United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158 WASHINGTON, THURSDAY, JUNE 7, 2012 No. 85

# House of Representatives

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

## DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
*June 7, 2012.*

I hereby appoint the Honorable JOE BARTON 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.

## HONORING CLARENCE ''SONNY'' SZEJBACH

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

Mr. BENISHEK. Mr. Speaker, let it be known that it's an honor and pleasure to pay tribute to Clarence ''Sonny'' Szejbach for his extraordinary heroism in connection with military operations involving conflict with an armed hostile force in the Republic of Vietnam, for which he was awarded the Distinguished Service Cross.

Clarence Szejbach served as a United States Army Specialist 4 in Company B, 3rd Battalion, 22nd Infantry, 25th Infantry Division. On June 6, 1969, while serving as a radio-telephone operator at Fire Support Base Crook in Thai Nin Province, when the base came under intense rocket and mortar attack, Specialist Szejbach secured his radio and followed the company commander to the defense perimeter to observe and report enemy movements. Exposing himself to the rain of enemy fire, he assisted in resupplying ammunition to troops in the bunkers. When the enemy blew gaps in the wire defenses and attempted to breach the perimeter, he helped lead and organize a reaction force which beat back the hostile surge. After the battle subsided, he moved with the command group through the combat area to inspect enemy casualties and equipment. As the group searched the area, a wounded enemy soldier threw an anti-tank grenade at the company's commander. Specialist Szejbach unhesitatingly moved in front of the officer, deflected the armed weapon, and then picked it up and threw it. The grenade exploded as it left his hand, inflicting severe wounds on him.

Specialist Four Szejbach's extraordinary heroism and devotion to duty were in keeping with the highest traditions of the Armed Forces and reflect great credit upon himself, his unit, and the United States Army.

Clarence ''Sonny'' Szejbach was awarded the Distinguished Service Cross on December 7, 1969, the second-highest military decoration that can be awarded to a member of the United States Army. Mr. Szejbach, however, was unaware that he received this honor until nearly 42 years later, when an Antrim County Veterans Service Officer discovered the citation in his personnel file.

Clarence Szejbach returned to his childhood home of northern Michigan after his injuries to take over the family business, Ed and Son Food Market, in Elk Rapids, Michigan. He and his wife of 42 years, Christine, raised three children.

On behalf of the citizens of Michigan's First District, it's my privilege to recognize Clarence Szejbach, an American hero, for his service, sacrifice, and continued patriotism.

## ENSURING CHILD CARE FOR WORKING FAMILIES ACT

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

Mr. MCDERMOTT. Mr. Speaker, earlier this month, I introduced the Ensuring Child Care for Working Families Act to help low-income workers stay in the workforce. My bill creates a guarantee of Federal child care assistance for children up to the age of 13 in families with incomes up to 200 percent of the Federal poverty level. This program would be matched with State funds and administered by the State.

Low-income families and single parents have been bearing the brunt of this recession. They want to work, but often can't afford reliable and appropriate child care, so they are forced to either leave their jobs or to leave their kids in unhealthy or dangerous environments. For many poor people, there simply are no better options.

In the 1990s, Federal assistance for child care programs was established to address this very problem. It was created to help low-income families transition from welfare to paychecks. Over the years, funding for this program has dwindled, despite growing demand. The Temporary Assistance for Needy Families, the TANF legislation, was passed in 1996 to ''end welfare as we know it.'' But we failed to provide the necessary support services to enable poor working families to succeed. One of those services is high-quality child care.



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Today, only one of six children eligible for Federal child assistance receives it. Twenty-two States have waiting lists for child care. And families in 37 States were in worse circumstances in February of 2011 than they were in February of 2010 as the child care waiting list continues to grow, copayments rise, eligibility tightens, and reimbursement rates stagnate.

After three decades of wage stagnation in this country, with paychecks failing to keep up with the cost of health care, housing, and education, child care has become an unaffordable necessity for too many Americans.

A related problem that we also must acknowledge is the gender wage gap. Women only earn 77 cents for every dollar earned by men, according to the Census Bureau. Yet two-thirds of the women are now either the primary breadwinners or co-breadwinners in their family. So when there are wage gaps, entire families suffer. That means less money for food on the table and everything else that a family needs to survive.

Two days ago, Senate Republicans blocked a bill introduced by Senator BARBARA MIKULSKI that would strengthen the Fair Labor Standards Act's protections against pay inequities based on gender. As President Obama said, Republicans have once again put ''partisan politics ahead of women and families.'' This is wrong. Republican Senators ought to explain to their constituents why they did not vote for Senator MIKULSKI's bill.

Let me be very clear: equal pay for equal work isn't just a woman's issue—it's a family issue. For the millions of American women whose families depend on their earnings, reliable child care is vital.

It's time to level the playing field for working women. I urge my colleagues to support H.R. 5188 so that all parents, particularly working women, have the child care they need to stay on the job.

□ 1010

## SPACE CAMP CELEBRATES 30TH ANNIVERSARY

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

Mr. BROOKS. Mr. Speaker, today I rise to commend the United States Space and Rocket Center on its upcoming June 15 30th anniversary of Space Camp. Established in 1982, Space Camp in Huntsville, Alabama, is a national leader in informal science, technology, engineering, and math (STEM) education and workforce development.

Space Camp uses the leading edge of spaceflight technology simulation to teach campers real-world concepts and skills which translate into future academic and professional careers for students and teachers. The Space Camp program provides an essential public relations and support role to both government and private space programs by inspiring and training America's next generation of explorers, engineers, scientists, and leaders.

For emphasis, with nearly 600,000 graduates of the program, Space Camp has a 30-year track record of success in inspiring young people to pursue successful careers, particularly in STEM fields. Space Camp alumni include NASA mission control directors, NASA scientists, NASA engineers, executives of corporations, State government officials, national news correspondents, as well as soldiers and aviators who defend America's freedom every day. Graduates of Space Camp include three NASA astronauts and one astronaut from the European Space Agency.

Space Camp contributes to the future of America's exceptionalism in science, engineering, and research by instilling an exciting, life-changing educational experience with values of leadership, teamwork, and hard work. Space Camp's 30th anniversary is the perfect opportunity to recognize their important work and incredible achievements.

I congratulate Space Camp on their 30 years of unparalleled success and wish them well and salute them as they embark on their next 30 years.

## POVERTY AND UNEMPLOYMENT

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

Ms. LEE of California. Mr. Speaker, as the founder of the Congressional Out of Poverty Caucus, I rise to continue talking about the crisis of poverty and the ongoing jobs emergency in America today.

Tea Party Republicans are busy blaming the President for our struggling economy, and the fact that our economy only gained 69,000 jobs last month. I want to remind my Republican colleagues that it was their deregulation, failed economic policies, and two wars off-budget that had our Nation losing over a million jobs every month when President Obama came into office. We were losing over a half-million jobs every single month.

Now they are complaining the Democrats have not been quick enough in cleaning up the Republicans' mess. The President and a Democratic Congress helped to stem that tide, and now despite every roadblock and Republican obstructionism, our economy is growing slowly and jobs are slowly coming back. So I don't understand how anyone can even try to blame the President's economic policies when they have refused to enact any of them.

Republicans have refused to work with us and to help Americans refinance underwater homes, to help protect investors and consumers by implementing the sound regulations of the Dodd-Frank bill. Also, they refuse to pass the American Jobs Act, or any sort of jobs plan, quite frankly. In fact, Republicans have done everything possible to obstruct every proposal to create jobs at every turn. Even though 56 percent of Americans think jobs should be Congress' number one priority, Republicans have failed to pass even one significant jobs bill. Instead, they work to create another false panic about a so-called fiscal cliff if they aren't allowed to immediately extend hundreds of billions of dollars in tax giveaways to the wealthiest 1 percent of Americans.

Mr. Speaker, there are only two real fiscal cliffs that I see. One is the fiscal cliff that will push our entire government over if they can make good on their threats and force our Nation into default and shut the government down. The second fiscal cliff is one that Republicans are pushing American families over the edge of when they cut off, mind you, cut off the emergency extension of critical unemployment benefits for millions of Americans who are struggling to find a job.

Republicans are telling struggling Americans that there is a fiscal cliff if you are out of work; they have to cut off your employment benefits. They are telling struggling Americans that there is a fiscal cliff if you are poor and hungry; they have to cut your food stamps. But somehow, if you are rich and a defense contractor, Republicans make it their business to protect you from facing any cliff or falling off of any cliff.

This is not the path forward for our Nation. What we need to do right now is to stop pushing families off fiscal cliffs. We have to support the economy by investing in the American people. We need to get back to growing the middle class by lifting millions of Americans out of poverty.

Mr. Speaker, we must pass the American Jobs Act, invest in our country's infrastructure and transportation needs, increase job training efforts, and strengthen our safety net. Safety net programs like the Supplemental Nutrition Assistance Program and unemployment insurance just don't support struggling families, they support small businesses all across the country and in every single congressional district regardless of one's party.

This Congress must ensure that our Nation's safety net is a bridge that is strong enough to deliver us all, even the most vulnerable, over these troubled waters.

Americans are waiting. Democrats have been prepared to act, and Republicans must join us in creating jobs and reigniting the American Dream for all.

## HONORING JOHN ROBERT ''BOB'' SLAUGHTER

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

Mr. GOODLATTE. Mr. Speaker, I rise today, along with Representatives MORGAN GRIFFITH and ROBERT HURT, to honor the memory of a constituent, a World War II veteran, a community

leader, and a friend, John Robert ''Bob'' Slaughter.

On May 29, 2012, southwest Virginia lost one of its great American heroes. A passionate advocate for veterans and a driving force behind the National D-day Memorial in Bedford, it is only fitting that we honor Bob's memory as we mark the 68th anniversary of D-day this week.

Born on February 3, 1925 in Bristol, Tennessee, Bob's family later moved to Roanoke, Virginia. In 1941, at the age of 15, he joined the Virginia Army National Guard, Company D, 116th Infantry, 29th Division. A short time later, the United States was attacked at Pearl Harbor and entered the war. On September 27, 1942, the 29th Division set sail for England.

On D-day, June 6, 1944, Bob waded ashore to battle the foes of democracy at Omaha Beach. He was just 19 years old. His life was forever impacted by the memories of that day.

Mr. Speaker, I have stood on Omaha Beach in Normandy at low tide, which was the circumstances when these brave men landed there on June 6, 1944. The width of that beach, the distance that they had to come out of those landing boats through withering machine gun fire, bombs, and mines, is absolutely a remarkable demonstration of the courage of those men to liberate Europe.

Despite being wounded twice in combat following D-day, Bob remained in the field until the end of the war in 1945. After the war, Bob returned to Roanoke, where he had a long career with the Roanoke Times & World-News. He was dedicated to his family and was also active in the community, coaching a basketball team for local youth.

Bob showed great determination by working to ensure that there was a proper memorial to the countless men who took part in the D-day invasion. On June 6, 1994, the 50th anniversary of D-day, Bob walked Omaha Beach with President Bill Clinton. On June 6, 2001, Bob's dream became a reality when the National D-day Memorial in Bedford was dedicated by President George W. Bush.

Thanks in large part to his efforts, the National D-day Memorial now stands in Bedford, where it serves as a constant reminder of those who paid the ultimate price to protect the freedoms that we hold so dear.

The life of Bob Slaughter is a true testament to the ''Greatest Generation.'' We are honored to have known Bob and pay tribute to this great man's many contributions. We pray for his family—his wife of 65 years, Margaret Leftwich Slaughter; his two sons; two grandchildren; and two great-grandchildren—during this difficult time. We join the entire community in mourning the loss of this American hero.

□ 1020

## SEXUAL ASSAULT IN THE MILITARY

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

Ms. SPEIER. Mr. Speaker, I have now come to the floor some 21 times to tell the story of survivors of military sexual assault and the institution and culture that failed them. Some would tell you that the military has learned from their egregious mistakes and that they are largely now addressing this problem. The situation I'm describing to you today is happening right now and flies in the face of what we are being told by our military and the Members of Congress who believe that they have this problem under control.

Recently, a San Antonio newspaper began reporting on a scandal at Lackland Air Force Base that is growing by the day. So far, at least four Air Force instructors have been charged with sexual misconduct with at least 24 trainees. Like many cases of rape and sexual assault, the perpetrators are not denying that they engaged in sexual misconduct; they simply contend that the sex was consensual. It comes down to the words of the accused and the accuser—the instructor against the trainee. In the military, this usually means the perpetrator gets off or receives a disproportionately small punishment and the victim endures an arduous and humiliating legal process with little sense of justice at the end.

Two of the women that have come forward were called over an intercom 2 days after they graduated from basic training last fall and asked to leave their dorm and to meet their instructors. In a dimly lit supply room, the women said they had sexual relations with their instructor. ''I was frozen,'' one of the women said, explaining that her mind was racing. ''I tried to think.'' Both women said failure to follow orders could cause them to be retained in basic training under the very instructors that assaulted them.

While unnerved about the order to leave their dorms, they told themselves it had to be legitimate. From the day they entered the military, they had been trained—and required—to follow the orders of their instructors, even those that didn't make sense. This may be hard for some in the civilian world to relate to, but it is the constant reality within our Armed Forces. It is ingrained in our military servicemen and -women to follow the orders of their chain of command and never, ever disobey. The justice system is also beholden to this chain of command, but I will get to that a little bit later.

Staff Sergeant Luis Walker, a military instructor, is charged with sexually assaulting 10 women, including sodomy and rape. Staff Sergeant Kwinton Estacio is charged with sexual misconduct with one woman, violating a no-contact order, and obstruction of justice. Staff Sergeant Craig LeBlanc is charged with sexual misconduct of two women trainees. Staff Sergeant Peter Vega-Maldonado has been charged and convicted of sexual misconduct with one woman.

Staff Sergeant Vega admitted in a plea bargain to having sex with one woman. His punishment? Ninety days in jail, 30 days of hard labor, reduction in rank, and forfeiture of $500 a month in pay for 4 months. After striking the deal with prosecutors, Vega admitted that he actually had improper contact with 10 trainees.

Now, mind you, we are not firing these people. They continue to serve in the military. Vega is not immune to further prosecution, but his admission of guilt cannot be used against him in future procedures. Each victim will have to come forward and the prosecution will have to start from scratch. Vega will be forced to leave the Air Force, but without a bad conduct discharge. Imagine that, without a bad conduct discharge.

If the military is as vigilant as they say they are, how could such a repetitive, widespread, and sickening behavior still be occurring? What is being uncovered at Lackland flies in the face of what we are being told by our military. Is this what zero tolerance means in the military?

Former Air Force Secretary Whitten was quoted in the newspaper saying:

> The age-old problem is that you're putting very smart, attractive people, marrying age, together in close quarters. It's a circumstance that is difficult and really requires restraint. Sometimes restraint is very difficult.

Secretary Whitten doesn't get it. The age-old problem in the military is attitudes like this. The age-old problem in the military is a broken justice system that delivers weak sentences, if any. The age-old problem in the military is that nine out of 10 women Staff Sergeant Vega has now admitted to committing sexual misconduct with have not come forward because they know that the odds of getting justice are slight and the odds of their careers being finished are great.

What is happening at Lackland Air Force Base should and needs to be a wake-up call. This problem is happening now, and it is systemic.

Victims are still not coming forward because of what keeps happening—backwards attitudes of blaming the victim, and disproportionately weak sentences. Writing off survivors as women who had consensual sex and now have regrets is insulting and I'm afraid how many in our military see this problem.

The Department of Defense has so far been unable to appropriately address this problem—and Lackland is proof of that.

We—Congress—need to act to circumvent the chain of command and give discretion to an impartial office to determine and facilitate the appropriate path for perpetrators and victims. We need to fix the system that

survivors who report are now facing, right the injustices suffered by those that have already gone through this system and provide the care, resources and understanding for these survivors to get better.

## OBAMACARE, MEDICAL DEVICE, MEDICINE CABINET TAX REPEALS, AND FSA IMPROVEMENT

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Tennessee (Mrs. BLACK) for 5 minutes.

Mrs. BLACK. Mr. Speaker, as one of the most outspoken opponents of ObamaCare, I hope that in the coming weeks the Supreme Court strikes down this disastrous piece of legislation. But the fact is no matter what the Supreme Court decides about ObamaCare, it does not change the reality that this law is horrible policy.

In just 3 short years, ObamaCare has already resulted in fewer jobs, higher health care costs, and more debt. That's why I have voted more than a dozen times to either defund or repeal ObamaCare since being elected to Congress. For instance, last November, my legislation that closed a loophole in the health care law and saved taxpayers $13 billion was signed into law.

Today, the House will vote on legislation to repeal two of the ObamaCare law's most egregious job-killing taxes in this law: one, the medical device manufacturing tax; and, two, the medicine cabinet tax.

According to the Joint Tax Committee, the medical device tax increase will take away $29 billion from job creators over the next decade. These higher costs will be passed along to consumers, like veterans with prosthetics and seniors with pacemakers and hip replacements.

This bill will also repeal the medicine cabinet tax increase, which prevents owners of health savings accounts, or HSAs, or flexible spending accounts, FSAs, from using these accounts to purchase nonprescription, over-the-counter medications. ObamaCare's limitation on purchasing over-the-counter medications will result in longer wait times for those who truly need the care and will also drive up health care costs.

In addition to repealing these disastrous tax hikes, the bill also improves the flexible spending accounts by allowing participants to get back unused FSA dollars, up to $500, as taxable wages in the subsequent year. Under current law, any unused balance goes back to the employer and is lost by the employee. This reform to the FSA accounts rewards, rather than penalizes, consumers for being healthy and saving their money.

Before coming to Congress, I worked in health care as a registered nurse for more than 40 years. I have seen firsthand the problems and obstacles patients and health care providers face. But ObamaCare is only serving to exasperate the current problems and creates entirely new problems.

Our health care system desperately needs market-based and patient-centered reform, not a government takeover. It is critical that the House continue to fight against ObamaCare until either the Supreme Court overturns the law in its entirety or until we have willing partners in the Senate and in the White House.

## BROADCAST WARNINGS THROUGH MOBILE DEVICES

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

Mr. CLARKE of Michigan. Mr. Speaker, as a member of the House Committee on Homeland Security, I'd like to thank our broadcasters for providing free radio and television broadcasting and warnings to our public that protects our families from impending disasters.

And to better warn our public in future emergencies, I ask this Congress to consider how we can make local free radio broadcasting available on all of our cell phones. You see, providing these broadcast warnings through our mobile devices could be the most effective way that we can protect our families when disaster hits.

## MAINTAINING INTEGRITY IN ELECTIONS

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

Mr. NUGENT. Mr. Speaker, I think we can all agree that the integrity of our elections is of fundamental importance to our democracy. We need to ensure that everyone who is eligible to vote has the ability to vote, and those that are ineligible to vote are stopped from voting in our elections.

We also have the responsibility to ensure that this responsibility falls largely on the States to ensure that voters have the right to vote that are eligible to. They do this by making sure that their voter rolls are clean, that their voter rolls are accurate. It's important that States have the ability to do that.

In my own State of Florida and others throughout this country, the Federal Government is being asked to help.

□ 1030

The Department of Homeland Security, in particular, has been unwilling to help those States that are asking for it.

Mr. Speaker, DHS is denying Florida the process to access what is called the Systematic Alienation Verification Entitlement database, or SAVE, as it's commonly referred to. SAVE undoubtedly is the best database for the States to use to cross-reference and cross-check their voter rolls for eligible or ineligible voters.

DHS is denying us access to this database, despite its own documents and regulations clearly stating that SAVE, for voter registration purposes, is one of the permissible uses. This is within their own documents as it relates to the operation of DHS. By denying access to the SAVE database, DHS is preventing States from ensuring to the best of their ability that the integrity of our elections is saved and preserved.

As we move forward with appropriations for Homeland Security, I feel we need to acknowledge the DHS refusal to meet this basic need and a basic request of our States. DHS' stonewalling is not something the people of Florida deserve, and it certainly isn't something that elected officials should tolerate.

