionary and mandatory spending.

S. 1575

At the request of Mr. CARDIN, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 1575, a bill to amend the Internal Revenue Code of 1986 to modify the depreciation recovery period for energy-efficient cool roof systems.

S. 1591

At the request of Mrs. GILLIBRAND, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors 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. 1833

At the request of Mr. MANCHIN, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 1833, a bill to provide additional time for compliance with, and coordinating of, the compliance schedules for certain rules of the Environmental Protection Agency.

S. 2051

At the request of Mr. REED, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2051, a bill to amend the Higher Education Act of 1965 to extend the reduced interest rate for Federal Direct Stafford Loans.

S. 2076

At the request of Mr. FRANKEN, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 2076, a bill to improve security at State and local courthouses.

S. 2103

At the request of Mr. LEE, the name of the Senator from Mississippi (Mr. WICKER) 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. 2120

At the request of Ms. MURKOWSKI, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2120, a bill to require the lender or servicer of a home mortgage upon a request by the homeowner for a short sale, to make a prompt decision whether to allow the sale.

S. 2165

At the request of Mrs. BOXER, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 2165, a bill to enhance strategic cooperation between the United States and Israel, and for other purposes.

S. 2172

At the request of Ms. SNOWE, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2172, a bill to remove the limit on the anticipated award price for contracts awarded under the procurement program for women-owned small business concerns, and for other purposes.

S. 2205

At the request of Mr. JOHANNS, his name was added as a cosponsor of S. 2205, a bill to prohibit funding to negotiate a United Nations Arms Trade Treaty that restricts the Second Amendment rights of United States citizens.

S. 2230

At the request of Mr. WHITEHOUSE, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 2230, a bill to reduce the deficit by imposing a minimum effective tax rate for high-income taxpayers.

S. 2270

At the request of Mr. HARKIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2270, a bill to amend the Farm Security and Rural Investment Act of 2002 to improve energy programs.

S. 2277

At the request of Mr. THUNE, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2277, a bill to respond to the extreme fire hazard and unsafe conditions resulting from pine beetle infestation, drought, disease, or storm damage by declaring a state of emergency and directing the Secretary of Agriculture to immediately implement hazardous fuels reduction projects in the manner provided in title I of the Healthy Forests Restoration Act of 2003, and for other purposes.

S.J. RES. 38

At the request of Mr. GRAHAM, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S.J. Res. 38, a joint resolution disapproving a rule submitted by the Department of Labor relating to the certification of nonimmigrant workers in temporary or seasonal nonagricultural employment.

S. RES. 418

At the request of Mr. BROWN of Ohio, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Texas (Mr. CORNYN) 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. 2003

At the request of Ms. MIKULSKI, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 2003 intended to be proposed to S. 1789, a bill to improve, sustain, and transform the United States Postal Service.

AMENDMENT NO. 2004

At the request of Ms. MIKULSKI, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 2004 intended to be proposed to S. 1789, a bill to improve, sustain, and transform the United States Postal Service.

AMENDMENT NO. 2005

At the request of Ms. MIKULSKI, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 2005 intended to be proposed to S. 1789, a bill to improve, sustain, and transform the United States Postal Service.

AMENDMENT NO. 2008

At the request of Mr. MCCAIN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of amendment No. 2008 intended to be proposed to S. 1789, a bill to improve, sustain, and transform the United States Postal Service.

AMENDMENT NO. 2011

At the request of Mr. MCCAIN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of amendment No. 2011 intended to be proposed to S. 1789, a bill to improve, sustain, and transform the United States Postal Service.

AMENDMENT NO. 2020

At the request of Mr. WYDEN, the names of the Senator from Colorado (Mr. BENNET), the Senator from Montana (Mr. BAUCUS), the Senator from Ohio (Mr. BROWN) and the Senator from California (Mrs. BOXER) were added as cosponsors of amendment No. 2020 intended to be proposed to S. 1789, a bill to improve, sustain, and transform the United States Postal Service.

AMENDMENT NO. 2031

At the request of Mrs. MCCASKILL, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Colorado (Mr. UDALL), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of amendment No. 2031 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. LEAHY (for himself, Mr. FRANKEN, Mr. COONS, Mr. WHITEHOUSE, Mr. BINGAMAN, Mr. BROWN of Ohio, and Mr. BLUMENTHAL):

S. 2295. A bill to permit manufacturers of generic drugs to provide additional warnings with respect to such drugs in the same manner that the Food and Drug Administration allows brand names to do so; to the Committee on Health, Education, Labor, and Pensions.

Mr. LEAHY. Mr. President, today, I am introducing legislation that will protect American consumers by improving the labeling on prescription drugs to promote consumer safety. This important bill will ensure that all drug manufacturers can update the warning labels for their products so that the information provided to doctors and consumers is as accurate and up-to-date as possible. It is a straightforward measure that has the support of patient groups and consumer advocates. I am pleased that Senators FRANKEN, COONS, WHITEHOUSE, BINGAMAN, BROWN of Ohio, and BLUMENTHAL

have joined me as original cosponsors of the bill.

The Patient Safety and Generic Labeling Improvement Act will promote consumer safety by ensuring that generic drug companies can improve the warning information for their products in the same way that brand manufacturers can under existing law. This ability is especially important given the large role that generics play in the market for prescription drugs. The Department of Health and Human Services reports that generic drugs now make up 75 percent of the market for pharmaceuticals. Studies show that when a generic version of a drug is available, 90 percent of prescriptions are filled with the generic version of the drug. The large role that generics play in the market gives them important insight into side effects experienced by their customers. The Patient Safety and Generic Labeling Improvement Act will allow generic manufacturers to act on this information, by authorizing them to improve their labels to provide accurate and up-to-date warnings to consumers.

A recent Supreme Court decision, Pliva v. Mensing, created the need for this important legislation. In the Mensing case, a narrow 5–4 majority on the Court held that a Minnesota woman, Gladys Mensing, could not recover for debilitating injuries she received from a mislabeled drug that was intended to treat her diabetes symptoms. Despite evidence that long-term use of the drug could cause a severe neurological condition known as tardive dyskinesia, the manufacturer's label did not expressly warn against long-term use until years after Ms. Mensing began taking the drug. She developed the condition, losing control of muscles in her face, arms and legs.

Ms. Mensing's injuries are life-changing and irreversible. The Supreme Court held that she cannot be compensated for the drug company's failures because of a technicality in the law. That technicality arose because Ms. Mensing's pharmacy had filled her prescription with the generic version of the drug. The Supreme Court held that, unlike brand name companies, generic manufacturers cannot be held liable for inadequate labeling, because they cannot change the labels on their products independently. Generic manufacturers should have the ability to participate fully in the labeling process, but they are unable to do so. More important to injured consumers, there is no remedy for them. The generic manufacturers can use this Supreme Court decision and the quirk in the labeling laws to avoid any accountability, even if they fail to inform the FDA that a label is inadequate.

The Mensing decision creates a troubling inconsistency in the law governing prescription drugs. If a consumer takes the brand-name version of drug, she can sue the manufacturer for inadequate warnings. If the pharmacy happens to give her the generic version, as happened to Ms. Mensing, she is unable to seek compensation for her injuries. The result is a two-track system that penalizes consumers of generic drugs even though many consumers have no control over which drug they take, because their health insurance plan or state laws require them to take generics if they are available.

In an editorial published last month, The New York Times criticized the inconsistency of this outcome, writing: ''Same drug. Same devastating health consequences. Opposite results. This injustice will affect more people as generics, which already dominate the market, expand even more under the pressure to control health care costs.'' Even Justice Thomas, writing for the majority in Mensing, acknowledged the inconsistent outcome, writing: ''[I]t is not the Court's task to decide whether the statutory scheme established by Congress is unusual or even bizarre.'' Writing in dissent, Justice Sotomayor accurately warned of ''absurd consequences'' that will flow from the ''happenstance'' of whether a prescription was filled with a brand-name or generic drug.

I agree that having different rules for patients who take generic and brand-name drugs makes little sense, and raises significant policy concerns. It is also troubling that generic manufacturers cannot update their safety labels in the same way that brand manufacturers can. In today's world, where generic drugs make up 75 percent of the prescription drug market, all manufacturers should be able to improve the warning information they provide to doctors and consumers. The Patient Safety and Generic Labeling Improvement Act will achieve this goal.

This legislation is not intended to overburden the makers of generic drugs. Instead, it authorizes generic drug manufacturers to act upon drug safety information that they already gather pursuant to existing regulation. The FDA requires generic manufacturers to monitor, investigate and report adverse side effects experienced by users of their drug. Generics already must submit an annual report to the FDA summarizing new information that ''might affect the safety, effectiveness or labeling of a drug product'', including a ''description of actions they have taken or intend to take as a result of this new information''. When brand-name manufacturers exit the market—as is often the case after generics are introduced—generics may be the only manufacturers who gather this information.

The Patient Safety and Generic Labeling Improvement Act authorizes generics to act on the information they gather to improve the labeling on their product in the same way that brand-owners may do under existing law. It creates an exception to the general requirement that the labeling of a generic drug must be the same as the labeling of its brand-name or listed equivalent, and instead allows generic manufacturers to initiate a labeling change where that process is available to brand-name manufacturers. Under the law, a generic manufacturer would be able to use the ''Changes Being Effected'' process that permits manufacturers to implement a labeling change while the change is simultaneously reviewed by the FDA. When a labeling change is made under this provision, the FDA would be authorized to order conforming changes across equivalent drugs to ensure consistent labeling among products.

This legislation has the support of public interest groups and advocates, including the AARP, Public Citizen, the Alliance for Justice, and numerous consumer groups.

I have long worked to ensure that safe, affordable generic drugs are available to American consumers. Earlier this Congress, I introduced legislation to facilitate the importation of low-cost generic drugs from Canada, a measure that will increase competition and help drive down the prices of prescription drugs. We all benefit from the availability of safe, affordable medication to help reduce the overwhelming costs of healthcare.

The legislation I am introducing today will promote accountability and ensure that all drug makers can take appropriate steps to enhance warnings given to doctors and consumers. I hope that other Senators will join me and my cosponsors in supporting this important legislation.

Mr. President, I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2295

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Patient Safety and Generic Labeling Improvement Act''.

SEC. 2. WARNING LABELING WITH RESPECT TO GENERIC DRUGS.

Section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) is amended by adding at the end the following:

''(11)(A) Notwithstanding any other provision of this Act, the holder of an approved application under this subsection may change the labeling of a drug so approved in the same manner authorized by regulation for the holder of an approved new drug application under subsection (b).

''(B) In the event of a labeling change made under subparagraph (A), the Secretary may order conforming changes to the labeling of the equivalent listed drug and each drug approved under this subsection that corresponds to such listed drug.''.

AARP,
March 30, 2012.

Hon. PATRICK J. LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY: AARP is pleased to endorse your legislation, the Patient Safety

and Generic Labeling Improvement Act, to address the issue of whether generic drug manufacturers have a duty to include new warnings about potentially serious side effects on their labels as they become known. Your bill would accomplish this by giving generic drug makers the same ability to update their labeling as currently exists for manufacturers of brand name drugs.

AARP believes generic drugs are one of the safest and most effective ways for consumers to lower their prescription drug costs, and we encourage our members to use generic drugs whenever possible. However, AARP is concerned that, unlike brand name drug manufacturers, generic drug manufacturers cannot be held liable for inadequate drug warning labels due to their inability to directly update their labels under current law.

As noted in an AARP Foundation amicus brief submitted in Pliva v. Mensing, AARP believes that holding generic drug makers to a lower standard will effectively punish consumers for choosing generic drugs and send the message that generics are less trustworthy than name brand drugs—directly counter to the intent of the Hatch-Waxman Act. We are encouraged by your bill and hope it will serve to not only ensure patients have adequate legal protections, but also prompt improvements to the FDA process for updating warning labels when new information about potentially harmful side effects comes to light.

We thank you for your leadership in this area, and we look forward to working with you and your colleagues on both sides of the aisle to advance the Patient Safety and Generic Labeling Improvement Act. If you have any further questions, please feel free to call me or have your staff contact KJ Hertz of our Government Affairs staff at 202–434–3770.

Sincerely,

JOYCE A. ROGERS,
Senior Vice President, Government Affairs.

APRIL 17, 2012.

Hon. PATRICK LEAHY,
U.S. Senate,
Washington, DC.

DEAR CHAIRMAN LEAHY: We write to express our strong support for the Patient Safety and Generic Labeling Improvement Act, which would promote consumer safety by ensuring that generic drug companies can improve the warning information for their products in the same way that brand manufacturers can under existing law.

By authorizing generic manufacturers to improve their labels using the same ''Changes Being Effected'' process that is currently available to brand-name manufacturers, this legislation will help protect millions of Americans. The Department of Health and Human Services reports that generic drugs now make up 75 percent of the market for pharmaceuticals, and studies show that when a generic version of a drug is available 90 percent of prescriptions are filled with the generic.

This much-needed legislation responds to the Supreme Court's 2011 decision in PLIVA v. Mensing, in which the Court held 5–4 that a Minnesota woman, Gladys Mensing, could not recover damages for debilitating injuries she received from a drug with an inadequate warning label simply because her prescription was filled with the generic version of the drug, rather than with the brand-name drug. The Court previously held in Wyeth v. Levine (2009) that federal law does not preempt failure-to-warn claims against brand-name drug manufacturers. The Mensing decision thus created an arbitrary distinction whereby a court's ruling on whether or not a consumer can obtain relief turns solely on the happenstance of whether his or her prescription was filled with a brand-name or generic drug.

This troubling and unfair inconsistency in the law is exacerbated by the fact that many consumers have little control over which version of a drug they are given. Many brand-name manufacturers exit the market after generics are introduced. Moreover, many state laws and health insurance plans require consumers to be given generics if they are available.

Given the inherent unfairness of the current law and the ongoing harm to millions of Americans, the Senate should pass this legislation without delay.

Sincerely,

Alliance for Justice, Consumer Action, Consumer Federation of America, Consumers Union, Consumer Watchdog, National Association of Consumer Advocates, and US PIRG.

PUBLIC CITIZEN,
Washington, DC, April 18, 2012.

Re Letter in support of Patient Safety and Generic Labeling Improvement Act

Hon. PATRICK LEAHY, *Chairman,*
U.S. Senate, Committee on the Judiciary,
Washington, DC.

DEAR CHAIRMAN LEAHY: Public Citizen, a nonprofit consumer advocacy organization with 250,000 members and supporters nationwide, writes to applaud your introduction of legislation that would give generic drug manufacturers the authority to revise labeling for their products when they become aware of risks that are not adequately disclosed. This bill would fill a gaping hole in drug regulation that poses a threat to patients' health and safety.

Your legislation reflects the concerns voiced by Public Citizen in a citizen petition that we submitted to the Food and Drug Administration in August 2011. As we explained in the petition, the generic drug market has grown exponentially in the past 25 years, and generic drugs now constitute a majority of the prescription drugs sold in the United States. The growth of generic drug sales reflects the fact that generics offer equally effective but more affordable alternatives to their brand-name counterparts. The regulatory system, however, has not adjusted to the marketplace.

Under current law, a generic drug manufacturer is not authorized to revise product labeling when it becomes aware of inadequacies in the labeling. Specifically, FDA regulations provide that, unlike brand-name manufacturers, generic drug manufacturers are not permitted to initiate labeling revisions to strengthen warnings, contraindications, or precautions. As a result, the millions of patients who use generic drugs may not have access to up-to-date information on safety and proper use. And generic drug manufacturers lack incentive to monitor and ensure the safety of their products, even when the generic versions represent a majority of the market for a particular drug. Your legislation would correct this problem.

Your bill would also correct an illogical inconsistency in the accountability that generic and brand-name drug manufacturers have to patients. In a 2011 decision, PLIVA v. Mensing, the Supreme Court relied on FDA regulations to hold that a consumer injured by a generic drug with inadequate warnings cannot seek compensation under state law for failure to warn. By contrast, in a 2008 decision, Wyeth v. Levine, the Court had held that manufacturers of prescription drugs could be held accountable to patients for harm their drugs caused. The Justices in Mensing itself noted that this inconsistency ''makes little sense,'' with four Justices calling it ''absurd.''

As the Supreme Court has noted, ''the FDA has limited resources to monitor the 11,000 drugs on the market, and manufacturers have superior access to information about their drugs, especially in the postmarketing phase as new risks emerge.'' Under your bill, generic drug manufacturers, who already have access to relevant safety information, would be able to revise their labeling as new information comes to light, thereby making their products safer for patients.

For these reasons, Public Citizen strongly supports your intent to fill the regulatory gap in generic drug safety. We look forward to working with you to pass this important legislation.

Sincerely,

ALLISON M. ZIEVE,
Director,
Public Citizen Litigation Group.
SIDNEY M. WOLFE, MD,
Director,
Public Citizen Health Research Group.

[From the New York Times, Mar. 23, 2012]

A BIZARRE OUTCOME ON GENERIC DRUGS

Dozens of suits against drug companies have been dismissed in federal and state courts because of a decision by the Supreme Court last year that makes it virtually impossible to sue generic manufacturers for failing to provide adequate warning of a prescription drug's dangers. This outrageous denial of a patient's right to recover fair damages makes it imperative that Congress or the Food and Drug Administration fashion a remedy.

This situation is particularly bizarre because patients using the brand-name drug can sue when those using the generic form of the drug cannot, as explained by Katie Thomas in The Times on Wednesday. In 2008, the Supreme Court ruled that a Vermont woman who had her hand and forearm amputated because of gangrene after being injected with a brand name antinausea drug could sue the manufacturer for inadequate warning of the risks; she won $6.8 million from Wyeth.

In 2011, the court ruled that similar failure-to-warn suits could not be brought against makers of generic drugs. As a result, an Indiana woman who was also forced to have her hand amputated because of gangrene after being injected with a generic version of the same antinausea drug had her case dismissed.

Same drug. Same devastating health consequences. Opposite results. This injustice will affect more people as generics, which already dominate the market, expand even more under the pressure to control health care costs.

The Supreme Court's disparate rulings hinge on the ability of the drug makers to change a warning label if they detect new evidence of dangers. In 2008, the court found that brand-name manufacturers had the unilateral power to change warnings through various mechanisms even before asking the Food and Drug Administration for a formal change.

Then, in 2011, the court found that, under the F.D.A.'s interpretation of a 1984 law, known as the Hatch-Waxman amendments to the Food, Drug and Cosmetic Act, the generic versions must carry warning labels identical to those of the brand-name drug. The goal was to minimize confusion and dispel any doubt that a generic was therapeutically equivalent to the brand-name drug. Generic makers can't change the warnings but can propose a change to the F.D.A., which can then bring about a revision of the brand-name label to trigger a corresponding change in the generic label. The court ruled that because the generic makers do not control the

labeling, they cannot be sued under state law for inadequate warnings.

Justice Clarence Thomas, writing for the majority in 2011, acknowledged that the distinction ''makes little sense'' in the eyes of consumers, and Justice Sonia Sotomayor, writing the dissent, predicted ''absurd consequences'' depending on the ''happenstance'' of whether a prescription was filled with a brand-name or generic drug.

Congress should fix the disparity by amending the law to make it clear—as Representative Henry Waxman, a co-author of the statute contends—that the act did not intend to preempt all failure-to-warn claims. Alternatively, the F.D.A. should fix the liability problem by amending its regulations to allow generic manufacturers to change the warning labels.

Generic drugs have rapidly expanded their reach, and, by one estimate, from one-third to one-half of all generic drugs no longer have a brand-name competitor. The regulatory system needs to hold generic companies, many of them large multinationals, accountable for labels on the products they sell.

Mr. FRANKEN. Mr. President, Gladys Mensing lives in Owatonna, MN. She loves being around people. That is a good thing when one has a family as big as Gladys does. She is the loving mother of 8 children, with 15 grandchildren and 12 great-grandchildren.

Gladys, as I said, is from Owatonna. It is in southeastern Minnesota. A few weeks ago, I received some old family videos that showed her playing with her grandkids. Gladys used to work as a waitress and as an apartment manager, but what she truly enjoys is a good game of bingo.

In 2001, Gladys's doctor gave her a prescription for a medication known as MCP to treat a digestive tract condition. Gladys did what I would have done—she took her prescription to the pharmacy, got it filled, and started taking her medicine per her doctor's orders.

Meanwhile, however, evidence was mounting linking MCP to neurological disorders. Within a few years, Gladys began experiencing problems. She lost control of her face, tongue, and legs. It is very hard to understand Gladys when she speaks now. Her son says people sometimes give Gladys strange looks when she goes out in public. Gladys used to be very strong and independent. Now her family has to help her bathe and walk.

Gladys wanted to hold the drug manufacturer accountable for what happened to her. She believed the warning label that came with her prescription was inadequate; that it did not sufficiently disclose the risks of taking MCP. So Gladys, a bingo-playing grandma from rural Minnesota, decided to stand up for her rights.

Gladys took her fight all the way to the U.S. Supreme Court, but that is where things took a bizarre turn. In Minnesota, as in many other States, the law requires drug manufacturers to warn patients of the known—the known—dangers associated with their products. Manufacturers that do not follow the law are held accountable to the patients who are harmed as a result—people such as Gladys.

But the Supreme Court—in a 5-to-4 decision—said those laws do not apply to generic drugs such as the medicine Gladys was taking. Rather, the Court said Federal regulations actually prohibit generic drug manufacturers from updating their labels—prohibit generic drug manufacturers from updating their labels—and it said the Federal regulations prohibiting label changes trump Minnesota's patient protection laws, which require full disclosure of potential risks. So under that ruling, even if a generic drug company wanted to provide better warnings of risks to consumers, it cannot.

Generic drugs are, for all intents and purposes, the same as brand-name drugs. They have the same active ingredients. They are used for the same purposes and, yes, in most cases, they should have the same labels. That is why current FDA regulations require generic drug labels to match brand-name drug labels. But it does not make sense to prohibit generic drug makers from updating their labels to accurately reflect new side effects or risks that have come to light. Yet that is the current state of the law.

So the Court dismissed Gladys's case just because she was taking a generic drug. Let me say that again. Because Gladys was taking the generic version of her medicine, she was unable to vindicate her rights under Minnesota law. If Gladys had suffered the same injuries from the brand-name version of the same pill containing the same warning, she would have had her day in court.

Since the Supreme Court dismissed Gladys's case last June, lower courts have dismissed dozens of similar cases because, as a recent article in the New York Times aptly said, ''What once seemed like a trivial detail—whether to take a generic or brand-name drug—has become the deciding factor in whether a patient can seek legal recourse from a drug company.''

That does not make any sense. Justice Thomas, who wrote the Supreme Court's decision in Gladys's case, admitted as much. He wrote this:

> We recognize that from the perspective of Mensing . . . [this decision] makes little sense.

I agree with him on this point. I would like to think he would agree with me on this: Prescription drugs should be safe and their labels should be adequate.

So Senators LEAHY, BINGAMAN, BROWN, WHITEHOUSE, COONS, BLUMENTHAL, and I are introducing a bill that would guarantee just that. Our bill, the Patient Safety and Generic Labeling Improvement Act, would allow generic drug makers to update their warnings—allow them to update their warnings—to accurately reflect the known risks associated with their drugs. That is it. It would not require them to do so. It just lets them do what other drug manufacturers already are allowed to do.

Our bill says that millions of Americans who are taking generic drugs are entitled to the same protections as people who take brand-name drugs, and it says people such as Gladys Mensing are entitled to their day in court when manufacturers fail to disclose risks.

I thank Senator LEAHY for his leadership on this issue and urge my colleagues to join with us in supporting this commonsense fix.

By Mrs. MURRAY (for herself, Mr. BEGICH, Mr. WHITEHOUSE, Mr. ROCKEFELLER, and Mr. AKAKA):

S. 2299. A bill to amend the Servicemembers Civil Relief Act and title 38, United States Code, to improve the provision of civil relief to members of the uniformed services and to improve the enforcement of employment and reemployment rights of such members, and for other purposes; to the Committee on Veterans' Affairs.

Mrs. MURRAY. Mr. President, today, as Chairman of the Senate Committee on Veterans' Affairs, I am pleased to introduce the Servicemembers Rights Enforcement Improvement Act of 2012.

I remain deeply committed to protecting our servicemembers and veterans. I was concerned, last year, when banks improperly overcharged and foreclosed upon deployed servicemembers in violation of the Servicemembers Civil Relief Act. Failure to comply with the protections provided to our servicemembers is unacceptable.

Our men and women in uniform deserve better than this, and I appreciate the President's and the Attorney General's leadership and commitment to enforcing these important protections. This bill, which includes a significant number of proposals provided to the Congress by the Department of Justice, would further strengthen the Department's ability to enforce these laws on behalf of servicemembers and veterans.

The bill I am introducing today would improve the Department of Justice's ability to enforce the protections of the Servicemembers Civil Relief Act by giving the Attorney General limited authority to issue civil investigative demands, which would allow the Attorney General to take a more proactive approach to investigating allegations of Servicemembers Civil Relief Act violations. This bill would strengthen the protections that prevent judgements against a servicemember when they cannot appear in court because of military service. Finally, it would clarify that servicemembers may bring a private right of action to enforce their rights under the Servicemembers Civil Relief Act.

I also remain deeply concerned about veteran employment. The number of unemployed veterans remains unacceptably high. Last year, significant provisions of a bill I introduced, the Hiring Heroes Act, were signed into law as the VOW to Hire Heroes Act. This legislation was a good first step in combatting the high rate of unemployment among our nation's veterans. But we must do more. We must also ensure

that the laws designed to protect the employment rights of our servicemembers during periods of service are equally strong.

The Uniformed Services Employment and Reemployment Rights Act, commonly referred to as USSERA, protects servicemembers' employment rights during a period of military service. It also prohibits employer discrimination based on military service or obligation. This legislation would strengthen the ability of the Department of Justice and the Office of Special Counsel to enforce these valuable protections.

Specifically, this bill would grant the Attorney General the authority to investigate and file suit to challenge a pattern or practice in violation of USERRA and would grant the Attorney General limited authority to issue civil investigative demands. It will also provide the Office of Special Counsel with subpoena authority in USERRA investigations. These enhancements will ensure that when our National Guard and Reserve members deploy, they do so knowing their jobs are secure.

It is vital that the Federal departments and agencies charged with protecting our servicemembers have the tools necessary to enforce the protections provided to them. The legislation I am introducing today would do just that.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD as follows:

S. 2299

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Servicemembers Rights Enforcement Improvement Act of 2012''.

SEC. 2. MODIFICATION OF PLAINTIFF AFFIDAVIT FILING REQUIREMENT FOR DEFAULT JUDGMENTS AGAINST SERVICEMEMBERS.

Paragraph (1) of section 201(b) of the Servicemembers Civil Relief Act (50 U.S.C. App. 521(b)) is amended to read as follows:

''(1) PLAINTIFF TO FILE AFFIDAVIT.—

''(A) IN GENERAL.—In any action or proceeding covered by this section, the plaintiff, before seeking a default judgment, shall file with the court an affidavit—

''(i) stating whether or not the defendant is in military service and showing necessary facts to support the affidavit; or

''(ii) if the plaintiff is unable to determine whether or not the defendant is in military service, stating that the plaintiff is unable to determine whether or not the defendant is in military service.

''(B) DUE DILIGENCE.—Before filing the affidavit, the plaintiff shall conduct a diligent and reasonable investigation to determine whether or not the defendant is in military service, including a search of available records of the Department of Defense and any other information available to the plaintiff. The affidavit shall set forth in the affidavit all steps taken to determine the defendant's military status.''.

SEC. 3. RETROACTIVE APPLICATION OF PRIVATE RIGHT OF ACTION UNDER SERVICEMEMBERS CIVIL RELIEF ACT.

Section 802(a) of the Servicemembers Civil Relief Act (50 U.S.C. App. 597a(a)) shall apply with respect to violations of such Act occurring on or after December 19, 2003.

SEC. 4. ENFORCEMENT OF RIGHTS OF MEMBERS OF UNIFORMED SERVICES WITH RESPECT TO STATES AND PRIVATE EMPLOYERS.

(a) ACTION FOR RELIEF.—Subsection (a) of section 4323 of title 38, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''appear on behalf of, and act as attorney for, the person on whose behalf the complaint is submitted and'';

(B) by striking ''for such person'';

(C) by striking the fourth sentence; and

(D) by adding at the end the following: ''The person on whose behalf the complaint is referred may, upon timely application, intervene in such action, and may obtain such appropriate relief as is provided in subsections (d) and (e).'';

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

''(2)(A) Not later than 60 days after the date the Attorney General receives a referral under paragraph (1), the Attorney General shall transmit, in writing, to the person on whose behalf the complaint is submitted—

''(i) if the Attorney General has made a decision to commence an action for relief under paragraph (1) relating to the complaint of the person, notice of the decision; and

''(ii) if the Attorney General has not made such a decision, notice of when the Attorney General expects to make such a decision.

''(B) If the Attorney General notifies a person that the Attorney General expects to make a decision under subparagraph (A)(ii), the Attorney General shall, not later than 30 days after the date on which the Attorney General makes such decision, notify, in writing, the person of such decision.''.

(3) by redesignating paragraph (3) as paragraph (4),

(4) by inserting after paragraph (2) the following new paragraph (3):

''(3) Whenever the Attorney General has reasonable cause to believe that a State (as an employer) or a private employer is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights and benefits provided for under this chapter, and that the pattern or practice is of such a nature and is intended to deny the full exercise of such rights and benefits, the Attorney General may commence an action for relief under this chapter.''; and

(5) in paragraph (4), as redesignated by paragraph (3), by striking subparagraph (C) and inserting the following new subparagraph (C):

''(C) has been notified by the Attorney General that the Attorney General does not intend to commence an action for relief under paragraph (1) with respect to the complaint under such paragraph.''.

(b) STANDING.—Subsection (f) of such section is amended to read as follows:

''(f) STANDING.—An action under this chapter may be initiated only by the Attorney General or by a person claiming rights or benefits under this chapter under subsection (a).''.

(c) CONFORMING AMENDMENT.—Subsection (h)(2) of such section is amended by striking ''under subsection (a)(2)'' and inserting ''under paragraph (1) or (4) of subsection (a)''.

SEC. 5. SUBPOENA POWER FOR SPECIAL COUNSEL IN ENFORCEMENT OF EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF UNIFORMED SERVICES WITH RESPECT TO FEDERAL EXECUTIVE AGENCIES.

Section 4324 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(e)(1) In order to carry out the Special Counsel's responsibilities under this section, the Special Counsel may require by subpoena the attendance and testimony of Federal employees and the production of documents from Federal employees and Federal executive agencies.

''(2) In the case of contumacy or failure to obey a subpoena issued under paragraph (1), upon application by the Special Counsel, the Merit Systems Protection Board may issue an order requiring a Federal employee or Federal executive agency to comply with a subpoena of the Special Counsel.

''(3) An order issued under paragraph (2) may be enforced by the Merit Systems Protection Board in the same manner as any order issued under section 1204 of title 5, United States Code.''.

SEC. 6. ISSUANCE AND SERVICE OF CIVIL INVESTIGATIVE DEMANDS BY ATTORNEY GENERAL.

(a) ISSUANCE UNDER SERVICEMEMBERS CIVIL RELIEF ACT.—Section 801 of the Servicemembers Civil Relief Act (50 U.S.C. App. 597) is amended by adding at the end the following:

''(d) ISSUANCE AND SERVICE OF CIVIL INVESTIGATIVE DEMANDS.—

''(1) IN GENERAL.—Whenever the Attorney General has reason to believe that any person may be in possession, custody, or control of any documentary material relevant to an investigation under this Act, the Attorney General may, before commencing a civil action under subsection (a), issue in writing and serve upon such person, a civil investigative demand requiring—

''(A) the production of such documentary material for inspection and copying;

''(B) that the custodian of such documentary material answer in writing written questions with respect to such documentary material; or

''(C) the production of any combination of such documentary material or answers.

''(2) FALSE CLAIMS.—The provisions of section 3733 of title 31, United States Code, governing the authority to issue, use, and enforce civil investigative demands shall apply with respect to the authority to issue, use, and enforce civil investigative demands under this section, except that, for purposes of applying such section 3733—

''(A) references to false claims law investigators or investigations shall be considered references to investigators or investigations under this Act;

''(B) references to interrogatories shall be considered references to written questions, and answers to such need not be under oath;

''(C) the definitions relating to 'false claims law' shall not apply; and

''(D) provisions relating to qui tam relators shall not apply.''.

(b) ISSUANCE UNDER CHAPTER 43 OF TITLE 38, UNITED STATES CODE.—Section 4323 of title 38, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following new subsection (i):

''(i) ISSUANCE AND SERVICE OF CIVIL INVESTIGATIVE DEMANDS.—(1) Whenever the Attorney General has reason to believe that any person may be in possession, custody, or control of any documentary material relevant to an investigation under this subchapter, the Attorney General may, before commencing a civil action under subsection (a),

issue in writing and serve upon such person, a civil investigative demand requiring—

''(A) the production of such documentary material for inspection and copying;

''(B) that the custodian of such documentary material answer in writing written questions with respect to such documentary material; or

''(C) the production of any combination of such documentary material or answers.

''(2) The provisions of section 3733 of title 31 governing the authority to issue, use, and enforce civil investigative demands shall apply with respect to the authority to issue, use, and enforce civil investigative demands under this section, except that, for purposes of applying such section 3733—

''(A) references to false claims law investigators or investigations shall be considered references to investigators or investigations under this subchapter;

''(B) references to interrogatories shall be considered references to written questions, and answers to such need not be under oath;

''(C) the definitions relating to 'false claims law' shall not apply; and

''(D) provisions relating to qui tam relators shall not apply.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 424—CONDEMNING THE MASS ATROCITIES COMMITTED BY THE GOVERNMENT OF SYRIA AND SUPPORTING THE RIGHT OF THE PEOPLE OF SYRIA TO BE SAFE AND TO DEFEND THEMSELVES

Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. GRAHAM, Mr. KYL, Ms. AYOTTE, and Mr. HOEVEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 424

Whereas, in March 2011, large-scale peaceful demonstrations began to take place in Syria against the authoritarian rule of Bashar al-Assad;

Whereas the Bashar al-Assad regime responded to protests by launching a campaign of escalating and indiscriminate violence, including gross human rights violations, use of force against civilians, torture, extrajudicial killings, arbitrary executions, sexual violence, and interference with access to medical treatment;

Whereas demonstrators initially demanded political reform, but under sustained violent attack by the Government of Syria, now demand a change in the Syrian regime;

Whereas forces loyal to Bashar al-Assad are increasingly and indiscriminately employing heavy weapons, including tanks and artillery, to attack civilian population centers;

Whereas, on November 23, 2011, the United Nations-appointed Independent International Commission of Inquiry on the Syrian Arab Republic reported that ''crimes against humanity of murder, torture, rape or other forms of sexual violence of comparable gravity, imprisonment or other severe deprivation of liberty, enforced disappearances of persons and other inhumane acts of a similar character have occurred in different locations in Syria since March 2011'' and that ''the Syrian Arab Republic bears responsibility for these crimes and violations'';

Whereas, on February 22, 2012, the Independent International Commission of Inquiry on the Syrian Arab Republic found in a subsequent report that ''commanding officers and officials at the highest level of government bear responsibility for crimes against humanity and other gross human rights violations'';

Whereas, on March 15, 2012, United Nations Secretary-General Ban Ki-Moon warned that ''well over 8,000 people'' have been killed because of the ''brutal oppression'' by authorities in Syria and called the status quo in Syria ''indefensible'';

Whereas, on March 27, 2012, the United Nations reported that the death toll in Syria had climbed to ''more than 9,000'';

Whereas at least 3,000 people have been killed in Syria in 2012 alone;

Whereas, on October 2, 2011, a broad-based coalition of Syrian opposition leaders announced the establishment of the Syrian National Council (SNC), calling for the end of the Bashar al-Assad regime and the formation of a civil, pluralistic, and democratic state in Syria;

Whereas, on February 24, 2012, Secretary of State Hillary Clinton called the Syrian National Council (SNC) ''a leading legitimate representative of Syrians seeking peaceful democratic change'' and an ''effective representative for the Syrian people with governments and international organizations'';

Whereas growing numbers of people in Syria, under continued and escalating assault by the Assad regime, have taken up arms to defend themselves and organized armed resistance under the banner of the Free Syrian Army (FSA);

Whereas the leaders of the Free Syrian Army have rejected sectarianism;

Whereas, on December 6, 2011, the Syrian National Council issued a statement affirming that the Free Syrian Army ''deserve[s] the backing of all supporters of human rights in Syria'' and applauding the decision of FSA officers to ''risk their lives and those of their families because they believe in Syria and have lost faith in the Assad doctrine'';

Whereas, on March 12, 2012, the Syrian National Council, through its spokesperson, called for ''military intervention by Arab and Western countries to protect civilians'' in Syria, and endorsed the arming of the Free Syrian Army;

Whereas, on March 16, 2012, opposition activists inside Syria staged protests calling for ''immediate military intervention by the Arabs and Muslims, followed by the rest of the world'';

Whereas, on February 24, 2012, the Foreign Minister of Saudi Arabia, Saud bin Feisal, called providing weapons to the Syrian opposition ''an excellent idea...because they have to protect themselves'';

Whereas, on February 27, 2012, the Prime Minister of Qatar, Sheikh Hamad bin Jassim al Thani, said of the Syrian opposition, ''I think we should do whatever is necessary to help them, including giving them weapons to defend themselves.'';

Whereas, on March 1, 2012, the parliament of Kuwait voted overwhelmingly on a resolution calling on the Government of Kuwait to support the Syrian opposition, including by providing weapons;

Whereas, on March 16, 2012, Prime Minister Recep Tayyip Erdogan of Turkey said that the Government of Turkey was considering setting up a ''security'' or ''buffer zone'' along its border with Syria;

Whereas, on December 22, 2010, the Senate passed Senate Concurrent Resolution 71 (112th Congress), a bipartisan resolution recognizing that it is in the national interest of the United States to prevent and mitigate acts of genocide and other mass atrocities against civilians;

Whereas, on August 4, 2011, President Barack Obama issued Presidential Study Directive–10 (PSD–10), stating, ''Preventing mass atrocities and genocide is a core national security interest and a core moral responsibility of the United States.'';

Whereas, on May 18, 2011, President Obama signed Executive Order 13573, targeting senior officials of the Government of Syria due to the Government's continuing escalation of violence against the people of Syria;

Whereas, on April 29, 2011, President Obama signed Executive Order 13572, imposing sanctions on certain individuals and entities in the annex to the order and providing the authority to designate persons responsible for human rights abuses in Syria, including those related to repressing the people of Syria;

Whereas, on February 4, 2012, President Obama stated that Bashar al-Assad ''has no right to lead Syria and has lost all legitimacy with his people and the international community'';

Whereas, on February 17, 2012, the Senate passed Senate Resolution 379 (112th Congress), stating that the ''gross human rights violations perpetuated by the Government of Syria against the people of Syria represent a grave risk to regional peace and stability'';

Whereas, on February 28, 2012, Secretary of State Clinton, in testimony before the Subcommittee on the Department of State, Foreign Operations, and Related Programs of the Committee on Appropriations of the Senate concerning Bashar al- Assad, testified that, ''based on the definitions of war criminal and crimes against humanity, there would be an argument to be made that he would fit into that category'';

Whereas, on March 1, 2012, Admiral James Stavridis, commander of United States European Command and Supreme Allied Commander of NATO, during testimony before the Committee on Armed Services of the Senate, agreed with the statement that ''the provision of arms, communication equipment, and tactical intelligence'' would ''help the Syrian opposition to better organize itself and push Assad from power'';

Whereas, on March 6, 2012, General James Mattis, commander of United States Central Command, testified before the Committee on Armed Services of the Senate that Bashar al-Assad will ''continue to employ heavier and heavier weapons on his people'';

Whereas, on March 6, 2012, General Mattis testified before the Committee on Armed Services of the Senate that there is ''a full throated effort by Iran to keep Assad there and oppressing his own people'' in Syria, including ''providing the kinds of weapons that are being used right now to suppress the opposition,'' as well as ''listening capability, eavesdropping capability...and experts who I could only say are experts at oppressing'';

Whereas, on March 6, 2012, General Mattis testified before the Committee on Armed Services of the Senate that the fall of the Bashar al-Assad regime would represent ''the biggest strategic setback for Iran in 25 years''; and

Whereas the continuing gross human rights violations against the people of Syria represent a grave risk to regional peace and stability: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the mass atrocities and severe human rights abuses being perpetrated against the people of Syria by Bashar al-Assad and his followers;

(2) recognizes that the people of Syria have an inherent right to defend themselves against the campaign of violence being conducted by the Assad regime;

(3) supports calls by Arab leaders to provide the people of Syria with the means to defend themselves against Bashar al-Assad and his forces, including through the provision of weapons and other material support, and calls on the President to work closely

with regional partners to implement these efforts effectively;

(4) urges the President to take all necessary precautions to ensure that any support for the Syrian opposition does not benefit individuals in Syria who are aligned with al Qaeda or associated movements, or who have committed human rights abuses;

(5) affirms that the establishment of safe havens for people from Syria, as contemplated by governments in the Middle East, would be an important step to save Syrian lives and to help bring an end to Mr. Assad's killing of civilians in Syria, and calls on the President to consult urgently and thoroughly with regional allies on whether, how, and where to create such safe havens;

(6) urges the President, as part of an international effort to hold senior officials in Syria accountable for mass atrocities—

(A) to gather information about such mass atrocities, including gross human rights violations, use of force against civilians, torture, extrajudicial killings, arbitrary executions, sexual violence, and interference with access to medical treatment; and

(B) to continue to take actions to ensure that senior officials in the Government of Syria and other individuals responsible for mass atrocities in Syria are held accountable, including by using the authority provided under Executive Order 13572 and Executive Order 13573 to designate additional individuals;

(7) urges the Atrocities Prevention Board, once it is formally constituted by the President as called for in Presidential Study Directive–10, to provide recommendations concerning measures to prevent continued mass atrocities in Syria; and

(8) commends the establishment of the ''Friends of the Syrian People'' Contact Group and other international diplomatic efforts to end the violence and support a peaceful transition to democracy in Syria, and reaffirms the necessity of the departure from power of Bashar al-Assad.

SENATE RESOLUTION 425—DESIGNATING APRIL 23, 2012, AS ''NATIONAL ADOPT A LIBRARY DAY''

Mr. WEBB (for himself, Ms. SNOWE, Mr. WARNER, Mr. BROWN of Ohio, and Mr. COCHRAN) submitted the following resolution; which was considered and agreed to:

S. RES. 425

Whereas libraries are an essential part of the communities and the national system of education in the United States;

Whereas the people of the United States benefit significantly from libraries that serve as an open place for people of all ages and backgrounds to use books and other resources that offer pathways to learning, self-discovery, and the pursuit of knowledge;

Whereas libraries in the United States depend on the generous donations and support of individuals and groups to ensure that people who are unable to purchase books still have access to a wide variety of resources;

Whereas certain nonprofit organizations facilitate the donation of books to schools and libraries across the United States to extend the joy of reading to millions of people of the United States and to prevent used books from being thrown away;

Whereas libraries in the United States have provided valuable resources to individuals who are affected by the economic crisis by encouraging continued education and job training;

Whereas libraries are increasingly being used as a resource for those seeking the tools and information to enter or reenter the workforce; and

Whereas several States that recognize the importance of libraries and reading have adopted resolutions commemorating April 23 as ''Adopt a Library Day'': Now, therefore, be it

Resolved, That the Senate—

(1) designates April 23, 2012, as ''National Adopt a Library Day'';

(2) honors the organizations that facilitate donations to schools and libraries;

(3) urges all people of the United States who own unused books to donate the books to local libraries;

(4) strongly supports children and families who take advantage of the resources provided by schools and libraries; and

(5) encourages the people of the United States to observe ''National Adopt A Library Day'' with appropriate ceremonies and activities.

SENATE RESOLUTION 426—CONGRATULATING THE LADY BEARS OF BAYLOR UNIVERSITY ON WINNING THE 2012 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I WOMEN'S BASKETBALL CHAMPIONSHIP

Mrs. HUTCHISON (for herself and Mr. CORNYN) submitted the following resolution; which was considered and agreed to:

S. RES. 426

Whereas the Baylor University women's basketball team, the Lady Bears, won its second National Collegiate Athletic Association Division I Women's Basketball Championship by defeating the University of Notre Dame by a score of 80 to 61, becoming the only team in men's and women's college basketball to finish the season with a perfect undefeated record of 40–0;

Whereas the Lady Bears' 2011–2012 season marked only the 7th undefeated season in the history of Division I women's college basketball;

Whereas Coach Kim Mulkey is the only woman in women's basketball history to have played on and coached a national championship team;

Whereas Coach Mulkey brought the Lady Bears its 2d national championship since 2005, with a starting lineup that included Brittney Griner, Destiny Williams, Odyssey Sims, Kimetria Hayden, and Jordan Madden;

Whereas All-American junior Brittney Griner led the Lady Bears to victory with 26 points, 13 rebounds, and 5 blocks in a dominating performance over the University of Notre Dame and finished the 2011–2012 season with more than 920 points;

Whereas the members of the Lady Bears basketball team should all be commended for their teamwork, dedication, and athletic prowess;

Whereas Baylor University as 2011–2012 women's basketball national champions, has continued to demonstrate excellence in both athletics and academics;

Whereas the Lady Bears basketball team has significantly advanced the sport of women's basketball by demonstrating character and sportsmanship;

Whereas the Lady Bears overcame significant adversity and competition by defying expectations to finish the season with a dominating performance in the final title game and a perfect undefeated record of 40–0;

Whereas the accomplishments of the Lady Bears are another testament to the strength and will of women across the State of Texas; and

Whereas the Lady Bears basketball team is the pride of its loyal fans, current and former students, and the Lone Star State: Now, therefore, be it

Resolved, That the Senate congratulates the Lady Bears of Baylor University on winning the 2012 National Collegiate Athletic Association Division I Women's Basketball Championship and completing the 2011–2012 season with an undefeated record of 40 wins and 0 losses.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2033. 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.

SA 2034. Mr. AKAKA (for himself, Mr. INOUYE, Mr. HARKIN, Mrs. MURRAY, Mr. FRANKEN, Mr. LEAHY, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2035. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2036. Mr. PRYOR (for himself, Mr. BEGICH, Mr. SANDERS, and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2037. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2038. 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 2039. 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 2040. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2041. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2042. Mr. CASEY (for himself, Mr. BROWN of Ohio, Mr. SANDERS, Mr. BAUCUS, Mr. LEAHY, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2043. Mr. UDALL, of New Mexico (for himself, Mr. SANDERS, Mrs. MCCASKILL, and Mr. BROWN of Ohio) submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2044. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2045. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2046. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2047. 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 2048. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2049. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2050. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2051. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2052. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2053. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2054. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2055. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2056. Mr. TESTER (for himself, Mr. FRANKEN, Mr. LEVIN, Mr. PRYOR, Mr. WYDEN, Ms. STABENOW, Mr. BEGICH, Mrs. SHAHEEN, and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2057. Mr. UDALL, of New Mexico (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2058. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2059. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2060. Mr. COBURN (for himself, Mr. JOHNSON of Wisconsin, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2061. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2062. Mr. MERKLEY (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2063. 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 2064. 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 2065. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2066. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2067. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2068. Mr. WYDEN (for himself, Mr. MERKLEY, Mr. TESTER, and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2069. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2070. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2071. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2072. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2073. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2074. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2075. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2076. Mr. BINGAMAN 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 2033. 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:

At the end, add the following:

TITLE V—COMMISSION ON POSTAL REORGANIZATION

SEC. 501. SHORT TITLE.

This title may be cited as the ''Commission on Postal Reorganization Act'' or the ''CPR Act''.

SEC. 502. 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. 503. 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 title.

(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 title. 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 title. 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 504(d)(3).

SEC. 504. 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 title;

(B) a proposed schedule under which—

(i) closures and consolidations of postal retail facilities would be carried out under this title; and

(ii) all closures and consolidations of postal retail facilities under this title 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 title;

(B) a proposed schedule under which—

(i) closures and consolidations of mail processing facilities would be carried out under this title; and

(ii) all closures and consolidations of mail processing facilities under this title 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 title;

(B) a proposed schedule under which—

(i) closures and consolidations of area and district offices would be carried out under this title; and

(ii) all closures and consolidations of area and district offices under this title 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. 505. 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 504(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 506, 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 504(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 506, 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. 506. CONGRESSIONAL CONSIDERATION OF FINAL CPR REPORTS.

(a) TERMS OF THE RESOLUTION.—For purposes of this title, the term ''joint resolution'', as used with respect to a report under section 504(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 504(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. 507. NONAPPEALABILITY OF DECISIONS.

(a) TO PRC.—The closing or consolidation of any facility or office under this title 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. 508. RULES OF CONSTRUCTION.

(a) CONTINUED AVAILABILITY OF AUTHORITY TO CLOSE OR CONSOLIDATE POSTAL FACILITIES.—

(1) IN GENERAL.—Nothing in this title 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 title.

(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 title.

(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 title; and

(B) shall not be taken into account for purposes of carrying out section 503 or 504.

(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. 509. REPEALS.

Sections 202, 203, 204, and 205 of this Act, and the amendments made by those sections, shall have no force or effect.

SA 2034. Mr. AKAKA (for himself, Mr. INOUYE, Mr. HARKIN, Mrs. MURRAY, Mr. FRANKEN, Mr. LEAHY, and Mrs. SHAHEEN) 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 title III and insert the following:

TITLE III—FEDERAL EMPLOYEES' COMPENSATION ACT

SEC. 301. SHORT TITLE.

This title may be cited as the ''Federal Workers' Compensation Modernization and Improvement Act''.

SEC. 302. PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE NURSES.

(a) DEFINITION OF MEDICAL SERVICES.—Section 8101(3) of title 5, United States Code, is amended—

(1) by striking ''law. Reimbursable'' and inserting ''law (reimbursable''; and

(2) by inserting before the semicolon, the following: '', and medical services may include treatment by a physician assistant or advanced practice nurse, such as a nurse practitioner, within the scope of their practice as defined by State law, consistent with regulations prescribed by the Secretary of Labor)''.

(b) MEDICAL SERVICES AND OTHER BENEFITS.—Section 8103 of title 5, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a), the following:

''(b) Medical services furnished or prescribed pursuant to subsection (a) may include treatment by a physician assistant or advanced practice nurse, such as a nurse practitioner, within the scope of their practice as defined by State law, consistent with regulations prescribed by the Secretary of Labor.''.

(c) CERTIFICATION OF TRAUMATIC INJURY.—Section 8121(6) of title 5, United States Code, is amended by inserting before the period, the following: ''(except that in a case of a traumatic injury, a physician assistant or advanced practice nurse, such as a nurse practitioner, within the scope of their practice as defined by State law, may also provide certification of such traumatic injury and related disability during the continuation of pay period covered by section 8118, in a manner consistent with regulations prescribed by the Secretary of Labor)''.

SEC. 303. 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''.

SEC. 304. DISFIGUREMENT.

Section 8107(c)(21) of title 5, United States Code—

(1) by striking ''For'' and inserting the following: ''(A) Except as provided under subparagraph (B), for''; and

(2) by adding at the end the following:

''(B) Notwithstanding subparagraph (A), for an injury occurring during the 3-year period prior to the date of enactment of the Federal Workers' Compensation Modernization and Improvement Act for which the Secretary of Labor has not made a compensation determination on disfigurement under subparagraph (A), or for an injury occurring

on or after the date of enactment of such Act resulting in a serious disfigurement of the face, head, or neck, proper and equitable compensation in proportion to the severity of the disfigurement, not to exceed $50,000, as determined by the Secretary, shall be awarded in addition to any other compensation payable under this schedule. The applicable maximum compensation for disfigurement provided under this subparagraph shall be adjusted annually on March 1 in accordance with the percentage amount determined by the cost of living adjustment in section 8146a.''.

SEC. 305. SOCIAL SECURITY EARNINGS INFORMATION.

Section 8116 of title 5, United States Code, is amended by adding at the end the following:

''(e) Notwithstanding any other provision of law, the Secretary of Labor may require, as a condition of receiving any benefits under this subchapter, that a claimant for such benefits consent to the release by the Social Security Administration of the Social Security earnings information of such claimant.''.

SEC. 306. CONTINUATION OF PAY IN A ZONE OF ARMED CONFLICT.

Section 8118 of title 5, United States Code, is amended—

(1) in subsection (b), by striking ''Continuation'' and inserting ''Except as provided under subsection (e)(2), continuation'';

(2) in subsection (c), by striking ''subsections (a) and (b)'' and inserting ''subsections (a) and (b) or subsection (e),'';

(3) in subsection (d), by striking ''subsection (a)'' and inserting ''subsection (a) or (e)'';

(4) by redesignating subsection (e) as subsection (f); and

(5) by inserting after subsection (d) the following:

''(e) 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 as defined in section 8101(1) of this title (other than those referred to in subparagraph (B) or (E)), who has filed a claim for a period of wage loss due to traumatic injury in performance of duty in a zone of armed conflict (as so determined by the Secretary of Labor under paragraph (3)), as long as the employee files a claim for such wage loss benefit with his immediate superior not later than 45 days following termination of assignment to the zone of armed conflict or return to the United States, whichever occurs later.

''(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 that term is defined in section 202(7) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4302(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 (26 U.S.C. 112(c));

''(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.''.

SEC. 307. SUBROGATION OF CONTINUATION OF PAY.

(a) SUBROGATION OF THE UNITED STATES.—Section 8131 of title 5, United States Code, is amended—

(1) in subsection (a), by inserting ''continuation of pay or'' before ''compensation''; and

(2) in subsection (c), by inserting ''continuation of pay or'' before ''compensation already paid''.

(b) ADJUSTMENT AFTER RECOVERY FROM A THIRD PERSON.—Section 8132 of title 5, United States Code, is amended—

(1) by inserting ''continuation of pay or'' before ''compensation'' the first, second, fourth, and fifth place it appears;

(2) by striking ''in his behalf'' and inserting ''on his behalf''; and

(3) by inserting ''continuation of pay and'' before ''compensation'' the third place it appears.

SEC. 308. FUNERAL EXPENSES.

Section 8134 of title 5, United States Code, is amended—

(1) in subsection (a), by striking ''If'' and inserting ''Except as provided in subsection (b), if'';

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

''(b) Notwithstanding subsection (a), for deaths occurring on or after the date of enactment of the Federal Workers' Compensation Modernization and Improvement Act, if death results from an injury sustained in the performance of duty, the United States shall pay, to the personal representative of the deceased or otherwise, funeral and burial expenses not to exceed $6,000, in the discretion of the Secretary of Labor. The applicable maximum compensation for burial expenses provided under this subsection shall be adjusted annually on March 1 in accordance with the percentage amount determined by the cost of living adjustment in section 8146a.''.

SEC. 309. EMPLOYEES' COMPENSATION FUND.

Section 8147 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''except administrative expenses'' and inserting ''including administrative expenses''; and

(B) by striking the last 2 sentences; and

(2) in subsection (b)—

(A) in the first sentence, by inserting before the period ''and an estimate of a prorata share of the amount of funds necessary to administer this subchapter for the fiscal year beginning in the next calendar year''; and

(B) in the second sentence, by striking ''costs'' and inserting ''amount set out in the statement of costs and administrative expenses furnished pursuant to this subsection''.

SEC. 310. CONFORMING AMENDMENT.

Section 8101(1)(D) of title 5, United States Code, is amended by inserting before the semicolon ''who suffered an injury on or prior to March 3, 1979''.

SEC. 311. EFFECTIVE DATE.

Except as otherwise provided, this title and the amendments made by this title, shall take effect 60 days after the date of enactment of this Act.

SEC. 312. PAYGO COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SA 2035. Mr. AKAKA 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 title III.

SA 2036. Mr. PRYOR (for himself, Mr. BEGICH, Mr. SANDERS, and Mr. MERKLEY) 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. ___. SENSE OF THE SENATE.

It is the sense of the Senate that the Postal Service should not close or consolidate any postal facility (as defined in section 404(f) of title 39, United States Code, as added by this Act) or post office before the date of enactment of this Act.

SA 2037. Mr. DURBIN 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 35, line 16, strike the quotation marks and the second period and insert the following:

''(10) PROHIBITION ON CLOSING, CONSOLIDATION, AND REDUCTION IN WORKFORCE.—

''(A) IN GENERAL.—If the Postal Service conducted an area mail processing study after June 1, 2001 with respect to a postal facility which was terminated or concluded that no significant cost savings or efficiencies would result from closing, consolidating, or reducing the number of employees of the postal facility, the Postal Service may not—

''(i) close the postal facility;

''(ii) consolidate the postal facility; or

''(iii) involuntarily separate an employee of the postal facility from service, except for removal for cause on charges of misconduct or delinquency.

''(B) APPLICATION.—Subparagraph (A) shall apply with respect to a postal facility that was not closed or consolidated before May 15, 2012, without regard to the conclusions of any area mail processing study conducted with respect to the postal facility after the publication of an area mail processing study described in subparagraph (A).''.

SA 2038. 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 POSTAL SERVICE MONOPOLY ON FIRST-CLASS MAIL AND MAILBOX USE.

(a) ENDING THE FIRST-CLASS MAIL MONOPOLY.—

(1) TITLE 18.—Chapter 83 of title 18, United States Code, is amended by striking sections 1694, 1695, 1696, and 1697.

(2) TITLE 39.—Chapter 6 of title 39, United States Code, is amended—

(A) by striking sections 601 and 602; and

(B) by adding at the end the following:

"§ 607. Limitation on authorization for searches, seizures, detention, inspections, and examinations of mail matter

''(a) LIMITATION RELATING TO PRIVATE PROPERTY.—Subject to subsection (b), and notwithstanding sections 603, 604, 605, and 606, or any other provision of law, the Postal Service, and any authorized officer or employee of the Postal Service, may not search, seize, detain, inspect, or examine any mail matter that is located on private property or in a private vehicle.

''(b) EXCEPTION.—The prohibition under subsection (a) shall not apply to mail matter that—

''(1) an individual voluntarily places in—

''(A) the mail; or

''(B) a letter box or post office box; or

''(2) is otherwise placed in the possession of the Postal Service before the mail matter is searched, seized, detained, inspected, or examined by the Postal Service or any authorized officer or employee of the Postal Service.''.

(b) 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''.

(c) REGULATIONS.—The Postal Service shall prescribe such regulations as may be necessary to carry out the amendments made by this section.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TITLE 18.—The table of sections for chapter 83 of title 18, United States Code, is amended by striking the items relating to sections 1694, 1695, 1696, and 1697.