Mr. Speaker, Floridians should not be denied the right to the fairest and most accurate elections possible. Floridians' votes should not be diminished because of political maneuvering by a Federal agency. No vote should be counted when it's cast by someone who is not eligible to vote in the United States, vis-a-vis, they're not a citizen of this country.

DHS, through their SAVE program, has the ability to pass that information on to States. Florida is not the only State that has requested this information from DHS. DHS has, I believe, an ethical responsibility to provide that information because it's contained within their own bylaws and operation procedures within the Department of Homeland Security; and they have just stonewalled the States in regard to them trying to make sure their voter rolls are the most accurate possible.

Mr. Speaker, I believe that they are doing a disservice to the American public. Every vote should count. Every vote should count, and DHS should be required to submit the information to the States so they can make sure that their voter rolls are as accurate as possible.

## HONORING THE ACHIEVEMENTS OF DR. AL MANN

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

Mr. ROHRABACHER. Mr. Speaker, there are many heroic people among us who have been involved in making our quality of life in America the best the world has ever seen and, at the same time, uplifting all of humankind. While we oftentimes focus our gratitude and our adoration on politicians and athletes and movie stars, we need to acknowledge the many innovators, inventors, and technology entrepreneurs who have played a significant role in overcoming the many challenges we humans face together, challenges to our health and limitations to our physical well-being.

One of the most heroic of these special people is Dr. Al Mann. He flew in B–29s during World War II; and upon his return home, Al decided, instead of

pursuing a career in the armaments industry, which could have been very lucrative, he would dedicate his life to building technologies that would improve the human condition.

Among his many achievements are the following: a vast improvement over pacemaker technology, which then made that available to so many millions of people whose lives have been changed because of it and extended because of it.

He also was involved in inventing, and it was his invention, a diabetic pump, a small mechanism that attaches to the body and allows patients to escape some of the worst ravages of diabetes.

He perfected the fully implantable cochlear implant, an electronic device that provides patients, some of whom have never been able to hear, with the ability to hear sound almost as well as those of us who hear naturally.

His latest invention and innovation would allow diabetics to receive their insulin through an inhaler rather than a syringe, a huge breakthrough that could be so meaningful to so many people who are suffering.

His achievements ought to serve as an example of the power of innovation in our country. Just as incredible as his inventions themselves, Dr. Mann accomplished all of this with private funds. And instead of relying on government grants or contracts, Dr. Mann made the risky investments of his own and those of his investors; and then, with his labor and genius, when it paid off, he reaped the benefits, which he then plowed back into more research to help even more people eliminate even more suffering.

Instead of receiving assistance from his government, Dr. Mann has, instead, run into bureaucratic obstacles time and again. As legislators, we have a responsibility to ensure that the Federal Government's actions, at the very least, do not thwart the heroic innovators such as Dr. Al Mann.

For this reason, I submit for the CONGRESSIONAL RECORD a letter Al Mann recently penned. I encourage all of my colleagues to read what he has to say and to take seriously the disturbing observations with our current system, as well as his recommendations on how we can ensure that the incredible potential of human innovation can be and will be brought to play in improving the lives of the American people and people everywhere.

LETTER FROM AL MANN: The Senate has just passed a bill to speed the availability of generic drugs. Hopefully that bill will die in the House. I say that the problem is not the pricing of drugs but the cost. What are needed are means for effectively lowering the expense and time to get a new drug approved. That would lower the costs and hopefully the pricing of drugs, and that would certainly be a worthwhile objective.

I am shocked and disappointed at the lack of understanding of this issue by the Congress. I certainly agree that we must seek ways to lower health care expense. I say that to do so we must focus on ways to LOWER the COST of providing health care NOT just targeting the PRICE.

There are multiple reasons for the price of drugs, but I assert that the earlier generic drug law has actually led to an INCREASE in the PRICING of drugs. It takes as long as 15 years—or even longer—and $1–$1.5 billion to gain regulatory approval of a new drug. With only 20 years of exclusivity before a generic drug is approved it should be obvious that the price of a new drug must be very high just to recover the development cost let alone a profit. Even the price of the generic version of a drug is typically only moderately discounted from the innovative drug rather than priced based on the manufacturing cost.

If you question the impact of the current generic drug law just ask yourself how many $5 and $10 drugs there were before that law. It only costs pennies to make a pill. However, only by charging high prices can the high costs of pharma development be recovered with any profit during the brief period of patent protection remaining after regulatory approval.

Passing legislation to further ease and speed the availability of generic drugs will not likely lower pricing; if anything it would likely just reduce innovation of new drugs. That slowing is already beginning; most of the major pharma companies have already begun downsizing R&D. Surely that is not in our interest when there are new advanced technologies that could significantly improve and extend life.

We need to evaluate how we can speed and lower the cost of bringing a new drug to market rather than counting on the generics. There are various approaches that should be explored. One approach might be to delay approval of a generic to allow more time of exclusivity rather than to ease the generic regulatory process. There was such a delay built into the earlier bills, but that was certainly not adequate. Unfortunately it will not be easy to reverse the pricing practices of drugs—the companies and Wall Street have all gotten used to the high prices.

Of course the price of drugs is but a tiny part of the cost of health care. We ought to be reexamining many aspects of our health care system. We do need to reduce the price of health care—including the cost and the price of drugs. However, the challenge is not so simple as just approving generic drugs more quickly.

In fact the problem is not just the pricing; today many potentially valuable improvements and even new breakthrough drugs do not ever reach the market because of the regulatory hurdles. This problem and the costs will certainly become far greater as we move to more personalized medicine.

The consequence of easing the creation of generics may even worsen from what we see today; future breakthrough therapies may simply not become available in the U.S.! I just heard from a very credible person of a meeting of 12 advanced pharma companies discussing how to deal with the current regulatory challenges. I am told that 11 of those 12 companies are intending to launch their new products outside the U.S. and just to ignore the U.S. patients. Heretofore wealthy foreign patients came to the U.S. for superior medical treatment. Perhaps that practice may be reversing.

We want to protect our people from unsafe drugs. The challenge is how to do so in a more cost effective and more timely manner. I have suggested that we should redirect the regulatory standards to concentrate on safety, to lower the initial bar for efficacy to minimal requirements during a reasonable safety trial and then to issue a ''provisional'' approval. That provisional approval would be subject to a thorough review of clinical benefits compared to risk AND cost in something like a more rigorous REMS program.

Our nation is in a crossroad on many fronts. In health care the barriers are preventing our ability to topple diseases such as cancer and Alzheimer's that so many of is will face. Not only are we harming and even precipitating death of many of our people but we are losing economic growth and the engine for good paying jobs. Our government is the most significant obstacle to medical progress today. We have new tools from new science that could make such a difference if only there were not the barriers to innovation that we see today.

I am 86 years old and surely my objective is not self serving. For the past four decades I have been committed to trying to find solutions to unmet and poorly met health care needs. Yet I am so disgusted by the overly restrictive process to medical innovation that has been created by our government that I have begun to sell off most of my several ventures. It is no longer worth the effort and the agony.

I am sending this communication to all the Representatives whose e-mail addresses I have. I would appreciate your forwarding this to your other colleagues.

ALFRED E. MANN.

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

□ 1200

## AFTER RECESS

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

## PRAYER

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

God of grace and goodness, thank You for giving us another day.

Your divine wisdom and power are abundantly sufficient for our many needs. Endow the Members of this assembly with a loyalty that never wavers and a courage that never falters as they seek to fulfill the high and holy mission which You have entrusted to them.

May it be their purpose and all of ours to see to the hopes of so many Americans that we authenticate the grandeur and glory of the ideals and principles of our democracy with the work we do.

Grant that the men and women of the people's House find the courage and wisdom to work together to forge solutions to the many needs of our Nation and ease the anxieties of so many.

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

Amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

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

Mr. WILSON of South Carolina 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.

## OVERSEAS CONTINGENCY OPERATIONS MUST WITHSTAND SEQUESTRATION

(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 Thursday, the Pentagon confirmed House and Senate Republicans' concerns by finally acknowledging that the Overseas Contingency Operations, a fund used to support troops in combat, will be subject to the sequestration cuts.

The Office of Management and Budget's senior adviser and associate director for Communications and Strategic Planning, Kenneth Baer, understands that if the sequester ''were to take effect, it would be disastrous for our national security.''

House Republicans have always been aware of the impacts sequestration will have on our brave men and women serving in uniform and the impacts it will have on their families. Last month, House Republicans passed the Sequester Replacement Reconciliation package, which is legislation that reduces the spending for unnecessary programs used to promote the President's liberal agenda, in order to use those funds to provide for a strong national defense. I urge my colleagues in the Senate to take action immediately and pass this bill.

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

## PREVENT THE DOUBLING OF THE STUDENT LOAN RATE

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

Mr. SIRES. Mr. Speaker, in less than 1 month, the interest rate for student loans is scheduled to double from 3.4 to 6.8 percent.

This increased rate, combined with the skyrocketing costs for college, will make it extremely difficult for Americans to afford to go to college. The cost for a higher education at a public 4-year school has almost tripled in the last 17 years. Americans now owe more money in tuition than they do in credit cards. According to the Consumer Financial Protection Bureau, educational loan debt in our country has reached $1 trillion.

Education is one of the biggest determining factors for earning potential. Those who have bachelor's degrees earn double the salary of those with high school diplomas. Those with associate degrees earn 50 percent more than those with high school diplomas. I am also a strong supporter of fully funding Pell Grants, which provide Federal grant aid for students to make college more affordable.

Access to higher education is an investment in the future economic stability of our Nation. We must put aside partisan differences and work together to preserve Pell Grants and to prevent the student loan rate from doubling on July 1.

## STUDENTS BEAR THE BRUNT OF A BAD ECONOMY

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

Mr. HULTGREN. Mr. Speaker, it is a tough time to be a student in America.

The President's health care bill, if not repealed, will make school health plans much more expensive. According to The Wall Street Journal, some plans that were $440 a year are going up to $1,300 or $1,600. Many schools will drop coverage altogether either because of cost or because of the President's birth control requirement. Students and young adults will then likely choose the cheapest option—going uninsured and paying a fine to the government.

Then, in July, student loan interest rates are set to increase because of choices made by leading Democrats. Student loan debt now exceeds credit card debt in U.S. households, and the rate at which recent grads are underemployed or unemployed is 50 percent. No wonder students are moving back in with their parents and are more likely to take part-time jobs just to make ends meet.

These failed policies and the bad economy have pushed young adults into survival mode.

## THE NATIONAL YOUTH SPORTS HEALTH & SAFETY INSTITUTE'S CALL TO ACTION

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

Mr. MCINTYRE. Mr. Speaker, I rise today to recognize the work of the National Youth Sports Health & Safety Institute. I am pleased to serve as an honorary member of the institute's leadership board.

In the United States, 50 million children participate in sports. Sports programs teach our children leadership and sportsmanship, help improve academics, and promote fitness and wellness for a lifetime, but more needs to be done to ensure the health and safety of our youth athletes.

They are increasingly susceptible to injuries, which is why the institute's work to advance and disseminate the latest research in keeping kids safe on the field is so critical. On June 1, the National Youth Sports Health & Safety Institute met to launch a new call to action to all youth sports' stakeholders in America.

As founder and cochairman of the Congressional Caucus on Youth Sports, I applaud this effort. As inactivity remains alarmingly widespread, we must continue to expand sports and recreational opportunities that promote physical activity and wellness in the health of our children, but also always remember that their safety must remain paramount.

## YUCCA MOUNTAIN

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

Mr. PITTS. Mr. Speaker, the American people have lost more than $15 billion to cronyism. Pennsylvanians alone have lost $1.4 billion.

Right now, in southern Nevada, there is an expensive hole in the ground where there should be a nuclear waste repository. We should be storing dangerous nuclear waste at a single secure and geologically sound location. Instead, much of it sits aboveground at dozens of sites scattered across the United States.

When President Obama appointed HARRY REID's aide, Gregory Jaczko, as the Nuclear Regulatory Commission chairman, he shut down Yucca Mountain against the express wishes of Congress. Jaczko even tried to stop the application process, defying a court order to continue certifying the safety of the facility.

Yesterday, this House overwhelmingly voted to give the NRC an additional $10 million to do its job. No more excuses. Do the work so that we know whether Yucca Mountain is safe.

## NATIONAL OCEANS WEEK

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

Ms. WOOLSEY. Mr. Speaker, a strong American future depends on the sound stewardship of our oceans.

Nowhere is the ocean more magnificent and majestic than off of northern California's Sonoma County coast. These are some of the most abundant waters on Earth, but much of the area is vulnerable to ''drill, baby, drill'' enthusiasts.

That's why I have offered a bill to more than double the size of our existing national marine sanctuary off

these coastal areas, giving these waters the permanent protection they need to protect them from oil and gas exploration. This legislation is a win-win—a pro-environment and pro-economic recovery bill. It is a conservation imperative, and it would provide a boost to our commercial fishing industry and to our local tourism industry.

In recognition of World Ocean Day, I urge my colleagues to sign on to my bill, H.R. 192, the Gulf of the Farallones and Cordell Bank National Marine Sanctuaries Protection and Modification Act.

□ 1210

## PROTECT MEDICAL INNOVATION ACT

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

Mr. BENISHEK. Mr. Speaker, as a doctor, who has taken care of patients in northern Michigan for 30 years, I strongly support the Protect Medical Innovation Act. This initiative will repeal the President's $29 billion job-killing tax hike on our medical device manufacturers.

There are medical device businesses in my district that employ hundreds of people. These job providers should not be punished to pay for President Obama's health care law.

I'm a doctor, not a tax expert, but I know tax hikes on our job providers will hurt northern Michigan's economy. To me, it makes no sense to tax medical innovation. If this tax increase is enacted, there is little doubt these costs will be passed down to consumers and increase health care costs.

Mr. Speaker, I spent my entire career serving my community as a doctor. I want to see real health care solutions that put patients in control of their care, not the Federal Government.

I believe we need to listen to the American people about the need for real health care reform. I recommend we enact free-market reforms like letting people purchase health insurance across State lines, encouraging medical innovation, and allowing patients more flexibility in deciding how to spend their health care dollars.

## REPLACE POSTMASTER GENERAL PATRICK DONAHOE

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

Mr. HIGGINS. Mr. Speaker, in the past year, the United States Postal Service has attempted to close thousands of its facilities across the Nation. Though many, including the mail processing facility in Buffalo, have been spared, the process gives me no confidence that the current postal leadership should lead this organization during this challenging time.

Regarding the proposed closures, postal executives discourage public engagement, refuse to provide information on how they reach their often contradictory conclusions, and dismiss the idea that they were accountable to this body or to the public. That is why I'm calling on the Postal Board of Governors to proceed with immediate action to replace Postmaster General Patrick Donahoe.

Mr. Speaker, I don't take this action lightly, but I believe that we are left with no choice. We must protect the institution of the Postal Service and the people and businesses it serves.

## ULA'S 60 SUCCESSFUL MISSIONS

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

Mr. BROOKS. Mr. Speaker, I rise today to applaud the achievements of the Air Force's Evolved Expendable Launch Vehicle program and the EELV industry team led by the United Launch Alliance. Just recently, ULA placed their 60th consecutive mission into orbit, the best record in the world.

ULA's Alabama employees work tirelessly to produce launch vehicles that are the backbone of America's national defense satellite program. ULA's success and partnership with the government in achieving on-time delivery and success is a testament to the patriotic bond between the private sector and America's warfighters.

ULA's 100 percent success record makes the challenging task of getting to orbit look easy, but, in fact, the company has built upon the expertise gained over 50 years, setting a standard for mission success that all others aspire to achieve.

ULA's record is a testament to the quality of the EELV program. It is an honor to represent the men and women who work at ULA's Alabama facility.

## HONORING SECOND LIEUTENANT TRAVIS MORGADO

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

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise today to recognize and honor the life and service of Army Second Lieutenant Travis Morgado, who was killed in action on May 23 in the Kandahar Province of Afghanistan. He was 25 years old. Travis was the son of Joe Morgado of San Jose, and our community was greatly saddened to hear of his passing.

Born in Los Gatos, he moved to Edmonds, Washington, with his mother when he was 5. He graduated from the University of Washington with a degree in civil engineering in 2009 and enlisted in the Army, determined to serve his country. He deployed to Afghanistan on March 20 and was tragically killed while conducting operations in support of Operation Enduring Freedom.

Second Lieutenant Morgado leaves behind his mother, Andrea; stepfather, Dean Kessler; his father, Joe; stepmother, Nancy; as well as two younger brothers, a stepsister, and a stepbrother.

I would like to extend my gratitude to Second Lieutenant Morgado and his family. I ask my colleagues to join me in honoring his service to his country. He served America well with courage and honor. I ask all of Congress to join me in thanking his family as they grieve at his loss and to express our condolences to all of them.

## STATE SENATOR BOB BACON

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

Mr. GARDNER. Mr. Speaker, I rise today to honor and thank Colorado State Senator Bob Bacon for his 14 years of service in the Colorado State Legislature.

After serving for 6 years in the Colorado House of Representatives and 8 years in the Colorado Senate, Bob is retiring from elected office to uphold the Colorado State Legislature's commitment to term limits.

I had the opportunity to serve alongside Senator Bacon in the State legislature and know that Coloradans will miss a true champion for northern Colorado. As an educator for over 35 years, Senator Bacon's insight into the classroom and education system helped shape the policies that support Colorado students.

Senator Bacon served Coloradans well and has a genuine passion to help the students and citizens of Colorado. He was twice elected to the Poudre School District for the board of education before he served in the State legislature, and his commitment and service were recognized by the naming of Bacon Elementary School in Fort Collins in his honor.

Today, I would like to formally recognize Senator Bacon's outstanding commitment and thank him for his hard work, dedication, and selfless nature when serving the citizens of Larimer County and the students of Colorado.

## KEEP STUDENT LOANS AFFORDABLE

(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, I would like to bring to your attention an issue that is extremely important to me and the middle class families around the country: the ability for every student in America who so desires to get a college education.

My dad was a waiter when I was growing up. I'm the first person in my family to go to college with the help of student loans. I know firsthand the invaluable role that student loans play in helping Nevada's middle class families enable their children to get a college

education. That is why I am so pleased that President Obama is visiting my alma mater today, the University of Nevada, Las Vegas. He will call on Congress to focus on keeping student loans affordable for Nevada's families as we approach the July 1 deadline when student loans will double.

Mr. Speaker, right now families across the country are sitting around their kitchen tables anxiously figuring out how to give their children the opportunity to go to college. They're counting on this Congress to stop worrying about protecting Wall Street corporations and Big Oil companies for just a few minutes and help their sons and daughters go to college.

I hope that we're up for this challenge.

## COMMEMORATING THE BATTLE OF MIDWAY

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

Ms. KAPTUR. Mr. Speaker, yesterday, our Nation remembered and commemorated the 68th anniversary of D-day, the World War II allied invasion of Normandy, France, and the beginning of the liberation of Europe from the forces of tyranny.

Today, I want to commemorate another historical World War II battle—70 years ago, the Battle of Midway, when the United States Navy struck back at imperial Japan, turning the tide in the Pacific and paving the way toward a great American victory at sea.

Six months earlier, Japanese planes infamously attacked Pearl Harbor, drawing the United States into that war. Yet our Navy recovered quickly and mobilized under the leadership of Admiral Ernest King, from the port city of Lorain, Ohio, on Lake Erie, and Admiral Chester Nimitz.

With the odds against them, our U.S. Navy boldly struck back at the Battle of Midway. Over 4 days, the Japanese lost all four of the large carriers that had attacked Pearl Harbor, not to mention a heavy cruiser, 248 carrier-based aircraft, and more than 3,000 men. The United States lost one carrier, the Yorktown, one destroyer, and 340 men.

Today, we commemorate this major historic achievement of our Navy. We honor the sacrifice of those who fought for us and died for us, and we express abiding gratitude for the bravery and dedication of all who fought in this battle in service to our Nation and freedom's cause.