(2) TITLE 39.—The table of sections for chapter 6 of title 39, United States Code, is amended—

(A) by striking the items relating to sections 601 and 602; and

(B) by adding at the end the following:

''607. Limitation on authorization for searches, seizures, detention, inspections, and examinations of mail matter.''.

(3) OTHER TECHNICAL AND CONFORMING AMENDMENTS.—Not later than 90 days after the date of enactment of this Act, the Postal Service shall submit to Congress a list of any technical and conforming amendments that are necessary to carry out the amendments made by this section.

SA 2039. 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 I, add the following:

SEC. 107. PROHIBITION ON COLLECTIVE BARGAINING.

(a) IN GENERAL.—Section 1206 of title 39 is amended to read as follows:

"§ 1206. Prohibition on collective-bargaining agreements

''The Postal Service may not enter into a collective-bargaining agreement with any labor organization.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 12 of title 39, United States Code, is amended—

(1) in section 1202—

(A) in the section heading, by striking ''**Bargaining units**'' and inserting ''**Employee organizations**'';

(B) by striking the first sentence; and

(C) by striking ''The National Labor Relations Board shall not include in any bargaining unit—'' and inserting ''An organization of employees of the United States Postal Service shall not include—'';

(2) in section 1203, by striking subsections (c), (d), and (e);

(3) in section 1204(a), by striking ''shall be conducted under the supervision of the National Labor Relations Board, or persons designated by it, and'';

(4) in section 1205(a), by striking ''not subject to collective-bargaining agreements'';

(5) by striking sections 1207, 1208, and 1209; and

(6) in the table of sections—

(A) by striking the item relating to section 1202 and inserting the following:

''1203. Employee organizations.''; and

(B) by striking the items relating to sections 1206, 1207, 1208, and 1209 and inserting the following:

''1206. Prohibition on collective-bargaining agreements.''.

SA 2040. Mr. CARDIN 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 35, line 16, strike the quotation marks and the second period and insert the following:

''(10) PROHIBITION.—Notwithstanding any other provision of this subsection, the Postal Service may not close or consolidate a postal facility that is more than 50 miles from the nearest postal facility.''.

SA 2041. Mr. MANCHIN 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. ___. MORATORIUM ON CLOSING AND CONSOLIDATING POSTAL FACILITIES.

(a) DEFINITION.—In this section, the term ''postal facility'' has the same meaning as in section 404(f) of title 39, United States Code, as added by this section.

(b) MORATORIUM.—Notwithstanding subsection (f) of section 404 of title 39, United States Code, as added by this section, or any other provision of law, during the 2-year period beginning on the date of enactment of this Act, the Postal Service may not close or consolidate a postal facility.

SA 2042. Mr. CASEY (for himself, Mr. BROWN of Ohio, Mr. SANDERS, Mr. BAUCUS, Mr. LEAHY, and Mrs. MCCASKILL) 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. ___. MAINTENANCE OF DELIVERY SERVICE STANDARDS.

(a) IN GENERAL.—

(1) DEFINITION.—In this subsection, the term ''2011 market-dominant product service standards'' means the expected delivery time for market-dominant products entered into the network of sectional center facilities that existed on September 15, 2011, under part 121 of title 39, Code of Federal Regulations (as in effect on March 14, 2010).

(2) MAINTENANCE OF DELIVERY TIME.—Notwithstanding subsections (a), (b), and (c) of section 3691 of title 39, United States Code, the Postal Service may not increase the expected delivery time for market-dominant products, relative to the 2011 market-dominant product service standards, earlier than the date that is 4 years after the date of enactment of this Act.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) POSTAL FACILITIES.—Section 404(f) of title 39, United States Code, as added by this Act, is amended—

(A) in paragraph (6)(C)—

(i) by striking ''3-year period'' and inserting ''4-year period''; and

(ii) by striking ''section 201 of''; and

(B) in paragraph (7)—

(i) in subparagraph (A), by striking '', including the service standards established under section 201 of the 21st Century Postal Service Act of 2012''; and

(ii) in subparagraph (B), by striking '', including the service standards established under section 201 of the 21st Century Postal Service Act of 2012,''.

(2) DEFINITION.—For purposes of section 206(a)(2), the term ''continental United States'' means the 48 contiguous States and the District of Columbia.

(3) SECTION 201.—Section 201 of this Act shall have no force or effect.

SA 2043. Mr. UDALL of New Mexico (for himself, Mr. SANDERS, Mrs. MCCASKILL, and Mr. BROWN of Ohio) 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. TRANSFER OF AMOUNTS FROM THE CIVIL SERVICE RETIREMENT AND DISABILITY FUND.

Section 8348(h)(2) of title 5, United States Code, is amended by striking subparagraphs (B) and (C) and inserting the following:

''(B)(i) The Office shall—

''(I) redetermine the Postal surplus or supplemental liability as of the close of each of fiscal years 2007 through 2043; and

''(II) report the results of the redetermination for each such fiscal year, including appropriate supporting analyses and documentation, to the United States Postal Service on or before June 30 of the subsequent fiscal year.

''(ii) If the result of a redetermination under clause (i) is a supplemental liability, the Office shall establish an amortization schedule, including a series of annual installments commencing on September 30 of the subsequent fiscal year, that provides for the liquidation of such liability by September 30, 2043.

''(C)(i) Subject to clause (ii), if the result of a redetermination under subparagraph (B) for any of fiscal years 2013 through 2023 is a surplus, the amount of the surplus shall be transferred to the General Fund of the Treasury.

''(ii) Not more than a total of $8,900,000 shall be transferred under clause (i).''.

SA 2044. Mr. DEMINT 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. ___. PAYCHECK PROTECTION.

(a) SHORT TITLE.—The section may be cites as the ''Paycheck Protection Act''.

(b) RIGHT NOT TO SUBSIDIZE UNION NONREPRESENTATIONAL ACTIVITIES.—Title I of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 411 et seq.) is amended by adding at the end the following:

''SEC. 106. RIGHT NOT TO SUBSIDIZE UNION NONREPRESENTATIONAL ACTIVITIES.

''No employee's union dues, fees, or assessments or other contributions shall be used or contributed to any person, organization, or entity for any purpose not directly germane to the labor organization's collective bargaining or contract administration functions unless the member, or nonmember required to make such payments as a condition of employment, authorizes such expenditure in writing, after a notice period of not less than 35 days. An initial authorization provided by an employee under the preceding sentence shall expire not later than 1 year after the date on which such authorization is signed by the employee. There shall be no automatic renewal of an authorization under this section.''.

SA 2045. Mr. DEMINT 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. ___. RIGHT-TO-WORK.

(a) SHORT TITLE.—This section may be cited as the ''National Right-to-Work Act''.

(b) AMENDMENTS TO THE NATIONAL LABOR RELATIONS ACT.—

(1) RIGHTS OF EMPLOYEES.—Section 7 of the National Labor Relations Act (29 U.S.C. 157) is amended by striking ''except to'' and all that follows through ''authorized in section 8(a)(3)''.

(2) UNFAIR LABOR PRACTICES.—Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended—

(A) in subsection (a)(3), by striking '': *Provided*, That'' and all that follows through ''retaining membership'';

(B) in subsection (b)—

(i) in paragraph (2), by striking ''or to discriminate'' and all that follows through ''retaining membership''; and

(ii) in paragraph (5), by striking ''covered by an agreement authorized under subsection (a)(3) of this section''; and

(C) in subsection (f), by striking clause (2) and redesignating clauses (3) and (4) as clauses (2) and (3), respectively.

(c) AMENDMENT TO THE RAILWAY LABOR ACT.—Section 2 of the Railway Labor Act (45 U.S.C. 152) is amended by striking paragraph Eleven.

SA 2046. Mr. DEMINT 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. ___. PAYCHECK PROTECTION.

(a) SHORT TITLE.—The section may be cites as the ''Paycheck Protection Act''.

(b) RIGHT NOT TO SUBSIDIZE UNION NONREPRESENTATIONAL ACTIVITIES.—Chapter 12 of title 39, United States Code, is amended by adding at the end the following:

''SEC. 1210. RIGHT NOT TO SUBSIDIZE UNION NONREPRESENTATIONAL ACTIVITIES.

''No Postal Service employee's labor organization dues, fees, or assessments or other contributions shall be used or contributed to any person, organization, or entity for any purpose not directly germane to the labor organization's collective bargaining or contract administration functions unless the member, or nonmember required to make such payments as a condition of employment, authorizes such expenditure in writing, after a notice period of not less than 35 days. An initial authorization provided by an employee under the preceding sentence shall expire not later than 1 year after the date on which such authorization is signed by the employee. There shall be no automatic renewal of an authorization under this section.''.

SA 2047. 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 closing 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 the closing 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 closing or consolidation; and

''(B) the commissioner (or equivalent official) of any county or parish affected by the closing 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) 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 closing 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.

''(d) 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 closing 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 closing or consolidation of the relevant post office or postal facility.

''(e) TERMINATION OF SERVICE.—An individual may not serve as a citizen's service protection advocate with respect to the closing 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; and

''(2) the date on which the Postal Service determines to close or consolidate the rural post office or postal facility.''.

(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) APPEAL TO THE POSTAL REGULATORY COMMISSION.—

(1) POSTAL FACILITIES.—Section 404(f)(7) of title 39, United States Code, as added by this Act, is amended by inserting ''or with the requirements of section 417 of this title'' after ''2012'' each place that term appears.

(2) POST OFFICES.—Section 404(d)(5)(C) of title 39, United States Code, as amended by this Act, is amended by inserting ''or with the requirements of section 417 of this title'' after ''2012''.

(d) 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 203.

SA 2048. Mr. BENNET 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, add the following:

(g) STUDY AND STRATEGIC PLAN ON INTER-AGENCY AGREEMENTS FOR RURAL POST OFFICES.—

(1) DUTIES OF ADVISORY COMMISSION.—

(A) STUDY.—

(i) IN GENERAL.—The Advisory Commission shall conduct a study concerning the advisability of the Postal Service entering into inter-agency agreements with Federal, State, and local agencies, with respect to rural post offices, that—

(I) streamline services provided by the Federal, State, and local agencies;

(II) decrease the costs of the Federal, State, and local agencies; and

(III) maintain the customer service standards of the Federal, State, and local agencies.

(ii) CLARIFICATION OF INTER-AGENCY AGREEMENTS.—The study under clause (i) shall include consideration of the advisability of the Postal Service entering into an inter-agency agreement with—

(I) the Bureau of the Census for the provision of personnel and resources for the 2020 decennial census;

(II) the Social Security Administration for the provision of social security cards;

(III) the department of motor vehicles, or an equivalent agency, of each State for the provision of driver licenses, vehicle registration, and voter registration; and

(IV) the division of wildlife, the department of natural resources, or an equivalent agency, of each State for the provision of hunting and fishing licenses.

(B) STRATEGIC PLAN.—Upon completion of the study under subparagraph (A), the Advisory Commission shall develop a strategic plan for entering into inter-agency agreements concerning rural post offices.

(C) REPORT.—Not later than 1 year after the date of enactment of this Act, the Advisory Commission shall submit to the Postal Service a report that contains the results of the study under subparagraph (A) and the strategic plan under subparagraph (B).

(2) POSTAL SERVICE STRATEGIC PLAN.—

(A) IN GENERAL.—Not later than 6 months after the date on which the Advisory Commission submits to the Postal Service the report under paragraph (1)(C), the Postal Service shall submit to the Postal Regulatory Commission a strategic plan for entering into inter-agency agreements concerning rural post offices.

(B) LIMITATIONS.—The strategic plan submitted under subparagraph (A) shall be consistent with—

(i) the retail service standards established under section 203 of this Act; and

(ii) public interest and demand.

(C) VOTE BY POSTAL REGULATORY COMMISSION.—Not later than 60 days after the date on which the Postal Service submits the strategic plan under subparagraph (A), the Postal Regulatory Commission shall, by a majority vote of the members of the Postal Regulatory Commission—

(i) approve the strategic plan, in whole or in part; or

(ii) disapprove the strategic plan.

(D) IMPLEMENTATION BY POSTAL SERVICE.—Not later than 30 days after the date on which the Postal Regulatory Commission votes on a strategic plan under subparagraph (C), the Postal Service shall implement the strategic plan as approved by the Postal Regulatory Commission under subparagraph (C)(i).

(E) DISAPPROVAL.—If the Postal Regulatory Commission disapproves a strategic plan under subparagraph (C)(ii), not later than 90 days after the date of the disapproval the Postal Service shall develop and submit an amended strategic plan that the Postal Regulatory Commission shall vote on in accordance with subparagraph (C).

(h) TERMINATION OF THE COMMISSION.—The Advisory Commission shall terminate 90 days after the later of—

(1) the date on which the Advisory Commission submits the report on the strategic blueprint for long-term solvency under subsection (f); and

(2) the date on which the Advisory Commission submits the report on the strategic plan on inter-agency agreements for rural post offices under subsection (g).

(i)

SA 2049. Mr. AKAKA 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. SUPERVISORY AND OTHER MANAGERIAL ORGANIZATIONS.

Section 1004 of title 39, United States Code, is amended—

(1) in subsection (b), in the second sentence, by inserting ''as provided under subsection (d) and any changes in, or termination of, pay policies and schedules and fringe benefit programs for members of the supervisors' organization as provided under subsection (e)'' before the period; and

(2) in subsection (e)(1), by inserting '', or termination of,'' after ''any changes in''.

SA 2050. Mr. SCHUMER 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 48, strike line 3 and all that follows through the end of the matter between lines 5 and 6 on page 52.

SA 2051. Mr. CORKER 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 39, strike line 20 and all that follows through page 45, line 17, and insert the following:

SEC. 205. OTHER PROVISIONS.

(a) FREQUENCY OF MAIL DELIVERY.—Section 101 of title 39, United States Code, is amended by adding at the end the following:

''(h) Subject to the requirements of section 3661, nothing in this title or any other provision of law shall be construed to prevent the Postal Service from taking any action necessary to provide for a 5-day-per-week delivery schedule for mail and a commensurate adjustment in the schedule for rural delivery of mail.''.

(b) OVERALL VALUE OF FRINGE BENEFITS.—Section 1005(f) of title 39, United States Code, is amended by striking the last sentence.

(c) MODERN RATE REGULATION.—Section 3622(d) of title 39, United States Code, is repealed.

(d) DELIVERY SERVICE STANDARDS AND MAIL PROCESSING.—Sections 201 and 202 of this Act, and the amendments made by those sections, shall have no force or effect.

(e) HISTORIC POST OFFICES.—Section 404(d) of title 39, United States Code, is amended by adding at the end the following:

''(7)(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.

SA 2052. Mr. CORKER 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 402 and insert the following:

SEC. 402. MINIMUM COST COVERAGE FOR MARKET-DOMINANT PRODUCTS.

Section 3622(d)(1) of title 39, United States Code, is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(F) require that each class of domestic or outbound international mail bear the costs that are the sum of—

''(i) the direct and indirect postal costs attributable to the class of mail through reliably identified causal relationships; and

''(ii) that portion of all costs of the Postal Service other than the costs described in clause (i) that are reasonably assignable to the class of mail.''.

SA 2053. Mr. CORKER 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 39, strike line 20 and all that follows through page 45, line 17, and insert the following:

SEC. 205. HISTORIC POST OFFICES.

(a) REPEALS.—Sections 201 and 202 of this Act, and the amendments made by those sections, shall have no force or effect.

(b) HISTORIC POST OFFICES.—Section 404(d) of title 39, United States Code, is amended by adding at the end the following:

''(7)(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.

SA 2054. Mr. CORKER 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. ____. ALLOWANCE FOR VOLUME CHANGES IN ESTABLISHING THE PRICE CAP FOR BULK MARKET–DOMINANT PRODUCTS.

Section 3622(d)(1) of title 39, United States Code, is amended by striking subparagraph (A) and inserting the following:

''(A) include an annual limitation on the percentage changes in rates to be set by the Postal Regulatory Commission that—

''(i) except as provided in clause (ii), will be equal to the change in the Consumer Price Index for All Urban Consumers unadjusted for seasonal variation over the most recent available 12-month period preceding the date the Postal Service files notice of its intention to increase rates; and

''(ii) for bulk products, shall be the rate described in clause (i), adjusted to reflect any estimated changes in unit costs due solely to changes in the volume of such products entered into the mail;''.

SA 2055. Mr. CORKER 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 23, strike lines 7 through 24 and insert the following:

SEC. 106. 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.''.

SA 2056. Mr. TESTER (for himself, Mr. FRANKEN, Mr. LEVIN, Mr. PRYOR, Mr. WYDEN, Ms. STABENOW, Mr. BEGICH, Mrs. SHAHEEN, and Ms. MIKULSKI) 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 205(a) and insert the following:

(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—

''(I) 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; and

''(II) the retail service standards established under section 203 of the 21st Century Postal Service Act of 2012;

''(iv) the extent to which the community served by the post office lacks access to Internet, broadband and cellular phone service;

''(v) whether substantial economic savings to the Postal Service would result 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, branch, or facility may be appealed by any person served by such office, station, branch, or facility 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) inconsistent with the delivery service standards required to be maintained under section 201 of the 21st Century Postal Service Act of 2012 or 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, including that substantial economic savings are likely to be achieved as a result of the closing or consolidation.

The Commission may affirm or reverse 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 determination of the Postal Service shall be suspended 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.''.

SA 2057. Mr. UDALL of New Mexico (for himself and Mr. BINGAMAN) 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 32, line 2, insert ''within a district'' after ''locality''.

SA 2058. Mr. COBURN (for himself and Mr. MCCAIN) 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 131, strike lines 21 through 23 and insert the following:

''(iv) to provide postal services to the community served by the post office—

''(I) through a rural carrier; or

''(II) by co-locating an employee of the Postal Service at a commercial or government entity;

SA 2059. Mr. COBURN (for himself and Mr. MCCAIN) 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 121, strike line 22 and all that follows through page 128, line 10, and insert the following:

SEC. 201. POSTAL POLICY AND POWERS OF THE POSTAL SERVICE.

(a) POSTAL POLICY.—Section 101(b) of title 39, United States Code, is amended—

(1) by striking ''a maximum degree of''; and

(2) by striking ''where post offices'' and all that follows through ''a deficit''.

(b) POWERS OF THE UNITED STATES POSTAL SERVICE.—Section 404(d)(2) of title 39, United States Code, is amended—

(1) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(2) by inserting before subparagraph (B), as so redesignated, the following:

''(A) shall give primary consideration to whether such closing or consolidation is consistent with the intent of Congress, as stated in section 101(b), that the Postal Service shall provide effective and regular postal services to rural areas, communities, and small towns;''; and

(3) in subparagraph (B), as so redesignated—

(A) by striking clause (iii); and

(B) by redesignating clauses (iv) and (v) as clauses (iii) and (iv), respectively.

SA 2060. Mr. COBURN (for himself, Mr. JOHNSON of Wisconsin, and Mr. MCCAIN) 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. ____. GOVERNMENT SPONSORED CONFERENCES.

(a) TRAVEL EXPENSES OF FEDERAL AGENCIES RELATING TO CONFERENCES.—

(1) LIMITATIONS AND REPORTS ON TRAVEL EXPENSES TO CONFERENCES.—Chapter 57 of title 5, United States Code, is amended by inserting after section 5711 the following:

''§ 5712. Limitations and reports on travel expenses to conferences

''(a) In this section, the term—

''(1) 'conference' means a meeting that—

''(A) is held for consultation, education, or discussion;

''(B) is not held entirely at an agency facility;

''(C) involves costs associated with travel and lodging for some participants; and

''(D) is sponsored by 1 or more agencies, 1 or more organizations that are not agencies, or a combination of such agencies or organizations; and

''(2) 'international conference' means a conference attended by representatives of —

''(A) the United States Government; and

''(B) any foreign government, international organization, or foreign nongovernmental organization.

''(b) No agency may pay the travel expenses for more than 50 employees of that agency who are stationed in the United States, for any international conference occurring outside the United States, unless the Secretary of State determines that attendance for such employees is in the national interest.

''(c) At the beginning of each quarter of each fiscal year, each agency shall post on the public Internet website of that agency a report on each conference for which the agency paid travel expenses during the preceding 3 months that includes—

''(1) the itemized expenses paid by the agency, including travel expenses, the cost of scouting for and selecting the location of the conference, and any agency expenditures to otherwise support the conference;

''(2) the primary sponsor of the conference;

''(3) the location of the conference;

''(4) in the case of a conference for which that agency was the primary sponsor, a statement that—

''(A) justifies the location selected;

''(B) demonstrates the cost efficiency of the location; and

''(C) provides a cost benefit analysis of holding a conference rather than conducting a teleconference;

''(5) the date of the conference;

''(6) a brief explanation how the conference advanced the mission of the agency;

''(7) the title of any Federal employee or any individual who is not a Federal employee whose travel expenses or other conference expenses were paid by the agency; and

''(8) the total number of individuals whose travel expenses or other conference expenses were paid by the agency.

''(d) Each report posted on the public Internet website under subsection (c) shall—

''(1) be in a searchable electronic format; and

''(2) remain on that website for at least 5 years after the date of posting.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 57 of title 5, United States Code, is amended by inserting after the item relating to section 5711 the following:

''5712. Limitations and reports on travel expenses to conferences.''.

(b) LIMITATIONS ON ANNUAL TRAVEL EXPENSES.—

(1) IN GENERAL.—In the case of each of fiscal years 2012 through 2016, an agency (as defined under section 5701(1) of title 5, United States Code) may not make, or obligate to make, expenditures for travel expenses, in an aggregate amount greater than 80 percent of the aggregate amount of such expenses for fiscal year 2010.

(2) IDENTIFICATION OF TRAVEL EXPENSES.—Not later than September 1, 2012 and after consultation with the Administrator of General Services and the Director of the Administrative Office of the United States Courts, the Director of the Office of Management and Budget shall establish guidelines for the determination of what expenses constitute travel expenses for purposes of this subsection. The guidelines shall identify specific expenses, and classes of expenses, that are to be treated as travel expenses.

(c) CONFERENCE TRANSPARENCY AND LIMITATIONS.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''agency'' has the meaning given under section 5701(1) of title 5, United States Code; and

(B) the term ''conference'' has the meaning given under section 5712(a)(1) of that title (as added by subsection (a)).

(2) PUBLIC AVAILABILITY OF CONFERENCE MATERIALS.—Each agency shall post on the public Internet website of that agency a detailed information on any presentation made by any employee of that agency at a conference, including—

(A) any minutes relating to the presentation;

(B) any speech delivered;

(C) any visual exhibit, including photographs or slides;

(D) any video, digital, or audio recordings of the conference; and

(E) information regarding any financial support or other assistance from a foundation or other non-Federal source used to pay or defray the costs of the conference, which shall include a certification by the head of the agency that there is no conflict of interest resulting from the support received from each such source.

(3) LIMITATION ON AMOUNT EXPENDED ON A CONFERENCE.—

(A) IN GENERAL.—No agency may expend more than $500,000 to support a single conference.

(B) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to preclude an agency from receiving financial support or other assistance from a foundation or other non-Federal source to pay or defray the costs of a conference the total cost of which exceeds $500,000.

(4) LIMITATION ON THE ANNUAL NUMBER OF CONFERENCES AN AGENCY MAY SUPPORT.—No agency may expend funds on more than a single conference sponsored or organized by an organization during any fiscal year, unless the agency is the primary sponsor and organizer of the conference.

SA 2061. Mr. COBURN (for himself and Mr. MCCAIN) 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. ___. REQUIREMENT FOR RETIREMENT-ELIGIBLE EMPLOYEES OF THE POSTAL SERVICE TO RETIRE.

(a) DEFINITION.—In this section, the term ''retirement-eligible employee''—

(1) means an employee of the Postal Service who meets the age and service requirements to retire on an immediate annuity under section 8336 or 8412 of title 5, United States Code; and

(2) does not include an individual described in section 8336(d) or 8412(g) of title 5, United States Code.

(b) PROHIBITION.—On and after the date that is 90 days after the date of enactment of this Act, a retirement-eligible employee may not perform service as an employee of the Postal Service.

SA 2062. Mr. MERKLEY (for himself and Mrs. MCCASKILL) 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. ___. 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.''.

SA 2063. 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:

On page 88, strike line 4 and all that follows through page 90, line 3, and insert the following:

''(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).

SA 2064. 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:

On page 134, between lines 16 and 17, 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 2065. Mr. CARPER 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 140, between lines 16 and 17, insert the following:

(d) TEMPORARY AUTHORITY TO ADJUST FIRST-CLASS MAIL STAMP RATE.—

(1) AUTHORITY.—Notwithstanding the annual limitation on the percentage changes in rates established under section 3622(d)(1)(A) of title 39, United States Code, the Postal Service may, not later than 3 years after the date of enactment of this Act, establish a rate for the first ounce of a single-piece first-class letter that is not more than the greater of—

(A) 50 cents; or

(B) the rate otherwise authorized to be established under section 3622 of title 39, United States Code.

(2) IMPLEMENTATION.—Not later than 90 days after the date of enactment of this Act, the Postal Service, in consultation with the Commission, shall establish a projected annual schedule for the increase in the rate for the first ounce of a single-piece first-class letter authorized under paragraph (1) using—

(A) any authority to increase rates that the Postal Service expects to receive under section 3622(d)(1)(A) of title 39, United States Code;

(B) any unused rate adjustment authority, as defined in section 3622(d)(2)(C) of title 39, United States Code, that the Postal Service anticipates using; and

(C) any actions the Postal Service plans to take to enable the Postal Service to use the authority under paragraph (1) in a predictable and stable manner.

(3) NO EFFECT ON OTHER RATES.—The Commission may not refer to or rely on a decision by the Postal Service to exercise the authority under paragraph (1) for the purpose of determining whether any other rate (including any other first-class mail rate) complies with the requirements of title 39, United States Code.

(4) DISCOUNT CALCULATION.—Section 3622(e)(1) of title 39, United States Code, is amended by inserting after ''under subsection (a)'' the following: '', except that the Commission shall not consider the rates for presorted first-class mail to be a discount from the rates for single-piece first-class mail''.

SA 2066. Mr. CARPER 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) LIMIT ON MAXIMUM COMPENSATION.—

(1) NUMBER OF EXECUTIVES.—Section 3686(c) of title 39, United States Code, is amended in the first sentence by striking ''12 officers'' and inserting ''6 officers''.

(2) INTERIM LIMITATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), and notwithstanding section 3686(c) of title 39, United States Code, as amended by this Act, for 2012, 2013, 2014, and 2015, the total compensation of an officer or employee of the Postal Service may not exceed the annual amount of basic pay payable for level I of the Executive Schedule under section 5312 of title 5.

(B) PERFORMANCE BASED COMPENSATION RELATING TO SOLVENCY PLAN.—

(i) IN GENERAL.—Any compensation relating to achieving the goals established under the plan under section 401 shall not apply toward the limit on compensation under subparagraph (A).

(ii) OTHER LIMITATIONS APPLY.—Nothing in this subparagraph shall be construed to modify the limitation on compensation under subsections (b) and (c) of section 3686 of title 39, United States Code, as amended by this Act.

(b) CARRY OVER COMPENSATION.—The Postal Service may not pay compensation for service performed during a year (in this subsection referred to as the ''base year'') in any subsequent year if the total amount of compensation provided relating to service during the base year would exceed the amount specified under section 3686(c) of title 39, United States Code, as amended by this Act, or subsection (a)(2), as applicable.

(c) BENEFITS.—Section 1003 of title 39, United States Code, is amended by adding at the end the following:

''(e) LIMITATIONS ON 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.''.

(d) EFFECTIVE DATE; APPLICABILITY.—This section and the amendments made by this section 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.

SA 2067. Mr. CARPER 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. ___. ADJUSTMENT TO METHOD FOR CALCULATING PAYMENTS BY POSTAL SERVICE TO FEDERAL EMPLOYEES' RETIREMENT SYSTEM.

Section 8423(a) of title 5, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)(i), by inserting ''or subparagraph (C)'' after ''subparagraph (B)'';

(B) in subparagraph (B)(ii), by striking the period at the end and inserting the following: ''; and''; and

(C) by adding at the end the following:

''(C) the product of—

''(i) the normal-cost percentage, as determined for employees of the United States Postal Service under paragraph (5), multiplied by

''(ii) the aggregate amount of basic pay payable by the United States Postal Service, for the period involved, to employees of the United States Postal Service.''; and

(2) by adding at the end the following:

''(5)(A) In determining the normal cost percentage for employees of the United States Postal Service, the Office shall use—

''(i) demographic factors specific to such employees, unless such data cannot be generated; and

''(ii) economic assumptions regarding increases in rates of basic pay that reflect the specific past and likely future pay increases for such employees.

''(B) Upon request of the Office, the United States Postal Service shall provide any data or projections the Office may require in order to determine the normal cost percentage for employees of the United States Postal Service consistent with subparagraph (A).

''(C) The United States Postal Service may appeal any determination by the Office to the Board of Actuaries of the Civil Service Retirement System pursuant to subsection (c) of this section.''.

SA 2068. Mr. WYDEN (for himself, Mr. MERKLEY, Mr. TESTER, and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

At the end of section 208, add the following:

(f) ELECTION PERIODS.—

(1) IN GENERAL.—Section 3691 of title 39, United States Code, is amended by adding at the end the following:

''(e) MAIL DELIVERY DURING ELECTION PERIODS.—

''(1) DEFINITION.—In this subsection, the term 'covered election' means a Federal, State, or local election in which individuals eligible to vote in the election are permitted or required to vote by mail.