Today, the free world remembers the Battle of Midway.

□ 1220

## HONORING JOHAN SANTANA

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

Mr. ISRAEL. Mr. Speaker, I have often said that I'm truly partisan about one thing, not Democrats versus Republicans, but Mets fans versus everyone else in the country.

Last Friday, Mr. Speaker, the Mets had something worth saluting. Johan Santana threw the first no-hitter in the history of my beloved New York Mets. Now, more important than a no-hitter is the lessons it teaches all Americans.

Johan Santana had surgery that they thought would end his career. He didn't give up on himself; he didn't give up on New York. He's never given up on his roots in Venezuela, didn't give up on the children of Venezuela that he supports through his foundation. He hasn't given up on the children of 9/11 that he supports through Tuesday's Children.

It's not the no-hitter that counts, Mr. Speaker. It is the spirit and the determination and the dedication of Johan Santana. That is what makes me a baseball fan. That is what makes baseball America's pastime, and I am very pleased and proud to salute Johan Santana and Mets fans everywhere.

Mr. Speaker, let's go Mets.

## STUDENT DEBT

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

Mr. WELCH. Mr. Speaker, in just 23 days, the interest rates on Stafford student loans will double from 3.4 percent to 6.8 percent. Now, one of the few things that we agree on in this Congress is that the low interest rates should be extended, yet we've been unable to get across the goal line.

Congress needs to find the moral imagination and the will to get this done before July 1. Every day we wait, we're imposing an immense amount of anxiety on students, parents, and the economy.

Take Brian, from Grand Isle. He has $100,000 in student loans. He's got two daughters; they each have $20,000 in debt. His third daughter is in school with tuition costs that are up to $40,000.

Brian is working 65 hours a week, but he can't keep up. He can't even begin to think about retirement. It's not an option. He's just trying to get from day to day and afford to keep his daughter in college.

Mr. Speaker, this Congress has 23 days. We're running out of time.

## PROTECT MEDICAL INNOVATION

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

Mrs. BACHMANN. Mr. Speaker, as a Representative of the great State of Minnesota, I stand here in support of my colleague Representative ERIK PAULSEN's bill to eliminate and repeal the medical device tax on the new ObamaCare legislation.

Our State of Minnesota is home to over 400 medical device manufacturers. We have over 35,000 people that are employed in this important industry that benefits all of the United States, 35,000 people. That about fills the Twins' Target Field. That's a lot of people who potentially could lose jobs in our home State.

I refuse to see a single job lost in Minnesota or in any of our States in our great country due to the legislation known as ObamaCare. Without repealing the medical device tax, jobs will be lost and also the costs of health care will go up.

I urge my colleagues to get behind ERIK PAULSEN's important piece of legislation. I know I will.

## CAMPAIGN SPENDING

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

Mr. MCNERNEY. Mr. Speaker, big money from corporations and billionaires is corrupting Washington and hurting the middle class. To make matters worse, 2 years ago the Supreme Court decided in the Citizens United case to open up campaign spending to secret, unlimited donations, possibly even from foreign sources.

Let's be clear: a handful of corporations and billionaires are trying to buy elections and control of our government. We need new rules to make Washington work for the middle class. We need to limit political contributions, and the public has a right to know who is paying for political ads.

Hey, because of Citizens United, our government is for sale. We need to stand shoulder to shoulder to stop Big Money from destroying our democracy.

## HONORING WINONA AREA CHAMBER OF COMMERCE

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

Mr. WALZ of Minnesota. Mr. Speaker, I rise today to honor the Winona, Minnesota Area Chamber of Commerce on their centennial celebration.

On April 22, 1912, at the then-urging of then-President Taft, the U.S. Chamber of Commerce was established by a gathering of 700 delegates from across the country, including innovative people from Winona, Minnesota.

Even before the national chamber was formed, those very people in Winona had the foresight to establish their own local association of community and business leaders that would give rise to that great city on the Mississippi. While the last 100 years have seen many changes, one constant in the Winona community has been the chamber.

Since its inception, the Winona Area Chamber of Commerce has been working to ensure local small business owners have the tools they need to succeed.

While it's important to note their rich history, the Winona chamber also has an eye on the future. By offering low-cost or free educational programs for young professionals in leadership, microenterprise and business management, the local chamber works to ensure future small business owners will continue to have the tools to succeed.

Today I pay tribute to the foresight and leadership and wish the Winona Area Chamber of Commerce a happy 100th anniversary. Here's to another 100 years of promoting opportunity, small business growth and community involvement in Winona, Minnesota.

## NATIONAL OCEANS MONTH

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

Mr. FARR. Mr. Speaker, the oceans on either side of the United States defined this great country, and these oceans are in trouble. They are so big and so vast with so many aspects not understood that it's hard for people to comprehend that they are in trouble.

Without the ocean, we wouldn't have the air we breathe or much of the protein we eat. It is our world's largest public trust, and it is essential to human life as we know it.

It captures one-third of our carbon emissions, hosts millions of species, and offers limitless recreational and educational opportunities worldwide. Yet over 14 billion pounds of trash end up in our ocean and our beaches each year.

Therefore, I urge the Nation to celebrate National Oceans Month and honor World Oceans Day, which is tomorrow, by taking advantage of activities of the Capitol Hill Ocean Week.

This summer get wet, go to the beach, clean it up. Clean up the polluted rivers that flow into our oceans, and get in there and volunteer and learn more about the ocean resources upon which we so undeniably rely and how you can work to protect them.

I thank all those who have come to Washington for Capitol Hill Ocean Week. We need political friends. The ocean needs political friends.

## BAN ON CORPORATE EXPENDITURES IN FEDERAL CAMPAIGNS

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

Mrs. CHRISTENSEN. Mr. Speaker, 2 years ago in Citizens United, the Supreme Court overturned two decades of precedents to strike down the ban on corporate expenditures in Federal campaigns. This opened the floodgates and allows corporations to spend unlimited funds, so now money comes from a handful of billionaires looking to wield their influence, and no one has to know who they are.

Campaigns like the one in Wisconsin and many others are being bought with that money instead of being decided by an honestly and factually informed public, as they should be. Romney's secretly funded PAC alone spent $46 million before Memorial Day to sway your opinion, and it will continue to spend even more.

We have to end the influence of the secret money on our elections. That's why I am a cosponsor of the DISCLOSE Act, which will restore accountability in our elections. Americans want and deserve a more open and honest political process. Republicans blocked that bill in 2010. The GOP needs to listen to Americans and bring the DISCLOSE Act to the floor.

The American public has a right to know who is paying for campaign ads that they will be swamped with this election cycle, and they need to know sooner rather than later.

□ 1230

## STUDENT LOAN INTEREST RATES

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

Mr. CLEAVER. Mr. Speaker, I rise to support the extension of student loan interest rates. Student loans have been an essential tool for many students and families who otherwise wouldn't be able to afford the soaring costs of college tuition. However, in a few short weeks, Federal student loan interest rates are set to double from 3.4 to 6.8 percent, making the dream of attaining college even more difficult for millions of students and families.

We need to act now. It is our responsibility to ensure that all children have the ability to pursue higher education. The cost of attending college has gone up almost 30 percent in the last 10 years. We cannot afford to ignore struggling students across this Nation. In these uncertain economic times, we can make no greater investment than in education. More and more jobs require some sort of post-secondary education, and by 2018, just 6 years from now, 63 percent of employment opportunities will demand an education beyond high school.

It is pathological partisanship that is preventing us from dealing with this important issue.

## PASS THE DISCLOSE ACT

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

Mr. AL GREEN of Texas. Mr. Speaker, a great and noble President, Abraham Lincoln, proclaimed that government of the people, by the people, for the people, shall not perish from the Earth. It was government of the people, by the people, for the people, that gave us Social Security and Medicare.

But I regret to inform you today, Mr. Speaker, that government of the people, by the people, for the people is at risk—and it is at risk because there is a new concept that is evolving. It is government of the money, by the money, for the money. It is the notion that he who has the gold rules, changing the Golden Rule, Father.

I want you to know, dear friends, that if we do nothing, we will find ourselves with a new form of government. The Republic is at risk. We must do something about government of the money, by the money, for the money.

The DISCLOSE Act is one thing that we can do. We must act and pass the DISCLOSE Act.

## PROVIDING FOR CONSIDERATION OF H.R. 436, HEALTH CARE COST REDUCTION ACT OF 2012, AND PROVIDING FOR CONSIDERATION OF H.R. 5882, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2013

Mr. SCOTT of South Carolina. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 679 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 679

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 436) to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices. All points of order against consideration of the bill are waived. In lieu of the amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112-23, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) 90 minutes of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

SEC. 2. 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. 5882) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2013, 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 Appropriations. 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 for failure to comply with clause 2 of rule XXI 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 and except pro forma amendments offered at any time by the chair or ranking minority member of the Committee on Appropriations or

their respective designees for the purpose of debate. 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. GARDNER). The gentleman from South Carolina is recognized for 1 hour.

Mr. SCOTT of South Carolina. 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

Mr. SCOTT of South Carolina. 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 gentleman from South Carolina?

There was no objection.

Mr. SCOTT of South Carolina. House Resolution 679 provides for consideration of H.R. 436, a bill to repeal the 2.3 percent excise tax on medical devices enacted as part of the President's health care law. It also provides for a structured rule for consideration of H.R. 5882, the Legislative Branch Appropriations Act. The legislative branch appropriations rule is typically the only structured rule in the appropriations process, and we are continuing that bipartisan tradition here today.

We are voting here today to stand up for more than 423,000 American employees and the health of millions that their work protects. A new $29 billion tax on medical devices, passed as part of the President's health care package, threatens to stifle innovation in the health care industry. If medical device manufacturers are punished with this new tax, we are all punished. Our health is punished. Our parents' health is punished. Our kids' health is punished.

Yesterday, I talked with one of my constituents, Dan Denson, who owns a medical device company in Summerville, South Carolina. He shared two concrete examples of how this new tax will hurt his company, the health care industry, and most importantly, it will hurt those in need of medical care.

For Dan's home health company the profit margin is about 10 percent. That profit is used to pay their employees, improve technology, and expand when it's needed. So if you cut into it by 2.3 percent, you're cutting into their ability to create better devices that then provide better care for patients.

As Dan put it, ''I can assure you that any additional impact to our cash flow will reduce the money available for innovation.

Dan also talked to me about his fellow medical device companies who make the hoses for oxygen tanks and other devices which make life bearable for so many Americans. They are absolutely dependent on these devices. And what happens when we add a 2.3 percent tax to these smaller companies? Well, these companies work on a margin of around 3 percent. So you don't have to be a math major to figure out that when you have a 3 percent profit margin and you have a new 2.3 percent tax, you are pretty close to zero.

You simply cannot afford to run a business in this environment. You certainly cannot start a new business in this environment. We're not only hurting our medical device companies, we're also discouraging new entrepreneurs and innovators from being able to enter the ring.

I felt it was so important to share Dan's thoughts today, as it shows in clear terms how this new tax will not only affect Americans' wallets, but it could impact the health of Americans in this country.

□ 1240

If our medical device manufacturers cannot continue to adapt and move forward with new and better technologies, our medical care system will slow down right alongside it.

Because of innovation, life expectancy in the United States has increased by more than 3 years from 1986 to 2000, and the burden of chronic diseases representing more than 70 percent of the overall health care cost has been reduced. This tax affects devices ranging from cardiac defibrillators to artificial joints to MRI scanners, or, in plainer terms, the very devices that identify and treat patients in their time of need, and even those devices that could save lives. These days, technology is improving every single day.

Why in the world would we want to put our innovators at a disadvantage? Why in the world would we want to take another $29 billion worth of investments out of our future, out of our health care industry and put it in the hands of this government? There's no good answer to these questions, and there's no good reason for another new tax.

Once again, Mr. Speaker, I rise in support of this rule and the underlying legislation. I encourage my colleagues to vote ''yes'' on the rule and ''yes'' on the underlying bill, and I reserve the balance of my time.

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

Mr. Speaker, I rise today in opposition to the rule for the underlying bills H.R. 436, the Protect Medical Innovation Act, and H.R. 5882, the Legislative Branch Appropriations Act for Fiscal Year 2013. Frankly, I'm disappointed that the House Republicans continue to bring bills to the House under a closed process that restricts debate and discussion and doesn't allow amendments that could improve the underlying legislation and help forge a strong bipartisan majority.

Mr. Speaker, the Republicans started this Congress with cries to repeal and replace the Affordable Care Act, and yet here we are a year and a half later, this body has voted several times to repeal the bill, but we've yet to see any plans to replace it. And here we are again with another bill to repeal the Affordable Care Act. As far as I can tell, my colleagues on the other side of the aisle have not presented a plan to reduce rising health care costs, to provide health care insurance to 30 million uninsured Americans.

This body, and those who advocate repeal of the Affordable Care Act, it should be incumbent upon them to talk about what we should replace it with to prevent the rising cost of health care from being an increasing burden on American businesses and American families. The motivations for repealing the Affordable Care Act are weaker and more blatantly political than ever, especially after several votes of this body to repeal the Affordable Care Act.

There are many provisions of the Affordable Care Act that the American people broadly support, including young adults staying on their parents' health insurance until they're 26, including creation of exchanges. Seniors throughout the United States are already benefiting from the Affordable Care Act's elimination of the Medicare prescription drug doughnut hole. In fact, in 2011, over 5.1 million Medicare beneficiaries saved over $3.2 billion on prescription drugs thanks to the Affordable Care Act.

States across the country, including my home State of Colorado, are enthusiastically implementing health insurance exchanges in a bipartisan way that will help us reduce health care costs and expand access to high quality, affordable health care. So why are we still here talking about repealing the Affordable Care Act instead of focusing on areas where we share common ground?

Unfortunately, the Protect Medical Innovation Act has been brought under a closed process which prohibits Members from being able to offer any amendments to this collection of four different bills. If my colleagues made an effort to compromise on health care proposals, there might actually be a chance to see legislation pass both Chambers with broad bipartisan support and signed by the President. This specific bill already has a veto threat from the President, and none of my colleagues on my side of the aisle were consulted with regard to a method of paying for this particular set of changes.

Instead, the Republicans have chosen to cobble together three unrelated bills that do three totally different things, along with a very partisan offset with no opportunity to revise these bills; no opportunity for us to do our job as legislators, to amend these bills; no opportunity for us to work to forge a majority around commonsense proposals that can improve health care and create jobs.

Let's take a look at what's in this diverse package of bills.

Now, the original Protect Medical Innovation Act, that was the original bill before these three other bills were added and before this payment mechanism was added, would've repealed the excise tax on the manufacture or import of certain medical devices, one of the methods of funding the Affordable Care Act.

Now a solid group of Members support repealing the tax. In fact, this tax impacts companies in my district like ZOLL Data Systems. And I hope we can have a straight up-or-down vote on this particular provision of this bill. But instead, it has been cobbled together with two unrelated bills and an unrelated method of paying for it.

Similarly, there's solid support for two other pieces of legislation that are contained in this bill. One bill would have repealed the Affordable Care Act's prohibition on using HSAs and FSAs to purchase over-the-counter drugs, and another would have allowed individuals with FSAs to redeem money left in their accounts at the end of the year.

Now, we all have our different opinions about these bills. I personally support allowing HSAs and FSAs to purchase over-the-counter drugs, and I personally oppose the FSA measure because I think that people should be able to spend the money that's left in their FSAs by the end of year; otherwise, what's the purpose of an FSA? It kind of ceases to exist and simply becomes a tax shelter if it's not dedicated to health.

But the fact of the matter is, under this rule, no Members of this body will be able to express their support or opposition to any of these bills in particular because they've all been cobbled together into an incoherent mess of a bill which this rule is trying to jam down the throat of this body. We should have brought up these bills one at a time and found a reasonable offset. Instead, the Republicans have chosen to place the burden of paying for this cluster of bills on the backs of middle class American families.

Now, there's a number of alternative ways that we could have paid for these bills. The most obvious one would have been repealing oil and gas subsidies. This was an offset that was included in the Democratic substitute which the majority failed to even allow to come up for a vote by this body. That offset would have provided $32 billion in reductions of oil and gas subsidies over 10 years, making sure that the government doesn't pick winners and losers in the energy space, allowing oil and gas to compete on a level playing field with all other energy resources instead of being designated as a recipient of taxpayer money and government subsidies. Now, that particular offset would have not only paid for eliminating the medical device tax, but also reduced our deficit by $3 billion.

Today I introduced a bill, H.R. 5906, which would repeal the medical device tax and replace those lost revenues by eliminating tax loopholes and subsidies for oil and gas companies. Personally, I'm supportive of other ways of paying for the medical device tax as well. Let us work together to find a way to pay for any changes in the Affordable Care Act that don't fall squarely on the back of middle class American families.

However, Mr. Speaker, instead of a thoughtful offset, the Republicans have chosen to dig into the pockets of low- and middle-income Americans to pay for this bill. So let's look at how this bill would affect American families.

According to the Joint Committee on Taxation, this proposal would force 350,000 people to lose their health care insurance. Yes, that's 350,000 people less that would have health care insurance.

Now, how devastating and misguided is this? Let's take an example. Let's take a hypothetical family of four in Colorado, in Ohio, in Florida, in Pennsylvania. Let's say their household income is $36,000 a year. They're working hard to stay in that middle class. It's getting harder and harder. The family income, $36,000 a year; father and a mother. The mother has been out of work for 3 years. The total family cost of health care insurance is $12,000. Now, let's say the mother finds a job midway through the year. She's able to go back to work and she earns an additional $36,000 for her family, bringing that family of four's earnings to $72,000. They're fighting hard to stay in that middle class to afford their kids' college education. Now, under this bill, at the end of the year, that family is sent an additional health care bill for $5,160, a tax increase of over $5,000 for that middle class American family. Now, that's more likely to make it less of an incentive for that woman to get the extra job. What's the extra incentive to work if the government is going to stick you with a huge tax bill just for trying to support your family?

Let's take another example. A family of four in Michigan, in Nevada, a father and mother with two young children. Let's say that the mother doesn't work outside the home. They're earning $36,000 a year and the family is struck with tragedy. The mother passes on early in the year leaving the father to support the kids. He takes a second job, as any good father would do, and is able to earn an additional $18,000 during the year working a 40-hour-a-week job and working a 20-hour-a-week job to put food on the table. Now, that increases that family's income to $54,000 from $36,000. And what does this Republican tax increase do? Well, it presents them at the end of the year with an additional $3,330 tax increase, a $3,330 tax increase for a father who's just trying to put food on the table for his kids.

□ 1250

We can do better. The bill we are considering today would actually increase the tax hike on families by removing the restriction on the amount that families are required to pay. This has the perverse incentive of discouraging families from working and taking on additional jobs and working hard to get promoted. It takes away the incentive to perform well at your job and get a promotion or raise. Frankly, this payment mechanism encourages people to remain in poverty and on government assistance rather than striving to do better and earn more. This Republican bill punishes work, plain and simple, and is a huge tax increase on the middle class.

Now, Mr. Speaker, if we want to repeal the medical device tax, let's discuss how to pay for it. If some people in this body think protecting subsidies for oil and gas companies is more important than getting rid of the medical device tax, well, fine, let's find another way to do it. But, unfortunately, this approach before us today isn't a serious approach to reducing the deficit. It's an approach that the President would veto, it's an approach that puts a huge tax burden squarely on the shoulders of working families in this country, and it doesn't help get Americans back to work.

This proposal is based on politics, plain and simple, not on sound economic policies that are good for the middle class, good for the medical device industry, and good for America.

This underlying rule also makes in order the Legislative Branch Appropriations Act for 2013. Now, that's an act that funds Congress itself and its supporting agencies. In these times of fiscal austerity, everyone—especially Members of Congress—should be tightening their belts.

This bill provides a 1 percent reduction from last year's spending bill. Now, I am also heartened that it still ensures congressional support agencies have the sufficient funding they need to function so that we in this body can do our job.

But even while the House's budget has been cut over 10 percent over the last 2 years, the House majority has chosen to spend scarce resources that the taxpayers have appropriated to us to defend the constitutionality of the Defense of Marriage Act, which bars gay and lesbian servicemembers, veterans and their spouses from securing the same benefits offered to straight military couples.

As President Obama has determined, the law is simply indefensible constitutionally. And yet to date, this body, out of this bill, this Legislative appropriations bill, has spent three-quarters

of a million dollars of taxpayer money on fancy lawyers defending this discriminatory and offensive law. This waste of tax dollars is especially troubling given the recent First Circuit decision which found that DOMA is unconstitutional.

Mr. Speaker, I can't support these underlying rules. It's beyond troubling to have a closed rule, not allowing amendments and thoughtful input from Members of both parties on four separate pieces of health care legislation that completely shuts out Republican ideas and Democratic ideas to improve the Affordable Care Act, improve job growth in this country, and help get our economy back on track.

I reserve the balance of my time.

Mr. SCOTT of South Carolina. Mr. Speaker, I find it quite interesting and almost hilarious that my friend to the left would talk about tax increases when in fact embedded in this health care bill is $123 billion in new taxes on property owners. Really? $123 billion of new taxes on property owners in addition to the $29 billion new tax they were talking about today, in addition to eliminating $500 billion from Medicare in order to fund this health care plan.

I think the conversation about tax increases is a conversation we could spend a day on, and we'd be happy to have that conversation. But today, I'm going to yield 2 minutes to the gentleman from Texas, Chairman SESSIONS.

Mr. SESSIONS. Mr. Speaker, today, once again, we're on the floor of the House of Representatives with our friends on the other side of the aisle arguing about how we tax the American people, how if we're going to take this tax out we've got to replace it with another tax. Good gosh, aren't energy prices high enough already? Why do we want to pass that on to consumers and make gasoline more expensive? It does not make sense, and that's why we are here today to repeal a tax.

Mr. Speaker, what is the tax we're talking about? It is a tax on business, on high tech. It is on medical devices that have allowed America to lead the world in solving problems, to give people medical devices, things that will make their lives even better.

Mr. Speaker, I received a letter from Walter J. Humann, president and CEO, OsteoMed. He came and met with me at my office and then sent me a letter. Here's what Mr. Humann said—and I believe he represents not just the industry, but thousands of people, patients also who rely on high-tech and medical devices that would be without. He said:

> In addition to challenges with the FDA and reimbursement, this 2.3 percent excise tax—which is on gross sales, whether or not a business has any profits or not—will directly impact our ability to create new jobs, invest in research and development and effectively compete in a global marketplace.

Further, he says:

> It should be noted that OsteoMed is also aggressively re-directing its business focus to international markets that provide a less cumbersome and lengthy regulatory pathway with revenue streams that are not subject to the medical device tax . . . immediately saving 2.3 percent in the process. In the past month, OsteoMed initiated the search for sales managers in China and the Middle East to supplement recent managers hired in Korea and Italy.

Mr. Speaker, this is not just a tax. It is not just making it more difficult for employers to hire people. But it will stop America's innovative-ness to compete in the future.

OSTEOMED,
*Addison, TX, June 5, 2012.*

Hon. PETE SESSIONS,
*U.S. House of Representatives,*
*Washington, DC.*

DEAR REPRESENTATIVE SESSIONS: Thank you for taking time to visit with me last week regarding OsteoMed and my concerns about the significant ''headwinds'' we face, especially related to the 2.3% medical device tax that is scheduled for implementation in 2013. On behalf of OsteoMed's 400 employees, I thank you for your support of H.R. 436, which would repeal this onerous provision that otherwise will negatively impact innovation and job creation at a time when we can least afford it.

As president & CEO of OsteoMed, a dynamic, 20 year old surgical device manufacturing company based in your district, I confront the challenges that America's innovators face every day. In addition to challenges with the FDA and reimbursement, this 2.3% excise tax—which is on gross sales, whether or not a business has any profits—will directly impact our ability to create new jobs, invest in research and development and effectively compete in the global market.

OsteoMed formed a new subsidiary company a couple of years ago to develop an innovative spine product that greatly simplifies spine fusion surgery and improves patient outcomes. OsteoMed launched this product last year which quickly grew to almost $5MM in sales in 2011 and currently employs a number of highly skilled, high paid individuals. Due to the significant upfront investment and on-going development costs, this new company is not projected to make a profit in the near future but is nevertheless subject to the device tax which will further delay this subsidiary's success. As a result, OsteoMed has now delayed additional new product developments and personnel in order to make ''ends meet'' and achieve the returns initially envisioned when this company was created.

OsteoMed's core business manufactures surgical implant systems for use in craniofacial, neurosurgical and small bone orthopedic (upper and lower extremities) surgeries. These systems require extensive, specialized instruments that are typically not sold, but are used to implant the devices that drive OsteoMed's revenue stream. The device tax will not only tax gross product revenues, but my understanding is it will also tax the instruments OsteoMed must invest in and place into hospitals at no charge thereby further reducing my company's profit opportunities and forcing expense reductions in other areas in order to achieve our profit goals.

OsteoMed's products are sold through a variety of sales channels and will require a new level of administrative burden in order to track the ''gross'' revenues defined by this tax. This requirement, along with the recent challenges imposed by the Physician Payment Sunshine Act, force additional levels of administration and non value added expenses that make OsteoMed less competitive and viable.

The market in which OsteoMed competes is in turmoil and has become increasingly competitive with many new offshore competitors. As economics and recent government restrictions have largely removed surgeons from the surgical device purchase decision process, hospitals are now forcing increasingly price concessions. Despite increased raw material and labor costs, OsteoMed has been unable to raise product prices over the past several years and is now equally unlikely to simply pass along the device tax to our customers.

Like any other responsible business, OsteoMed must carefully manage expenses in order to make profit and continue to grow and succeed. In order to cover the shortfall the new device tax will create, OsteoMed has already started to implement cut backs in its operations including the delay/cancellation of new product development projects and the hiring of additional personnel, including biomedical engineering positions. It should be noted that OsteoMed is also aggressively re-directing its business focus to international markets that provide a less cumbersome and lengthy regulatory pathway with revenue streams that are not subject to the medical device tax. . . . immediately ''saving'' 2.3% in the process. In the past month, OsteoMed initiated the search for sales managers in China and the Middle East to supplement recent managers hired in Korea and Italy. Unfortunately, OsteoMed has already started to effectively trade U.S. jobs for overseas positions as a direct result of the medical device tax and other governmental involvement.

The medical device industry not only provides numerous highly skilled and attractive jobs across the U.S., but it also pays its workers on average 40% more than the typical job. We are a vibrant sector of the economy and one of the few remaining industries that produces a healthy export of products. Tragically, this industry has now become the focus of misguided and short-term government intervention and the growth and continued prosperity of this proud American industry now faces great hurdles.

Again, I thank you for your service to our country and specifically for your support of H.R. 436 to repeal this tax and to help America's innovators continue to improve patient care and drive job creation. I look forward to your ability to visit OsteoMed when you are back in Dallas so you can see firsthand our great employees and the innovative products they produce to help people around the world. Please do not hesitate to contact me to discuss this issue or any other issues impacting the medical device industry.

Sincerely,

WALTER J. HUMANN,
*President & CEO,*
*OsteoMed.*

Mr. POLIS. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. Mr. Speaker, I rise in strong support of the legislation we will be voting on this afternoon to repeal the $30 billion excise tax on medical device companies, and I'm proud to join Mr. PAULSEN in his effort to prevent this misguided tax from taking effect next year.

The district I represent in western Pennsylvania is home to a number of medical device companies that have planted their roots in our region. They offer high-paying, quality jobs and are developing innovative devices that are saving lives.

One example is Zoll Medical, which manufactures the LifeVest, a lightweight, wearable defibrillator that continuously monitors a patient's heart. The device allows patients with medical conditions to return to their daily lives with the peace of mind that they are protected from sudden cardiac arrest. This is the type of innovation that we should be encouraging in this country, not penalizing.

The excise tax is simply misguided policy. The American medical device industry has proven that when given the chance to succeed, it has the ability to produce devices that can better the quality of life for Americans and even save lives.

The industry is already facing challenges from foreign competitors that have an easier time getting their products to market. We must give the U.S. device manufacturers the opportunity to succeed, not punish them for being innovators and risk losing the incalculable contributions they provide to our economy, the delivery of health care and quality of life for every American.

The rule that we are debating today provides us with the chance to vote to help ensure that the next great medical breakthrough is developed in this country right here in the United States and not overseas.

I urge my colleagues to support its passage, and I thank Mr. POLIS for yielding me the time.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. NUGENT).

Mr. NUGENT. Mr. Speaker, I first want to thank my friend, Mr. SCOTT, and fellow Rules Committee member, for allowing me time to speak on this important issue.

This rule brings to the floor a series of health issues that I hear about every day from constituents back home. About 46 million Americans have either a flexible spending account or a health savings account. These are hardworking American families that plan ahead for their health care. They're folks who don't want to be a drain on the health care system. But the Federal Government has the audacity to look at these funds from these families that have put aside for their health needs and see this as money for the government's taking. We need to be rewarding these people, not seeing them as a revenue source to pay for ObamaCare. But the government takeover of health care is going to punish them and encourage them to use more expensive treatment options.

The bill we are considering today will undo ObamaCare's limitation on purchasing over-the-counter medications, freeing both health savings accounts and physicians' offices from these new, burdensome regulations that go into effect.

□ 1300

It will allow families to cash out up to $500 in their unused FSA balances at the end of the year as regular taxable income, and it will repeal a 2.3 percent tax imposed on the sale of medical devices. This tax will make health care more expensive. It will be passed down to the consumer, and it's already costing innovation and jobs in the medical device industry.

I applaud the Ways and Means Committee for their work on this legislation and encourage my colleagues on both sides of the aisle to pass not only the rule, but support the underlying legislation.

Mr. POLIS. Mr. Speaker, if we defeat the previous question, I'll offer an amendment to the rule to make in order the Connolly amendment, which proposes that Members who repeal Federal benefits for their constituents must forfeit such benefits themselves. Why should Members of Congress get special benefits that we deny to our own constituents?

To discuss our proposal, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. I thank my friend for yielding.

Chairman of the Federal Reserve Bernanke is on Capitol Hill today warning that if the Congress doesn't get the debt and deficit under control, we could be facing a fiscal collapse, a calamity. And he's right. And I think we all know that one of the ways to avoid a calamity is to move Americans from unemployment lines to payrolls.

But this is another day when the House will not consider legislation that would cut taxes for small businesses that hire people. This is another day when the House will not consider legislation that would rehire police officers, firefighters, teachers. This is another day when the House will not consider legislation to rebuild our roads and our bridges and our electronic infrastructure.

There is going to come a day when the House, I fear, will consider reductions in Medicare, Social Security, and Medicaid to deal with the deficit problem. Now, we need to consider these kinds of issues because they're an important part of the deficit. But when we do, I think most Members would agree with the proposition—I think all Members would probably agree with the proposition—that we should live under the laws that we write. If the Congress is going to consider a change to Social Security, we should live with that change. If the Congress is going to consider a change to Medicare, we should live with that change. We say this to our constituents when we go back to our districts.

Let's vote for it today. We propose to put on the floor, as part of today's legislative agenda, legislation that would say, pure and simple, if there's a change to Social Security, Members of Congress will live under the same change. If there is a change to Medicare, Members of Congress will live under the same change. If there's a change to Medicaid, Members of Congress will live under the same change. I think we'd probably get a unanimous vote for that proposition.

Let's put it on the floor and affirm to the people of this country who pay the bills and serve the country, we live under the same laws that we write.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. ROE).

Mr. ROE of Tennessee. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of the rule and underlying H.R. 436, the Protect Medical Innovation Act. This bill will make a positive impact in two critical areas: jobs and innovation.

For 40 consecutive months now, unemployment has exceeded 8 percent. Just last week, we received the unwelcome news that unemployment had increased in May from the prior month. We're on the wrong track, and the medical device tax included in the Affordable Care Act will make a bad situation even worse.

According to one industry study, the 2.3 percent medical device tax could result in the loss of 43,000 American jobs, and this is just outrageous. We should be taking steps to create good-paying American jobs, not preserving a tax hike that would ship these jobs overseas.

Let me just put that in perspective, Mr. Speaker. I have a unique observation point as a physician in practice for over 30 years, and let me take you through some innovations that I've seen.

In 1974, I learned how to do laparoscopy, which is where you place a scope inside the abdomen and look, just observe. And that's really about all we could do.

I remember, 1986, my partner and I did the first ectopic pregnancy. That's a tubal pregnancy, where pregnancy has occurred in the fallopian tube, and we were in there trying to get this pregnancy out through a scope. We did not have the equipment to do it.

Today you can take an ultrasound, diagnose this before rupture; and before, most of these were diagnosed after rupture, required blood transfusions, an open laparotomy, and days in the hospital. Today, I'm happy to report that we diagnose almost all of these before they rupture. We take a simple scope, with the new equipment and devices that have been discovered and utilized and developed, remove this, and send the patient home within hours.

I've watched, now, this go from just a rudimentary observation to incredible surgery with the new Da Vinci device—we're able to do very complicated pelvic surgery, prostate cancer surgery, other abdominal surgeries, heart surgeries—that have done many things, have reduced suffering, lowered morbidity, mortality, and we certainly do not need to go in a different direction.

Let me give you a very personal example that happened to me just 8 or 9 months ago.

In September of 2011, I was walking through the airport in Charlotte, North Carolina, when a gentleman arrested. If it had not been for an AED, a medical device, this gentleman would not be here with his family today. We were able to resuscitate him and send him successfully home to his family.

We do not need to decrease this innovation. I've seen absolutely spectacular things that have occurred over the last 30 years.

Also, this legislation is very simple. It does two other things. It allows an individual to use their HSA, which I have, to buy an across-the-counter medication instead of coming to my office, the most expensive entry point into the health care system other than the emergency room, to get a prescription. It's counterproductive. It wastes time for the patient and their families.

I also would certainly support the FSA agreement for letting someone keep $500 of their money.

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

Mr. SCOTT of South Carolina. I yield the gentleman an additional 30 seconds.

Mr. ROE of Tennessee. And letting that individual and that family roll it over so they can use it the next year. Three very simple things and I will close.

Regardless of what you believe in the Affordable Care Act, or how you believe, I urge my colleagues to support this. And I find it a little bit comical that we are fussing about a closed rule on these three simple items when we discussed a 2,700-page health care bill on a closed rule.

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

In response to my colleague, Mr. ROE's discussion of very expensive medical devices and equipment, part of the justification for looking at revenues for medical devices is, through making sure that more Americans have access to insurance, we're able to increase demand and compensation for procedures that involve costly medical devices. This is a way that can actually drive business and job growth for the medical device industry by having more people covered by insurance. The Affordable Care Act will cover millions and millions of more Americans to ensure that they have access to medical devices, driving consumption and purchase of medical devices as well.

Look, there's plenty of ways that we can talk about to pay for this bill. Unfortunately, this closed rule allows for no discussion, other than the extremely partisan, middle class tax increase, which the Republicans have proposed to pay for this bill.

Personally, I've also supported and continue to support looking at a soda tax. Rather than tax something that makes people healthier and improves public health, like medical devices, why not tax something that makes people less healthy, like corn syrup with food coloring and water, a little bit of caffeine added, no nutritional content, increases diabetes, increases obesity, tooth decay, even been shown to hurt kids' performance in schools. And a study by Health Affairs, a nationwide tax of 1 percent on sugary drinks would actually go a long way towards being able to pay for repealing the medical device tax.

So look, these are decisions that our constituents send us here to make. How do we want to pay for things? If we don't want to tax medical devices, are we going to tax the middle class instead, as this proposal will do?

We talked about a family of four in Ohio, family of four in New York, that would pay over $5,000 a year in extra tax just because the mother went back to work, just because one member of the family might have passed away in a year, sticking them with an enormous tax bill? This tax-and-spend Republican majority continues to advocate tax after tax after tax increase directly targeted to middle class and working American families.

□ 1310

Look, let's evaluate how we want to pay for health care in this country. Health care is important. Health care is expensive. If you have better ideas than the Affordable Care Act—better ways to reduce health care costs for businesses, help families access health care—let's get them on the table in an open process and talk about what we want to do to help drive down costs.

But this cobbled-together set of bills will only decrease access to health care in this country. It will undermine the very demand for the medical devices that are so important to job growth and creation in this country. It will undermine the incentive of middle class families to try to improve their stations in life—to take on a second part-time job, to seek a promotion at work. It's very contrary to our American values that hard work gets you ahead in this country. If you work hard and if you play by the rules, you have a shot in this country, and this cobbled-together set of bills is an affront to that very concept that makes me so proud to be an American.

I reserve the balance of my time.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. I just heard the previous speaker say that the Affordable Care Act is going to provide so much opportunity for medical device manufacturers that they will simply be able to eat this device tax. Well, that's not the case in my district, and there are three principal reasons why we must repeal this device tax:

One, it increases health care costs for consumers on everything from wheelchairs, to bedpans, to prosthetics, to tongue depressors. Two, this is going to kill jobs. More than 400,000 jobs in the U.S. and 22,000 in Pennsylvania are directly employed by the medical device industry. This tax will put up to 43,000 American jobs at risk. Three, this is going to stifle innovation by reducing investment in R&D, which leads to medical breakthroughs.

By the way, this is a familiar health care law trifecta: higher costs, lost jobs, lost innovation.

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

Mr. SCOTT of South Carolina. I yield the gentleman an additional 15 seconds.

Mr. DENT. This tax is going to have a profound impact in my congressional district on companies like Aesculap, Boas Surgical, BioMed, B. Braun, Olympus, OraSure, and Precision Medical Instruments.

If you don't believe me, Chris Field of Boas Surgical in Allentown, a small business that manufactures custom orthotics and prosthetics, explained that the tax may ultimately force the employer out of business:

> The medical device tax would simply destroy what is left of our company. After giving it our all, we would simply have to turn out the lights, lock the doors and send 45 employees to the unemployment lines; and our patients, including many of our soldiers returning from combat, would no longer be able to receive medical devices, such as their prostheses, from a company which has faithfully served the Lehigh Valley for over 90 years.

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

An executive summary of a report by the Bloomberg Government is entitled ''Medical Device Industry Overstates Tax Impact,'' which was put together by health care policy analysts.

This study calls into question the assumption that several of my colleagues on the other side have indicated that the medical device tax results in the loss of 43,000 jobs. After investigating, the Bloomberg Government officials found that this figure was based on the hypothetical assumptions of a 10 percent reduction in domestic employment resulting from manufacturing moving their operations offshore. So it was just based on guesswork. It was said, Well, how many jobs do we want to say this would cost? Let's just say 10 percent.

Then they just put it down. There was no analysis. It was simply based on a guess, which I can just say with the same amount of backing that it will create 10,000 jobs or that it will eliminate 5,000 jobs or that it will create 20,000 jobs. You can say whatever you want, but there is no scientific analysis that leads to that conclusion.

In fact, throwing 350,000 Americans into the ranks of the uninsured as this cobbled-together set of bills would do and reducing the number of insured Americans by 350,000 is certain to reduce the demand for medical devices. It is certain to reduce job growth and to hurt many of the companies that are complaining about the medical device tax.

Again, if we can find a way to pay for it that doesn't throw over a quarter million Americans out of health care

insurance and that doesn't increase taxes for a family making $72,000 a year by over $5,000, let's do it. We can. We can look at taxing things that make people less healthy rather than taxing things that make people more healthy. We can eliminate tax loopholes and subsidies for the oil and gas industry. We can discuss eliminating agriculture subsidies.

There are a lot of great ideas that Republicans and Democrats have to help replace the revenue that might be lost under this proposal; but under this closed rule, both Republicans and Democrats are prohibited from bringing any ideas forward about how to pay for this bill other than with an enormous tax increase on the middle class, throwing Americans off the insurance rolls, which actually reduces the demand for medical devices and will cost jobs in this country under this bill.