''(2) IN GENERAL.—Except as provided in paragraph (3), during the 30-day period ending on the date of a covered election, the Postal Service shall provide delivery 6 days per week to each individual who is permitted or required to vote by mail (including by use of an absentee ballot) in the covered election.

''(3) EXCEPTION.—Paragraph (2) shall not apply with respect to any route for which the Postal Service provided delivery on fewer than 6 days per week as of December 1, 2011.''.

(2) CHANGE TO SCHEDULE.—A plan established under subsection (a)(2) shall comply with section 3691(e) of title 39, United States Code, as added by this subsection.

SA 2069. Mr. ALEXANDER 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 147, line 22, strike the quotation marks and the second period and insert the following:

''(4) In this subsection, the term 'laws and regulations' includes any licensing, permitting, recordkeeping, or reporting obligation.''.

SA 2070. Mr. ALEXANDER 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 147, line 22, strike the quotation marks and the second period and insert the following:

''(4) In this subsection, the term 'laws and regulations' includes any licensing, permitting, recordkeeping, or reporting obligation.''.

SA 2071. Mr. WARNER 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. ___. RETIREMENT REPORTING.

(a) DEFINITION.—In this section, the term ''agency'' has the meaning given that term in section 551 of title 5, United States Code.

(b) REPORTS.—Not later than June 1, 2012, and every month thereafter, the Director of the Office of Personnel Management shall submit to Congress, the Comptroller General of the United States, and issue publicly (including on the website of the Office of Personnel Management) a report that—

(1) for each agency, evaluates the timeliness, completeness, and accuracy of information submitted by the agency relating to employees of the agency who are retiring;

(2) indicates—

(A) the total number of applications for retirement benefits that are pending action by the Office of Personnel Management; and

(B) the number of months each such application has been pending; and

(3) provides a timetable for completion of each component of the retirement systems modernization project of the Office of Personnel Management, including all data elements required for accurate completion of adjudication and the date (which shall be not later than January 31, 2013) by which all Federal payroll processing entities will electronically transmit all personnel data to the Office of Personnel Management.

(c) BUDGET REQUEST.—The Office of Personnel Management shall include a detailed statement regarding the progress of the Office of Personnel Management in completing the retirement systems modernization project of the Office of Personnel Management in each budget request of the Office of Personnel Management submitted as part of the preparation of the budget of the President submitted to Congress under section 1105(a) of title 31, United States Code.

SA 2072. Ms. LANDRIEU 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:

On page 32, line 15, insert ''(F) the effect of the closing or consolidation on small businesses in the area, including shipping and communications with customers and suppliers and the corresponding impact on revenues, operations, and growth; and'', strike ''(F)'' and insert ''(G)'' before the clause that follows.

On page 41, line 11, insert ''(ii) the effect of the closing or consolidation on small businesses in the area, including shipping and communications with customers and suppliers and the corresponding impact on revenues, operations, and growth; and'', strike ''(ii)'' and insert ''(iii)'' before the clause that follows.

On page 53, line 1, strike ''customers and communities'' and insert ''customers, communities, and small businesses''.

On page 57, line 3, strike ''customers and communities'' and insert ''customers, communities, and small businesses''.

SA 2073. Mr. ROCKEFELLER 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 23, between lines 6 and 7, insert the following:

(f) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section may be construed to authorize the Postal Service to require a Postal Service employee or annuitant (as defined in section 8903c of title 5, United States Code, as added by this section) to enroll in Medicare.

SA 2074. Mr. ROCKEFELLER 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 14, strike line 15 and all that follows through page 16, line 7, and insert the following:

(B) be available for participation by any officer or employee of the Postal Service who is not a covered employee;

(C) provide benefits comparable to the Federal Employee Health Benefits Plan, as determined by the Director of the Office of Personnel Management;

(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 all officers and employees of the Postal Service to coverage under the Postal Service Health Benefits Program on January 1, 2013;

(2) shall include a program through which officers and employees of the Postal Service may obtain dental benefits; and

(3) shall include a program through which officers and employees of the Postal Service may obtain 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) officers and employees of the Postal Service 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.

(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as an endorsement by Congress for withdrawing officers and employees of the Postal Service from the Federal Employee Health Benefits Program.

SA 2075. Mr. CARDIN 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 the bill, add the following:

SEC. 4___. CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION.

Section 6(g) of the Chesapeake and Ohio Canal Development Act (16 U.S.C. 410y–4(g)) is amended by striking ''40'' and inserting ''50''.

SA 2076. Mr. BINGAMAN 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 48, line 2, after ''State.'' insert the following: ''An employee designated under this subsection to represent the needs of Postal Service customers in a State shall be located in that State.''.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on April 19, 2012, in room SD–628 of the Dirksen Senate Office Building, at 2:15 p.m., to conduct a hearing entitled ''S. 1684, the Indian Tribal Energy Development and Self-Determination Act Amendments of 2011.''

Those wishing additional information may contact the Indian Affairs Committee at (202) 224–2251.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in executive session on Wednesday, April 25, 2012 at 10 a.m. in SD–106 to mark-up S. _____, the Food and Drug Administration Safety and Innovation Act; and, any nominations cleared for action.

For further information regarding this meeting, please contact the committee at (202) 224–7675.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on April 18, 2012, at 10 a.m. in Dirksen 406 to conduct a hearing entitled, ''Oversight Hearing on the General Services Administration (GSA).''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 18, 2012, at 10 a.m., to hold a briefing entitled ''Intelligence Update on Iran and Syria.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 18, 2012, at 2:15 p.m., to hold an African Affairs subcommittee hearing entitled ''Examining the U.S. Policy Response to Entrenched African Leadership.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate, to conduct a hearing entitled ''Effective Strategies for Accelerated Learning'' on April 18, 2012, at 10 a.m., in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on April 18, 2012, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Nominations to the Privacy and Civil Liberties Oversight Board.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on April 18, 2012, at 10 a.m., in room 432 of the Russell Senate Office building to conduct a roundtable entitled ''Perspectives from the Entrepreneurial Ecosystem: Creating Jobs and Growing Businesses through Entrepreneurship.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 18, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL TRADE, CUSTOMS AND GLOBAL COMPETITIVENESS

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Subcommittee on International Trade, Customs, and Global Competitiveness of the Committee on Finance be authorized to meet during the session of the Senate on April 18, 2012, at 2 p.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The Asia Pacific: Trade Opportunities for Agriculture and Food Producers from the Great Plains to the Pacific Northwest.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet during the session of the Senate on April 18, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on April 18, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE INFRASTRUCTURE, SAFETY, AND SECURITY

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on April 18, 2012, at 10 a.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, ''Protecting Commuters: Ensuring Accountability and Oversight in Tolling.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on April 18, 2012, at 2 p.m. in room 216 of the Hart Senate Office Building to conduct a hearing entitled: ''The Future of Long-Term Care: Saving Money by Service Seniors.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern, Sarah Smurthwaite, have floor privileges for the remainder of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that Mehreen Rasheed and Shelbey Keegan of my staff be granted floor privileges for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING THE ACHIEVEMENTS OF THE ALLIANCE TO SAVE ENERGY

Mr. REID. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 406 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 406) commending the achievements and recognizing the importance of the Alliance to Save Energy on the 35th anniversary of the incorporation of the Alliance.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam 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 related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 406) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 406

Whereas March 18, 2012, marks the first day of a year-long celebration of the 35th anniversary of the Alliance to Save Energy, which was incorporated as a nonprofit organization in accordance with section 501(c)(3) of the Internal Revenue Code of 1986 on March 18, 1977;

Whereas the Alliance to Save Energy was founded by Senators Charles H. Percy and Hubert H. Humphrey;

Whereas the Alliance to Save Energy is a unique national, nonprofit, bipartisan public-policy organization that works with prominent leaders in the fields of business, government, education, the environment, and consumer affairs to promote the efficient and clean use of energy throughout the world to benefit the economy, environment, and security of the United States;

Whereas the Alliance to Save Energy operates programs and collaborative projects throughout the United States, and has worked in the international community for more than a decade in more than 30 developing and transitional countries;

Whereas the Alliance to Save Energy leverages international relationships with government and industry leaders to promote energy efficiency throughout the world and has worked to launch affiliate organizations such as the European Alliance to Save Energy and the Australian Alliance to Save Energy;

Whereas the Alliance to Save Energy has shown that energy efficiency and conservation measures taken by the United States during the past 35 years have caused annual energy consumption in the United States to decrease by more than 52 quads;

Whereas the Alliance to Save Energy is recognized across the United States as an authority on energy efficiency, and regularly provides testimony and resources to the Federal Government, State governments, and members of the business and media communities;

Whereas the Alliance to Save Energy contributes to a variety of educational and outreach initiatives, including—

(1) the award-winning Green Schools and Green Campus programs;

(2) award-winning public service announcements; and

(3) a variety of targeted energy-efficiency campaigns; and

Whereas the Alliance to Save Energy collaborates with other prominent organizations to form partnerships and create groups that advance the cause of energy efficiency, including—

(1) the Building Codes Assistance Project (commonly known as ''BCAP'');

(2) the Southeast Energy Efficiency Alliance (commonly known as ''SEEA'');

(3) the Clean and Efficient Energy Program (commonly known as ''CEEP'');

(4) the Efficient Windows Collaborative; and

(5) the Appliance Standards Awareness Project (commonly known as ''ASAP''): Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Alliance to Save Energy on the 35th anniversary of the incorporation of the Alliance; and

(2) recognizes the important contributions that the Alliance to Save Energy has made to further the cause of energy efficiency.

NATIONAL ADOPT A LIBRARY DAY

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 425, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 425) designating April 23, 2012, as ''National Adopt a Library Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam 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, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 425) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 425

Whereas libraries are an essential part of the communities and the national system of education in the United States;

Whereas the people of the United States benefit significantly from libraries that serve as an open place for people of all ages and backgrounds to use books and other resources that offer pathways to learning, self-discovery, and the pursuit of knowledge;

Whereas libraries in the United States depend on the generous donations and support of individuals and groups to ensure that people who are unable to purchase books still have access to a wide variety of resources;

Whereas certain nonprofit organizations facilitate the donation of books to schools and libraries across the United States to extend the joy of reading to millions of people of the United States and to prevent used books from being thrown away;

Whereas libraries in the United States have provided valuable resources to individuals who are affected by the economic crisis by encouraging continued education and job training;

Whereas libraries are increasingly being used as a resource for those seeking the tools and information to enter or reenter the workforce; and

Whereas several States that recognize the importance of libraries and reading have adopted resolutions commemorating April 23 as ''Adopt a Library Day'': Now, therefore, be it

Resolved, That the Senate—

(1) designates April 23, 2012, as ''National Adopt a Library Day'';

(2) honors the organizations that facilitate donations to schools and libraries;

(3) urges all people of the United States who own unused books to donate the books to local libraries;

(4) strongly supports children and families who take advantage of the resources provided by schools and libraries; and

(5) encourages the people of the United States to observe ''National Adopt A Library Day'' with appropriate ceremonies and activities.

CONGRATULATING THE LADY BEARS OF BAYLOR UNIVERSITY

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 426.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 426) congratulating the Lady Bears of Baylor University on winning the 2012 National Collegiate Athletic Association Division I Women's Basketball Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam 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. 426) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 426

Whereas the Baylor University women's basketball team, the Lady Bears, won its

second National Collegiate Athletic Association Division I Women's Basketball Championship by defeating the University of Notre Dame by a score of 80 to 61, becoming the only team in men's and women's college basketball to finish the season with a perfect undefeated record of 40–0;

Whereas the Lady Bears' 2011–2012 season marked only the 7th undefeated season in the history of Division I women's college basketball;

Whereas Coach Kim Mulkey is the only woman in women's basketball history to have played on and coached a national championship team;

Whereas Coach Mulkey brought the Lady Bears its 2d national championship since 2005, with a starting lineup that included Brittney Griner, Destiny Williams, Odyssey Sims, Kimetria Hayden, and Jordan Madden;

Whereas All-American junior Brittney Griner led the Lady Bears to victory with 26 points, 13 rebounds, and 5 blocks in a dominating performance over the University of Notre Dame and finished the 2011–2012 season with more than 920 points;

Whereas the members of the Lady Bears basketball team should all be commended for their teamwork, dedication, and athletic prowess;

Whereas Baylor University as 2011–2012 women's basketball national champions, has continued to demonstrate excellence in both athletics and academics;

Whereas the Lady Bears basketball team has significantly advanced the sport of women's basketball by demonstrating character and sportsmanship;

Whereas the Lady Bears overcame significant adversity and competition by defying expectations to finish the season with a dominating performance in the final title game and a perfect undefeated record of 40–0;

Whereas the accomplishments of the Lady Bears are another testament to the strength and will of women across the State of Texas; and

Whereas the Lady Bears basketball team is the pride of its loyal fans, current and former students, and the Lone Star State: Now, therefore, be it

Resolved, That the Senate congratulates the Lady Bears of Baylor University on winning the 2012 National Collegiate Athletic Association Division I Women's Basketball Championship and completing the 2011–2012 season with an undefeated record of 40 wins and 0 losses.

ORDERS FOR THURSDAY, APRIL 19, 2012

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until Thursday, April 19, at 9:30 a.m.; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the Senate then resume consideration of the motion to proceed to S. 1925, the Violence Against Women Reauthorization Act, and that following the remarks of the two leaders, the next hour be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the second 30 minutes; that the filing deadline for second-degree amendments to the substitute amendment, No. 2000, as modified, and S. 1789 be 11 a.m. on Thursday; and finally, that the cloture votes with respect to the substitute amendment No. 2000, as modified, and S. 1789, the postal reform bill, occur at 2:15 p.m. on Thursday. So there are two cloture votes, one regarding the substitute amendment, No. 2000, and, as I indicated, S. 1789.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. We are working on an agreement with respect to the postal reform bill. If no agreement is reached, there will be a cloture vote on the substitute amendment at 2:15 tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:37 p.m., adjourned until Thursday, April 19, 2012, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

CHARLES BENTON, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2013, VICE HARRY ROBINSON, JR., TERM EXPIRED.

CHRISTIE PEARSON BRANDAU, OF IOWA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2016, VICE LOTSEE PATTERSON, TERM EXPIRED.

NORBERTO JESUS CASTRO, OF ARIZONA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2016, VICE DOUGLAS G. MYERS, TERM EXPIRED.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

WILLIAM B. SHULTZ, OF THE DISTRICT OF COLUMBIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE DANIEL MERON.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE DEPARTMENT OF COMMERCE FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

JEFFREY B. JUSTICE, OF NORTH CAROLINA
DONALD TOWNSEND, OF FLORIDA

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

ENRIQUE G. ORTIZ, OF FLORIDA

WITHDRAWALS

Executive Message transmitted by the President to the Senate on April 18, 2012 withdrawing from further Senate consideration the following nominations:

FOREIGN SERVICE NOMINATIONS BEGINNING WITH JEFFREY B. JUSTICE AND ENDING WITH ENRIQUE G. ORTIZ, WHICH NOMINATIONS WERE SENT TO THE SENATE ON FEBRUARY 29, 2012.

EXTENSIONS OF REMARKS

HONORING TERRI CRUZ AND HER MANY CONTRIBUTIONS TO THE PEOPLE OF ARIZONA

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. PASTOR of Arizona. Mr. Speaker, I ask my colleagues to join me in recognizing the many achievements of Ms. Terri Cruz, my friend and a matriarch of the Hispanic community in Phoenix, who has advocated for the social well-being of thousands of Arizonans throughout her lifetime.

On March 28, 2012, Terri was recognized with an Arizona Latina Trailblazer Award presented by Phoenix College Raul H. Castro Institute and Latino Perspectives Magazine. Such an event provided the opportunity to reflect on her many contributions to the Latino community in Phoenix and Arizona.

More than 43 years ago, I met Ms. Cruz while she was working with the Migrant Opportunities Program and SER Jobs for Progress, two very important programs in our community. At the same time, Ms. Cruz was also serving as one of the founding board members of Chicanos Por La Causa, Inc., a nonprofit agency based in Phoenix. Today that agency provides social services, education, economic development, and housing programs throughout Arizona. Terri's known trait of serving with compassion, professionalism, and dignity is apparent in all areas of CPLC's work.

For the past 20 plus years, Terri has worked as a social service provider with CPLC, the organization she helped start. Her small frame and friendly disposition is no match for her powerful advocacy skills, which has undoubtedly allowed her to effectively represent and advance the needs of countless Arizonans. In tribute, CPLC named one of its buildings for Ms. Cruz, and in 2008, she was quoted in The Arizona Republic as saying, ''I learned that people are what's important. If people need help, you help them. If you have, you share.''

As a child of the depression era, who lost both parents by the time she was six, Terri understood the value of hard work and the importance of caring for others. When she was old enough, she began working at a laundry, married at the age of 15, and became a mother to eight children. Terri assumed the challenge of being a single parent, while simultaneously beginning her work as an advocate for our community, and the issues most important to us. Despite her limited education, Terri's ''can do'' attitude led her to eventually pursue career opportunities as an office assistant, job developer, and a personnel manager.

Ms. Cruz has also encouraged civic participation and over the past two decades has been one of our most reliable volunteers at my annual Citizenship Day event, where she assists citizenship candidates in preparing their application packets.

Additionally, Ms. Cruz's leadership skills has benefited the many boards and commissions on which she has served. In 1985, she was appointed by former Arizona Governor Bruce Babbitt to the Nursing Care Institution Administrators Board, while concurrently serving as the National Chairman of the Hispanic Senior Citizen Foundation Board.

Mr. Speaker, I ask that you join me in honoring Ms. Terri Cruz and her continued commitment and service to the people of Arizona.

LIEUTENANT COMMANDER ZEITA MERCHANT

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. CUMMINGS. Mr. Speaker, I rise today to commend Lieutenant Commander Zeita Merchant for her service to the country and her contributions to the work of the House of Representatives. As Chair of the Subcommittee on Coast Guard and Maritime Transportation during the last Congress, I was very fortunate to have her join our staff as a fellow in 2010. I was pleased that she agreed to continue her fellowship during this Congress with the Committee on Oversight and Government Reform.

Lieutenant Commander Merchant made invaluable contributions to our work. In particular, she assisted in organizing a forum I co-hosted on the military's efforts to address hazing, as well as recruitment, retention, and promotion challenges for women and minorities across the Armed Services. Her unique perspective and hard work were critical to the success of this event.

Lieutenant Commander Merchant also contributed her expertise on port security matters to our ongoing oversight of the Department of Homeland Security and the Transportation Security Administration.

In addition to her work in the homeland security area, Lieutenant Commander Merchant contributed to hearings on stimulus spending and the implementation of weatherization and green energy loan programs.

We were fortunate and blessed to have Lieutenant Commander Merchant join us for a term as a fellow. I wish her continued success in her next assignment as the Executive Officer of Marine Safety Unit Texas City and note that she will be the first African American woman to serve as the executive officer of a marine safety unit. I am certain that her crew members will benefit from her determination and her exceptional leadership.

As Ranking Member of the Committee on Oversight and Government Reform, I thank Lieutenant Commander Merchant for her service and wish her the best in her future endeavors.

RECOGNIZING THE NORTHWEST INDIANA BUSINESS AND INDUSTRY HALL OF FAME'S CLASS OF 2012

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. VISCLOSKY. Mr. Speaker, it is with deep respect and admiration that I rise to commend five exceptional business leaders from Northwest Indiana who were recently honored as the Northwest Indiana Business and Industry Hall of Fame's Class of 2012. Created by The Times and BusINess magazine, induction into the Indiana Business and Industry Hall of Fame is determined by a panel of local civic and business leaders. While there were many deserving nominees, the individuals selected as the 2012 Indiana Business and Industry Hall of Fame inductees are: Milford Christenson, Wil Davis, Linda Woloshansky, Tom Gryzbek, and Steve Pangere. For their many contributions to the enhancement of Northwest Indiana, these honorees were recognized at a ceremony that took place at the Radisson Hotel at Star Plaza in Merrillville, Indiana, on Friday, March 9, 2012.

Milford Christenson, of Highland, is the president of Christenson Chevrolet. For decades he has been a leader in the philanthropic community of Northwest Indiana. Milford served in the United States Army during World War II as a member of General Patton's Third Army and earned a Bronze Star for his service. A 1947 graduate of Indiana University, he is a proud member of the Indiana University Alumni Association. In 1951, Mr. Christenson and his family purchased a Chevrolet dealership in Griffith and, twelve years later, moved to their current location on Indianapolis Boulevard in Highland. Christenson Chevrolet was named Indiana Dealer of the Year by Time magazine in 2001. Milford Christenson's story is proof that with hard work and determination, anything is possible.

Wil Davis, of Gary, is the owner/operator of the Gary Jet Center, located at the Gary/Chicago International Airport. A Brooklyn native, Wil graduated from Cornell University and later entered the United States Navy. After serving on active duty during the Vietnam War, Mr. Davis joined the Navy Reserve and served until 1987. In 1989, he visited the Gary Airport, and one year later, Wil and his wife, Jean, along with two partners, purchased a small regional airline and moved its base of operations to Gary. Since then, he has developed the Gary Jet Center into a growing and thriving business, which is a tremendous benefit to the citizens of Northwest Indiana.

Linda Woloshansky, of Ogden Dunes, is the president and chief executive officer of The Center of Workforce Innovations in Valparaiso. An East Chicago native, Ms. Woloshansky graduated from Andrean High School and Indiana University. Linda learned early on that good employment opportunities allow people

to obtain a better quality of life. Her career has been dedicated to the service of others by improving the educational attainment, workforce viability, and economic development of Northwest Indiana.

Tom Gryzbek, of Dyer, is the president of Franciscan Saint Margaret Health in Hammond and Dyer. Mr. Gryzbek earned a degree from the University of Illinois in 1974. Mr. Gryzbek has also earned a master's degree in business administration from Indiana University Northwest and a law degree from DePaul University College of Law. Soon after graduating, he joined the former Saint Margaret Hospital as a suggestion plan manager. Tom has since made his way up the ranks of the organization, serving in numerous capacities, including executive vice president and chief operating officer of Saint Margaret Mercy. In 2004, Tom was deservedly appointed to his current position. He also serves the religious community of Northwest Indiana as a Gary Diocese deacon at Saint Andrew the Apostle Parish in Merrillville.

Steve Pangere, of Crown Point, is the president and chief executive officer of The Pangere Corporation and Culver Roofing Incorporated, both located in Gary. The Pangere Corporation was founded by Steve's grandfather, John Pangere, who opened the company in Gary after arriving to the Calumet Region from Greece in 1905. Steve Pangere hopes his sons, Nick and Tony, will someday take over the company, making it a fourth generation family business. Steve Pangere has managed to lead a successful corporation while battling the effects of progressive vision loss due to Rod-Cone Dystrophy. He is an advocate and an inspiration to the visually impaired and has contributed to many worthy causes around the Chicagoland and Northwest Indiana region.

Mr. Speaker, the lives of every citizen living in Northwest Indiana has been enriched because of the selfless good work of these five extraordinary individuals. I ask you and my distinguished colleagues to join me in commending these outstanding leaders on their induction into the Indiana Business and Industry Hall of Fame. These individuals are most deserving of being named the Class of 2012, and for their leadership and commitment to the Northwest Indiana community, each of them is worthy of our respect and admiration.

HONORING DAVID SMITH ON HIS DISTINGUISHED CAREER

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. PASTOR of Arizona. Mr. Speaker, I ask my colleagues to join me in recognizing the long public service career of Mr. David Smith, who is retiring this month as Maricopa County Manager after more than 17 years as the county's top appointed official.

Mr. Smith's career dates back to 1968, when he served three years in the U.S. Marine Corps Reserve, including two years in Vietnam. Since this time, Mr. Smith has received countless recognitions for his work, including the honor of being named Governing Magazine's ''Public Official of the Year'' in 2001.

Beginning first as a lobbyist for Westchester County, NY, it was there, that he first learned the art of the legislative process and the nuances of federal, state and local governance. In December 1994, he arrived in Phoenix in the midst of a fiscal crisis. In response, he fashioned a strategic plan based on realistic economic analysis, accurate forecasts, smart budgeting, continuous fiscal oversight, and a relentless quest for service improvement. His efforts have in turn helped Maricopa County establish a Triple A bond rating, no general obligation debt, a structurally balanced budget, and more Arizona Quality Awards than any other public or private entity in the state.

Through Mr. Smith's fiscal discipline, Maricopa County was able to build satellite facilities, correction centers, and courthouses with cash reserves, saving hundreds of millions in interest payments that bonding would incur. Also, due in large part to his guidance, Maricopa County's adult probation department is considered a national leader in evidence-based practices and reducing recidivism.

Noting the fiscal challenges associated with rising health care costs, Mr. Smith pushed the county to invest in public health programs. As such, more Arizonans are able to take advantage of health screenings and assessments and the county will also soon open a clinic for integrative medicine, utilizing alternative therapies.

Like many urban centers, downtown Phoenix has needed to address the concerns of chronically homeless adults. Therefore, Mr. Smith proposed a one-stop service center and organized a public-private response with county government taking the lead. Today, the Human Service Campus provides its clients with professional support and resources, and uniquely, through its establishment, has helped spur private economic investment in downtown Phoenix.

Mr. Smith is retiring from county government, but his leadership, vision, and focus will surely have a lasting impact in Maricopa County. Mr. Speaker, I ask that you join me in thanking Mr. Smith for his work and congratulate him on the occasion of his retirement as Maricopa County Manager.

JIM COLE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. GRAVES of Missouri. Mr. Speaker, it is with great pride and pleasure that I rise today to recognize the outstanding service of Jim Cole on the occasion of his retirement after 23 years of service to the State of Missouri and our veterans.

Jim began his career as a Local Veterans Employment Representative for the Missouri Career Center in 1989, and in the 23 years that have passed since then, he has worked tirelessly to help our veterans find employment. Jim helps coordinate the largest career fair in the northwest region of Missouri, which is held in St. Joseph every year. In 2006, Jim was able to visit Washington, D.C. to receive the State Veteran Services Award from the Department of Labor for his hard work.

Jim is also a veteran himself. Before he began his work for the Missouri Career Center, he served in the United States Navy two different times, first serving from 1972–1976, then again from 1977–1981. Jim worked as an Aviation Structural Mechanic repairing A-7 aircraft carrier planes. His life's dedication and hard work should serve as an example of how we can better serve each other and our great nation.

Now that Jim will be retired, he will have more time for his other passions in life, namely, motorcycles. The biker dude will finally be able to ride into the sunset on his new Harley Softail, and take long camping trips with his wife, Elizabeth. As I understand it, Jim was hit by an older driver while driving a motorcycle as a teenager, and thought it would be funny to pretend to be in serious pain to scare the old man. Now that he will be the retired driver, I send him best wishes on avoiding a replay of that day.

Mr. Speaker, I ask my colleagues to join with me in commending Jim Cole for his dedicated service to Missouri's veterans. I know Jim's colleagues, family and friends join with me in thanking him for his commitment to others and wishing him happiness and good health in his retirement.

CONGRATULATING THE 2012 MAKE A DIFFERENCE DAY WINNERS FROM LAS VEGAS

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Ms. BERKLEY. Mr. Speaker, today, I would like to acknowledge the great work of the volunteers of Las Vegas, Nevada, involved with the 13th annual Make A Difference Day food drive. These volunteers from Las Vegas have been selected as national 2012 Make a Difference Day winners. Make a Difference Day is a celebration of the power of neighbors helping neighbors. Created by USA Weekend, Make a Difference Day is an annual day of service that mobilizes more than three million volunteers to create change in their community.

This group of outstanding volunteers from Las Vegas has made a substantial impact on our community by collecting 3,500 pounds of canned food. For the past 13 years on Make a Difference day, publicist Mary Vail has teamed up with local grocery stores and encouraged shoppers to buy just one extra can of food to donate. This year, the Smith's Food and Drug store in the Summerlin community served as the event's host location. Volunteers included Mayor Pro Tern Stavros Anthony, TV talent show contestants, and local news personalities who came by to support Mary Vail and her 22 volunteers. Throughout the 13 years Mary Vail has been holding these food drives, she has collected 22.3 tons of food and toiletries for the Salvation Army.

I want to congratulate these outstanding Nevadans for their leadership and great work in the community. I am proud they will be honored here in Washington during National Volunteer Week for their service at the Points of Light event, Celebrating People in Action, on April 19.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. JOHNSON of Illinois. Mr. Speaker, on Tuesday, April 17, 2012 my flights from Illinois did not arrive in Washington at their predicted time. As a result, I was unable to attend the first vote on rollcall No. 154. Had I been present, I would have voted ''aye'' on the Question of Consideration of the Resolution.

HONORING QUINTON COLE WHITAKER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Quinton Cole Whitaker. Quinton is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 247, and earning the most prestigious award of Eagle Scout.

Quinton has been very active with his troop, participating in many scout activities. Over the many years Quinton has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Quinton has become a Foxman, a Warrior in the Tribe of the Mic-O-Say and has acted as Patrol Leader and Den Chief. Quinton has also contributed to his community through his Eagle Scout project. Quinton, after discussion with the Elmo, Missouri Betterment Club created a new park, complete with a trio of all wooden picnic tables and a pair of A frame swings.

Mr. Speaker, I proudly ask you to join me in commending Quinton Cole Whitaker for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONGRATULATING ANNE AND JACK MURPHY

HON. JOHN GARAMENDI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. GARAMENDI. Mr. Speaker, I offer my warmest congratulations today to Anne and Jack Murphy on the occasion of their 70th Wedding Anniversary and Anne's 90th birthday. We join in celebration with their three children and their families including seven grandchildren and five great grandchildren, Anne's sister, Mary Jane, their nieces and nephews, cousins, and lifelong friends.

Teresa Anne McSorley was born on March 23, 1922, at the McSorley Ranch in Chili Gulch, near Mokelumne Hill, in Calaveras County, California, and Raymond ''Jack'' Murphy was born on March 16, 1918, and raised at the Murphy family home on St. Charles Street in San Andreas, also in Calaveras County, California.

The young couple first met at a dance at the Mokelumne Hill Town Hall in 1935 when they were 14 and 18. Jack graduated from Calaveras High School in 1935 and went on to earn a MBA Degree in Business from Stanford University in 1941. Anne, also a graduate of Calaveras High School, Class of 1939, went on to attend UC Berkeley for two years and Munson School of Business, and later worked for the manager of Rexall Drug Store in San Francisco. The couple dated for about three years, became engaged and were married on May 2, 1942, in San Andreas, before Jack became an ensign for the US Navy. Jack served in the Second World War in Alaska, then Europe and finally the Pacific Theater in 1945. Jack Murphy attained the rank of Lieutenant, Senior Grade was given command of the USSYMS 359, a mine sweeper.

Anne and Jack Murphy have three children, Kathleen; Dennis; and Teresa; and raised them in California at homes they made in Park Merced, Santa Monica, Sherman Oaks, and Corona Del Mar. Jack managed the Murphy Hain Company, while Anne devoted her time and talents to her family, her children's Catholic schools and her favorite charity, St. Anne's, until the couple retired to their current home in Roseville, Northern California.

Anne and Jack Murphy teach us all that is key to a long life and happy marriage: love, friendship, mutual respect, faith, patience, humor, rounds of golf, card games, good books, soap operas, time in the yard, hometown memories, world travel, family vacations and trips to the ranch, a cocktail or two, and the value of time spent with family and friends.

HONORING JOURNEYMEN LINEMEN

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. GINGREY of Georgia. Mr. Speaker, I rise to recognize this day, April 18, as a day of honor for Journeymen Linemen.

Accordingly, I have introduced H. Res. 561 to recognize April 18, 2012, as National Journeymen Linemen Day in order to honor these brave men and women for their contributions to protect public safety.

Journeymen Linemen are often the first responders during a storm or other catastrophic event, which means these brave men and women are often required to make the scene safe for other public safety heroes. Linemen work with thousands of bolts of electricity high atop power lines every day of the year in order to protect the nation from dangerous electrical currents.

The profession of Journeymen Linemen is steeped in tradition and family, both professionally and personally. Generations ago, Linemen climbed poles using hooks and blocks, but as technology has grown through the years, innovative Linemen have pioneered advancements with innovative materials, altering the direction of line work for the future.

Mr. Speaker, I ask my colleagues to join me today in honoring the extraordinary commitment and courage demonstrated everyday by the nation's Journeymen Linemen.

HONORING ALEX JOSEPH ALSHOUSE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Alex Joseph Alshouse. Alex is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 247, and earning the most prestigious award of Eagle Scout.

Alex has been very active with his troop, participating in many scout activities. Over the many years Alex has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Alex has earned the Order of the Arrow, Star Rank, Life Scout and is a Warrior in the Tribe of Mic-O-Say. Alex has also contributed to his community through his Eagle Scout project. Alex oversaw construction and installation of two bridges over a ravine so that students at Northview Elementary School could evacuate further away from the school in case of an emergency.

Mr. Speaker, I proudly ask you to join me in commending Alex Joseph Alshouse for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING CAPTAIN KYLEANNE HUNTER, U.S.M.C.

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. WILSON of South Carolina. Mr. Speaker, Captain Kyleanne Hunter served in the office of the Second District of South Carolina as a Military Fellow from January–December 2010. After leaving our office, she served in the Marine Corps Liaison office on Capitol Hill. In the coming months, Captain Hunter plans to serve in a Reserve unit with the U.S. Marine Corps while attending graduate school at the University of Denver. She has been accepted into the very competitive Sié Fellows Program which will further her education in international studies.

Throughout her service, she consistently demonstrated her expertise and knowledge by providing timely and accurate information to the Congressional Members and their respective staffs. Captain Hunter was a vital asset for all matters relating to the Marine Corps in the House of Representatives. Members and staffers alike respected and trusted Captain Hunter's straightforward and dependable assistance. Her forthrightness and knowledge were key attributes in maintaining the Marine Corps' superb relationships with the many Members of the House of Representatives.

Throughout her tour, Captain Hunter personally responded to, or supervised hundreds of congressional inquiries, some of which gained national level attention. Through her exceptional inter-personal skills and broad knowledge in a wide range of military affairs,

she assisted the Director, Marine Corps Liaison Office, in gaining the Members' support and trust on critical issues.

Captain Hunter successfully planned, coordinated, and escorted an extensive number of international and domestic trips for Congressional and Staff Delegations. I had the pleasure of attending one such CODEL which Captain Hunter helped organize for the House Democracy Partnership to the Kyrgyz Republic. Her attention to detail and anticipation of requirements allowed our CODEL to focus on fact-finding and learning new information, which helped to guide critical decisions to support the people of the United States.

Through her exceptional personal efforts, Captain Hunter has contributed immeasurably as a member of my staff and also in the Marine Liaison Office here on Capitol Hill. I wish her well in all of her future endeavors. I look forward to hearing of her many future successes.

OIT HUSTLIN' OWLS—2012 MEN'S BASKETBALL NAIA DIVISION II NATIONAL CHAMPIONS

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. WALDEN. Mr. Speaker, it is with great pleasure that I rise today to congratulate the Oregon Tech Hustlin' Owls men's basketball team for winning the 2012 NAIA Division II national championship.

Combining an impressive defensive performance with a 45-point second half outburst, the No. 2-ranked Hustlin' Owls defeated the top-ranked Northwood University 63–46 on March 13 to take the national title in Point Lookout, Missouri. Oregon Tech set a new school record this year with 34 wins, and by notching their third national championship, they tied Bethel College for the most titles in NAIA Division II men's basketball.

Bobby Hunter scored a game-high 20 points and pulled down nine rebounds en route to earning tournament MVP honors. Jason Gamblin added 16 points on 7-of-10 shooting and David Clarke scored 11 points with five rebounds. Kyle Gomez contributed nine points and six rebounds.

Congratulations to the Hustlin' Owls are never complete without special mention of their legendary head coach, Danny Miles. In a day and age when personal advancement comes before loyalty far too often—especially in the sports world—Coach Miles has spent his entire coaching career at Oregon Tech. That's 42 years and counting. His 971 wins make him the second winningest men's coach in U.S. college basketball history. And his three national championships—in 2004, 2008, and 2012—are further evidence of the standard of excellence he has established at Oregon Tech.

But perhaps the most important statistic is this: 14 out of the last 15 years' teams have all maintained a 3.0 or better GPA in the classroom—and that with a very challenging curriculum of a world-class technical institute. Coach Miles has built one of the finest athletic programs in the country, be it measured on the court or in the classroom. For this, I know I can speak on behalf of the entire Oregon Tech community and the state of Oregon itself when I say, "Thank you, Coach Miles."

My colleagues, let's recognize the tremendous effort of the Oregon Tech players: Jordan Kiely, Kyle Gomez, David Clarke, Liston Case, Bobby Hunter, Bryant Sentman, Alex Zerbach, Fred Corpening, Kyle Waits, Scott Riddle, Jason Gamblin, Josh Johnson, Braxton Miles, Austen Flint, Mihajlo Matic, Nathan Maddox, and Brandon Bautista.

And, of course, we must congratulate the great coaching staff behind them: Coach Miles, Associate Head Coach Mike Pisan, Associate Coach Jason de Vries, and Associate Coach Paul Poetsch.

Mr. Speaker, on behalf of the Oregon delegation and the House of Representatives, congratulations to the 2012 Hustlin' Owls!

HONORING ZACHARY MICHAEL P'POOL

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Zachary Michael P'Pool. Zachary is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 247, and earning the most prestigious award of Eagle Scout.

Zachary has been very active with his troop, participating in many scout activities. Over the many years Zachary has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Zachary has earned the Arrow of Light, 2011 Chieftains Award, Coup of the Long Trail Award and the God and Country Award. Zachary has also contributed to his community through his Eagle Scout project. Zachary planned, managed and assisted in creation of a walking path 350 yards long, requiring 300 man hours, from Northview Elementary School to the school's nature area nicked named Coughlin's Corner.

Mr. Speaker, I proudly ask you to join me in commending Zachary Michael P'Pool for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. SULLIVAN. Mr. Speaker, I intended to vote No on rollcall vote 159 to H.R. 4089 taken on April 17, 2012. The CONGRESSIONAL RECORD currently lists me as not voting on this amendment. I firmly believe that this amendment, under the guise of permitting hunting, fishing and recreational shooting, in effect guts the bill, and is a vote against sportsmen nationwide.

HONORING CHARLES ''CHUCK'' W. OWEN

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. CUELLAR. Mr. Speaker, I rise today to honor the late Charles "Chuck" W. Owen, a former Laredo Morning Times news reporter, Church of Christ Minister and veteran. Mr. Owen's actions in his lifetime resonate with the community as he strived to focus on his faith in his work and his family.

While Mr. Owen was born in Dickson, Tennessee in 1940, his family notes that he was a Laredoan by choice, not birth. By the young age of 19 years old, he joined the Navy and was stationed in Corpus Christi, Texas where he met his wife, Clema Owen. By 1962 they married and raised their daughters while they traveled the world. He was an air traffic controller and instructor during his naval career and was the youngest air traffic controller in the history of the naval air station at Corpus Christi. His career in the Navy led him on three tours of Antarctica.

He retired from the military while in Corpus Christi and became a small business owner with a commercial refrigeration business. After 10 years, he sold his business and ventured into the hotel business, La Quinta Inns where they hired husband-and-wife teams. Working alongside with his wife for 8 years, he then started contributing religious articles to the local newspaper, the Laredo Morning Times.

As active members of the Church, Mr. Owen had established a church in Laredo 12 years ago, even though he was a member of a different congregation. He was devoted to studying the Bible and retired as a pastor from the congregation in June of 2011 due to his health.

Mr. Owen serviced our country as a U.S. Navy lieutenant, delved in the business community as a small business owner, wrote religious contributions to the local paper and served as a minister to his faith. He was faithful, loving and generous in all his work for the community and his family. Mr. Speaker, I am honored to have had the opportunity to recognize the late Chuck Owen. His devotion to the community has truly impacted many lives.

A TRIBUTE TO TIM TEBOW

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. NEUGEBAUER. Mr. Speaker, I would like to recognize Tim Tebow, professional football player and quarterback for the New York Jets, for his superior accomplishments both on and off the field. He is a true leader, a man of character, and a humble servant of God. Throughout his college and professional football career he has been a role model of integrity, providing a beacon of light for Jesus Christ. I would like to recognize him for his athletic achievements, but more importantly for utilizing his special opportunity in the spotlight to provide a Christ-like example to his peers, aspiring young athletes, and our Nation.

Tim was born in the Philippines to American parents, who were serving as Baptist missionaries. He is the youngest of five children, all

of whom were homeschooled and taught to follow the teachings of Christ. At a young age, Tim moved with his family to Florida, where he began developing his football talents that would ultimately culminate in a successful college career and propel him into the National Football League, NFL.

Tim was recruited by the University of Florida, and he played there from 2006 to 2009. During his time at the University, he led his team to national championship victories in the 2006 and 2008 seasons. He also earned the top honor of the Heisman Trophy after his sophomore season in 2007. By the end of his college career, Tim held five NCAA, 14 Southeastern Conference, and 28 University of Florida statistical records.

In the 2010 NFL Draft, Tim was selected in the first round and 25th overall by the Denver Broncos. By the early part of his second year with the team, Tim won the starting job. The Broncos went 7–4 with Tim at starting quarterback and ultimately earned a playoff berth. Earlier this year, he was traded to the New York Jets, where he is expected to bring the same leadership qualities and work ethic that has made him successful throughout his football career.

More important than his accomplishments off the field, however, are Tim's extraordinary pursuits in philanthropy and religious evangelism. He is the founder of the Tim Tebow Foundation, which focuses on reaching out to children with life-threatening diseases, aiding children and families in the developing world, constructing a hospital in the Philippines, and building playrooms in children's hospitals around the world. Tim has a profound faith in God and uses that faith to guide him in his daily pursuits, offering a superb example for all followers of Jesus Christ.

I am honored to speak about Tim's great accomplishments, and encourage him to continue his efforts to spread the word of God and be a positive example for all young athletes. He is a model athlete and a model citizen. On behalf of everyone in the 19th Congressional District of Texas, I thank Tim for all he has given and continues to give to the community.

CONDEMNING LAST WEEK'S LAUNCH OF A MULTISTAGE ROCKET BY THE NORTH KOREAN MILITARY

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to condemn last week's launch of a multistage rocket by the North Korean military. Fortunately, the launch failed and the missile disintegrated within a couple of minutes.

However, that does not mean a future experiment like this by the North Korean government could not succeed, given that the rocket—which was ostensibly carrying a ''weather satellite''—could just as easily deliver nuclear or chemical weapons over a long distance, threatening the peace and security of Northeast Asia and the Western Pacific.

The words of the Security Council's statement in response to the launch deserve repetition, and I request that the full text—which was read out by the United States Permanent Representative to the United Nations, Ambassador Susan Rice—be inserted into the CONGRESSIONAL RECORD:

''The Security Council strongly condemns the 13 April 2012 (local time) launch by the Democratic People's Republic of Korea, DPRK.

''The Security Council underscores that this satellite launch, as well as any launch that uses ballistic missile technology, even if characterized as a satellite launch or space launch vehicle, is a serious violation of Security Council resolutions 1718 (2006) and 1874 (2009).

''The Security Council deplores that such a launch has caused grave security concerns in the region.

''The Security Council demands that the DPRK not proceed with any further launches using ballistic missile technology and comply with resolutions 1718 (2006) and 1874 (2009) by suspending all activities related to its ballistic missile programme and in this context reestablish its pre-existing commitments to a moratorium on missile launches.

''The Security Council agrees to adjust the measures imposed by paragraph 8 of resolution 1718 (2006), as modified by resolution 1874 (2009). The Security Council directs the Committee established pursuant to resolution 1718 (2006) to undertake the following tasks and to report to the Security Council within 15 days:

(a) Designate additional entities and items;

(b) Update the information contained on the Committee's list of individuals, entities, and items, S/2009/205 and INFCIRC/254/Rev.9/Part.1, and update on an annual basis thereafter;

(c) Update the Committee's annual work plan.

''The Security Council further agrees that, if the Committee has not acted pursuant to the paragraph above within 15 days, then the Security Council will complete action to adjust these measures within an additional five days.

''The Security Council demands that the DPRK immediately comply fully with its obligations under Security Council resolutions 1718 (2006) and 1874 (2009), including that it: abandon all nuclear weapons and existing nuclear programmes in a complete, verifiable and irreversible manner; immediately cease all related activities; and not conduct any further launches that use ballistic missile technology, nuclear tests or any further provocation.

''The Security Council calls upon all Member States to implement fully their obligations pursuant to resolutions 1718 (2006) and 1874 (2009).

''The Security Council expresses its determination to take action accordingly in the event of a further DPRK launch or nuclear test.''

In contrast to the behavior of the North Korean regime, the strong alliance between the United States and the Republic of Korea has been a pivotal relationship in world affairs since we fought side by side in the Korean War six decades ago. Out of that conflict was born one of the most significant dividing lines of the Cold War, a demilitarized zone that splits the Korean Peninsula and marks the divide between communist and democratic Asia. The partnership between the U.S. and the Republic of Korea has held this line for more than six decades.

So, in light of North Korea's provocative actions, it is particularly important that we acknowledge our deep and abiding friendship with South Korea. As a key member of the Six-Party Talks to denuclearize North Korea, the Republic of Korea shares an important responsibility for broader security in Northeast Asia.

We share this responsibility, and this is why I urge my colleagues to join me in condemning the North Korean missile launch and in compelling the North Korea regime to eliminate its nuclear program.

DR. ED GOLDEN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. GRAVES of Missouri. Mr. Speaker, it is with great pleasure that I rise today to recognize Dr. Ed Golden for his outstanding service to his nation and his community.

Dr. Golden has truly dedicated his entire life to serving others. He served in the United States Navy for ten years, where he served aboard four ships and two shore stations, and became a Vietnam combat veteran.

After battling an addiction to alcohol, his two sons motivated him to turn his life around. He earned his Masters Degree in Counseling Psychology, and a Doctorate in Theology from Southwest University. Dr. Golden became a Certified Substance Abuse Counselor, as well as an ordained Unity Minister. He currently serves as Chaplain for the Inter-City Fire Protection District in Kansas City, the Blue Springs Police Department, and the Central Jackson County Fire Protection District. He also serves as CEO of Operation Thermal Reunion, Inc., a not-for-profit organization that raises funds to purchase thermal imaging cameras for fire fighters.

Dr. Golden has been nominated twice for Citizen of the Year by the local Chamber of Commerce, and twice for Volunteer of the Year by the Blue Springs Police Department. He was named Civic Leader of the Year in 2010 by the Missouri Municipal League, and has received two Lifetime Presidential Volunteer Service Awards for his work in the community.

Dr. Golden has served more than 38 years as a speaker in the field of Addiction Recovery throughout the United States, and he helped to write and teach the ''How to Cope'' program for families with an active substance abuser. He is the Founder of Celebration of Life Counseling & Consulting, and the author of The Unhooked Celebration, a book on nicotine addiction recovery. He has also been published in magazines and other periodicals.

Incredibly, this is only a fraction of Dr. Golden's accomplishments. However, the accomplishment that he is perhaps most proud of is one for which he has never received recognition. During his time in the Navy, Dr. Golden moved up quickly in the ranks and eventually became the leading petty officer in the communications division for the USS Vermillion.

Being the only person in the division who knew how to work the new electronic equipment, Dr. Golden spent two years writing a training program on shipboard electronics.

Under his leadership, 13 of 14 of the radiomen who took the exam for the next rate had the highest scores in the fleet, and they received a nearly flawless inspection. He is extremely proud of the work that he did for the Navy, and he had expected to receive a commendation, as well as a Radioman First Class rating for his work. Unfortunately, he ended up receiving an honorable discharge and never received the honors that he had earned.

Mr. Speaker, I ask that you join me in applauding Dr. Ed Golden for his commendable service to the United States Navy. He poured his time, skill and heart into building a program that would serve his division well, and he deserves our gratitude. I also ask that you join me in recognizing the lifetime of service that he has demonstrated throughout his career. It is an honor to serve a man like Ed Golden in Congress, and I know his colleagues, family and friends join with me in thanking him for his commitment to others and wishing him happiness and good health in his future endeavors.

PERSONAL EXPLANATION

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. McINTYRE. Mr. Speaker, I was unexpectedly unable to make votes on April 16, 2012. Had I been present, I would have voted ''yes'' on Rollcall vote Nos. 152 and 153.

FISCAL YEAR 2013 BUDGET RESOLUTION

HON. DAVID N. CICILLINE

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. CICILLINE. Mr. Speaker, on March 29, 2012, less than a year after a similar proposal was defeated, the House Republican leadership held a vote on H. Con. Res. 112—The Republican Fiscal Year 2013 Budget Resolution. This budget proposal sets the wrong priorities for my home state of Rhode Island and the nation as a whole—extending tax cuts for the wealthiest Americans, making deep cuts to programs that serve middle class families, and ending the Medicare guarantee for our seniors.

As the Congressman representing Rhode Island's First District, I have listened to families across my district who are tired of the same old political games that got our country into this mess to begin with. They know that Washington should put politics aside and work on policies that will create jobs, support the middle class, and put the economy back on the right track. Yet, the budget proposed by Representative PAUL RYAN (R–WI), and approved 228–191 by the House of Representatives, would not only fail to create jobs, it would also give the wealthiest Americans an average tax cut of $150,000, cut education and job training programs by a total of $166 billion over the next ten years, slash transportation and infrastructure investments by at least twenty-five percent over 10 years, and reduce investments in science, research, and technology by more than $100 billion over a decade.

With so many Americans out of work, it's hard to believe that the House Republican leadership would ask members to support a budget proposal that would seriously undermine key investments that are so important to creating jobs. Rather than trying to pass another tax giveaway for the richest among us, House Republicans should join with Democrats and enact public policies that will actually benefit our seniors, and middle class and working families. Instead the Republican budget proposal will undermine our economic recovery, and replace the current health care system for our seniors with a voucher program that could allow Medicare to wither on the vine, create higher costs, and reduce the overall quality of health care services.

That is why I supported an alternative budget proposal introduced by Congressman CHRIS VAN HOLLEN (D–MD) that would have preserved the Medicare guarantee, permanently extended middle class tax cuts, and maintained vital investments in transportation jobs, manufacturing, and education—while also reducing the deficit through polices that balance spending cuts and increased revenue. This proposal stood in stark contrast to the Republican plan—and closely aligned with the priorities shared by many Rhode Islanders.

On March 28, 2012, I spoke out against the Republican proposal on the House floor, and the following day I joined all of my Democratic colleagues and 10 Republicans in voting against this bill. With virtually no chance that this radical legislation will ever pass in the Senate, it is unfortunate that some in Washington have once again chosen political posturing over pragmatism.

All of us in Congress need to help reignite the American dream and build ladders of opportunity for anyone willing to work hard, take responsibility, and play by the rules. There were alternative budget proposals presented in the House of Representatives during debate, including options offered by the Congressional Progressive Caucus (CPC) and the Congressional Black Caucus (CBC). Both initiatives were superior to Representative Ryan's Republican budget document, and included provisions that would preserve the Medicare guarantee, eliminate tax subsidies for big oil companies and loopholes that encourage corporations to ship jobs overseas, and maintain vital investments in education, job creating initiatives, manufacturing, and capital access for small businesses and entrepreneurs. Ultimately, while I support a number of the proposals offered in both the CPC and CBC budget alternatives, I believed the Van Hollen proposal aligned most closely with priorities shared by many Rhode Islanders—including a permanent extension of the 2001–2003 tax cuts for the middle class. In addition, unlike both the CPC and CBC proposal, Representative VAN HOLLEN's Democratic alternative adhered to the discretionary spending levels set in the Budget Control Act of 2011—an agreement that represented a bipartisan, bicameral compromise. In order to prevent a first ever default on our nation's obligations, and to avoid the very real potential of an economic catastrophe, I voted in favor of the Budget Control Act on August 8, 2011. To be clear, there was a lot about this compromise legislation that I did not like, but my prerequisite for voting in favor of the bill was that we avoid a default and we protect Social Security, Medicare, and Medicaid beneficiaries, which this bill did. Just as I could not support Representative Ryan's proposal to walk away from this compromise legislation and make further, dramatic reductions to discretionary spending below the caps set by the Budget Control Act, I also could not support alternatives that did not adhere to the bipartisan, bicameral compromise we agreed to less than one year ago.

There were other proposals, including one offered by Congressmen JIM COOPER (D–TN) and STEVEN LATOURETTE (R–OH) purportedly modeled after recommendations of the Simpson-Bowles Commission (so named after the co-chairs of President Obama's Commission on Fiscal Responsibility and Reform—former White House Chief of Staff under President Clinton, Erskine Bowles, and former Republican Senator Alan Simpson). The Simpson-Bowles Commission clearly depicted the unsustainable nature of our country's deficit and debt, and delineated a number of policies for serious debate in order to improve our nation's fiscal trajectory. However, the budget proposal offered by Representatives COOPER and LATOURETTE contained provisions that I believe set the wrong priorities. For example, the Cooper-LaTourette plan contained $1 trillion less in revenue increases as compared to the Simpson-Bowles Commission recommendations—further eroding the balance between revenue increases and spending reductions needed to achieve deficit reduction that does not fall disproportionately on the backs of the middle class and working families. In addition, the Cooper-LaTourette plan includes $100 billion more in discretionary program reductions than recommended by the Simpson-Bowles report, further distorting the ratio between revenue raisers and spending cuts. Furthermore, the Cooper-LaTourette proposal calls for a shift in corporate tax policy that the Treasury Department has argued would increase incentives for corporations to shift investment and jobs overseas. Lastly, the proposal from Congressman COOPER and LATOURETTE, like the Simpson-Bowles plan, would undermine the benefits and guarantees of Social Security and Medicare.

Ultimately, with so many Rhode Islanders struggling to find work, our fragile economic recovery in the balance, and our seniors in need a strong voice to protect the benefits they earned and deserve, I supported an alternative budget proposal that would have preserved the Medicare guarantee, permanently extended middle class tax cuts, and maintained vital investments in transportation jobs, manufacturing, and education—while also reducing the deficit through polices that balance spending cuts and increased revenue. My constituents in Rhode Island's First Congressional District, and the American people as a whole, deserve nothing less.

INTRODUCING THE WOMEN'S OPTION TO RAISE KIDS (WORK) ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. STARK. Mr. Speaker, I am pleased to introduce legislation that will recognize the

hard work that all mothers engage in each day.

In the past week, presumptive Republican Presidential nominee Mitt Romney has said that he believes ''all moms are working moms.'' I agree. Unfortunately, if you are a low-income mother, the Temporary Assistance for Needy Families (TANF) program punishes you if you decide to stay home to care for your young child. Our laws should reflect the value of care giving work done by all mothers.

Current law does not count low-income stay-at-home parents who are raising young children as meeting the necessary Temporary Assistance for Needy Families (TANF) work requirement. Current law also bans States from counting these individuals toward that State's work participation rate, which can result in financial penalties if not met. This effectively bars low-income parents who choose to stay home to raise their young children from access to the financial support of TANF.

The WORK Act would recognize that raising children is, in fact, work. The legislation would amend current TANF law to provide States the option to maintain a safety net for poor parents. Low-income parents could receive job training or search for work, or they could raise their children until they are school-aged without fear of being pushed deeper into poverty. This is the same option that wealthy families enjoy.

I urge all of my colleagues to show that they understand the importance of all mothers and the care they provide by supporting the WORK Act.

TRIBUTE TO ATMORE MAYOR HOWARD SHELL

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. BONNER. Mr. Speaker, I rise to pay tribute to one of South Alabama's senior statesmen. This fall, Atmore Mayor Howard Shell will officially retire from office, leaving a legacy of 22 years of dedicated service to his community.

A four-year Navy veteran of the Korean War, and a retired research and development employee for Monsanto Corporation, Howard Shell first entered politics in 1984, winning an Atmore city council seat. After holding the post for just two years, he was appointed to serve out the remaining two years of the late Mayor Patricia McKenzie's term of office in 1986.

Mayor Shell's characteristic strong leadership was a natural fit as the city's chief executive. Consequently, he threw his hat into the ring, serving two consecutive terms as Atmore's duly-elected mayor from 1988 to 1996. In 2000, he reentered the mayor's race, returning to serve three more consecutive terms as Atmore's top office holder.

With more than two decades of his life invested in leading the city he loves, Mayor Shell has made a difference in the lives of the citizens of Atmore. He has presided over local economic growth and, more recently, has led efforts to extend the city's revenue base through new industrial and commercial recruitment along Interstate 65.

A dedicated and visionary leader, Mayor Shell has not only been Atmore's strongest advocate but also an active civic leader on regional, state and national levels. He has served on the National League of Cities' Economic Development Board, as well as the Alabama League of Municipalities, the South Alabama Regional Planning Commission Board of Directors, and the Jefferson Davis Community College Board of Advisors.

As he prepares to leave public office, I join with all the people of South Alabama in extending our heartfelt thanks for a job well done, as well as our very best wishes for all future endeavors. May he and his lovely wife, Nannette, find ample time to enjoy their two children, five grandchildren and great grandson as they open another rewarding chapter in their already rich lives.

CELEBRATING THE 50TH ANNIVERSARY OF GRAPEVINE-COLLEYVILLE INDEPENDENT SCHOOL DISTRICT

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. MARCHANT. Mr. Speaker, it is with great pride that I celebrate the 50th Anniversary of the consolidation of the Grapevine and Colleyville school communities into Grapevine-Colleyville Independent School District (GCISD). This outstanding school district has excelled in educating thousands of students and has prepared them with the necessary skills to live a successful, happy, and meaningful life.

GCISD is a K–12 public school system located in the heart of the Dallas-Fort Worth Metroplex. The 54.1-square mile district consists of 17 traditional schools and two alternative campuses serving approximately 13,400 students and 1,750 employees.

GCISD has been rated a Recognized school district for 2010 under the Texas accountability system. In addition, nine GCISD schools achieved the State's highest rating of Exemplary. For the ninth consecutive year, GCISD received a rating of ''Superior Achievement'' under Texas' Schools FIRST (Financial Integrity Rating System of Texas) financial accountability rating system. The Superior Achievement rating is the State's highest, demonstrating the quality of the District's financial management and reporting system.

As of today, the average GCISD population of 13,400 students annually accomplishes a 95% graduation rate with 80% of those students enrolling in post-secondary studies. The students' success is credited to the outstanding and experienced teachers and administration staff as well as an involved and supportive community.

Mr. Speaker, on behalf of the 24th Congressional District of Texas, I ask all my distinguished colleagues to join me in congratulating the Grapevine-Colleyville Independent School District on its 50th Anniversary. I am extremely proud to represent the cities of Grapevine and Colleyville, and I am grateful for the school district's exceptional and enduring commitment to educating our youth.