I reserve the balance of my time.

EXECUTIVE SUMMARY

An excise tax on medical devices imposed by the 2010 federal health-care overhaul isn't likely to reduce industry revenue as much as the device manufacturers say. This Bloomberg Government Study finds that while some reduction in revenue is likely if the tax leads to higher prices, it won't hit manufacturers on the magnitude forecast in 2011 by an industry trade group.

The price effect of the tax will be offset to some degree by the expected increase in demand for medical devices as a result of the estimated 32 million Americans who will obtain health insurance under the law. The net impact on revenue remains uncertain.

The 2.3 percent tax on medical devices, which include pacemakers, artificial joints, and magnetic resonance imaging machines, takes effect in 2013. The tax may be passed along to the buyers of most medical devices, which will increase prices. A 2011 study commissioned by the Advanced Medical Technology Association, or AdvaMal, an industry trade group, estimates the resulting drop in revenue will be $1.3 billion—close to the median of 12 scenarios in its economic model. That projection represents about 1.1 percent of the industry's $116 billion in annual revenue. The group based its estimates on expected reactions by suppliers and buyers of medical devices to changes in price, a phenomenon that economists call price elasticity.

This study examines the economic assumptions underlying the industry group's findings. Using relevant research, this study finds that the price elasticity for medical devices is likely to be weaker than the industry put forward; in other words, an increase in price is not likely to lead to a severe contraction in demand. Even the most modest scenario considered by the AdvaMed study, projecting annual revenue losses of $670 million, may be too high because it doesn't account for the likelihood of an increase in demand for medical devices by the newly insured.

This study also calls into question the assumptions behind another industry assertion that the medical-device tax will result in a loss of 43,000 U.S. jobs. That figure, the AdvaMed authors told Bloomberg Government, was based on a ''hypothetical'' assumption of a 10 percent reduction in domestic employment resulting from manufacturers moving their operations offshore to avoid the tax.

The study is AdvaMed's only quantitative analysis of the impact of the tax supporting the group's assertion that the medical-device tax will be harmful to manufacturers' revenue. This Bloomberg Government review of those findings gives lawmakers reason to be skeptical of its main findings.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. LANKFORD).

Mr. LANKFORD. It is interesting to talk about an open or closed rule when we are discussing something with the Affordable Care Act. We all know what an open process that it was developed under and how wide open and inclusive that that was.

Let's talk some basic economics with this.

If you tax something more, you get less of it. That's simple economics. Apparently, somehow there is a desire to get less medical innovation. If we go to the medical innovators—the people with the latest devices, the newest devices, the best devices that are getting Americans healthier, that are providing a better quality of life for people from infants to senior adults—and then tax them more, we are discouraging them from future innovation and from creating the next products that create the next big medical wave on it.

Currently, the best medical innovation in the world is happening in the United States of America. We want to keep it that way. We talk a lot about: Why are we losing manufacturing jobs? Why are manufacturing jobs going around the world? I'll tell you why we're losing manufacturing jobs. It's because, every time you turn around when you're in a manufacturing segment, you've got a Federal regulator in your building who is checking out something else. Whether it's your paperwork or your process or your people, they are constantly checking everything else. We also have this very high corporate tax structure. We have the highest in the industrial world. Now we're taking it to the medical device folks and making it even higher and making it even harder.

What we need to do is have the best medical innovation in the world here, but we don't do that by punishing those companies for doing it here. If we want companies to go overseas and to do the best innovation in the world somewhere else, then we should continue to raise taxes on them. This solves that. This keeps it here. It keeps the companies here and keeps them from relocating and offshoring. It keeps premiums from going up. As the medical device cost goes up—guess what?—insurance premiums go up as well, as well as dental costs for dental devices.

This is just another example of picking winners and losers and finding an industry that is successful and saying, Let's tax them more so we can move that money somewhere else. I'll tell you what. Let's just have the best medical innovation in the world continue to be here. Let's take care of that medical device tax and clear it out as of today.

Mr. POLIS. My colleague from Oklahoma said, if you tax something, you get less of it. Under this bill, we tax work, and we tax middle class families taking a second job or getting a promotion at work. This bill will force families to stay on the government payroll. It will force people to continue to get their benefits because, if they try to work harder, you're increasing their taxes.

Yes, if you tax something, you get less of it. This bill will result in people working less, having less of an incentive to work, less of an incentive to lift yourself up and to get off the government subsidies, less of an incentive to take a second job, less of an incentive to get a promotion. Why would we put squarely the burden of paying for this on people who just want to work harder to get ahead?

If you tax something, you get less of it. This bill in its current form results in less work, fewer jobs, fewer chances for middle class families to stay in the middle class, fewer chances for aspiring middle class families to reach the middle class.

I reserve the balance of my time.

Mr. SCOTT of South Carolina. Mr. Speaker, we keep hearing consistently that somehow a tax that isn't a tax is now considered a tax, so the notion of recapturing overpayments from health care subsidies should not be considered a tax. It should be considered being honest and fair. So let me say it one more time: that requiring people to return money not correctly given to them is not a tax increase; it is a matter of honesty and integrity.

Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. MULVANEY).

Mr. MULVANEY. I thank my colleague.

Mr. Speaker, I think something has gone overlooked here today, which is that this is a bill that has bipartisan support. So often back home, the folks want us to do things that have bipartisan support. We've seen several Members from across the aisle speak in favor of this bill and of this rule today; but I think something else is going overlooked, which is that the President should support this. This should be a bill that the President of the United States supports. After all, he was the one who said when he was campaigning—and I'm quoting now from candidate Barack Obama:

> I can make a firm pledge. Under my plan, no family making less than $250,000 a year will see any form of tax increase—not your income tax, not your payroll tax, not your capital gains taxes, not any of your taxes.

□ 1320

By the way, Mr. Chairman, it's very rare that we speak that boldly in politics. Oftentimes, we give ourselves space to walk things back. But that is about as unequivocal a statement as you can get.

I imagine that since that statement was made in 2008, it's by accident that

we have, by my count, at least 13 taxes that violate that pledge. We have a new tax on cigarettes, a tax on non-qualified HSA distributions, a tax on insured and self-insured health plans, a tax on tanning services, a tax on brand name pharmaceuticals, and, of course, this tax on certain medical devices. My guess is that was done by mistake, and we need to fix that so that the President can keep his promises.

So I encourage my friends across the aisle, as well as my own colleagues, to vote for the rule and to vote for the bill to help the President out, to help the President keep his promises so that we do not raise taxes on anybody in this country who makes less than $250,000.

Mr. POLIS. Mr. Speaker, my colleague ended his remarks by saying don't raise taxes on people making under $250,000. This bill increases taxes on people making $40,000, $70,000, even as much as $90,000. That's what it is—it's a huge middle class tax increase.

With that, I yield 2 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. I thank my friend from Colorado.

Mr. Speaker, I rise today to encourage my colleagues to vote ''no'' on ordering the previous question so we can consider Mr. CONNOLLY's amendment that would give our constituents a chance to see whose side their representative is on.

Since the Republican majority took office, they have repeatedly focused on chipping away at the protections afforded by Medicare, Medicaid, Social Security, and the Affordable Care Act. Yet many of these same Members are happy to claim these benefits for themselves and their families, even as they vote to deny access to these benefits for the very people who put them in office. The American people deserve better.

We're saying to our colleagues on the other side of the aisle: if you're going to force your constituents to give up the right to access affordable insurance or retirement security, then you should do the same.

Last year, I introduced a resolution that would require all Members of Congress to publicly disclose whether they participate in the Federal Employees Health Benefits program. The reasoning was simple: if Republicans wish to take away quality affordable health care from Americans, then they can no longer hide their benefits from the taxpayers that subsidize their own care.

The taxpayers are our employers, and they deserve to know which Members are keeping taxpayer subsidized health benefits for themselves and their families while they vote to deny those same health care benefits and rights to all American families.

For all their talk of transparency and accountability, my resolution was met with silence from the other side of the aisle. Today, they have a chance to try again and say to their constituents: I won't take away your benefits unless I'm willing to give up mine as well. How many will take that promise? Everyone should. But I fear that their party's political promises will trump the promises they should make to help their constituents.

I will vote to stand on the side of the American people, and I encourage every one of my colleagues in this Chamber to join me and vote ''no'' on ordering the previous question.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. RENACCI).

Mr. RENACCI. Mr. Speaker, I rise today in support of H.R. 436, the Health Care Cost Reduction Act.

Over the past 18 months, the House has been focused on legislation that will help set the table for job creation. This recession has proven more stubborn than previous ones in part because it hits solid, middle class jobs the hardest. The medical technology industry, however, is one area where America remains a global leader in manufacturing. There are more than 35,000 medical technology industry jobs in Ohio alone, well paying jobs too. Unfortunately, the President's health care law wants to punish this industry's success.

His overhaul of the health care industry created a 2.3 percent tax on medical device sales in the U.S., which will be implemented just 6 months from now. As a small business owner myself, I understand this tax will have a huge negative impact on this industry, killing American jobs, slowing medical innovation, and harming America's global competitiveness. That is because this tax is on revenues, not profits.

Some in the Halls of Congress and in this administration who have never worked in the private sector may not realize it, but that is an important distinction. Placing the tax on the revenue side makes it much more costly for small device makers to pay for it because many of them have high revenue levels, but much smaller profit margins. You're taxing them based on how much business they do, not on how much money they make, an idea only career politicians could dream up and attempt to implement.

Over 75 percent of medical device makers are small businesses with fewer than 50 employees. As such, it has been estimated that this tax will lead to somewhere between 15,000 and 50,000 lost jobs. I will not stand idly by while this tax threatens jobs across the country and my home State of Ohio. That is why I stand in strong support of the Health Care Cost Reduction Act, which would repeal this tax. And I thank Representative PAULSEN for introducing it. We simply cannot be competitively global when we tax our manufacturers and our small businesses at a higher rate than our foreign competitors tax theirs.

I call on my colleagues from both sides of the aisle to practice some economic common sense and join me in voting to repeal this tax.

Mr. POLIS. Why should Members of Congress get special benefits because they're Members of Congress that they vote to deny to their constituents? Thankfully, if we defeat the previous question, Mr. CONNOLLY will bring forward an amendment that will address this issue.

With that, I am proud to yield 2 minutes to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. I thank my colleague, Mr. POLIS.

Mr. Speaker, I rise to urge my colleagues to defeat the previous question.

If we defeat the previous question, we will move immediately to consideration of an amendment that will ensure that Members of Congress do not shield themselves from changes in health care benefits that would reduce the level of care for our constituents. In fact, we might even call this the ''what's good for the goose'' amendment.

In fact, the simple commonsense amendment would add a new section at the end of the Legislative Branch Appropriations Act to prohibit any proposed repeal of benefits in Social Security, Medicare, Medicaid, or the Affordable Care Act from taking effect until it has certified that a majority of Members in this body and the Senate are no longer eligible, whether through automatic or voluntary withdrawal, to receive the very same benefits being repealed.

My colleagues will recall that during the health care reform debate, we responded to false claims about Members of Congress having gold-plated health care by removing ourselves from the Federal Employees Health Benefits program. Members will soon use their own State-based exchanges to purchase insurance just like any other family in their community.

We wanted our constituents to have as much confidence as we do that the exchanges will deliver the care that's promised. In keeping with that spirit, my simple amendment would ensure Members of Congress stand with their residents in living with any changes in benefits we might legislate.

Mr. Speaker, we can offer our residents comfort of mind knowing that Members of Congress will share in those same benefits or reduced benefits by adopting this simple commonsense amendment, proving that what is good for the goose is also good for the gander.

I urge defeat of the previous question.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. ROKITA).

Mr. ROKITA. I thank the gentleman.

Mr. Speaker, Indiana is a global leader in medical device innovation in the United States, providing tens of thousands of high-wage jobs to Hoosiers. There are over 300 medical device manufacturers in the State, many of them small businesses, all working on cutting-edge innovation.

Mr. Speaker, we need to preserve what is working in America. The medical device industry is working. In fact, it's helping to save manufacturing in this country, period. One of the biggest threats to the medical device industry is the tax punishing policies put forth by the last Congress and the President of the United States, commonly known as ObamaCare. It will send these manufacturing jobs to other countries so the cost of the tax can be made up.

□ 1330

In addition to sending jobs out of the country, this tax, if not repealed, will only drive up the cost of health care by shifting the costs onto consumers.

Medical device jobs provide an average of $60,000 in Indiana alone, which is 56 percent higher than the State average. The economic impact of Indiana's medical device industry eclipses $10 billion, and job growth has increased nearly 40 percent in the last few years. Similar numbers can be applied to the State and across this Nation.

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

Mr. SCOTT of South Carolina. I yield the gentleman an additional 30 seconds.

Mr. ROKITA. Although the tax is not scheduled to take effect until next January, we are already feeling its choking boot on the necks of hardworking Americans and sick people. Indiana medical device companies have already laid off good Americans, thanks to this tax, which is just one more example of this failed Presidency.

The national unemployment rate increased again last month. We cannot afford to move forward with this ill-conceived tax on American innovation, on American companies who add value to this Nation and its economy.

I encourage all of my colleagues, Mr. Speaker, to vote ''yes'' on the rule and for final passage of H.R. 436.

Mr. POLIS. I have no additional speakers on this huge Republican middle class tax increase. I would like to ask my colleague if he has any remaining speakers. I am prepared to close.

I reserve the balance of my time.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. WALSH).

Mr. WALSH of Illinois. I thank the gentleman for yielding.

Mr. Speaker, Illinois is hurting. Unemployment has been above 8 percent for the past 3 years. The medical technology industry is one of the only success stories in the State, employing thousands and still growing.

The district I represent is home to many of these medical technology companies. These are quality jobs with employees earning, on average, 10 percent more than their counterparts in similar manufacturing fields.

We must act now without hesitation. Illinois alone could lose anywhere from 1,200 to 1,300 good-paying jobs that support American families. That's why I cosponsored H.R. 436, rise in support now, and will continue to support all efforts to repeal the medical device tax.

Mr. Speaker, the highest level of prosperity occurs when there is a free market economy and a minimum of government regulations. Illinois has suffered enough. We can't stand idly by and watch more burdensome taxes prevent honest, hardworking American from getting the quality jobs they deserve.

Mr. POLIS. I would like to inquire if my colleague has any remaining speakers, and I would like to inquire of the Speaker how much time remains on both sides.

The SPEAKER pro tempore. The gentleman from Colorado has 2¼ minutes remaining, and the gentleman from South Carolina has 6¾ minutes remaining.

Mr. POLIS. I yield myself the remainder of the time.

Mr. Speaker, at a time when millions of Americans are still out of work, here's yet another bill on the House floor that does nothing to create jobs or get our economy back on track.

This House has already passed repeals of the Affordable Care Act several times, and here we have another bill that takes three bills and lumps them together with a controversial payment mechanism that's a huge tax increase on the middle class, and it drives Congress further from consensus and sound governance.

Again, we're spending another legislative day repealing parts of the Affordable Care Act that the President has said he would veto with no opportunity for Members of either party to offer amendments or substitutes.

Instead of seeking a bipartisan agreement on reducing health care costs or even doing anything to further the repeal of the medical device tax, the Republicans have made it impossible for many to support this bill by combining a number of unrelated bills with a huge middle class tax increase. This is not the transparent one-bill-at-a-time House that the American people deserve.

My colleagues are once again passing on an opportunity for bipartisan reform in favor of simply scoring political points.

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

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

There was no objection.

Mr. POLIS. Mr. Speaker, I urge my colleagues to vote ''no'' and defeat the previous question so we can make sure that Members of Congress don't receive special benefits that we would deny to our constituents.

I urge a ''no'' vote on the rule, so we can avoid this enormous Republican middle class tax increase, and I yield back the balance of my time.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield myself the remaining time.

My assumption is my friends to the left truly believe if you say it often enough, it might become true. Even if it doesn't become true, if you say it often enough, perhaps someone watching will assume that the words being spoken are somehow true.

We've heard it several times in the last hour, things that have been said over and over again because we are obviously once again in an election year. After hearing the arguments made by the other side regarding the previous question, there is no doubt that we are in an election year.

To clarify, any future changes in benefits to Social Security or Medicare would also and always apply to Members of this body. There are no exceptions, Mr. Speaker, no, not one exception whatsoever. There are no carve-outs in the law giving special treatment to Members of Congress under Social Security or Medicare.

But if you say it often enough, perhaps someone, somewhere watching somewhere in this Nation will come to the conclusion that it must be right. Let me say it one more time.

Members of Congress will comply with the law as it is on Social Security and Medicare.

Secondly, we have heard consistently over and over again—and this is another part of that alternate universe that doesn't exist unless you want someone to believe something that is simply not true—that somehow recapturing overpayments of health care subsidies is now considered a tax. I would say that at a time when we face a $16 trillion debt, we cannot afford to not recapture all the money owed to the Federal Government.

My friends on the left want people to believe that if you recapture the dollars that were given inappropriately that somehow, some way this becomes a tax increase. Let me say it just in case folks listening didn't understand the words that I was speaking.

Requiring people to return money not correctly given to them, this is not a tax, and it certainly is not a tax increase. It is simply a matter of honesty and integrity.

Mr. Speaker, we're talking about the health care bill that took $500 billion from Medicare. We're talking about the health care bill that takes $500 billion out of the pockets of everyday, average middle class Americans in the form of tax increases. There is one tax increase on those folks who own property, $123 billion through a new 3.8 percent tax. Today we find ourselves in the position of repealing a $29 billion medical device tax because the people who need the medical devices will end up paying that tax.

I think we are in a position today, Mr. Speaker, to make sure that over 423,000 Americans who are employed in this country are able to continue to work. I believe that we are in a position, Mr. Speaker, to ensure that the

health care of millions of Americans continues to be a critical part of the discussion.

Mr. Speaker, we are in a place to make sure that new taxes, $29 billion of new taxes, don't continue to destroy American jobs.

Mr. Speaker, I urge my colleagues not only to vote for the rule but to vote for the underlying legislation.

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

AN AMENDMENT TO H. RES. 679 OFFERED BY MR. POLIS OF COLORADO

At the end of section 2, add the following:

Notwithstanding any other provision of this resolution, the amendment printed in section 3 shall be in order as though printed as the last amendment in the report of the Committee on Rules if offered by Representative Connolly of Virginia or a designee. That amendment shall be debatable for one hour equally divided and controlled by the proponent and an opponent.

Sec. 3. The amendment referred to in section 2 is as follows:

At the end of the bill (before the short title), insert the following:

Members who repeal federal benefits for their constituents must forfeit such benefits for themselves.

SEC.____ (a) IN GENERAL.—Any proposed repeal of benefits in Social Security, Medicare, or Medicaid, or of any benefit provided under the Patient Protection and Affordable Care Act (Public Law 111–148), shall not take effect until the Director of the Office of Personnel Management certifies to the Congress that a majority of the Members of the House of Representatives and a majority of Members of the Senate have, as of the date that is 30 days after the date of the passage of the repeal in the respective House, voluntarily and permanently withdrawn from any participation, and waived all rights to participate, as such a Member in that benefit. (b) MEMBER DEFINED.—In this section, the term ''Member of the House of Representatives'' means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

Mr. SCOTT of South Carolina. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

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

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.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption.

The vote was taken by electronic device, and there were—yeas 240, nays 179, not voting 12, as follows:

[Roll No. 358]

YEAS—240

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
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
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
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 (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—179

Ackerman
Altmire
Andrews
Baca
Barrow
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
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
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
King (IA)
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
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
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—12

Baldwin
Bass (CA)
Bilirakis
Cardoza
Coble
Filner
Kucinich
Lewis (CA)
Marino
Paul
Shuler
Slaughter

□ 1404

Messrs. COHEN, CICILLINE, DICKS and LYNCH changed their vote from ''yea'' to ''nay.''

Messrs. CRAWFORD and PETERSON 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 359, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "nay."