CONGRATULATING MRS. SUSAN AND MR. STANLEY KRAMER ON THEIR 50TH ANNIVERSARY

HON. JOHN GARAMENDI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. GARAMENDI. Mr. Speaker, I offer my highest congratulations today to Mrs. Susan and Mr. Stanley Kramer on their 50th wedding anniversary.

Married June 10, 1962, Susan and Stanley have raised three wonderful sons, including my good friend Doug Kramer. Meeting in the summer of 1959 in Monterey Park, California, they quickly began dating and stayed together during Susan's return to New York to attend Brooklyn College and Stanley's enlistment and service in the Naval Reserve.

On June 10, 2012, they will have stood by each other and at the head of a rapidly growing family for half of a century. The world today is a very different place than it was in June 1962, but the love between these two people is unchanged. They are a shining example to all of us and I hope you will all join me in offering them congratulations and wishing them many more years of happiness.

TRIBUTE TO ARMY STAFF SGT. CHRISTOPHER BROWN

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. BONNER. Mr. Speaker, I rise to pay tribute to Army Staff Sgt. Christopher Brown, 26, who lost his life on April 3, 2012, while defending our country. We are grateful for his service and we will always remember his sacrifice for our freedom.

A native of Columbus, Ohio, Staff Sgt. Brown was assigned to A Company, 2nd Battalion, 12th Infantry Regiment, 4th Infantry Division, Fort Carson, Colorado. On March 20, he was stationed in Afghanistan in support of Operation Enduring Freedom.

Staff Sgt. Brown succumbed to injuries he sustained when an improvised explosive device detonated near his dismounted patrol in Kunar Province.

Staff Sgt. Brown was on his third combat assignment since he enlisted in the Army in 2003. His previous service included a tour in Iraq from August 2004 to July 2005 and a prior tour in Afghanistan from June 2009 to May 2010.

Staff Sgt. Brown was awarded the Bronze Star, Purple Heart and Army Commendation Medal.

Staff Sgt. Brown was a devoted soldier who loved his country and his loss is shared by all our community.

On behalf of the people of Alabama and a grateful nation, I offer my deepest condolences to his wife, Ariell Taylor-Brown, and their daughters, Charlie and Dilyn of Mobile, their unborn son, Carter Christopher, and their extended family.

You are all in our hearts and prayers during this difficult time.

INTRODUCTION OF CHILD CARE AFFORDABILITY ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mrs. MALONEY. Mr. Speaker, throughout the country, affordable and safe child care is essential for working families. According to the U.S. Census Bureau, more than 70 percent of children have one or more parents in the labor force. A survey commissioned by the National Association of Child Care Resource & Referral Agencies revealed that 57 percent of parents reported in 2010 that child care was a necessity, compared with 49 percent in 2006.

Despite the great need for affordable child care, there is a wide gap between what today's families are earning and the cost of child care and household expenses. In 2010, the average cost of full-time care for an infant in a child care center varied from $4,650 in Mississippi to over $18,000 in the District of Columbia. In my own state of New York, the average yearly cost of part time care for a school-age child is an exorbitant $10,400. The amount of assistance offered by the current federal credit for child care costs is a minimum of only $600 for one child and $1,200 for two children. Unfortunately, this amount does little to offset our country's extraordinarily high child care costs. To ease the burden on our working families, today I am introducing the Child Care Affordability Act. This legislation would create a new tax deduction for child care and dependent care expenses and expand the current credit for child and dependent care expenses, so families receive a truly impactful level of assistance. Parents would be given the choice of utilizing the tax deduction or the tax credit to select the option that provides them with the greatest amount of relief.

During tax season, it is important to offer working families who are struggling to afford child care.

REFLECTIONS ON THE WORLD BANK PRESIDENTIAL CONTEST

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. BURTON of Indiana. Mr. Speaker, on Monday the World Bank formally selected Dr. Jim Yong Kim, president of Dartmouth College, and an expert in public health, as its next president. Dr. Kim's selection continues a long-standing practice of having an American lead the institution; which is appropriate as the United States is the single largest financial contributor to the bank. Typically, the selection of a new World Bank president draws little notice but this year, in the most open and transparent selection process in the bank's 68 year history, the Board of Directors had three well-qualified candidates to choose from.

Although the United States supported Dr. Kim, and I agree with his selection, it should be noted that the other two candidates, former Colombian finance minister Jose Antonio Ocampo and Nigeria's current finance minister Ngozi Okonjo-Iweala, were equally qualified for the position. Mr. Ocampo has a strong record of public service with both the United Nations and the Government of Colombia, most notably serving as the United Nations' Under-Secretary-General for Economic and Social Affairs; Executive Secretary for the Economic Commission for Latin America and the Caribbean; and in Colombia as Minister of Finance and Public Credit and Minister of Agriculture and Rural Development. Likewise, Ms. Okonjo-Iweala is a globally renowned Nigerian economist best known for her two terms as Finance Minister of Nigeria (her current position) and for her work at the World Bank, including several years as one of its Managing Directors. The Board of Directors was clearly blessed to have three outstanding candidates to choose from.

I commend Mr. Ocampo and Ms. Okonjo-Iweala for driving a spirited and appropriate debate about the future direction of the World Bank. It is always good to obtain new perspectives and to explore new ideas. Indeed, in accepting his new position yesterday, Dr. Kim recognized the growing influence of our colleagues in the world's emerging economies—as represented by Mr. Ocampo and Ms. Okonjo-Iweala—and pledged to "seek a new alignment of the World Bank Group with a rapidly changing world." And he also committed himself to fostering a bank that, among other things, "amplifies the voices of developing countries and draws on the expertise and experience of the people we serve."

I hope that Mr. Ocampo and Ms. Okonjo-Iweala will take up Dr. Kim's call to work with him to reshape the World Bank into a more potent tool for helping to resolve some of the world's most intractable problems. And I ask my colleagues to join me in recognizing all three outstanding World Bank president candidates for their dedication to service.

CONGRATULATING THE 2011 BCS NATIONAL CHAMPION UNIVERSITY OF ALABAMA CRIMSON TIDE

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. BONNER. Mr. Speaker, on Thursday, the University of Alabama Crimson Tide makes its second trip in three years to the White House to be honored as Bowl Championship Series National Football Champions.

On January 9, 2012, the Crimson Tide reclaimed the BCS National Football Championship with the University of Alabama's 21 to 0 shutout of the LSU Tigers in the New Orleans Superdome.

During a football season that many armchair quarterbacks claimed lacked drama due to the apparent domination of one team for much of the year, the final verdict was confirmation to Crimson Tide fans around the nation and throughout the world that Bama was simply the best.

In a land of many great traditions, football is uniquely American. The struggle to overcome and outlast your opponent for four quarters in one of the most physically challenging sports is what draws many of us to the game. Down South, we may not have written the first chapter in the book of football, but the Southeastern Conference has become the main character for the last six years.

By capturing the 2011 BCS title, the Alabama Crimson Tide can lay claim to 14 NCAA college football championships and the second in three years under Coach Nick Saban.

Going into New Orleans on January 9, the world of college football was divided over whether the unbeaten and number one LSU Tigers or the one-loss Crimson Tide would leave the Louisiana Superdome wearing the BCS crown. But for Bama fans the outcome was never in doubt. Both the Tigers and the Tide earned their journey to the final contest, but only the Crimson Tide came ready to play.

By halftime it was already apparent that victory for the Tide was in the offing and the third and fourth quarters only brought confirmation. The Crimson Tide offense scored 21 unanswered points and the Bama defense dominated the formerly mobile Tigers offense, holding them to just 92 total yards.

Once again, the BCS National Championship title returns to Tuscaloosa and the historic victory in New Orleans is not only a triumph for the Tide but a win for all football fans in the State of Alabama.

Mr. Speaker, I join the entire Bama nation in congratulating Coach Saban, his talented assistants, the staff, the team, their loyal families and Bama fans everywhere . . . Roll Tide!

HONORING ROSE FELDSHER'S 50 YEARS OF VOLUNTARY SERVICE

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Ms. SCHWARTZ. Mr. Speaker, I rise today to honor and congratulate Rose Feldsher on her retirement from the volunteer program at Einstein Medical Center in Philadelphia after 50 years of service.

Rose is the longest serving volunteer out of 500 at Einstein. Her volunteer work there started back when John F. Kennedy was president.

After waiting long, stressful hours by herself for her own husband in surgery, Rose took it upon herself to volunteer her time so that people in similar positions did not have to go through the same thing she did. And so, in 1961 Rose started "making rounds". She delivered water, comforted loved ones in the waiting room and assisted nursing staff.

Since then, the hospital has changed staff, technology, and facilities. Even with the arrival of new technology and ways of helping those who come to see patients, Rose still personally sees that family members and friends get personal updates directly from her. Although the hospital itself has changed over the years, Rose has faithfully shown up every Friday morning for the past 50 years.

Now retiring at the age of 90, Rose plans on spending time with her four grandchildren and two great grandchildren.

Mr. Speaker, I ask that my colleges join me in thanking Rose Feldsher for her 50 years of dedication and service to those in need in the community.

IN RECOGNITION OF GREEK INDEPENDENCE DAY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of Greek Independence Day as people of Greek heritage around the world gather to remember and celebrate those who partook in the heroic struggle for freedom.

On March 25th people around the world will celebrate Greek Independence Day which commemorates the beginning of the Greek War of Independence. For four hundred years the Ottoman Empire had controlled Greece and attempted to suppress Greek language, culture, and religion. In 1821, behind the leadership of Bishop Germanos of Patras, the citizens of Greece began their long and difficult fight for liberty. After nine long years, the Greeks eventually won the freedom they had previously been denied. The Bishop also chose March 25th as the annual celebration of The Annunciation of the Mother Christ.

This year marks the 12th Annual Greek Independence Day Parade for the Northeast Ohio Greek American Celebration. The parade will be led by Father Dean Dimon of the Annunciation Greek Orthodox Church and other area clergy members. The celebration will include local Greek dance groups and a church service.

Mr. Speaker and colleagues please join me in recognizing the anniversary of Greek Independence, and wish the Greek Americans in Northeast Ohio a joyous celebration.

INTRODUCTION OF THE RACIAL PROFILING PREVENTION ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Ms. NORTON. Mr. Speaker, as we await a surface transportation bill, I rise to introduce a bill to reestablish a federal grant program for states that desire to develop racial profiling laws, collect and maintain data on traffic stops, design programs to reduce racial profiling, and train law enforcement officers, which I worked to get included in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) in 2005. Despite the fact that the grant program was just a small piece of the very large SAFETEA–LU bill, nearly half of the states participated in the program for multiple fiscal years. Racial profiling is a form of racial discrimination that is now back in the forefront of national concern because of the tragic killing of Trayvon Martin.

Racial profiling on roads built with federal funds is a violation of Title VI of the 1964 Civil Rights Act, because it amounts to a government subsidy of discrimination. However, while it remains a widespread problem in our country, there is little experience in developing legislation in this sensitive area to address racial profiling while allowing for appropriate law enforcement. My bill would help states to better develop their racial profiling laws and to help law enforcement understand what role racial profiling plays in traffic stops.

My bill imposes no mandates on states. Instead, it simply authorizes a grant program, but does not require states to participate. However, it provides resources that many states and localities clearly need if they are to curb racial profiling.

HONORING EULESS FIREFIGHTER BATTALION CHIEF GARY THOMPSON

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. MARCHANT. Mr. Speaker, it is with great pride that I recognize Battalion Chief Gary Thompson for his 34 years of public service with the City of Euless. He served 32 years of his tenure with the Euless Fire Department.

Thompson began his service in 1976 in the Euless Public Works Department. In 1977, Thompson left public service and attended Tarrant County College where in 1979 he earned more than 50 hours toward an Associate's Degree in Fire Technology. After studying in college, Thompson rejoined the Euless Public Works Department in 1979 and then left that department to join the Euless Fire Department in 1980.

After only a month as a firefighter in 1980, Thompson was promoted to Second Driver. Thompson's talents were often recognized by his superiors, and from 1980 to 1996, he was continuously promoted up the ranks. During his tenure, Thompson was promoted to Driver Engineer (1981), Lieutenant (1983), Captain (1986), Captain-Paramedic (1989), Battalion Chief (1995), and finally Battalion Chief-Paramedic (1996).

Throughout his career, Thompson has received numerous awards from the City of Euless for his outstanding service. The awards include Firefighter of the Year (1981), Supervisor of the Year (1986), Supervisor of the Year (1988), Paramedic of the Year (1992), Distinguished Service Award (1993), Supervisor of the Year (1995), EFD Employee of the Year (1998), Lifesaving Award (1999), Distinguished Unit Award (2004), Distinguished Unit Award (2006), and Distinguished Unit Award (2009).

Thompson grew up in Euless where he attended Oakwood Terrace Elementary, Euless Junior High, and Trinity High School. His father, Bill Thompson, also served the Euless community as a police officer for 25 years where he retired in 1989 as an Assistant Police Chief. Thompson is married to Delia, and their family includes three daughters and three grandsons.

Mr. Speaker, on behalf of the 24th Congressional District of Texas, I ask all my distinguished colleagues to join me in thanking Gary Thompson for his 34 years of public service.

IN HONOR OF MR. GEORGE B. SOBIERAJ

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mr. George B. Sobieraj, a gentleman whose dedication to the Polish-American community of Cleveland has led the Cleveland Society of Poles Foundation to name him the 2012 recipient of the ''Good Joe'' Award.

Mr. Sobieraj was born and raised in the St. Hyacinth area of Cleveland. He graduated from the University of Dayton with a degree in Business Management. He has since been a successful entrepreneur and venture capitalist. In 1980, George founded Rubber City Machinery Corporation in Akron, Ohio and is the only certified appraiser of rubber machinery in the U.S.

Many organizations within the Polish-American community in the Greater Cleveland area have benefitted from Mr. Sobieraj's leadership. He serves as Vice President of the Polish American Cultural Center and Union of Poles in America Group 33. He is a member of the Kosciuszko Foundation, a finance committee member for St. John Cantius Church and a member of the boards of trustees of the Polonia Foundation and the Cleveland Society of Poles, of which he is also a past president. Mr. Sobieraj is responsible for Polish Night at the annual ''Polish Open'' golf tournament at Progressive Field.

Mr. Sobieraj has also been honored many times throughout his life for his service to the Polish community. Among his many awards, George is the recipient of the Polish Heritage Award and was the Honoree of the Ohio Chapter of the Kosciuszko Foundation in 2011.

Mr. Speaker and Colleagues, please join me in honor and recognition of Mr. George B. Sobieraj, whose tireless devotion to the Polish-American community has been an inspiration to many.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 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 $15,661,574,232,598.82. We've added $5,034,697483,685.74 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.

CONDEMNING THE NORTH KOREA ROCKET LAUNCH

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. BURTON of Indiana. Mr. Speaker, last week, the despotic regime in North Korea

launched a rocket under the guise of sending a ''weather satellite'' into outer space. Fortunately, the three-stage missile failed within two minutes and crashed into the sea, a setback for the North Korean military but a moment of relief for that country's peace-loving neighbors.

While this missile test was a failure—so spectacular a failure that even the propaganda arm of North Korea's government admitted it—that does not mean that any next such test will also fail. This launch was another slap in the face to the United States by a regime that has repeatedly violated agreements we have made in good faith. The Obama Administration has yet again attempted to negotiate with a terrorist regime that uses every negotiation opportunity to buy time to develop its nuclear program. Meanwhile, thousands of North Koreans are starving.

In the most recent ''Leap Day Agreement'' entered into with the United States, Pyongyang agreed to suspend major elements of its nuclear program and refrain from any long-range missile launches. We, in turn, would provide another 240,000 tons of nutritional assistance. Now we have once again provided the regime with food which they reportedly sell for hard currency in order to continue to prop up their military programs. North Korea yet again chooses to violate violates its part of the deal.

I have read reports that estimated the cost of the failed rocket launch at $850 million. The same report said that the cost of the launch cost would have been enough money to buy 2.5 million tons of corn and 1.4 million tons of rice—or enough for the North Korean Government to feed millions of its starving people. This to me is criminal behavior. This launch was a gesture of contempt for the efforts of the United States, the Republic of Korea, and our other partners in Northeast Asia who have been working to prevent nuclear proliferation on the Korean peninsula and to damper North Korea's belligerence.

We must remain vigilant not only in preventing missile tests but also in preventing North Korea's further attempts to develop nuclear weapons.

For more than six decades, it has been the policy of the U.S. government to promote peace, stability, and security in Northeast Asia and in the Korean Peninsula.

South of the Demilitarized Zone, these efforts have seen tremendous and unparalleled success. Since the armistice ended the Korean War in 1953, our ally South Korea has grown economically and matured politically. Korea is now a model democracy, one of the most successful in East Asia, and it shares with the United States the values of liberal governance, free enterprise, and regional security.

By contrast, North Korea is ruled by a family dynasty that disdains those values and seeks to undermine them.

South Korea now has the 11th-largest economy in the world. It is the seventh-largest trading partner with the United States. Over the past six decades, Americans have fought side-by-side with our allies from the Republic of Korea not only in the Korean War, but also in Vietnam, Iraq, and Afghanistan.

Over two million Americans of Korean descent live in our country, raising families, building businesses, and contributing to their communities. Thousands of South Korean students are enrolled in American colleges and universities. Many Korean tourists and business travelers visit the United States each year.

The bonds between the United States and Korea are strong and long-lasting, dating back to the 1882 Treaty of Amity and Commerce—130 years ago.

We have no ill wishes for the people of North Korea, whose government does not represent them. That 1882 friendship treaty was made with all of Korea and we look forward to the day when all Koreans and all Americans may participate fully in amity and commerce.

Sadly, the belligerent nature of the North Korean regime has postponed that bright day.

For that reason, in this time of tension in Northeast Asia, I urge my colleagues to condemn, unequivocally, North Korea's programs to develop both nuclear bombs and long-range missiles. We must insist that these projects be ended in the interest of peace and stability.

IN HONOR AND REMEMBRANCE OF MR. EARL NOLAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Mr. Earl Nolan, an active member of and asset to the Northeast Ohio community.

Born on December 15, 1931, Earl served in the U.S. Army during the Korean Conflict and had been a member of the Disabled American Veterans. He was employed by the U.S. Postal Service for over 30 years as a General Mechanic performing repair work on the post office buildings and mailboxes in the Cleveland District. The U.S. Postal Service provided him training at the University of Oklahoma where he earned a technician certificate in heating, ventilating and air conditioning. Earl was a longtime member of the Cleveland Ward 19 Democratic Club. He also volunteered for over 20 years with the Cleveland Police Auxiliary to help keep his West Park neighborhood safe for all fellow residents.

I offer my condolences to his beloved wife, the late Joanne (Pease); loving children Janet (Ray) Sirbaugh, Kathy A., and the late Carolyn J. Nolan; grandchildren Courtney and Tim; siblings Clarence, the late Agnes Matei, Robert and Raymond; as well as his many nieces and nephews.

Mr. Speaker and colleagues, please join me in honoring the life of Mr. Earl Nolan.

LOANTAKA CHAPTER OF NATIONAL SOCIETY DAUGHTERS OF THE REVOLUTION

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Loantaka Chapter of the National Society Daughters of the Revolution, organized in the Borough of Madison, Morris County, New Jersey and the Parsippanong Chapters of the National Society Daughters of the Revolution, organized in the Township of Parsippany-Troy Hills, Morris County, New Jersey as they celebrate their 85th and 100th anniversary respectively.

The Loantaka-Parsippanong Chapter resulted from the merger of the Parsippanong and Loantaka DAR chapters in 1992. The Parsippanong Chapter was organized on October 14, 1912 with Ruth E. Tichenor Fairchild as Organizing Regent and the Loantaka Chapter was organized in 1927 with Jane Wilson Graham Ridley as Organizing Regent. Today, members continue to promote the awareness of our rich history.

Throughout their history, both the Loantaka and Parsippanong Chapters have demonstrated a marked commitment to the Morris area. In the past, the Loantaka Chapter has supported efforts to make Jockey Hollow a national historical park and participated in the celebration of the National Parks bicentennial in 1972.

Similarly, the Parsippanong Chapter has demonstrated its commitment by sponsoring Memorial Day Services at the Parsippany Presbyterian Church Cemetery where 84 Revolutionary War soldiers are buried.

The Loantaka-Parsippanong Chapter prides itself on working to preserve buildings and landmarks that are of historical significance, and on supporting the National Society's scholarships, approved schools, and Native American endeavors.

The Daughters of the Revolution persistently furthers its mission of education as well as the preservation of history by sponsoring activities such as Good Citizens, a program which recognizes and awards scholarships to high school seniors exemplifying the ideals of good citizenship, and by joining with other patriotic, heritage, and historical organizations in providing educational opportunities to local citizens and schoolchildren.

The Loantaka and Parsippanong chapters have also enriched the community by providing philanthropic services such as supporting schools for children with special needs, providing service to patients in Veterans' Hospitals, and offering financial aid for American Indian students. Through their steadfast dedication to addressing the educational and social needs of the community while preserving the culture and history of the Morris area, the Loantaka-Parsippanong chapter has proved itself to be a pillar of our community.

Mr. Speaker, I ask you and my colleagues to join me in congratulating the Loantaka and Parsippanong Chapters of the National Society Daughters of the Revolution as they celebrate their 85th and 100th anniversaries.

RECOGNITION OF COMMANDER BOB DOUGLAS OF THE NEWARK, CALIFORNIA POLICE DEPARTMENT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. STARK. Mr. Speaker, I rise today to pay tribute to Commander Bob Douglas. Commander Douglas retired from the City of Newark, California's Police Department, on April 12, 2012, after serving over 30 years in law enforcement with over 28 years as a member of the Newark Police Department. He was a

distinguished police officer and was recognized by his peers as the Police Officer of the Year in 1991 and 1998.

Commander Douglas began his career in law enforcement with the Town of Los Gatos as a Police Cadet. He was promoted to the position of Community Service Officer in 1981. He was hired as police officer by the Newark Police Department on November 16, 1983. During his time as an officer, Commander Douglas served as a Field Training Officer, Property Crimes/Fraud Detective, Reserve Officer Coordinator, Citizen Police Academy Instructor, PR–24 Baton Instructor, and Defensive Tactics Instructor.

Commander Douglas was promoted to the rank of Sergeant on February 25, 2001. As a Sergeant, he was assigned to the Patrol Division and served two terms as the Detective Sergeant. For two years, he was in charge of the Newark Police Department's Field Training Program for new officers. Commander Douglas received the Winter 2002 Police Department Employee of the Quarter Award and was City of Newark Pride Awardee in 2006.

On August 26, he graduated from the Sherman Block Supervisory Leadership Institute. Commander Douglas was promoted to Police Lieutenant on November 1, 2008 and served in that capacity as the Administrative Lieutenant. On January 1, 2009, the Lieutenant position was reclassified to the rank of Police Commander. As the Administrative Lieutenant and Commander, he has been in charge of the Training Division, Internal Affairs, Property/Evidence, Red Light Photo Enforcement, as well as serving as the Newark Police Department's Public Information Officer.

Commander Douglas received the Chiefs Challenge Coin of Special Recognition for his outstanding work, loyalty to the organization, and tireless efforts in the development and promotion of the department's mission, vision, and values.

I join Commander Douglas' colleagues and the community in thanking him for his exemplary service and commitment, and wish him well on his retirement.

IN HONOR OF THE HONORABLE MARY HARNEY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the Honorable Mary Harney, a former dignitary in Ireland, who will be visiting Cleveland, Ohio on St. Patrick's Day.

Ms. Harney was born in Ballinasloe, County Galway in 1953. She attended Trinity College, Dublin where she earned a Bachelor of Arts in Modern Studies. During her college career, Ms. Harney became the first female auditor of the College Historical Society. After graduating, she worked as a mathematics and economics teacher at Castleknock College in Dublin for a year.

In 1977, at the age of 24, Ms. Harney was appointed to Seanad Éireann (Irish Senate) by the Taoiseach (Prime Minister). At the time of her appointment, she was the youngest person to ever be a member of the Seanad. Following several years of dedicated service, Ms. Harney was elected to the Teachta Dála (Irish Parliament) in the 1981. She served continuously until her retirement in 2011. During her service in the Teachta Dála, Ms. Harney served as Tánaiste (Deputy Prime Minister) from 1997 through 2006. She also served as Minister for Enterprise, Trade and Employment for seven years and as Minister for Health and Children from 2004 until 2011. Ms. Harney was also the Leader of the Progressive Democrats between 1993 and 2006 and again in 2007 and 2008.

Throughout her career, Ms. Harney has been recognized for her dedicated service to the Republic of Ireland. She was named the Irish Independent Woman of the Year in 1996 and Irish Tatler Woman of the Year in 2005.

Mr. Speaker and colleagues, please join me in welcoming the Honorable Mary Harney to the City of Cleveland on St. Patrick's Day.

BECKLEY, WEST VIRGINIA, ONE OF THE 20 BEST SMALL TOWNS IN AMERICA

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. RAHALL. Mr. Speaker, our Nation's premiere collection of American culture, the Smithsonian Institution has spoken. My hometown of Beckley, West Virginia, is among the Smithsonian's list of "The 20 Best Small Towns in America."

The master curators of our national trends, tastes, tragedies and triumph scoured one of our broad Republic's basic foundations, our small towns, to identify those that best celebrate culture, often those that celebrate their own culture and share it with the world.

The forthcoming article in the May 2012 edition of Smithsonian Magazine highlights a few of the Beckley area's many institutions, including the Beckley Exhibition Coal Mine, our Arts center, Tamarack, and the venerable Theater West Virginia. They reflect a hardworking, talented, inspiring, sharing, genuine people who would do anything and everything within their power to help their neighbor. The faith, hope and abundant charity within the hearts of the community is a hallmark we cherish. These cultural icons attract visitors across many cultures as well as our own school kids and families, all who are eager to learn and enjoy.

The Smithsonian quest was prompted by the premise that our "big cities" and "grand institutions" do not have a monopoly on our Nation's creative juices. I wholeheartedly agree. I would only add to the authors' survey, that partnerships as well as individuals—can constitute a virtual wellspring of cultural opportunity.

I know, firsthand, that partnerships on all levels of government and from all corners of the private sector have mixed and matched manpower, material and money to share the magic and majesty of our mountain heritage and living to all who pass our way.

These public sector commitments to local arts, theater and culture are long term investments of precious taxpayer dollars. They are among the fundamental building blocks of a regional economy. They are among the pillars that support an elevated quality of life for everyone. I know that my hometown is not unique in this respect and hope that my colleagues will keep this in mind as we debate the great needs of our nation.

I salute everyone involved in Beckley's, Raleigh County's and the great State of West Virginia's progress and in this most deserved distinction.

I say to my colleagues, it's worth a visit real soon.

I commend the Smithsonian, affectionately known at the nation's attic, for recognizing the best of our small cities, where the country's front porches have much to offer.

PERSONAL EXPLANATION

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. McINTYRE. Mr. Speaker, I was unexpectedly unable to make votes on April 17, 2012. Had I been present, I would have voted in the following way: "no" on rollcall vote No. 154; "no" on rollcall vote No. 155; "yes" on rollcall vote No. 156; "yes" on rollcall vote No. 157; "no" on rollcall vote No. 158; "no" on rollcall vote No. 159; "no" on rollcall vote No. 160; "yes" on rollcall vote No. 161; "yes" on rollcall vote No. 162; "no" on rollcall vote No. 163; "yes" on rollcall vote No. 164.

IN REMEMBRANCE OF KEVIN O'DONNELL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Kevin O'Donnell.

Kevin O'Donnell was born in Cleveland, Ohio in 1925 and attended West High School and Kenyon College before joining the U.S. Navy Supply Corps during World War II. After returning home from the war, he attended Harvard University and established himself as a businessman, working for SIFCO and Booz, Allen, Hamilton.

In 1966, he made a life-changing decision after spotting a story in a local paper about a man serving in the Peace Corps. He applied and accepted an assignment to head the Peace Corps' office in South Korea. As the Country Director in South Korea, he was charged with establishing educational programs. After four years in that post, he moved to the Peace Corps headquarters in Washington, D.C. and quickly rose up the ranks, finally becoming Director of the Peace Corps in 1971. O'Donnell was instrumental in successfully opposing Congressional efforts to slash funding for the Peace Corps. His daughter Megan and granddaughter Allison would continue his legacy, volunteering with the Peace Corps in Nepal and Honduras, respectively.

After 6 years with the Peace Corps he returned to Lakewood, Ohio and to SIFC, serving as the company's CEO. O'Donnell was recognized several times for his dedication to public service, receiving honorary doctorates from Kenyon College, Ohio Wesleyan, and Pusan National University in Korea.

Kevin O'Donnell is survived by his children Kevin, Susan, Michael, John, Maura, Megan

and Hugh; as well as by 17 great grandchildren.

Mr. Speaker, please join me in honoring the memory of Mr. Kevin O'Donnell. His work and legacy will live on with all those who were blessed with knowing him.

HONORING NEWARK, NEW JERSEY MAYOR CORY BOOKER

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor Newark, New Jersey Mayor Cory Booker for his heroic efforts on April 13, 2012.

Mayor Booker returned home last Thursday evening to find flames erupting out of his neighbor's home. His neighbor screamed that her daughter was still inside. The mayor ran inside without hesitation, hoping to rescue the woman he had known for years. In doing so, Mayor Booker suffered second-degree burns and smoke inhalation. The woman who was trapped inside the burning home suffered second-degree burns on her back. Mayor Booker's neighbor, Zina Hodge, said ''If Cory wouldn't have came in there and rescued me, I would have died in there.''

Mayor Booker is one of our Nation's foremost Mayors. As Mayor of Newark, he has worked diligently to create thousands of jobs, reduce crime, and improve education. Mayor Booker's leadership has attracted approximately $100 million in private philanthropy to the City of Newark, and a variety of nonprofits and public-private partnerships have been created with the goal of improving the lives of Newark residents. Mayor Booker is a shining example of what being a public servant truly means.

Mr. Speaker, Mayor Booker continues to strive to improve the lives of the citizens of Newark. I would like to recognize the Honorable Cory Booker for his determination, hard work, and bravery. His dedication and leadership are outstanding models for public service.

HONORING THE LIFE OF MERVA E. JACKSON

HON. CHRISTOPHER S. MURPHY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. MURPHY of Connecticut. Mr. Speaker, I rise today to honor the life and memory of Ms. Merva E. Jackson, who sadly passed away on April 4, 2012.

Few times in one's life do you come across a person with such great passion, grace, and expertise like Merva Jackson. Merva had an indelible impact on everyone she met, including me. I vividly remember a meeting I had with her and several of her colleagues in my Washington office in the spring of 2010. It was one of those inspiring meetings that you never forget. The excitement in the room and the commitment to change was palpable as we brainstormed ways to combat the pervasive school-to-prison-pipeline that entangles too many of our youth. We left the meeting energized and with a plan for a statewide conference to tackle ways to reform the system. Merva's passion ignited my own, and I remember feeling so lucky that the State of Connecticut had her to advocate on behalf of vulnerable youth. A few months later our vision became a reality when over 150 people from across the State—and the Assistant Secretary of Civil Rights at the U.S. Department of Education—came together to listen to Merva and others discuss the critical issue of promoting dignity in schools. Of course, she provided invaluable insight and perspective that day, as she did every day.

I am deeply saddened by the loss of Merva Jackson but feel so lucky to have known her. I last saw Merva in October at a juvenile justice event in Wethersfield, Connecticut. She was busy planning events for the future, to continue her work for justice and equal opportunity for all. I hold that memory near to me, and hope all who knew her find some comfort in reflecting on their own many loving memories of Merva and take pride in all that she did and all that she was.

IN HONOR OF MS. MALAK JADALLAH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Ms. Malak Jadallah and to acknowledge her receipt of the Community Service Award from the Cleveland American Middle East Organization (CAMEO). Ms. Jadallah is being recognized for her service, dedication, leadership, volunteerism and advocacy on behalf of the Arab American Community of Greater Cleveland.

Malak was born and raised in Jerusalem, Palestine. She is a former art and German language teacher. Ms. Jadallah later moved with her beloved husband, Muhammad Amer, to Kuwait in 1972. Later, the Palestinians that had settled in Kuwait were forced to leave their homes and lives. Malak immigrated to the United States in 1990 and settled with her mother and sisters in Brooklyn, Ohio.

Soon after becoming a Member of Congress, I asked Malak to join my Congressional staff in Lakewood, Ohio. She has been faithfully serving the residents of the 10th District for 15 years as a constituent service representative specializing in immigration and visa issues. Prior to working in my office, Malak was a program director for the Arab American Community Center for Economic and Social Services (AACCESS). She has continued her work in the Arab community and has been a member of CAMEO for 18 years. She also worked with the Council of American-Islamic Relations, American-Arab Anti-Discrimination Committee, American Arab Institute, Beit Hanina Federation and the Ramallah Federation.

As a result of her steadfast dedication, Malak has been honored numerous times throughout the years. She has been recognized by the Arab American Community Center, Albanian American Association of Cleveland and Saudi Arabian Cultural Mission to the U.S.

Mr. Speaker and colleagues, please join me in congratulating Ms. Malak Jadallah as she is honored by the Cleveland American Middle East Organization.

TRIBUTE TO MR. JOHN PAYTON

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. CONYERS. Mr. Speaker, ''Democracy, at its core, requires that all of the people be included in 'We the People.' '' Uttered by Mr. John Adolphus Payton during a 2008 speech in Michigan, this quote embodies his legacy. A true pioneer, John Payton rarely turned down an opportunity to advocate for the least among us and reminded America time and again of the necessity to advance toward a more inclusive and tolerant society. From his youth until his last days, John Payton fought for the recognition of individual rights and taught us how to work toward democracy—not just speak about it.

A quick glance at John's background quickly reveals the makings of a civil rights giant. At the height of the overt racial tensions of 1965, John Payton was one of only a handful of black students at Pomona College. Even as a working student, John found time to enhance the quality of collegiate life for disadvantaged students by founding Pomona's Black Student Association, organizing and participating in anti-war and civil rights demonstrations, successfully lobbying Pomona's administration to recruit more black students, and for the creation of a black studies program. A year after graduating from Pomona College, John enrolled at Harvard Law School in 1974. As a law student he obtained affidavits from black student activists who were injured during Boston's school busing controversy. John served as an ideal model of what true civic engagement should be. Even without a formal title, he used his resources to fight for the rights of others.

Serving as the sixth president of the NAACP Legal Defense and Educational Fund (LDF), John led many victories before the U.S. Supreme Court, including the 2010 case Lewis v. City of Chicago, where John successfully represented a group of firefighters who argued that the city had discriminated against black recruits by using a grading system that resulted in no black applicants being hired. Though their claims had been barred by a statute of limitations defense in the lower court, the Supreme Court reversed those findings, allowing the recruits' claims to move forward. Prior to taking the helm of the NAACP LDF, in 2003 John argued in Grutter v. Bolinger that the University of Michigan had a compelling interest in promoting class diversity, and that acknowledging race as one of many factors in admissions decisions was not a quota. In a 5–4 decision, the Supreme Court agreed with John's argument, and put our nation one step closer towards achieving equitable higher education for all.

John's journey to erasing the ''badges of slavery'' meant challenging racism head on. As an associate with the D.C. law firm Wilmer, Cutler and Pickering (now known as Wilmer Hale), he contributed to the firm's representation of the NAACP in various legal matters, including assisting with the 1982 Supreme Court case NAACP v. Claiborne Hardware Co. The

Claiborne case rescued the NAACP from certain bankruptcy by avoiding a financial penalty after the group organized a 1960s boycott against white merchants in Mississippi. In 1988, John represented the city of Richmond's program which set aside 30 percent of municipal construction jobs for minority-owned businesses. The Supreme Court ruled that the Richmond law was unconstitutional because it violated the white-owned construction firms' right to equal protection. Many would have been discouraged by the loss, but as John eloquently stated in the 2008 edition of The Civil Rights Monitor, published by the Leadership Conference on Civil and Human Rights, "We must recognize that this is a marathon and not a race if we are to find solutions that will work."

As I sat at John's memorial service, I not only sat as a legal colleague, but as a friend. Many shared their respects for a man who gave so much to promote justice and equality. I thank his wife of 20 years, Gay McDougall, for sharing her lifelong partner so that we could be beneficiaries of his lifelong mission.

WE SAY NEVER AGAIN TO THE HOLOCAUST

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. RANGEL. Mr. Speaker, on Yom HaShoah, better known as Holocaust and Heroism Remembrance Day, people from all walks of life regardless of politics, faith, race, gender, or sexual orientation recognize the Holocaust as one of the most horrific events in world history. Since the end of World War II the United States and our allies have promised to never allow such mass genocide to be repeated. Never again shall humanity experience the evil and destruction that brutally robbed eleven million people of their lives.

After the Allies took back Europe from the forces of evil, millions of Jews emigrated to the United States and to the area now globally recognized as the State of Israel. It is here where the Jewish people found a home to restore their identity in the aftermath of the War. When General Dwight Eisenhower arrived at Buchenwald, he ordered the U.S. 4th Armed Division to tour the facility. He wanted them to bear witness to the atrocities unleashed on human beings so that no person would ever question what happened.

For the Holocaust survivors, they live with the nightmares and trauma of having seen their brothers and sisters treated like animals. To this day former prisoners wake up seeing the most visible scar from that era, an identification tattoo forced on them upon entering the concentration camps.

New York is home to half of the Holocaust survivors living in the United States. Although we can never undo this tragedy, we can continue to remember and pay tribute to the survivors and their families. I am proud to live in a country that recognizes human rights and has provided sanctuary to oppressed people throughout the world. America must continue to remain that beacon of hope.

IN RECOGNITION OF CLEVELAND PEACE ACTION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of Cleveland Peace Action as they gather for the Second Annual Save Our Communities—Books Not Bombs, Jobs Not Jails, Families Not Foreclosures Forum and Dinner and Rally on April 14 and 17, 2012.

Cleveland Peace Action, a chapter of Peace Action, was established in 1981 as the Greater Cleveland Nuclear Weapons Freeze Campaign. Their mission is "To reduce the threat of violence, war and terrorism by working through peaceful, just and democratic means." Cleveland Peace Action works for global nuclear disarmament, a comprehensive nuclear test ban treaty, a reduced military budget, alternatives to war and violence, cooperation with other nations and protection of human rights.

On April 14 and 17, 2012, Cleveland Peace Action will host the Save Our Communities—Books Not Bombs, Jobs Not Jails, Families Not Foreclosures Forum and Dinner and Save Our Communities—Make Taxation Fair! Bring the War $$$ Home! Invest In Real Security! Rally. The community forum will be held on Saturday, April 14 at the Pilgrim United Church of Christ and will feature National Priorities Project's Senior Research Analyst, Chris Hellman, as the keynote speaker. The rally will be held on April 17 in Cleveland Public Square.

Mr. Speaker and colleagues, please join me in recognizing Cleveland Peace Action as members of the Northeast Ohio community gather for the Second Annual Save Our Communities—Books Not Bombs, Jobs Not Jails, Families Not Foreclosures Forum and Dinner and Rally.

CELEBRATING STANLEY GORSKI ON HIS 50 YEARS OF TEACHING IN THE STATE OF NEW HAMPSHIRE

HON. FRANK C. GUINTA

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. GUINTA. Mr. Speaker, it is with great pleasure that I congratulate Mr. Stanley Gorski on his 50 years of teaching in the state of New Hampshire.

For the past fifty years, Mr. Gorski has inspired hundreds of high school students to pursue their talents and goals, and excel in their studies. As an English teacher, he has helped to spark an interest in reading and writing, and broadened the minds of many students in his classes, doing so with a great sense of humor and kindness appreciated by all. He is to be commended for his many years of service and dedication to his profession and students, and recognized for the impact he has had on their lives.

Throughout his fifty years of teaching, both at Bishop Brady High School and Trinity High School, Mr. Gorski has not only become a trusted and valued employee, but a mentor and friend to his fellow teachers. He generously shares his knowledge and experience with those around him and we are all thankful for his many contributions to teaching.

I congratulate Stanley on reaching this great milestone and for his outstanding commitment to education and his students. Tonight's celebration is well deserved for the many years of service he has given and I wish him all the best for continued success in the future.

PERSONAL EXPLANATION REGARDING RECORDED VOTE ON THE HOLT AMENDMENT TO H.R. 4809

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. BLUMENAUER. Mr. Speaker, I wish to correct a vote I made yesterday, regarding the Holt Amendment to H.R. 4809, the Sportsmen's Heritage Act of 2012. I mistakenly voted against the amendment, when I intended to support it. I strongly support Rep. HOLT's intention, which was to make a technical correction to the legislation to allow a local park manager to close a park to hunting and recreational shooting when necessary. My record in supporting and protecting our national parks is a testimony to my strong commitment to these important places, and I believe that Rep. HOLT's amendment was an important technical correction.

I wish to clearly state for the record that I supported the Holt Amendment to H.R. 4809 and did not intend to vote against it.

IN RECOGNITION OF CLEVELAND FEDERAL EXECUTIVE BOARD'S 26TH ANNIVERSARY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the 26th anniversary of the Cleveland Federal Executive Board, and to thank all the federal employees in our community for their individual and collective dedication to the public good.

The community of federal employees in Cleveland, Ohio is comprised of more than 25,000 individuals who contribute their talent and expertise daily in an array of roles, including park rangers, administrators, accountants, clerical employees, attorneys engineers, military personnel, mail carriers, scientists, nurses and physicians.

The professional contributions extended daily by federal employees serve as a foundation of support, safety and security throughout the community. Every day, the environment is protected; the mail is delivered; veterans receive medical care; our national park is preserved; immigrants are guided to citizenship; citizens are provided with benefits and programs; and the universe is studied and explored thanks to federal employees in Northeast Ohio.

Mr. Speaker and colleagues, please join me in honoring the members of the Cleveland

Federal Executive Board and the thousands of federal employees who live and work within the Cleveland community. Their dedication to their work continues to preserve, protect and strengthen our entire community.

RECOGNITION OF SERGEANT FRANK LEHR OF THE NEWARK, CALIFORNIA POLICE DEPARTMENT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. STARK. Mr. Speaker, I rise today to pay tribute to Sergeant Frank Lehr. Sergeant Lear retired from the City of Newark, California's Police Department on January 27, 2012.

Sergeant Lehr began his career with the Newark Police Department on August 2, 1986. Prior to joining the department he served as an officer in the City of San Jose Airport Police Force. During his time as a Police Officer in Newark, Sergeant Lehr served two terms with the Southern Alameda County Narcotics Enforcement Team as a Narcotics Detective. In addition to his patrol and detective assignments, Sergeant Lehr served as a Field Training Officer, an instructor for the Citizens Police Academy, a SWAT team member, a hostage negotiator, and in 1990 was named Officer of the Year by his peers.

Sergeant Lehr was promoted to the rank of sergeant on July 1, 2004. He was assigned to the Patrol Division and was the Community Safety Team Sergeant. In this position he worked with his team on gang related problems in Newark. In addition to his day-to-day duties, Sergeant Lehr also served as the Hostage Negotiation Team Sergeant and was an original member of the City of Newark's first Honor Guard.

On August 12, 2009, Sergeant Lehr graduated from the Sherman Block Supervisory Leadership Institute. The Institute is designed to stimulate personal growth, leadership, and ethical decision-making among California law enforcement's front-line supervisors.

Throughout his tenure with the Newark Police Department, Sergeant Lehr has served with distinction. I extend congratulations to him on his retirement and join the City of Newark in thanking him for his commitment to exemplary law enforcement.

50TH ANNIVERSARY OF SAINT ANDREW GREEK ORTHODOX CHURCH

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Saint Andrew Greek Orthodox Church, located in the Township of Randolph, Morris County, New Jersey as they celebrate their 50th Anniversary.

Saint Andrew Greek Orthodox Church came together with approximately 50 families and their first priest, Fr. Konstantine Tsigas, for their First Divine Liturgy on December 23, 1962 in Dover, New Jersey. The ground breaking ceremony for a new church facility in Randolph, New Jersey took place on December 16, 1973. The Church has thrived throughout its many decades, growing from 50 families to over 500 and will continue to thrive for the many years to come.

Saint Andrew prides itself on not only preserving the Greek Orthodox faith and heritage for future generations but also on sharing its culture and faith with the Morris County community.

St. Andrew's incorporates individuals of varying interests and backgrounds through their comprehensive selection of community activities and programs. The Church has enriched the community by offering regular religious services, religious education, and weekly classes on the Greek Language and Hellenic culture. Members of their community can participate in the Church's Byzantine Choir, join one of the many Greek folk dancing groups, attend youth or adult Greek language classes, or join one of several service groups. By offering an array of cultural programs and activities, St. Andrew has succeeded in keeping the Greek culture and language a part of the holistic Orthodox experience.

The Church also provides philanthropic services to the community through volunteer work and services such as providing Life Line Screening, which preemptively scans for risk factors for Stroke, Vascular Disease, and Osteoporosis. St. Andrew's Daughters of Penelope organization award numerous college scholarships to graduating high school seniors in the area while the Philoptochos Society strives both to promote the Greek Orthodox tradition and to assist those in need through fundraisers.

Through their steadfast dedication to addressing the educational and social needs of the community while preserving the cultural and religious diversity of the Morris area, Saint Andrew Greek Orthodox Church has proved itself to be a pillar of our community.

The Saint Andrew Greek Orthodox Church is truly a place where anyone is welcome to find God and find a community of caring, friendly faces. We are proud to have them here in Morris County.

Mr. Speaker, I ask you and my colleagues to join me in congratulating Saint Andrew Greek Orthodox Church as they celebrate their Fiftieth Anniversary.

IN RECOGNITION OF TOASTMASTERS INTERNATIONAL, DISTRICT 10

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the members of Toastmasters International, District 10 as they gather in Cleveland, Ohio for their Spring District Conference on April 27 and 28, 2012.

Toastmasters International was established in 1924 as an organization dedicated to making people more confident in front of audiences. The organization empowers people to achieve their full potential. Through its member clubs, people throughout the world can improve their communication and leadership skills, and find the courage they need for successful public speaking. Toastmasters International has more than 270,000 members that belong to 13,000 clubs in 116 countries. District 10 of Toastmasters International serves approximately 1,700 members and consists of more than 100 active clubs in Northeast Ohio.

The theme of the Spring Conference is ''Strive for Excellence'' and will consist of educational workshops, contests and a dinner. It will also feature the 2011—2012 Toastmaster International President, Mr. Michael Notaro and the Communication and Leadership Award recipient, Reverend Larry L. Harris, Sr., the Senior Pastor of Mt. Olive Missionary Baptist Church.

Mr. Speaker and colleagues, please join me in recognizing the members of Toastmasters International, District 10 as they gather for their Spring Conference.

RECOGNIZING ELIE WIESEL

HON. E. SCOTT RIGELL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. RIGELL. Mr. Speaker, I rise today to enter a statement into the Record on behalf of my constituent, Dr. Israel Zoberman. Dr. Zoberman is the Founding Rabbi of Congregation Beth Chaverim in Virginia Beach, Virginia. He is also the president of the Hampton Roads Board of Rabbis and Cantors. Dr. Zoberman asked me to enter the following remarks into the Record recognizing Elie Wiesel. Dr. Zoberman's statement follows:

''With over 50 books to his illustrious credit, Elie Wiesel continues to bless us at age 84 with his multiple pursuits, including recently as a musician of his childhood songs and melodies. If anyone deserves the honorary appellation of ''Our Teacher and Rabbi'' these unsettling times of post-Holocaust perplexities for Jew and Gentile, it is this distinguished yet humble survivor of the Holocaust's unique tragedy, calling upon us to bear sacred witness with Zachor's undying remembrance. He emerged from the ''Kingdom Of The Night'' resolved to help save humanity, struggling with his shaken faith in his early classic ''Night,'' while contending with his brethren's fate in Soviet captivity in ''Jews Of Silence,'' ever faithful to his rich Jewish moorings as well as universal culture.

Wiesel, a 1986 Nobel Peace Laureate—he should receive one for literature too—is on the very short list of those serving as humanity's conscience. He courageously speaks out for human rights in addition to his ''Elie Wiesel Foundation for Humanity,'' and academic work as the Andrew W. Mellon Professor in the Humanities at Boston University. Among many awards and honors, this great American and humanitarian is a recipient of the United States Congressional Gold Medal along with the Presidential Medal of Freedom, and is the 1980 Founding Chairman of the U.S. Holocaust Memorial Council, receiving on May 16th, 2011, the first U.S. Holocaust Memorial Museum Award, the museum's highest honor, now bearing Wiesel's name. He turned down, reportedly, in 2007 the sure opportunity to become Israel's President.

Wiesel's latest literary gem, ''The Sonderberg Case,'' is a suspenseful Holocaust related novel reflecting his being at home both

in the vineyard of Jewish knowledge as well as general philosophy and literature. Wiesel is the Founding President of the Universal Academy of Cultures. In the book, Werner Sonderberg's grandpa, and unrepentant ex-Nazi officer of the notorious Einsatzgruppen, boasts to his grandson of his murderous record and only regretting that Hitler lost the war with hope of yet a future victory. My own maternal aunt, Bas-Malka Bobrov Gurvitz, husband Shachne and children Aharon, 14, Yisrael, 12, and Rochel-Leah, 2, were murdered in Sarny, the Ukraine, on August 27–28, 1942, among 14,000 Jews by the Einsatzgruppen and their collaborators.

My grandma Esther Bobrov was killed by German air bombs when on the run with my mother, Chasia, from their hometown Sarny. My great-grandparents, Rabbi Yaacov and Dena Manzies Zoberman from Zamosc, Poland, perished in the Belzec death camp and great-grandparents Yitzchak and Zipora Anker were also among the many victims from both family sides, of the 6 million martyrs with its million and a half children. Five million Gentiles were murdered by the Nazis with World War II claiming the lives of 50 million. My uncle, Emanuel Zoberman, who was a member of a Russian attached Polish commando unit, helped liberate Poland and was killed while crossing the Oder River.

My father, Yechiel Zoberman, served in the Russian Army for five years, fighting on the outskirts of Moscow and St. Petersburg (Leningrad), among other battles. We cherish the enormous sacrifices of the heroic American military and all the Allied Forces, along with Righteous Gentiles who stepped forward to protect human dignity and honor.

Wiesel applies the Holocaust's awesome lessons of guilt and responsibility, resonating in the anguished sharing of his German students at Boston University, as well as those of healing and hope, to the lingering conflict between Palestinians and Israelis while trying to acknowledge all concerned and seeking to protect the ''The Other'' that both sides have suffered from. He probingly reflects on the opposite polls and messages of Auschwitz and Jerusalem, altering and sensitizing us toward mutually respectful and professional relations, and that what we do bears moral consequence. Wiesel eases the burden of memory without diluting its sacred essence.

The outstanding Holocaust Commission of the United Jewish Federation of Tidewater of which I have been a proud member for many years, sponsors this season the 15th annual Elie Wiesel Writing Competition and the 10th annual Elie Wiesel Visual Arts Competition. Teachers' Awards for Excellence in Holocaust Education are also given out at an inspiring annual gathering of commemoration. A new documentary, ''What We Carry,'' featuring four local survivors, Dana Cohen, Kitty Saks and of blessed memory David Katz and Hanns Loewenbach, has already received high acclaim.

So close to recalling the destruction of 2/3 of European Jewry—a 1/3 of world Jewry—which has reduced the potential of the Jewish people and humanity, we celebrate this year the 64th anniversary of the only Jewish state, The State of Israel, that is America's very special democratic ally in an uncertain world. With its deep historical roots in the Middle East from whence its prophets challenged humanity with the message of universal shalom, the re-established Third Jewish Commonwealth absorbed the remnant of Holocaust survivors and dispersed Jews from over 100 countries and diverse cultures, bound together by shared faith and fate. It has set a high bar with its astonishing accomplishments in all fields of human endeavor in spite of mighty existential threats, as it rose from the ashes of a consuming Holocaust following a most trying history of exile and denial, with its survival vow, ''Never Again!''

In the midst of a still raging ''Arab Spring'' with the Syrian slaughter continuing and the international community doing so little, a reminder of the Holocaust's years of deafening silence, Israel's flourishing democracy and loadable stability stand out in a region lacking both, as a beacon of hope and noble example. Iran, whose theocratic leaders are Holocaust deniers calling for Israel's destruction, is a threat to the entire world. It is the world's largest exporter of terrorism seeking a nuclear capability to further its goals of de-stabilization and dominion, and being able to conclude what Hitler began.''

INCREASING AMERICAN JOBS THROUGH GREATER EXPORTS TO AFRICA ACT

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. SMITH of New Jersey. Mr. Speaker, yesterday I chaired a hearing that examined U.S. policy toward American exports to Africa as a part of U.S.-Africa trade. The original African Growth and Opportunity Act, or AGOA, was intended to be mutually beneficial for both African and American entrepreneurs, but the focus of the three administrations since its passage in 2000 has been on increasing African exports to the United States and the resultant job growth on the African continent.

This policy has neglected the job growth here in the United States that could be created through increasing U.S. exports to Africa. The purpose of the Increasing American Jobs Through Greater Exports to Africa Act of 2012, H.R. 4221, which I introduced together with Rep. Bobby Rush on March 20th, is to address this important component of U.S.-Africa trade by increasing U.S. exports to Africa by 200 percent over the next decade. This bill does not replace AGOA; it complements it by providing for a rebalancing that makes it beneficial to Americans as well as Africans. Senators Dick Durbin and John Boozman have introduced an identical version of the bill in the Senate—S. 2215.

The bill intends to achieve its ambitious, but achievable, goal by taking several steps, including the creation of a U.S.-Africa trade coordinator to ensure that all U.S. agencies involved in trade work in concert with one another. This legislation also calls for not less than 25% of available U.S. trade financing to be devoted to facilitating U.S.-Africa trade. Furthermore, it encourages the descendants of Africa in this country, who largely operate small and medium-sized businesses, to play a greater role in trade with the countries in Africa.

Small and medium enterprises in Africa and the United States have not benefited from AGOA to the extent that they could have or should have, and the bill addresses this deficit. U.S. companies can benefit from an expanding African market of businesses and consumers, and increased American production will create new, sustainable jobs.

Some have expressed concern that such an expansion of U.S. exports to Africa could flood African markets and damage their economies. However, many of these U.S. exports, such as in the agriculture sector, will enable African producers to become more efficient and profitable and create jobs for their workers as well. In trade, the best situation is one of observing the principle of comparative advantage: countries sell what they make most efficiently and buy what another country makes most efficiently. In this way, both buyer and seller countries benefit from trade by meeting each other's needs.

According to the U.S. International Trade Administration, the United States is the world's largest importer of sub-Saharan African goods, receiving 20.2% of the region's total global exports. On the other hand, during the height of the global recession in 2008–2009, our exports to sub-Saharan Africa plummeted by 45% from $78.3 billion to $42.8 billion. As of the end of 2011, the United States sold nearly $20.3 billion worth of goods to sub-Saharan Africa, while purchasing more than $74 billion worth of goods. Consequently, we had a trade deficit with the nations of sub-Saharan Africa last year of nearly $54 billion.

The African Development Bank estimates that one out of three Africans is considered to be in the middle class—that's 314 million Africans who have escaped poverty and can now buy consumer goods, including those from the United States. In order to reduce our trade deficit with the nations of Africa, there is room to engage in trade that increases economic opportunity for Africans and Americans. We just haven't taken advantage of the opportunities that exist. The United States has over the last decade taken many steps to enhance U.S.-Africa trade. African governments have taken steps to encourage trans-Atlantic trade as well. Still, both sides can do better.

More exports help the economy grow because they typically boost factory production, which can fuel more hiring and lead to greater consumer spending. Fewer imports subtract less from growth, largely because consumers are spending less on overseas goods and services. H.R. 4221 would contribute to job growth in the United States by facilitating increased sales to the emerging markets of Africa.

The rest of the world understands how valuable the nations of Africa have become as economic markets. Last month, this subcommittee held a hearing on the role of China in Africa that not only pointed out China's designs on selling their goods to Africa countries, but also illustrated the economic interest in Africa shown by nations as far-flung as Brazil, Turkey and South Korea. We in the United States must join in the more equal two-way trade the rest of the world envisions for their commerce with Africa.

Our witnesses yesterday discussed current administration policy toward U.S.-Africa trade, the U.S. business sector view on trade with Africa, and examined the realities of doing business in Africa by both a current and a prospective enterprise on the continent.

H.R. 4384—PATIENT SAFETY AND DRUG LABELING IMPROVEMENT ACT

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. BRALEY of Iowa. Mr. Speaker, the Patient Safety and Drug Labeling Improvement Act is meant to address a troubling inconsistency in the law, created by Pliva v. Mensing, which does not allow consumers injured by generic drugs to hold the manufacturer accountable for inadequate warnings.

The Mensing ruling also eliminates any incentive for generic drug manufacturers to monitor the safety of the products they sell and propose necessary changes to labeling to the FDA, as currently required by federal law.

Under the Patient Safety and Drug Labeling Improvement Act manufacturers of generic drugs assume the same duties as brand manufacturers to monitor the safety of the drugs they sell and to ensure that their labeling contains accurate risk information. More specifically, the legislation authorizes generic drug manufacturers to independently initiate labeling changes through the Changes Being Effected (CBE) process under the same circumstances that apply to manufacturers of branded drugs in order to ensure that all drug labels accurately reflect current health and safety information.

HONORING DR. DENNIS FISHER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2012

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Dr. Dennis Fisher on his retirement as the Superintendent of the Park Hill School District in Kansas City, Missouri.

Dr. Fisher started his career in education as a Junior High Social Studies teacher in Papillion, Nebraska. He also served as the interim Superintendent and the Assistant Superintendent for Business Services at the Liberty School District in Liberty, Missouri. He began his time at Park Hill in 1999 as the Assistant Superintendent for Business Services before becoming Superintendent in 2005. Dr. Fisher has a total of 36 years of experience in education.

Under Dr. Fisher's leadership, the Park Hill School District has achieved many awards. They became the first school district ever to receive the Missouri Quality Award and continues to receive the Distinction in Performance Award from the State of Missouri each year. Park Hill is one of the highest-achieving districts in the state, but Dr. Fisher has still pushed for continuous improvement through the years.

Dr. Fisher has received many acclamations personally also. In 2011, he was named the Missouri Superintendent of the Year and received the Pierce Award, the Missouri Association of School Administrators' highest honor. In 2005, Dr. Fisher received the Missouri School Business Official of the Year award.

He leads not only 10,292 students, 1,400 staff members, and an annual operating budget of $120 million, but also many organizations of his peers. He has served as President of the Missouri Association of School Business Officials, the Kansas City Association of School Business Officials, and the Greater Kansas City Administrators Association. He is also very dedicated to helping the community and has served on the Board of Directors for the Missouri Securities Investment Program, Synergy Services Inc, the Northland Regional Chamber of Commerce, the Platte County Economic Development Council, and the Parkville Economic Development Council.