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

## CONGRATULATING SPEAKER PELOSI ON 25 YEARS OF SERVICE TO CONGRESS

Mr. HOYER. Mr. Speaker, ladies and gentlemen of the House, all of us through our lives meet people, particularly when we were young—and I'm sure this happened to people who were with leaders of our country. Thomas Jefferson, a young man, I'm sure there were people who met Thomas Jefferson when he was 25 and they said to themselves, boy, this guy's really got his head in the clouds. And then he became one of the great people of democracies in our world.

When I was 23 years of age, in 1962, I was working for a United States Senator whose name was Daniel Brewster from our State of Maryland. That summer, he hired as an intern a young woman—younger than me, but about my age—close—and we had the opportunity to get to know one another. We sat approximately 12 feet from one another as a young college graduate and a young law school student. That was 1962.

Through the years, I stayed in Maryland, and that young woman got married and moved to California. Just a few years later, I came to the Congress of the United States, and 6 years later she came to the Congress of the United States, after having been the chairman of her party in the largest State in the Union, having been very much involved with the United States Senate, having been a leader in our country, not as a Member of Congress, but in her role as a significant party leader and a member of the Democratic National Committee.

When Sala Burton died, herself a member of a distinguished political family, this young woman ran for Congress of the United States. Her father had served in the Congress of the United States, been a member of the Appropriations Committee, been mayor of Baltimore city, and been the father of a mayor of Baltimore city. How proud he would be of this young daughter he raised at his knee, not, frankly, as somewhat caricatured as a San Francisco, but as a Baltimore City pol—I say that with great affection—who knew how to put neighborhoods together, who knew how to take care of citizens in that city. That's where she learned her politics.

As Thomas Jefferson had people who attacked him bitterly, she has had the same. We all have that in this game that we participate in that we care deeply about. That young woman that I first worked with in 1962 became the highest-ranking woman in the history of our country in our government. And now we note—some celebrate, others note—her attaining of a quarter of a century of service in this body.

□ 1410

And all of us will be able to tell our grandchildren. I have my grandchildren now. Maybe I'll have more, but I have a number of them now, and a number of them are young women, and I tell them how proud they can be of the leadership and the trail that has been blazed by this extraordinary woman.

I've talked to a number of you on the Republican side of the aisle, my good friend ROY BLUNT, and he says to me, he said, Boy, that woman has a spine of steel. And that she does. Those of us who have dealt with her know that she's one of the strongest leaders any of us have served with, whether you agree with her or don't agree with her.

So I rise, Mr. Speaker, to note this anniversary of 25 years of service of NANCY D'ALESANDRO PELOSI, from the State of Maryland, the very proud State of Maryland, to have a daughter like NANCY, and a State that is proud of its citizen servant, NANCY PELOSI.

Ladies and gentlemen, I now have the great honor of yielding to my friend. He's of a different party, but we're both Americans. We both love this institution, and he is now, himself, not quite as historic a figure because there have been many men who have been Speaker of the House of Representatives, but my friend, JOHN BOEHNER, Speaker of the House.

Mr. BOEHNER. Let me thank my friend, Mr. HOYER, for yielding.

Mr. Speaker, I rise today to commend our colleague, the gentlelady from California, on her 25 years of service to this institution. It's the latest in a series of milestones for the gentlelady from California.

On January 4, 2007, I had the privilege of presenting Leader PELOSI the gavel when she became the first female Speaker of the House. But just as important as this anniversary is in and of itself, it also represents 25 years of commitment and service to this institution.

Now, the gentlelady from California and I have differing political philosophies, and we've had some real battles here on the floor over the 22 years that I've served with her, but many of you know that the gentlelady and I have a very, very workable relationship and we get along with each other fine. We treat each other very nicely and actually have a warm relationship, because we all serve in this institution and we all have work to do to protect the institution and serve the institution. And I can tell all of my colleagues on both sides of the aisle that I enjoy my relationship with her and enjoy our ability to work together.

Now, it doesn't mean that we're going to agree on taxes or that we're going to agree on spending, but I know I speak for the whole House when I rise today to say to the gentlelady from California, Mrs. PELOSI, congratulations on 25 years of real service to this institution.

Thank you.

Mr. HOYER. Mr. Speaker, before I yield back, the gentlelady from California would like me to yield, and I do so.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding.

In the political life that we have here and our service to the American people, I take great pride in always saying, when somebody says to me, Were you surprised when somebody did this, that, or this bill did that or that? I say, I'm hardly ever surprised in politics because I know what the possibilities are.

I am thoroughly surprised today. I had absolutely no idea the mischief that Mr. HOYER was up to, going back decades, I might add. But I thank him for his kind words, and all of you for your nice reception.

I thank the Speaker for his gracious comments as well. While he was speaking, I was remembering, oh, my goodness, we're taking up time on the floor and it's personal and that. But then I was recalling that it wasn't that long ago when we—maybe 5, 6 years ago when we came to the floor to acknowledge that then-Speaker Hastert was

the longest serving Republican Speaker of the House and we made much ado about that landmark. So I comfortably accept your kind words, since we could observe that, and I think and I said, Long may his record stand, at that time.

That passes for humor in certain circles.

As the gentlemen were speaking, I was recalling when I was first Speaker and sitting in the chair to welcome the President of the United States to the Chamber for the first time, and it was President George W. Bush. President Bush surprised me that day, too, when he opened his remarks by saying to the gathered crowd that many Presidents had come to the Congress to speak to a joint session, but none of them had ever opened their remarks with these two words, ''Madam Speaker.''

And he then went on to say that although my father had served in Congress with President Roosevelt and President Truman, and that was a tremendous honor for him, little would that compare to the idea that his, he said something like ''baby girl'' was sitting in the chair as Speaker of the House. That was an honor for me.

His father honored me for my 25th anniversary, President George Herbert Walker Bush, on President's Day, by inviting me to speak to his library, the Bush library at Texas A&M. We recalled a time of civility in the Congress when he was President, and we had our disagreements, as the Speaker acknowledged we still do, but we did so with great civility, and that was what we talked about that day. I considered that a great honor.

And I consider this a great honor to serve with each and every one of you, patriots all, representatives, independent representatives of your district. And that word has two meanings. It's your title. It's also our job description, that we represent our districts and bring the beautiful diversity of opinion, of ethnicity, of generations, of geography, of philosophy to the Congress of the United States. The beauty, I say in my district, is in the mix.

While I'm very honored to have served as the Speaker of the House, first woman Speaker of the House, first Italian American Speaker of the House, first Maryland Speaker of the House, first California Speaker of the House, many firsts, it always is the greatest privilege of my life, as I'm sure it is with each of you, to step on the floor of the House to represent and speak for the people of each of our individual districts.

So I thank you, Mr. Speaker, for your kind words. While, as you said, we may not always agree on taxes, we did at one time when President Bush was President, and we worked together at that time on his stimulus package, which was tax-oriented. You remember that. And it was good for the country, and it was a good model for us to go forward.

□ 1420

It is an honor to serve with you as Speaker. While I with great joy accepted the gavel from you that first time, it wasn't so joyful to hand it back over. Nonetheless, it's all in the Chamber, and that's where we all serve for the American people.

STENY, you don't know when and you don't know where, but one day—one day—I will repay this magnificent honor you have extended to me, which has taken me totally by surprise. Wait until I talk to my staff about this later.

STENY HOYER is a great patriot, a great Marylander, a great American, a great Member of Congress—a Member's Member, a person who respects every person he serves with.

STENY HOYER—and Mr. Speaker, I know I speak for everyone in the Chamber when I say—we are proud to call you a colleague.

Thank you so much for this time.

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

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

There was no objection.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 241, noes 173, not voting 17, as follows:

[Roll No. 359]

AYES—241

Adams
Aderholt
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Bartlett
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
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
Owens
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
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—173

Ackerman
Altmire
Andrews
Baca
Barrow
Becerra
Berkley
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
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.
Kaptur
Keating
Kildee
Kind
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
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)

| | | |
|---|---|---|
| Thompson (MS) | Velázquez | Waxman |
| Tierney | Visclosky | Welch |
| Tonko | Walz (MN) | Wilson (FL) |
| Towns | Wasserman Schultz | Woolsey |
| Tsongas | Watt | Yarmuth |
| Van Hollen | | |

NOT VOTING—17

| | | |
|---|---|---|
| Akin | Cardoza | Marino |
| Baldwin | Coble | Paul |
| Barton (TX) | Duncan (SC) | Shuler |
| Bass (CA) | Filner | Slaughter |
| Berman | Kucinich | Waters |
| Bilirakis | Lewis (CA) | |

□ 1427

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 358, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

Stated for:

Mr. AKIN. Mr. Speaker, on rollcall No. 359, I was delayed and unable to vote. Had I been present I would have voted "aye."

## HEALTH CARE COST REDUCTION ACT OF 2012

Mr. CAMP. Mr. Speaker, pursuant to House Resolution 679, I call up the bill (H.R. 436) to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 679, in lieu of the amendment in the nature of a substitute recommended by the Committee on Ways and Means printed in the bill, the amendment in the nature of a substitute consisting of the text of Rules Committee Print 112–23 is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 436

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

***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

*(a) SHORT TITLE.—This Act may be cited as the "Health Care Cost Reduction Act of 2012".*

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

*Sec. 1. Short title; table of contents.*
*Sec. 2. Repeal of medical device excise tax.*
*Sec. 3. Repeal of disqualification of expenses for over-the-counter drugs under certain accounts and arrangements.*
*Sec. 4. Taxable distributions of unused balances under health flexible spending arrangements.*
*Sec. 5. Recapture of overpayments resulting from certain federally-subsidized health insurance.*

***SEC. 2. REPEAL OF MEDICAL DEVICE EXCISE TAX.***

*(a) IN GENERAL.—Chapter 32 of the Internal Revenue Code of 1986 is amended by striking subchapter E.*

*(b) CONFORMING AMENDMENTS.—*

*(1) Subsection (a) of section 4221 of such Code is amended by striking the last sentence.*

*(2) Paragraph (2) of section 6416(b) of such Code is amended by striking the last sentence.*

*(c) CLERICAL AMENDMENT.—The table of subchapters for chapter 32 of such Code is amended by striking the item relating to subchapter E.*

***SEC. 3. REPEAL OF DISQUALIFICATION OF EXPENSES FOR OVER-THE-COUNTER DRUGS UNDER CERTAIN ACCOUNTS AND ARRANGEMENTS.***

*(a) HSAS.—Subparagraph (A) of section 223(d)(2) of the Internal Revenue Code of 1986 is amended by striking the last sentence.*

*(b) ARCHER MSAS.—Subparagraph (A) of section 220(d)(2) of such Code is amended by striking the last sentence.*

*(c) HEALTH FLEXIBLE SPENDING ARRANGEMENTS AND HEALTH REIMBURSEMENT ARRANGEMENTS.—Section 106 of such Code is amended by striking subsection (f).*

*(d) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses incurred after December 31, 2012.*

***SEC. 4. TAXABLE DISTRIBUTIONS OF UNUSED BALANCES UNDER HEALTH FLEXIBLE SPENDING ARRANGEMENTS.***

*(a) IN GENERAL.—Section 125 of the Internal Revenue Code of 1986 is amended by redesignating subsections (k) and (l) as subsections (l) and (m), respectively, and by inserting after subsection (j) the following new subsection:*

*"(k) TAXABLE DISTRIBUTIONS OF UNUSED BALANCES UNDER HEALTH FLEXIBLE SPENDING ARRANGEMENTS.—*

*"(1) IN GENERAL.—For purposes of this section and sections 105(b) and 106, a plan or other arrangement which (but for any qualified distribution) would be a health flexible spending arrangement shall not fail to be treated as a cafeteria plan or health flexible spending arrangement (and shall not fail to be treated as an accident or health plan) merely because such arrangement provides for qualified distributions.*

*"(2) QUALIFIED DISTRIBUTIONS.—For purposes of this subsection, the term 'qualified distribution' means any distribution to an individual under the arrangement referred to in paragraph (1) with respect to any plan year if—*

*"(A) such distribution is made after the last date on which requests for reimbursement under such arrangement for such plan year may be made and not later than the end of the 7th month following the close of such plan year, and*

*"(B) such distribution does not exceed the lesser of—*

*"(i) $500, or*

*"(ii) the excess of—*

*"(I) the salary reduction contributions made under such arrangement for such plan year, over*

*"(II) the reimbursements for expenses incurred for medical care made under such arrangement for such plan year.*

*"(3) TAX TREATMENT OF QUALIFIED DISTRIBUTIONS.—Qualified distributions shall be includible in the gross income of the employee in the taxable year in which distributed and shall be taken into account as wages or compensation under the applicable provisions of subtitle C when so distributed.*

*"(4) COORDINATION WITH QUALIFIED RESERVIST DISTRIBUTIONS.—A qualified reservist distribution (as defined in subsection (h)(2)) shall not be treated as a qualified distribution and shall not be taken into account in applying the limitation of paragraph (2)(B)(i)."*

*(b) CONFORMING AMENDMENT.—Paragraph (1) of section 409A(d) of such Code is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following new subparagraph:*

*"(C) a health flexible spending arrangement to which subsection (h) or (k) of section 125 applies."*

*(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2012.*

***SEC. 5. RECAPTURE OF OVERPAYMENTS RESULTING FROM CERTAIN FEDERALLY-SUBSIDIZED HEALTH INSURANCE.***

*(a) IN GENERAL.—Paragraph (2) of section 36B(f) of the Internal Revenue Code of 1986 is amended by striking subparagraph (B).*

*(b) CONFORMING AMENDMENT.—So much of paragraph (2) of section 36B(f) of such Code, as amended by subsection (a), as precedes "advance payments" is amended to read as follows:*

*"(2) EXCESS ADVANCE PAYMENTS.—If the".*

*(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 2013.*

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CAMP) and the gentleman from Michigan (Mr. LEVIN) each will control 45 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CAMP).

□ 1430

GENERAL LEAVE

Mr. CAMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 436.

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

There was no objection.

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

I come to the floor today in support of H.R. 436, the Health Care Cost Reduction Act of 2012.

This bill would repeal two of the harmful tax hikes contained in the Democrats' health care law: the medical device tax and restrictions on using health-related savings accounts for over-the-counter medication.

The legislation also includes a provision that will increase flexibility for health care consumers who use flexible spending arrangements. All are fully paid for by recouping overpayments of taxpayer-funded subsidies used to purchase health care in the government-run exchanges. Notably, every one of these provisions has bipartisan support.

As a result of ObamaCare, beginning in 2013, a 2.3 percent tax will be imposed on the sale of medical devices by manufacturers or importers. This tax will increase the effective tax rate for many medical technology companies, threatening higher costs, job loss, and reduced investment here at home. One study predicts that as many as 43,000 American jobs are at risk if this goes into place.

A recent Washington Post piece by George Will reinforced the threat to job creation and investment, noting that Zimmer—based in Indiana—is laying off 450 workers and taking a $50 million charge against earnings; Medtronic expects an annual charge against earnings of $175 million; and ZOLL Medical Corporation's CEO, Rich Packer, says the tax will impact the company's investment in research and development, stating that means fewer jobs for engineers. Plain and simple, this tax hike is a job killer, and it must be repealed. I commend committee member ERIK PAULSEN for introducing this legislation.

Another ObamaCare tax increase, the medicine-cabinet tax, imposes new restrictions on the purchase of over-the-counter medications through tax-advantaged accounts used to pay for health care-related needs. Because of the Democrats' health care law, patients must now get a prescription from a physician if they want to use these accounts to pay for over-the-counter medications. The ban affects everyday lives. It prevents a mom from using her FSA in the middle of the night to buy cough medicine for her sick child without a prescription. It also leaves doctors saddled with unnecessary appointments to get a prescription so that a parent can use their FSA to buy Claritin for their son's allergies.

One study estimates that even eliminating half of these unnecessary appointments could save patients time and the health care system more than 20 million visits each year, reaping a savings of more than $5 billion. These new restrictions must be repealed, and I'm happy that the provision introduced by committee member LYNN JENKINS is being considered today.

The last provision is a new approach that allows consumers the freedom and flexibility to keep more of their money. Under current law, employees' FSA balances must be spent by the end of the year or they will forfeit any unused balance back to their employers under the use-it-or-lose-it rule. Such a rule encourages wasteful and needless spending at the end of the year. This legislation would allow participants to cash out up to $500 in FSA balances, and those funds would be treated as regular taxable wages.

Allowing Americans to keep more of their hard-earned dollars in these difficult times is a commonsense goal that should be widely supported. This provision, championed by Dr. BOUSTANY, is a commonsense one; and I urge its passage.

Finally, I would like to take just a moment to talk about the offset for this legislation, asking those who receive higher tax payer-funded premium subsidies than they are eligible to receive to repay all of the overpayment. Let me be clear: this is a bipartisan offset. Increasing the amount of overpayments to be repaid was a proposal first put forward by congressional Democrats in the 2010 Medicare doc-fix legislation which passed the Democrat-controlled House 409–2. Such an offset was used again when the House passed and the President signed the 1099 repeal last year and more than 70 Democrats supported that bill. In fact, Health and Human Services Secretary Sebelius said:

> Paying back subsidy overpayments makes it fairer for all taxpayers.

This legislation, and the provisions included here, are supported by job creators big and small, patient advocates, senior organizations, and physician groups. I urge my colleagues to join me in supporting these groups by voting for the Health Care Cost Reduction Act.

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

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

This bill is mainly a smoke screen. It is an effort to cover up the failure, indeed the refusal, of Republicans to act on the key issue facing our Nation: jobs and economic growth.

As ranking member, I sent a letter last Friday to DAVE CAMP, who chairs the committee with the jurisdiction over the bill before us today, urging action on six major jobs bills within the committee's jurisdiction: extension of the section 48(c) advanced energy manufacturing credit; extension of the production tax credit for wind power and other vital advanced-energy incentives; extension of the highly successful build America bonds program, which financed more than $180 billion in infrastructure investment; extension of the 100 percent bonus depreciation; creation of a 10 percent income tax credit for small businesses that do create new jobs or increase their payroll; an extension of a jobs-related expired provision, such as the R&D tax credit.

The answer: silence and continued inaction by Republicans in this House.

Another bill over which the committee has jurisdiction, the highway bill, remains unacted upon. That bill would mean millions of jobs. No action. The Republican House message on the highway bill is: our way or the highway. And that means no highways.

It is June. There is now the likelihood of no action or none before the construction season is over in numerous States. That inaction is not an accident. It is deliberate. It is implementing the goal stated 20 months ago by the Senate Republican leader:

> ''The single most important thing we want to achieve is for President Obama to be a one-term President.''

It is reflected in the recent interview by the House Republican leader. Mr. CANTOR said the rest of the year will likely be about ''sending signals, we have huge problems to deal with.''

Sending signals? The American people don't need and want signals. They need for us to take action to strengthen the economic recovery.

We will hear today Republican efforts to describe the bill before us to repeal the tax on medical devices as a jobs bill. What it really is is another Republican effort to repeal health care reform, step by step, costing, in this case, $29 billion.

We Democrats want more Americans to have access to medical devices. Health care reform helps do this by expanding insurance coverage to over 30 million individuals, which indeed will help the growth of and the innovation in the medical device industry. And as was true for other health groups benefiting from increases in health coverage, the medical device industry was asked to help to pay for health care reform so it would be fully paid for, not add to the deficit, as so many Republican measures, but it would be fully paid for.

□ 1440

They signed a letter with others pledging:

> ''We, as stakeholder representatives, are committed to doing our part to make reform a reality in order to make the system more affordable and effective for patients and purchasers. We stand ready to work with you to accomplish this goal.''

The first signature on that letter is from and by the President and CEO of the Advanced Medical Technology Association.

Now the Republicans are attempting to give that industry a free pass—a free pass—contrary to their stated commitment. The industry has not proposed any alternative whatsoever to meet that obligation reflected in the letter they signed. There is an effort here to cast repeal of the tax as a small business bill.