I have had the honor of working with Dr. Fisher over the last few years and have seen first hand his dedication to the education and development of students in the Park Hill School District. His commitment to the students, staff, and community is all-encompassing.

Mr. Speaker, I proudly ask you to join me in congratulating Dr. Fisher on his retirement and in wishing him the best of luck in the years to come.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 19, 2012 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 24

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the collapse of MF Global, focusing on lessons learned and policy implications.
SD–538

Commerce, Science, and Transportation
To hold hearings to examine the emergence of online video, focusing if it is the future.
SR–253

Finance
To hold hearings to examine fraud, focusing on investigation and conviction.
SD–215

Judiciary
Immigration, Refugees and Border Security Subcommittee
To hold hearings to examine the constitutionality and prudence of state and local governments enforcing immigration law.
SDG–50

10:15 a.m.
Environment and Public Works
Water and Wildlife Subcommittee
To hold hearings to examine S. 810, to prohibit the conducting of invasive research on great apes, S. 1249, to amend the Pittman-Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain States, S. 2071, to grant the Secretary of the Interior permanent authority to authorize States to issue electronic duck stamps, S. 357, to authorize the Secretary of the Interior to identify and declare wildlife disease emergencies and to coordinate rapid response to those emergencies, S. 1494 to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act, S. 1266, to direct the Secretary of the Interior to establish a program to build on and help coordinate funding for the restoration and protection efforts of the 4-State Delaware River Basin region, S. 2156, to amend the Migratory Bird Hunting and Conservation Stamp Act to permit the Secretary of the Interior, in consultation with the Migratory Bird Conservation Commission, to set prices for Federal Migratory Bird Hunting and Conservation Stamps and make limited waivers of stamp requirements for certain users, S. 2282, to extend the authorization of appropriations to carry out approved wetlands conservation projects under the North American Wetlands Conservation Act through fiscal year 2017.
SD–406

2:30 p.m.
Armed Services
Airland Subcommittee
To hold hearings to examine tactical aircraft programs in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.
SR–232A

Armed Services
Emerging Threats and Capabilities Subcommittee
To hold hearings to examine proliferation prevention programs at the Department of Energy and at the Department of Defense in review of the Defense Authorization Request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC–217 following the open session.
SR–222

Appropriations
Departments of Labor, Health and Human Services, and Education, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2013 for the Department of Education.
SD–124

APRIL 25

9:30 a.m.
Rules and Administration
To hold hearings to examine S. 219, to require Senate candidates to file designations, statements, and reports in electronic form.
SR–301

10 a.m.
Finance
To hold hearings to examine tax reform, focusing on what it means for state and local tax and fiscal policy.
SD–215

Health, Education, Labor, and Pensions
Business meeting to consider an original bill entitled ''Food and Drug Administration Safety and Innovation Act'', and any pending nominations.
SD–106

Banking, Housing, and Urban Affairs
Housing, Transportation and Community Development Subcommittee
To hold hearings to examine helping homeowners save money through refinancing.
SD–538

Veterans' Affairs
To hold hearings to examine Veterans' Affairs mental health care, focusing on evaluating access and assessing care.
SD–138

10:30 a.m.
Appropriations
Department of Defense Subcommittee
To hold closed hearings to examine proposed budget estimates for fiscal year 2013 for national and military intelligence programs.
SVC–217

2 p.m.
Armed Services
Personnel Subcommittee
To resume hearings to examine the Active, Guard, Reserve, and civilian personnel programs in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.
SD–106

2:30 p.m.
Appropriations
Financial Service and General Government Subcommittee
To hold hearings to examine expanding broadband access, promoting innovation, and protecting consumers in a communications revolution, focusing on fiscal year 2013 resource needs for the Federal Communications Commission.
SD–138

Armed Services
Readiness and Management Support Subcommittee
To hold hearings to examine current readiness of U.S. forces in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.
SR–232A

Armed Services
Strategic Forces Subcommittee
To hold hearings to examine ballistic missile defense policies and programs in review of the Defense Authorization Request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC–217 following the open session.
SR–222

APRIL 26

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine weather related electrical outages.
SD–366

10 a.m.
Finance
To hold hearings to examine tax filing season, focusing on improving the taxpayer experience.
SD–215

Armed Services
SeaPower Subcommittee
To hold hearings to examine Marine Corps acquisition programs in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.
SR–222

2:30 p.m.
Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine financial literacy, focusing on empowering Americans to prevent the next financial crisis.
SD–342

MAY 9

10 a.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the nomination of Joseph G. Jordan, of Massachusetts, to be Administrator for Federal Procurement Policy, Executive Office of the President.
SD–342

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S2455–S2518

Measures Introduced: Eight bills and three resolutions were introduced, as follows: S. 2293–2300, and S. Res. 424–426. **Page S2496**

Measures Passed:

Alliance to Save Energy 35th Anniversary: Committee on the Judiciary was discharged from further consideration of S. Res. 406, commending the achievements and recognizing the importance of the Alliance to Save Energy on the 35th anniversary of the incorporation of the Alliance, and the resolution was then agreed to. **Page S2517**

National Adopt a Library Day: Senate agreed to S. Res. 425, designating April 23, 2012, as ''National Adopt a Library Day''. **Page S2517**

Congratulating Baylor University Women's Basketball Team: Senate agreed to S. Res. 426, congratulating the Lady Bears of Baylor University on winning the 2012 National Collegiate Athletic Association Division I Women's Basketball Championship. **Pages S2517–18**

Measures Considered:

Violence Against Women Reauthorization Act—Agreement: Senate continued consideration of the motion to proceed to consideration of S. 1925, to reauthorize the Violence Against Women Act of 1994. **Pages S2457–62**

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 Thursday, April 19, 2012, and that following the remarks of the two Leaders, the next hour be equally divided and controlled between the two Leaders, or their designees, with the Republicans controlling the first 30 minutes and the Majority controlling the second 30 minutes. **Page S2518**

21st Century Postal Service Act—Agreement: A unanimous-consent agreement was reached providing that the filing deadline for second-degree amendments to Reid (for Lieberman) Modified Amendment No. 2000, and to S. 1789, 21st Century Postal Service Act be at 11:00 a.m., on Thursday, April 19, 2012; and that the cloture votes with respect to Reid (for Lieberman) Modified Amendment No. 2000, and to S. 1789, 21st Century Postal Service Act occur at 2:15 p.m., on Thursday, April 19, 2012. **Page S2518**

Nominations Received: Senate received the following nominations:

Charles Benton, of Illinois, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2013.

Christie Pearson Brandau, of Iowa, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2016.

Norberto Jesus Castro, of Arizona, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2016.

William B. Shultz, of the District of Columbia, to be General Counsel of the Department of Health and Human Services.

A routine list in the Foreign Service. **Page S2518**

Nominations Withdrawn: Senate received notification of withdrawal of the following nominations:

A routine list in the Foreign Service. **Page S2518**

Messages from the House: **Page S2493**

Measures Referred: **Page S2493**

Executive Communications: **Pages S2493–95**

Petitions and Memorials: **Pages S2495–96**

Additional Cosponsors: **Pages S2496–97**

Statements on Introduced Bills/Resolutions: **Pages S2497–S2503**

Additional Statements: **Pages S2490–93**

Amendments Submitted: **Pages S2503–16**

Notices of Hearings/Meetings: **Page S2516**

Authorities for Committees to Meet: **Page S2516**

Privileges of the Floor: **Page S2517**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 7:37 p.m., until 9:30 a.m. on Thursday, April 19, 2012. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S2518.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: UNITED STATES FOREST SERVICE

Committee on Appropriations: Subcommittee on Department of the Interior, Environment, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2013 for the United States Forest Service, after receiving testimony from Tom Tidwell, Chief, and Susan Spear, Acting Director, Budget, both of the United States Forest Service, Department of Agriculture.

APPROPRIATIONS: MISSILE DEFENSE AGENCY

Committee on Appropriations: Subcommittee on Department of Defense concluded a hearing to examine proposed budget estimates for fiscal year 2013 for the Missile Defense Agency, after receiving testimony from Lieutenant General Patrick J. O'Reilly, Director, Missile Defense Agency, Department of Defense.

APPROPRIATIONS: GENERAL SERVICES ADMINISTRATION

Committee on Appropriations: Subcommittee on Financial Service and General Government 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 funding request, after receiving testimony from Brian D. Miller, Inspector General, and Daniel Tangherlini, Acting Administrator, both of the General Services Administration.

DEPARTMENT OF DEFENSE FINANCIAL MANAGEMENT AND BUSINESS TRANSFORMATION

Committee on Armed Services: Subcommittee on Readiness and Management Support concluded a hearing to examine financial management and business transformation at the Department of Defense, focusing on challenges in attaining audit readiness and improving business processes and systems, after receiving testimony from Robert F. Hale, Under Secretary (Comptroller), Elizabeth A. McGrath, Deputy Chief Management Officer, Joseph W. Westphal, Under Secretary of the Army and Chief Management Officer, Mary Sally Matiella, Assistant Secretary of the Army for Financial Management and Comptroller, Robert O. Work, Under Secretary of the Navy, Gladys J. Commons, Assistant Secretary of the Navy for Financial Management and Comptroller, David Tillotson III, Deputy Chief Management Officer of the Air Force, and Jamie M. Morin, Assistant Secretary of the Air Force for Financial Management and Comptroller, all of the Department of Defense; and Asif A. Khan, Director, Financial Management and Assurance, Government Accountability Office.

NATIONAL SECURITY ADMINISTRATION MANAGEMENT OF NATIONAL SECURITY LABORATORIES

Committee on Armed Services: Subcommittee on Strategic Forces concluded a hearing to examine the National Security Administration management of its National Security Laboratories, after receiving testimony from Charles F. McMillan, Laboratory Director, Los Alamos National Laboratory, Paul J. Hommert, President and Director, Sandia National Laboratories, and Penrose C. Albright, Director, Lawrence Livermore National Laboratory, all of the National Nuclear Security Administration, and Charles V. Shank, and C. Kumar N. Patel, both a Co-Chairman, National Research Council Committee on Review of the Quality of the Management and of the Science and Engineering Research at the National Security Laboratories, all of the Department of Energy.

BUSINESS MEETING

Committee on the Budget: Committee began consideration of the concurrent resolution on the budget for fiscal year 2013, but did not complete action thereon, and recessed subject to the call.

PROTECTING COMMUTERS

Committee on Commerce, Science, and Transportation: Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security concluded a hearing to examine protecting commuters, focusing on ensuring accountability and oversight in tolling, after receiving testimony from Bill Baroni, Port Authority of New York and New Jersey Deputy Executive Director, New York; Eugene A. Conti, Jr., North Carolina Department of Transportation Secretary, Raleigh, on behalf of the American Association of State Highway and Transportation Officials; Steve Grabell, NFI, Vineland, New Jersey, on behalf of the American Trucking Associations; and Chris Plaushin, AAA, Washington, DC.

GENERAL SERVICES ADMINISTRATION OVERSIGHT

Committee on Environment and Public Works: Committee concluded an oversight hearing to examine the General Services Administration, after receiving testimony from Brian D. Miller, Inspector General, and Daniel Tangherlini, Acting Administrator, both of the General Services Administration.

TRADE OPPORTUNITIES FOR AGRICULTURE AND FOOD PRODUCERS

Committee on Finance: Subcommittee on International Trade, Customs, and Global Competitiveness concluded a hearing to examine the Asia Pacific, focusing on trade opportunities for agriculture and food producers from the Great Plains to the Pacific Northwest, after receiving testimony from Robert D. Hormats, Under Secretary of State for Economic Growth, Energy and the Environment; Islam Siddiqui, Chief Agricultural Negotiator, Office of the United States Trade Representative; Darci Vetter, Deputy Under Secretary of Agriculture for Farm and Foreign Agricultural Services; Mark Powers, Northwest Horticultural Council, Yakima, Washington; Paul Casper, South Dakota Soybean Association, Sioux Falls; Steve Crider, Amy's Kitchen, Medford, Oregon; and Steve Thomson, King Estate Winery, Eugene, Oregon.

IRAN AND SYRIA

Committee on Foreign Relations: Committee received a closed briefing on an intelligence update on Iran and Syria from National Security Briefers.

U.S. AFRICAN POLICY

Committee on Foreign Relations: Subcommittee on African Affairs concluded a hearing to examine the United States policy response to entrenched African leadership, including S. Res. 402, 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, after receiving testimony from Johnnie Carson, Assistant Secretary of State for African Affairs; Earl Gast, Assistant Administrator for Africa, United States Agency for International Development; Christopher Fomunyoh, National Democratic Institute, Washington, DC.; and Mo Ibrahim, London, United Kingdom.

ACCELERATED LEARNING

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine effective strategies for accelerated learning, after receiving testimony from Thomas W. Rudin, The College Board, Washington, DC.; Carolyn Bacon Dickson, O'Donnell Foundation, Dallas, Texas; Peter Winograd, University of New Mexico Center for Education Policy Research, Albuquerque, New Mexico; Marybeth Shubert, Advanced Programs Initiative, Inc., Santa Fe, New Mexico; and Joel Vargas, Jobs for the Future, Boston, Massachusetts.

NOMINATIONS

Committee on the Judiciary: Committee concluded a hearing 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, after the nominees testified and answered questions in their own behalf.

ENTREPRENEURSHIP ECOSYSTEM

Committee on Small Business and Entrepreneurship: Committee concluded a hearing to examine perspectives from the entrepreneurial ecosystem, focusing on creating jobs and growing businesses through entrepreneurship, after receiving testimony from Nishith Acharya, Director, Office of Innovation and Entrepreneurship, Economic Development Administration, Department of Commerce; Mayor Craig Lowe, Gainesville, Florida; Evan Burfield, StartupDC, Washington, DC.; Scott Daugherty, North Carolina Small Business Technology Development Center, Raleigh; Christina Friederichs, Helzberg Entrepreneurial Mentoring Program, Kansas City, Missouri; Scott D. Gerber, Young Entrepreneur Council, Hoboken, New Jersey; Juliet Gorman, Etsy, Brooklyn, New York; Patricia G. Greene, Babson College, Babson Park, Massachusetts; Jennifer Hyman, Rent the Runway, New York, New York; Alex Laskey, Opower, and Matt Mitchell, George Mason University Mercatus Center, both of Arlington, Virginia; Joe Nigro, Vsnap.com, Boston, Massachusetts; Vivek Wadhwa, Stanford University, Moffett Field, California; and Tim Williamson, The Idea Village, New Orleans, Louisiana.

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.

FUTURE OF LONG-TERM CARE

Special Committee on Aging: Committee concluded a hearing to examine the future of long-term care, focusing on saving money by serving seniors, after receiving testimony from John O'Brien, Director of Healthcare and Insurance, U.S. Office of Personnel Management; Loren Colman, Minnesota Department of Human Services Assistant Commissioner for Continuing Care, St. Paul; Judith Feder, Georgetown University Georgetown Public Policy Institute, and Douglas Holtz-Eakin, American Action Forum, both of Washington, DC.; and Bruce A. Chernof, The SCAN Foundation, Long Beach, California.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 23 public bills, H.R. 4377–4399; and 2 resolutions, H. Con. Res. 116; and H. Res. 622 were introduced. **Pages H1976–77**

Additional Cosponsors: **Page H1978**

Reports Filed: There were no reports filed today.

Speaker: Read a letter from the Speaker wherein he appointed Representative Webster to act as Speaker pro tempore for today. **Page H1917**

Recess: The House recessed at 10:46 a.m. and reconvened at 12 noon. **Page H1922**

Journal: The House agreed to the Speaker's approval of the Journal by a yea-and-nay vote of 295 yeas to 118 nays with 2 answering ''present'', Roll No. 167. **Pages H1922, H1932**

Providing an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs: The House passed 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, by a recorded vote of 293 ayes to 127 noes, Roll No. 170. **Pages H1925–62**

Rejected the Polis motion to recommit the bill to the Committee on Transportation and Infrastructure with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 176 ayes to 242 noes, Roll No. 169. **Pages H1959–61**

Agreed to:

Boustany amendment (No. 1 printed in H. Rept. 112–446) that includes a guarantee that requires that the total amount available for spending from the Harbor Maintenance Trust Fund (HMTF) each fiscal year be equal to the Trust Fund receipts as estimated by the President's budget for that year; **Page H1944**

McKinley amendment (No. 3 printed in H. Rept. 112–446) that inserts the text of H.R. 2273, Coal Residuals Reuse and Management Act. Leaves regulation and enforcement of coal combustion residuals to the states, and utilizes the existing framework and requirements of Federal regulatory programs for those states to follow; and **Pages H1955–58**

Ribble amendment (No. 2 printed in H. Rept. 112–446) that adds to the bill the environmental streamlining provisions from Title III of the American Energy and Infrastructure Jobs Act (H.R. 7) (by a recorded vote of 255 ayes to 165 noes, Roll No. 168). **Pages H1946–55, H1958–59**

H. Res. 619, the rule providing for consideration of the bill, was agreed to by a recorded vote of 246 ayes to 177 noes, Roll No. 166, after the previous question was ordered by a yea-and-nay vote of 243 yeas to 180 nays, Roll No. 165. **Pages H1930–32**

Suspension—Proceedings Resumed: The House agreed to suspend the rules and pass the following measure which was debated on April 16th:

Mark Twain Commemorative Coin Act: H.R. 2453, amended, to require the Secretary of the Treasury to mint coins in commemoration of Mark Twain, by a 2/3 yea-and-nay vote of 408 yeas to 4 nays with 2 answering ''present'', Roll No. 171. **Page H1962**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow. **Page H1963**

Quorum Calls—Votes: Three yea-and-nay votes and four recorded votes developed during the proceedings of today and appear on pages H1930–31, H1931–32, H1932, H1958–59, H1960–61, H1961–62, H1962. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 6:55 p.m.

Committee Meetings

BUSINESS MEETING

Committee on Agriculture: Full Committee held a business meeting to consider a proposal to satisfy the Committee's reconciliation instructions required by H. Con. Res. 112. The recommendations with respect to Title I were adopted.

MISCELLANEOUS MEASURE

Committee on Appropriations: Subcommittee on Energy and Water held a markup of Appropriations Bill FY 2013. The bill was forwarded without amendment.

NAVY'S 30 YEAR SHIPBUILDING PLAN

Committee on Armed Services: Subcommittee on Oversight and Investigations held a hearing on the Navy's 30 Year Shipbuilding Plan—Assumptions and Associated Risks to National Security. Testimony was heard from Ronald O'Rourke, Defense Policy and Arms Control Section, Congressional Research Service; and public witnesses.

FEDERAL CONTRACT COMPLIANCE PROGRAMS

Committee on Education and the Workforce: Subcommittee on Health, Employment, Labor, and Pensions held a hearing entitled ''Reviewing the Impact of the Office of Federal Contract Compliance Programs' Regulatory and Enforcement Actions''. Testimony was heard from public witnesses.

FDA USER FEES 2012

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled ''FDA User Fees 2012: How Innovation Helps Patients and Jobs''. Testimony was heard from Janet Woodcock, Director, Center for Drug Evaluation and Research, Food and Drug Administration; Jeffrey E. Shuren, Director, Center for Devices and Radiological Health, Food and Drug Administration; and public witnesses.

BUSINESS MEETING

Committee on Financial Services: Full Committee held a markup of the Committee Print of Budget Reconciliation legislative recommendations of the Committee on Financial Services. The following was passed as amended: Committee Print of budget reconciliation legislative recommendations of the Committee on Financial Services for submission to the Committee on the Budget.

NORTH KOREA AFTER KIM JONG-IL

Committee on Foreign Affairs: Full Committee held a hearing entitled ''North Korea after Kim Jong-il: Still Dangerous and Erratic''. Testimony was heard from public witnesses.

BUREAU OF COUNTERTERRORISM

Committee on Foreign Affairs: Subcommittee on Terrorism, Nonproliferation, and Trade held a hearing entitled ''Bureau of Counterterrorism: Budget, Programs, and Policies''. Testimony was heard from Daniel Benjamin, Ambassador-at-Large, Coordinator for Counterterrorism, Bureau of Counterterrorism, Department of State.

MISCELLANEOUS MEASURE

Committee on Homeland Security: Full Committee held a markup of H.R. 3674, the ''PRECISE Act of 2011''. The bill was ordered reported, as amended.

LIBRARY OF CONGRESS: ENSURING CONTINUITY AND EFFICIENCY DURING LEADERSHIP TRANSITIONS

Committee on House Administration: Subcommittee on Oversight held a hearing entitled ''Library of Congress: Ensuring Continuity and Efficiency During Leadership Transitions''. Testimony was heard from David S. Mao, Law Librarian, Law Library of Congress; Mary B. Mazanec, Director, Congressional Research Service; Maria A. Pallante, Register of Copyrights, Copyright Office; and Roberta I. Shaffer, Associate Librarian for Library Services, Library of Congress.

BUSINESS MEETING

Committee on the Judiciary: Full Committee continued markup of Committee Print of Material to be Transmitted to the Committee on the Budget Pursuant to Section 201 of H. Con Res. 112.

OVERSIGHT OF THE JUSTICE DEPARTMENT'S VOTING RIGHTS ENFORCEMENT

Committee on the Judiciary: Subcommittee on the Constitution held a hearing entitled ''Voting Wrongs: Oversight of the Justice Department's Voting Rights Enforcement''. Testimony was heard from public witnesses.

DOCUMENT FRAUD IN EMPLOYMENT AUTHORIZATION: HOW AN E-VERIFY REQUIREMENT CAN HELP

Committee on the Judiciary: Subcommittee on Immigration Policy and Enforcement held a hearing entitled ''Document Fraud in Employment Authorization: How an E-Verify Requirement Can Help''. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Oversight and Government Reform: Full Committee held a markup of the following measures: H.R. 538, the ''Federal Customer Service Enhancement 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; H.R. 4365, clarifying that Federal tax levies may be enforced against TSP accounts; and H.R. 4364, reforming the law governing the pay of recess appointees. The following measure was withdrawn: H.R. 4364, reforming the law governing the pay of recess appointees. The following measures were ordered reported, as amended: H.R. 538, the ''Federal Customer Service Enhancement 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; and H.R. 4365, clarifying that Federal tax levies may be enforced against TSP accounts.

NSF MAJOR MULTI-USER RESEARCH FACILITIES MANAGEMENT

Committee on Science, Space, and Technology: Subcommittee on Research and Science Education held a hearing entitled ''NSF Major Multi-User Research

Facilities Management: Ensuring Fiscal Responsibility and Accountability''. Testimony was heard from public witnesses.

GROWING THE WIRELESS ECONOMY THROUGH INNOVATION

Committee on Science, Space, and Technology: Subcommittee on Technology and Innovation held a hearing entitled ''Avoiding the Spectrum Crunch: Growing the Wireless Economy through Innovation''. Testimony was heard from James Olthoff, Deputy Director, Physical Measurement Laboratory, National Institute of Standards and Technology; Rangam Subramanian, Chief Wireless and Technology Strategist, Idaho National Laboratory; and public witnesses.

TAX OUTLOOK FOR SMALL BUSINESSES

Committee on Small Business: Full Committee held a hearing entitled ''The Tax Outlook for Small Businesses: What's on the Horizon?'' Testimony was heard from public witnesses.

RELIABILITY OF THE INLAND WATERWAY SYSTEM

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held a hearing entitled ''How Reliability of the Inland Waterway System Impacts Economic Competitiveness''. Testimony was heard from Major General John Peabody, Mississippi River Valley Division, Army Corps of Engineers; and public witnesses.

A LOOK AT CLAIMS REPRESENTATIVES' ROLE IN THE DISABILITY CLAIMS PROCESS

Committee on Veterans' Affairs: Full Committee held a hearing entitled ''From the Inside Out: A Look at Claims Representatives' Role in the Disability Claims Process''. Testimony was heard from Tom Murphy, Director of Compensation Service, Veterans Benefits Administration, Department of Veterans Affairs; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Veterans' Affairs: Subcommittee on Disability Assistance and Memorial Affairs held a markup of the following measures: 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''. The following measure was forwarded, without amendment, H.R. 4114, the ''Veterans' Compensation Cost-of-Living Adjustment Act of 2012''. The following measures were forwarded, as amended: H.R. 2377, the ''RAPID Claims Act''; and H.R. 4142, the ''American Heroes COLA Act''.

BUSINESS MEETING

Committee on Ways and Means: Full Committee continue 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.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR THURSDAY, APRIL 19, 2012

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: business meeting to consider adoption of the fiscal year 2013 302(b) allocations and to markup proposed budget estimates for fiscal year 2013 for Commerce, Justice, Science and related agencies, and Transportation, Housing, and Urban Development and related agencies, 10:30 a.m., SD–192.

Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2013 for the Food and Drug Administration, 2 p.m., SD–124.

Committee on Armed Services: Subcommittee on SeaPower, to hold hearings to examine Navy shipbuilding programs in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program, 9:30 a.m., SR–232A.

Committee on Energy and Natural Resources: to hold hearings to examine the impacts of sea level rise on domestic energy and water infrastructure, 9:30 a.m., SD–366.

Committee on Foreign Relations: to hold hearings to examine Syria, focusing on United States policy options, 10 a.m., SD–419.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine delays in OSHA's standard-setting process and the impact on worker safety, 10 a.m., SD–430.

Committee on Indian Affairs: to hold hearings to examine S. 1684, to amend the Indian Tribal Energy Development and Self-Determination Act of 2005, 2:15 p.m., SD–628.

Committee on the Judiciary: business meeting to consider the nominations of William J. Kayatta, Jr., of Maine, to be United States Circuit Judge for the First Circuit, John Thomas Fowlkes, Jr., to be United States District Judge for the Western District of Tennessee, Kevin McNulty, and Michael A. Shipp, both to be a United States District Judge for the District of New Jersey, Stephanie Marie Rose, to be United States District Judge for the Southern District of Iowa, Michael P. Shea, of Connecticut, to be United States District Judge for the District of Connecticut, Gonzalo P. Curiel, of California, to be United States District Judge for the Southern District of California, and Robert J. Shelby, of Utah, to be United States District Judge for the District of Utah, 10 a.m., SD–226.

House

Committee on Appropriations, Subcommittee on Commerce, Justice, Science, markup of Appropriations Bill FY 2013, 9:30 a.m., H–140 Capitol.

Committee on Armed Services, Full Committee, hearing on Recent Developments in the Middle East: The Security Situation in the Syrian Arab Republic, 10 a.m., 2118 Rayburn.

Committee on Energy and Commerce, Subcommittee on Environment and the Economy, hearing on H.R. 4345, the ''Domestic Fuels Protection Act of 2012'', 9:30 a.m., 2322 Rayburn.

Subcommittee on Commerce, Manufacturing, and Trade, hearing entitled ''Where the Jobs Are: Can American Manufacturing Thrive Again?'', 10 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Oversight and Investigations, hearing entitled ''Budget Hearing—the Office of Financial Research'', 10 a.m., 2128 Rayburn.

Committee on Homeland Security, Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies, hearing entitled ''The DHS and DOE National Labs: Finding Efficiencies and Optimizing Outputs in Homeland Security Research and Development'', 10 a.m., 311 Cannon.

Committee on the Judiciary, Subcommittee on Crime, Terrorism, and Homeland Security, hearing entitled ''The Prosecution of Former Senator Ted Stevens'', 9:30 a.m., 2141 Rayburn.

Committee on Natural Resources, Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs, hearing on H.R. 4043, the ''Military Readiness and Southern Sea Otter Conservation Act'', 9:30 a.m., 1334 Longworth.

Subcommittee on Indian and Alaska Native Affairs, hearing entitled ''Bureau of Land Management's Hydraulic Fracturing Rule's Impact on Indian Tribal Energy Development'', 11 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, Subcommittee on Government Organization, Efficiency and Financial Management, hearing entitled ''Problems at the Internal Revenue Service: Closing the Tax Gap and Preventing Identity Theft'', 10 a.m., 2154 Rayburn.

Committee on Science, Space, and Technology, Subcommittee on Investigations and Oversight; and Subcommittee on Energy and Environment, joint hearing entitled ''Impact of Tax Policies on the Commercial Application of Renewable Energy and Technology'', 9:30 a.m., 2318 Rayburn.

Committee on Small Business, Subcommittee on Economic Growth, Tax and Capital Access, hearing entitled ''Equity Finance: Catalyst for Small Business Growth'', 10 a.m., 2360 Rayburn.

Committee on Ways and Means, Subcommittee on Human Resources, hearing entitled ''Use of Technology to Better Target Benefits and Eliminate Waste, Fraud, and Abuse'', 10 a.m., 1100 Longworth.

Next Meeting of the SENATE

9:30 a.m., Thursday, April 19

Senate Chamber

Program for Thursday: Senate will continue consideration of the motion to proceed to consideration of S. 1925, Violence Against Women Reauthorization Act.

At 2:15 p.m., Senate will vote on the motion to invoke cloture on Reid (for Lieberman) Modified Amendment No. 2000 to S. 1789, and if the motion is not agreed to, Senate will then vote on the motion to invoke cloture on S. 1789, 21st Century Postal Service Act. The filing deadline for second-degree amendments to Reid (for Lieberman) Modified Amendment No. 2000, and to S. 1789, 21st Century Postal Service Act is at 11 a.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Thursday, April 19

House Chamber

Program for Thursday: Consideration of H.R. 9—Small Business Tax Cut Act (Subject to a Rule).

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