The 10 largest companies in this submarket would pay 86 percent of the taxes relating to nondiagnostic devices. According to CRS, the 10 largest companies that manufacture medical devices had total companywide profits on all their lines of businesses, both devices and other products, of $42 billion in 2010, including companies mentioned here, and $48 billion in 2011, and these companies had gross revenues from the sale of medical devices in 2010 of $133 billion.

There was an effort here also to cast the bill as an effort to stop offshoring, but this point needs to be made. It's a fact: The tax applies to all covered devices, including those that are imported. So if anybody thinks they can just move overseas and bring it back here and not pay a tax, they're simply incorrect.

The effort to cast this as a jobs bill involved allegations repeated here during the debate on the rule, which were analyzed by a neutral source and found to be simply erroneous. A Bloomberg group analysis made that clear: ''The study used by Republicans cites no evidence for the job loss claim.''

Further, the study's assumptions, ''conflict with economic research, overstate companies' incentives to move jobs offshore, and ignore the positive effect of new demand'' created by the health care reform law.

Before Rules yesterday, I asked that my substitute be placed in order to allow debate on two real jobs initiatives mentioned in my letter to you, Chairman CAMP: a tax credit for employers that expand their payrolls, and an extension of bonus depreciation. Those two provisions would help create hundreds of thousands of jobs, not speculation, but real, including in small businesses. This has not been allowed.

So we have open rules, as we have seen the last few days on some bills, that often mainly result in numerous amendments, shifting some monies from one place to another in an agency, not often helping to create a single job, but a closed rule when it comes to

bringing up provisions helping to create American jobs and economic growth.

This is further evidence of what is really going on here in this Congress, a deliberate effort now increasingly undisguised to close the door on action to engender job creation and economic growth before the election.

November 6 is what is driving the Republican Congress. Politics, not people. That is only not cynical, it is, indeed, pernicious. We owe it to the American people to blow the whistle on this. Too much, indeed, is at stake.

NATIONAL WOMEN'S LAW CENTER,
*Washington, DC, June 6, 2012.*

Re Vote No on Protect Medical Innovation Act of 2011, H.R. 436.

DEAR REPRESENTATIVE: The National Women's Law Center writes in strong opposition to H.R. 436, the Protect Medical Innovation Act of 2011, because it would undermine a critical protection in the Affordable Care Act (ACA) and reduce financial security for women and families. The bill would pay for the elimination of the modest excise tax on medical devices and other revenue provisions of the ACA by increasing the tax liability of individuals and families receiving premium tax credits through the new insurance exchanges.

The modest excise tax on medical devices is a fair way to raise revenue to help finance affordable health care coverage for millions of Americans. The expansion of health care coverage will benefit a wide range of health-related industries, including the medical device industry, by increasing demand for their products. Other industries in the health sector are contributing to financing an expansion from which they will profit; it is entirely appropriate to require the medical device industry to make a contribution as well. The tax will have minimal impact on consumers, because it does not apply to medical devices that consumers buy at retail, such as eyeglasses or hearing aids, and spending on taxable medical devices represents less than one percent of total personal health expenditures. And the tax will not encourage manufacturers to shift production overseas: it applies equally to imported and domestically produced devices, and devices produced in the United States for export are not subject to the tax. Repealing this tax and forgoing $29 billion in needed revenues would be irresponsible—even without the outrageous step of imposing this cost directly on Americans without access to affordable health care coverage.

Increasing the tax liability of individuals and families receiving premium tax credits for health insurance coverage is unfair and would reduce coverage for hundreds of thousands of Americans. The ACA provides premium tax credits to families with household income at or below 400 percent of poverty who enroll in coverage through an exchange. An advance payment of the premium tax credit will go directly to insurance companies so that the monthly insurance premium paid by families is reduced, thereby making health coverage more affordable for millions of families. However, there is a ''reconciliation'' at the end of the year when a family files taxes to ensure that the right amount of credit was paid to the insurer on the family's behalf. The ''reconciliation'' is based on actual household income for the year, while the advance payment is based on a projection that could be based on current income or past tax returns. The ACA included an important protection by including a cap on the amount of repayment penalty a family would have to pay based on ''reconciliation.''

The proposal expected this week would entirely eliminate this protection, leaving families vulnerable to an unaffordable tax bill. Many families will be discouraged from enrolling in coverage because of the potential tax liability at the end of the year. Much of the savings from the proposal are achieved because hundreds of thousands of people are expected to refuse coverage if the cap is eliminated. Women will be particularly affected by the elimination of the cap. Women have lower incomes than men and experience larger income variability from one year to another. This suggests women will be more at risk for repayment penalties. Women also often make the health care decisions for the family and will be faced with the difficult decision of enrolling in affordable coverage or forgoing that coverage because of a potential tax penalty.

The cap on the repayment penalty has already been increased. Eliminating the cap would eliminate all protections for families that are doing their best to provide the right information to the exchange but face mid-year changes in income or family size. A server in a restaurant could gain new shifts or be promoted to manager. An employer may give unexpected bonuses in December. A couple could get married mid-year without fully understanding the impact on household income and poverty level. The cap on the repayment penalty needs to remain in place in order to protect families and provide the stability promised in the ACA.

We urge you to protect the security of families and the revenue provisions of the Affordable Care Act so millions of Americans can receive affordable health care by voting no on H.R. 436 and any proposal to eliminate the cap on the repayment penalty.

Very truly yours,

JUDY WAXMAN,
*Vice President, Health and Reproductive Rights.*

JOAN ENTMACHER,
*Vice President, Family Economic Security.*

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CONSUMERSUNION,
*Yonkers, NY, June 6, 2012.*

Hon. PETE STARK,
*U.S. House of Representatives, Cannon House Office Building, Washington, DC.*

DEAR CONGRESSMAN STARK: Consumers Union, the advocacy arm of Consumer Reports, urges you to oppose H.R. 436. This bill would subject consumers seeking to afford health insurance to unfair penalties in order to pay for repeal of the medical device excise tax under the Affordable Care Act (ACA). The Congressional Budget Office estimates that repealing the device tax would cost $29 billion dollars over the next ten years. CU opposes measures that would undermine the Affordable Care Act's financing and thus jeopardize the expansion of health insurance coverage to currently uninsured or underinsured individuals.

Proponents of the device tax repeal argue that it would hinder the device industry's competitiveness and ultimately force manufacturers to move jobs overseas. But the excise tax was structured in such a way as to avoid this result. The 2.3 percent excise tax applies to imported as well as domestically manufactured devices but does NOT apply to exports. Thus, it should not disadvantage American manufacturers trying to sell products abroad. Nor would it disadvantage domestically produced products sold in the US, as foreign competitors are subject to the same tax.

When fully implemented the ACA is expected to create 30 million newly insured consumers in the health sector. The Affordable Care Act finances the expansion of coverage by a range of payment modifications to other sectors of the health industry. The medical device industry also stands to gain from the increased demand for medical devices that a large newly insured population will bring. The device tax does not apply to devices that individuals can buy retail such as hearing aids and eye glasses. The device industry makes the case that many devices are used in acute care settings, where care may be provided whether a person is insured or not. But this would ignore the many devices that are used for joint replacement, treatment of incontinence and other non acute surgeries and treatments. It is only fair that the device industry pays its share in exchange for significant new revenue opportunities.

Further, CU opposes the proposed offset for the legislation, the elimination of caps on subsidy repayments for individuals.

Under the ACA, eligibility for tax credits subsidies to purchase private plans through health exchanges will be based on an individual's annual income, determined retrospectively when taxes are filed. To ease the cash flow considerations associated with purchasing coverage, these credits are advanceable, meaning that families can receive an estimate of their credit and use those funds to pay for coverage earlier in the year. However, since many low- and middle-income families experience income variation throughout the year due to job changes, seasonal employment and the like, it may mean that too much or too little credit was awarded during the year.

The law currently current caps the amount individuals must pay back in the event of this circumstance. We believe that the current cap structure strikes a balance between discouraging individuals from abusing the system and taking money to which they are not entitled and not penalizing individuals for working hard to increase their family income so as not to need a subsidy. Last year Congress lowered these caps, exposing subsidy users to more liability. We fear eliminating these caps would have a chilling effect on low income family's willingness to use the subsidies to purchase insurance.

For these reasons Consumers Union urges you to reject H.R. 436. We look forward to working with you on more constructive ways to improve the ACA in the future.

Sincerely,

DEANN FRIEDHOLM,
*Director, Health Care Reform.*

I reserve the balance of my time.

Mr. CAMP. Mr. Speaker, I yield 2½ minutes to a distinguished member of the Ways and Means Committee, Mr. PAULSEN of Minnesota.

Mr. PAULSEN. I thank the chairman for yielding, and I thank him for his leadership on the committee as well.

Mr. Speaker and Members, the medical technology industry is one of America's greatest success stories. This is an industry that has led the global device industry for decades with life-improving, lifesaving technologies that help patients and literally save lives.

This device industry employs 423,000 Americans across the country. Some of our States, like Minnesota, have a high propensity because we have a huge ecosystem of medical technology—35,000 jobs, alone, in my State.

But all that will change, Mr. Speaker, unless we act to stop a new medical device, a new $29 million tax that is

going to be imposed in just a little over 6 months that was part of the President's new health care law. Now, this is an excise tax. It is not on profits. It is a tax that is going to be on revenue.

What does that mean? Well, we all know the names of the big companies that are successful and do really well across the country and sell throughout the world.

I will tell you this: almost every week I get a chance to tour a company that has five employees, that has 10 employees. You have never heard of these companies, but they are working on lifesaving and life-improving technologies. They are doctors. They are engineers. They are entrepreneurs. They are innovators. This tax will change all that because it's estimated that this tax will cost 10 percent of the workforce.

I talked to a company earlier this day, a CEO of a company earlier today, of a 13-year-old medical device company. It employs 1,500 workers here in the United States, and he's consistently added 300 jobs a year for the last few years. He said, point blank, if this tax goes into effect, it will cost the company $14 million. That means 200 people less will be hired this next year.

Mr. Speaker, what is worse to point out, companies are already preparing right now for the impact of this tax. Companies are already laying off employees. We have heard of companies in Michigan that are laying off 5 percent of their workforce in anticipation of the tax. So, Mr. Speaker, jobs are clearly at risk.

And this will especially hit startup companies hard, companies that are not yet profitable, because this is a tax on revenue, not on profits.

We have a chance and an opportunity to stop this tax dead in its tracks because it's an opportunity to protect jobs. We passed the bill in committee just a week ago, under the chairman's leadership, with bipartisan support. We have 240 coauthors of support for this legislation with bipartisan support. I anticipate we will be successful moving forward.

I ask and urge support for the legislation.

Mr. LEVIN. I yield 3 minutes to the distinguished gentleman from California, a senior member of our committee, Mr. STARK.

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

Mr. STARK. I thank the gentleman for yielding.

I rise in strong opposition to H.R. 436, one more piece of Republican legislation that protects special interests at the expense of working with families. This is just another message in an attempt to undercut the Affordable Care Act. It repeals a small excise tax imposed on the medical device industry as their contribution to health reform in light of their expanded market.

I might remind you that repealing this tax costs $29 billion in deficit losses.

□ 1450

How do they finance this legislation? Like they always do—take it out of the hides of low- and middle-income working families and give it to rich manufacturers.

The bill eliminates protections in the health reform law that prevent families from potentially being hit with an unexpected tax because of unforeseen income changes. According to the Joint Committee, this change by the Republicans would cost over 350,000 people to become uninsured.

It's important to note that the medical device industry stood with President Obama and others in the health care industry in May of 2009 and pledged to contribute their fair share toward making health reform a reality. Well, it's time to put your money where your mouth was.

The medical device industry gains more than 30 million newly insured Americans through health reform, many of whom will use medical devices at some point in their lives. Our analysis shows that the vast majority of this tax would be paid by the 10 largest device companies—and they're all highly profitable.

Protecting the very profitable medical device industry from paying a small contribution toward health reform should not be our priority in this Congress. We must create jobs, ensure patients maintain access to physicians and Medicare, and prevent student loan rates from doubling on July 1. Those are the priorities facing our Nation.

I urge all of my colleagues to join me in voting ''no'' on this Republican giveaway to special interests.

Mr. Speaker, I am submitting the following Statement of Administration Policy opposing H.R. 436, the Protect Medical Innovation Act, as well as letters in opposition to the bill.

STATEMENT OF ADMINISTRATION POLICY

H.R. 436—HEALTH CARE COST REDUCTION ACT OF 2012

(Rep. Camp, R-Michigan, and 240 cosponsors, June 6, 2012)

The Affordable Care Act made significant improvements to the Nation's health care system that are helping to improve individuals' health and give American families and small business owners more control of their own health care. These important changes include: ending the worst practices of insurance companies; giving uninsured individuals and small business owners the same kind of choice of private health insurance that Members of Congress have; and bringing down the cost of health care for families and businesses while also reducing Federal budget deficits.

H.R. 436, which would repeal the medical device excise tax, does not advance these goals. The medical device industry, like others, will benefit from an additional 30 million potential consumers who will gain health coverage under the Affordable Care Act starting in 2014. This excise tax is one of several designed so that industries that gain from the coverage expansion will help offset the cost of that expansion.

This tax break, as well as other provisions in the legislation relating to tax-favored health spending arrangements, would be funded by increased repayments of the Affordable Care Act's advance premium tax credits, which would raise taxes on middle-class and low-income families, in many cases totaling thousands of dollars, notwithstanding that they followed the rules. This legislation would also increase the number of uninsured Americans.

In sum, H.R. 436 would fund tax breaks for industry by raising taxes on middle-class and low-income families. Instead of working together to reduce health care costs, H.R. 436 chooses to refight old political battles over health care. If the President were presented with H.R. 436, his senior advisors would recommend that he veto the bill.

CONSUMER GROUPS OPPOSE H.R. 436

''This bill would subject consumers seeking to afford health insurance to unfair penalties in order to pay for repeal of the medical device excise tax . . . When fully implemented the ACA is expected to create 30 million newly insured consumers in the health sector . . . The medical device industry also stands to gain from the increased demand for medical devices that a large newly insured population will bring . . . It is only fair that the device industry pays its share in exchange for significant new revenue opportunities.''—Consumers Union.

''Medical devices are a $65 billion industry that has seen double-digit growth in each of the last five years. A small 2.3% tax is reasonable considering the substantial sales growth they will experience when health insurance benefits are extended to an additional 33 million people beginning in 2014. Repealing the [medical device] tax would be a gift to large corporations at the expense of middle-class families.''—Health Care for America NOW!

''The Affordable Care Act established taxes on a wide range of industries that will benefit from the law . . . it is simply punitive to demand that low and middle-income families be asked to fund a tax cut for a profitable industry that refuses to do its share.''—American Federation of State, County and Municipal Employees, AFL–CIO.

''The expansion of health care coverage will benefit a wide range of health-related industries, including the medical device industry, by increasing demand for their products. Other industries in the health sector are contributing to financing an expansion from which they will profit; it is entirely appropriate to require the medical device industry to make a contribution as well . . . Repealing this tax and forgoing $29 billion in needed revenues would be irresponsible—even without the outrageous step of imposing this cost directly on Americans without access to affordable health care coverage.''—National Women's Law Center.

''The Affordable Care Act protects consumers by capping the tax penalty they will owe if the monthly premium credit received during the year exceeds the amount of credit due based on unexpected changes in income or family status. Eliminating the caps on repayment will force lower- and middle-income individuals and families to make a difficult decision: Receive advance payments and risk having to pay back some or all of the premium assistance received at the time of reconciliation or go without coverage.''—Families USA.

HEALTH CARE FOR AMERICA NOW,
*June 6, 2012.*

DEAR REPRESENTATIVE: On behalf of Health Care for America Now, the nation's leading grassroots health care advocacy coalition, we urge you to oppose H.R. 436, a bill to take away money from middle-class families who purchase health insurance with the assistance of premium tax credits and give it to

medical device manufacturers. The provision would raise taxes on families whose midyear changes in income or circumstances cause a year-end recalculation of their premium tax credit.

Medical devices are a $65 billion industry that has seen double-digit growth in each of the last five years. A small 2.3% tax is reasonable considering the substantial sales growth they will experience when health insurance benefits are extended to an additional 33 million people beginning in 2014.

Repealing the tax would be a gift to large corporations at the expense of middle-class families. Under current law, families without an offer of affordable insurance at work will receive premium subsidies based on income. Changes during the year—when someone gets a new job or receives a raise or when a family member obtains other coverage—might cause the amount of the advance payment to differ from the payment calculated in the end-of-year reconciliation, even when income changes have been reported in an accurate and timely way. Under existing law, families are required to repay any excess credit, but that repayment is capped for low- and middle-income families earning less than 400% of the federal poverty level.

This legislation removes the repayment cap and jeopardizes the financial security of middle-income families who face unexpected lump-sum repayments. Fear of repayment will cause approximately 350,000 people to refuse the premium tax credit assistance and go uninsured and unprotected against potentially catastrophic health problems and medical bills. Over time, the consequence will be fewer families with insurance and higher premiums for everyone else who buys health insurance coverage.

This bill is another partisan attempt to undermine the Affordable Care Act and demonstrates troubling priorities. We should not increase the number of uninsured in order to give tax breaks to wealthy corporations. We urge you to oppose this measure.

Sincerely,

ETHAN ROME,
*Executive Director.*

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AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES.
*Washington, DC, June 6, 2012.*

DEAR REPRESENTATIVE: On behalf of the 1.6 million members of the American Federation of State, County and Municipal Employees (AFSCME), I am writing to urge you to oppose H.R. 436 which is scheduled for consideration this week.

H.R. 436 would repeal the excise tax on medical devices that was enacted to help pay for health care reform. The Affordable Care Act established taxes on a wide range of industries that will benefit from the law, including hospitals, home health agencies, clinical laboratories, insurance companies, drug companies and the manufacturers of medical devices. In fighting to repeal the tax, the industry has made dubious claims about the impact it will have on jobs. In fact, an analysis by Bloomberg Government concluded that the effect of the tax ''could be offset by demand from millions of new customers.'' No doubt, the prospect of millions of new paying customers led other industries to accept a share of the cost of achieving reform.

The Joint Committee on Taxation estimates that repealing the excise tax would cost $29 billion over 10 years. In order to pay for this loss of revenue, H.R. 436 would eliminate the caps on repayments of subsidies received by families who later experience an improvement in their financial circumstances. Such an improvement might come about as the result of a new job or a marriage.

Because it is hard to predict the future and because the repayments could far exceed the penalty for failing to obtain coverage, many people will choose to forgo coverage. The Joint Committee on Taxation estimates that it would cause 350,000 people to choose to remain uncovered. As this is likely to be a healthier group, participants in the exchange risk pool would be less healthy, leading to higher premiums in the exchange. Moreover, it is simply punitive to demand that low- and middle-income families be asked to fund a tax cut for a profitable industry that refuses to do its share.

We urge you to oppose H.R. 436.

Sincerely,

CHARLES M. LOVELESS,
*Director of Federal Government Affairs.*

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JUNE 7, 2012.

Hon. PETE STARK,
*House of Representatives,*
*Washington, DC.*

DEAR CONGRESSMAN STARK: On behalf of the American Cancer Society Cancer Action Network, American Diabetes Association, and American Heart Association, we are writing to express our concerns about the offset used in H.R. 436, the Health Care Cost Reduction Act. Collectively our organizations represent the interests of patients, survivors and families affected by four of the nation's most prevalent, deadly and costly chronic conditions, cancer, diabetes, heart disease and stroke.

We are deeply concerned that repealing the repayment caps for low- and moderate-income families who are eligible to receive tax credits to help make insurance coverage affordable would undermine the goals of the Affordable Care Act and result in an estimated additional 350,000 Americans going uninsured, according to the Joint Committee on Taxation. This policy would discourage individuals and families from enrolling in health insurance coverage through state-based exchanges.

Moreover, the policy could disproportionately affect people with chronic conditions like cancer, heart disease and diabetes for two reasons. First, in the exchanges, premiums will be age adjusted, and because people with chronic conditions are generally older, their premiums will be relatively more. Thus, if they have to repay part of a subsidy that was used to purchase health insurance, the amount will be relatively large. Also, the fear of having to potentially pay back part of a subsidy may make them less willing to obtain the coverage they need. Second, some younger and relatively healthy people may also choose not to enroll and use a subsidy to help them purchase health insurance because they fear a change in income may put them at risk of having to return part of the subsidy to the government. The loss of young, healthy people in the insurance pools undermines the overarching goal of universal coverage and raises the premiums of those who remain in the pools.

Thank you for your consideration of our views.

Sincerely,

CHRISTOPHER W. HANSEN,
*President, American Cancer Society, Cancer Action, Network;*
SHEREEN ARENT,
*Executive Vice President, Gov't Affairs & Advocacy, American Diabetes Assn.;*
MARK A. SCHOEBERL,
*Executive Vice President, Advocacy & Health Quality, American Heart Assn.*

*Washington, DC, June 5, 2012.*

HOUSE OF REPRESENTATIVES,
*Washington, DC.*

DEAR REPRESENTATIVE: On behalf of Families USA, the national organization for health care consumers, we are writing to express strong opposition to a proposal likely to be considered on the House floor this week that would undermine protections in the Affordable Care Act for middle-class families and put the financial security of these families at risk.

The proposal being considered as part of H.R. 436, the Protect Medical Innovation Act of 2011, would eliminate what remains of a ''safe harbor'' that protects individuals and families from substantial tax penalties. We urge you to reject this proposal.

Under the Affordable Care Act, families with annual income at or below 400 percent of poverty ($92,200 for a family of four in 2012) are eligible to receive tax credits to help pay for the cost of their health insurance premiums. Families can get credits paid to insurance companies on a monthly basis to offset the cost of monthly premiums. At the end of the year, families face a ''reconciliation'' to ensure that the right amount of credit was paid, based on a family's actual—rather than projected—income. The Affordable Care Act protects consumers by capping the tax penalty they will owe if the monthly premium credit received during the year exceeds the amount of credit due based on unexpected changes in income or family status.

Eliminating the caps on repayment will force lower- and middle-income individuals and families to make a difficult decision: Receive advance payments and risk having to pay back some or all of the premium assistance received at the time of reconciliation or go without coverage. The problem with this is threefold:

(1) Eliminating the safe harbor will likely result in millions of Americans remaining uninsured. The fear of facing sizeable repayment penalties at the time of tax filing would create a powerful disincentive for individuals and families to take up the premium credits and enroll in exchange coverage.

(2) Eliminating the safe harbor runs counter to the coverage and cost-containment goals of the Affordable Care Act. By undermining the affordability and availability of coverage for lower- and middle-income individuals and families, this proposal would also lessen the ability of the Affordable Care Act to help bring the cost of care and coverage under control for all Americans.

(3) Eliminating the safe harbor undermines the effectiveness of the tax credits. Families who choose to receive advance payments and then face a tax penalty at the time of reconciliation will be, understandably, angry. Likewise, those who choose to forgo the receipt of advance payments and cannot afford coverage as a result will be upset that they must go without coverage and pay a penalty because of it.

Sincerely,

RONALD F. POLLACK,
*Executive Director.*

Mr. CAMP. I yield 2½ minutes to a distinguished member of the Ways and Means Committee, the gentlewoman from Kansas (Ms. JENKINS).

Ms. JENKINS. I thank the gentleman for yielding, and I thank him for his leadership on this very important issue.

Mr. Speaker, last Thursday, H.R. 5842, the Restoring Access to Medication Act, which I authored and introduced, passed out of the full Ways and

Means Committee markup with bipartisan support. It is now included in this bill that is being considered on the floor today.

We all know the President's health care law is full of pitfalls that make health care more expensive for average Americans. While we await the Supreme Court's ruling on constitutionality of the entire health care overhaul, there is bipartisan, bicameral agreement that requiring folks to have a doctor's prescription to buy medicine as simple as Advil or cough syrup with their health savings account or flexible savings account is simply wrong.

This provision would repeal the unnecessary and punitive ObamaCare limitation on reimbursement of over-the-counter medications from health FSAs, HRAs, and Archer MSAs that took effect back in 2011. Given the economic climate where jobs are hard to find, families are struggling to make ends meet; and when every dollar counts, this provision ensures that consumers have the flexibility to use these savings accounts as they see fit to purchase over-the-counter medications they need, exactly when they need them.

Republicans are committed to looking for commonsense solutions that address the chief concern facing both families and employers: costs. This bill and this provision is about lowering costs so both families and job creators have some of the relief that ObamaCare failed to achieve.

I urge my colleagues to support H.R. 436 today.

Mr. LEVIN. It is now my pleasure to yield 3 minutes to another important member of our committee, the gentleman from Seattle, Washington (Mr. MCDERMOTT).

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

Mr. MCDERMOTT. Mr. Speaker, I never cease to be amazed. I think I've seen the silliest thing in the world and then I come out here and they've done it again.

Sometime in the next 23 days, the Supreme Court is going to make a ruling on whether the Affordable Care Act is constitutional. If they throw it out, as the Republican Party at prayer is hoping, this tax will have never existed. It will be gone because it's never been implemented. It's not affecting anybody. This is a PR stunt for the election. The Republicans are helping the device industry back out of a deal they made during health care reform.

In May 2009, the president of AdvaMed, which is the professional organization of the device manufacturers, signed a letter to President Obama stating: ''We are ready to work with you'' to do health reform.

The industry later agreed to the excise tax, knowing the cost would be offset by the new demands for devices created by the 30 million new people who would be insured. That was the deal they made.

You can't make a deal with a Republican and think it's going to last. It surely won't. And all the other sectors of the health care industry made similar deals.

Unlike the Bush-era Congress, the Democrats insisted their legislation be paid for. We paid for the whole thing. Well, guess what? AdvaMed now wants out of the deal. They never meant it. They were a flim-flam operation when they came in in the first place. They also claim that, Oh, my God, we're going to lose 43,000 jobs. You know who did the study? AdvaMed contracted with somebody to do a study; and lo and behold, they lost 43,000 jobs. Bloomberg had an independent consultant look at it, and they find that there is no evidence that there will be any jobs lost whatsoever. That was entered into the RECORD during the earlier debate, and I won't do it again.

The demand for devices will remain steady even after the tax kicks in, and the tax does not only apply to devices made in America and shipped overseas. It applies to every one of them. There's no way you're going to get out of it.

So the argument about offshoring jobs is just political nonsense. They want to call this is a jobs bill—we're saving 43,000 jobs. They were never in doubt, never in question.

That a company is laying off somebody today in anticipation of a tax that goes in effect in 2013, folks, 6 months from now that might be repealed by the Supreme Court, you cannot tell me that the management of these companies are that foolish.

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

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

Mr. MCDERMOTT. They're going to pay for it by having the IRS claw back the subsidy to middle-income families who will be in the new health plans. The Treasury will pay these subsidies directly to the health plan so the individuals won't even know it happened. So they will be invisible to the newly insured, but at the end of the year, middle class people are suddenly going to get a bill from the IRS for something they never knew went there.

So, in other words, we're going to let a hundred-billion-dollar industry pull out of a deal and pay for it by requiring working people across this country to write a check to the IRS. Welcome to Republican-style health reform.

Vote ''no'' on this bill. It's simply another way to try and repeal ObamaCare. Mr. Obama cares. He passed a bill. The Republicans have done nothing since they have been in charge.

Mr. CAMP. I yield 2½ minutes to a distinguished member of the Ways and Means Committee, the gentleman from Louisiana, Dr. BOUSTANY.

Mr. BOUSTANY. I thank Chairman CAMP for his leadership on this issue.

I rise in support of this bill. Let's be clear: successful health care reform efforts must begin by lowering costs, promoting high-quality health care, and fostering innovation. ObamaCare does the opposite.

Even Medicare's own actuary warns that the President's medical device tax will increase Americans' monthly premiums. The tax will also eliminate more than 40,000 jobs. Passage of this bill will reduce costs and save jobs by repealing this tax.

Mr. Speaker, as a heart surgeon, I have used medical innovations that have saved thousands of life. I want to highlight something. Back in the 1950s, when we had no surgical treatments for heart disease, a surgeon watched a woman die helplessly. After 8 or 9 months, he actually devised the very first heart-lung machine in his shop. This led to an explosion in technology that has saved millions of lives the world over. This was an American innovation.

Eighty percent of device companies today have fewer than 50 employees. These are innovators. These are the people who create jobs. These are the guarantors of American innovation.

□ 1500

And without this, what are we going to have with our health care system? That's what's made American health care the best on the planet. We don't want to take a step back. Putting this tax in place will discourage these start-up innovators. They will not take risks, and we'll harm patients in the long run because of the lack of breakthroughs.

I'm also very pleased that this bill contains Ms. JENKINS's provision that will prevent a middle class tax hike. It will allow individuals to use their flexible spending arrangements to purchase over-the-counter medications without having to go see a doctor for a prescription, which is costly and time-consuming.

Finally, I'm pleased that the bill includes bipartisan legislation that I authored with Congressman JOHN LARSON of Connecticut to make it easier for Americans to save their pretax dollars in FSAs without losing the money if they don't use it at the end of the year. It's their money. They should be able to keep the money and use it for their own health care purposes or for whatever purposes they deem essential for their families.

Americans need tax relief to help them with the rising out-of-pocket costs of health care and other costs that they have. We should be encouraging and not punishing new medical breakthroughs.

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

Mr. CAMP. I yield an additional 30 seconds to the gentleman.

Mr. BOUSTANY. I urge my colleagues to support these commonsense solutions in H.R. 436.

Mr. LEVIN. Mr. Speaker, I now yield 3 minutes to another very distinguished member of our committee, the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I thank the ranking member. This bill repeals the 2.3 percent excise tax on medical devices used in the United States that was originally enacted as part of the Affordable Care Act. Now let's talk straight to the American people. How many bills do we have to go through until you will admit that all you're doing is trying to bleed the legislation, which is now law in the United States, so that the resources are not there to carry out the mandate? No industry gets a free pass when it comes to health care reform. All sectors of the health care industry, from pharmaceutical companies to hospitals to drug manufacturers and the medical device industry, contributed to the cost of health reform and were at the table during these discussions. How different is that? They agreed to this.

In fact, in a letter to President Obama in 2009, the medical device industry pledged to do their part in lowering health spending by $2 trillion. What made them change their mind? They committed to making health care reform a reality. They put it in writing. It's all in—it's all in—to lower health care costs. Now we've had some kind of a moral change of sorts.

Many of these companies were present when it was discussed, and they understood the long term benefits. Thanks to health care reform, the medical device industry stands to gain a lot of customers and increase a lot of revenue. According to the RAND Corporation, an estimated 33 percent of newly insured adults will be of the age 50–64, an age group when many people will need medical devices. By bringing so many new people into the insurance market, the Affordable Care Act will provide patients the opportunity to access medical devices that save and improve their lives.

This bill that we have before us is not about patient care. It is not about saving money in our health care system. It's just another attempt by the majority to dismantle health care reform piece by piece. Repealing this provision from the Affordable Care Act once again undermines financing for the law and will unfortunately do more harm than good.

Unlike what happened in the previous 8 years, we want to pay for things so we don't get ourselves deeper into debt. You don't get it.

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

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

Mr. PASCRELL. And to pay for this change, the majority once again returns to the true-up provision—how many times are you going to go there?—which only hurts the middle class, who receive needed subsidies to enter the health insurance market.

So here's what's going to happen in the health care bill: insurance companies gain a lot of new customers, adding to free enterprise. We're not against that. Medical device companies are going to get a lot of new customers, particularly in the age group which I mentioned before. We're not against free enterprise. But they agreed at the table, since they were all in, and they put it in writing, that they were willing to provide those lowering of costs of close to $2 trillion. You can't go back on a deal—let's call it that. An agreement—let's make it better.

I urge my colleagues to protect the Affordable Care Act. Vote ''no'' on this legislation. It will not bring us any closer to health care reform in this country.

Mr. CAMP. Mr. Speaker, at this time I yield 2 minutes to the distinguished chairman of the Health Subcommittee, the gentleman from California (Mr. HERGER).

Mr. HERGER. I rise in strong support of the Protect Medical Innovation Act.

Mr. Speaker, it's a well-known principle if you increase taxes on something, you get less of it. The medical device tax is a tax on innovation. It's a tax on creating good-paying American jobs, and it's a tax on the development of potentially lifesaving medical treatment.

Because it taxes sales instead of income, it will be especially harmful to new startup businesses that aren't turning a profit yet. My friends on the other side object to the offset in this bill even though it merely requires that people pay back benefits they make too much money to qualify for. Their view seems to be that we should make it as easy as possible for people to sign up for taxpayer-funded benefits. And if that means we waste some money along the way, so be it.

Mr. Speaker, at a time when we're borrowing 32 cents of every dollar we spend, I suggest we should be doubly careful to ensure that benefits go only to those who truly need them.

The question before us today is simple: do we want less innovation, less entrepreneurship, less high-tech jobs, and less medical breakthroughs? If you think America has too much of these things, vote ''no.'' But if you want to see more jobs, more startups, and more health care innovation, vote ''yes'' and repeal this damaging tax.

Mr. LEVIN. It's now my pleasure to yield 2 minutes to the very distinguished Member from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM. Mr. Speaker, I thank the gentleman from Michigan for the time.

Mr. Speaker, I want the Affordable Care Act to be fully implemented for the benefit of all Americans. I also support a healthy growing medical device industry in Minnesota and across America. I support eliminating this medical device tax, which should never have been included in the Affordable Care Act. But at the same time, I strongly oppose the offset in this bill.

This Tea Party Republican-controlled House has voted over and over again to eliminate health reform's protections and benefits, denying millions of Americans access to lifesaving care, including medical devices. The Republican goal is to kill health care reform; my goal is to strengthen it.

Today, I will vote to send this bill to the Senate, where I know a responsible offset can be found. My two Minnesota Senators are committed to repealing this tax, and they will find an offset that does no harm. Eliminate this tax and strengthen health care for all Americans, that's my goal.

Mr. CAMP. At this time I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Washington State (Mr. REICHERT).

Mr. REICHERT. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, we have been here before. We're here today to talk about the Health Care Cost Reduction Act, and it's an act reducing costs from a bill that's called the Affordable Health Care Act. So let's just bring a little bit of context into this, Mr. Speaker.

□ 1510

This isn't the first time, as I've said, we've been here. The 1099 reform, language included in the so-called Affordable Care Act, more commonly known as ObamaCare, a burdensome tax on small businesses. The Democrats agreed it needed to be removed from the bill. The President agreed and signed it into law.

The CLASS Act that was announced by the Secretary of Health, Secretary Sebelius, we can't afford to implement the CLASS Act. That was designed to help with long-term health care issues. Can't do it; can't afford it under the Affordable Care Act.

The Independent Review Board, we've passed a bill here in the House to eliminate that. What does that do? It takes away all the choice from the American people, especially seniors and veterans, on what you want to do with your own health care.

So, time after time after time we're finding language in this bill that is not affordable, that does not give Americans the opportunity to choose for themselves. It takes away choice. It takes away freedom.

Today we're talking about a 2.3 percent tax that will cost thousands of jobs—about 10,000 in the State of Washington—and it will increase the price of these medical devices on things that you may not even think about. For example, a filtration device on a dialysis machine, that's going to be a medical device that will be taxed. Who's going to pay for that? Well, the claim is that these companies that are making so much money, they'll be the ones to pay for it. This bill is paid for through those companies. Those costs are passed on to the customers, to the patients.

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

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

Mr. REICHERT. Thank you, Mr. Chairman.

So I would say, Mr. Speaker, this bill does not have a real good track record, and we should vote for this Health Care Cost Reduction Act. I encourage my colleagues to do the same.

Mr. LEVIN. Mr. Speaker, I now have the privilege of yielding 2 minutes to the gentleman from Pennsylvania (Mr. CRITZ).

Mr. CRITZ. I thank the gentleman for yielding.

Mr. Speaker, the medical device industry is a unique American success story, both for patients and for our economy. Within the last two decades, we have seen a rapid growth in medical technology companies in my home State of Pennsylvania, providing tens of thousands of jobs, billions of dollars in revenue, and contributing to better health outcomes for millions of Americans and patients globally. These are good-paying jobs that help sustain the middle class in our country, and we must create an environment that encourages 21st century innovative industries like medical device manufacturing.

As our economy continues to struggle, an additional 2.3 percent excise tax would be a burdensome charge on an industry that is steadily growing and creating jobs. One medical device company that employs hundreds in my district told me:

> We are at full capacity and need to expand. This excise tax will prevent any plans for growth in the near future.

Mr. Speaker, we simply cannot allow the potential for job growth, the potential for further American innovation and competitiveness to be lost in today's economy.

Last year, I cosponsored the original version of the Protect Medical Innovations Act. There is bipartisan support to repeal this tax, but in the past week Republicans have muddied the process and decided to play politics with this bill.

While I strongly disagree with the path Republicans have decided to take, the issue at hand is about sustaining and creating American jobs, and I support the repeal of the excise tax on medical devices.

Mr. CAMP. Mr. Speaker, at this time, I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Illinois (Mr. ROSKAM).

Mr. ROSKAM. Thank you, Mr. Chairman.

What I'd like to do is just reflect for a minute on some of the promises around President Obama's health care law.

You remember he said during the course of the debate about the health care law, Mr. Speaker, that if you like what you have, you can keep it. But what we've found is that some estimates say that up to 30 percent of employers will actually drop their health care coverage. So those folks that have that coverage, they don't get to keep that coverage, Mr. Speaker.

There was also a promise that the law would actually lower premiums, and yet family premiums are already increasing by as much as $1,600 per year.

But there was one promise that was made that was actually kept, and it was a promise, Mr. Speaker, from the gentlelady from California, who, as Speaker of the House, said, in a nutshell, We've got to pass the bill so that you can know what's in it.

Well, she did, and we do.

What's in it was a cascading group of mistakes. One was the 1099 bill—big mistake. It wasn't found the first time around, but we were able to fix that. The second was the CLASS Act, a recognition that it was a failure and inoperable. It hasn't been dealt with by the administration, but at least they put the white flag up and said it's ridiculous.

Two other things now have come to our attention. The first is well discussed. That is the medical device tax. Even the gentleman from Washington, from the other side of the aisle, makes an argument criticizing the study, but at best he creates a Hobson's choice. At best, he says, well, it may not kill jobs; but then in the alternative, Mr. Speaker, it's just going to raise health care costs. That's what that study says.

The irony is now we have the chance, under the leadership of the gentlelady from Kansas (Ms. JENKINS), to make it so that working moms don't have to have the hassle of going to see a physician when their child is sick in order to buy an over-the-counter medication. This is well thought out. It makes perfect sense. We need to support this.

I urge an ''aye'' vote.

Mr. LEVIN. Mr. Speaker, I now yield 3 minutes to another distinguished member of our committee, the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Well, Mr. Speaker, our long wait is over. A year and a half after their move to repeal the Affordable Care Act, the Republicans are back with the ''replace'' part of their ''Repeal and Replace'' slogan. And rather than offering an answer to comprehensive health care for 30 million more Americans, who need it, all they have to offer today is a tax break for Tylenol. Well, I'll tell you, health care in this country is more than a two-Tylenol headache, and it needs a more comprehensive response.

Of course, the real purpose of their action today is just this week's attempt to wreck the Affordable Care Act and to protect health insurance monopolies. Some of these are the very same health insurers that demand more than 20 cents of every dollar for their overhead—20 cents; 10 times the administrative cost of the Medicare system.

But our Republican colleagues never let reality get in the way of ideology when they question most any government initiative that is called ''public,'' as in public education, or ''social,'' as in Social Security. As usual, they continue to demand legislation that offers more comfort for the comfortable, while actually increasing the number of uninsured by 350,000. Understand that. If this legislation becomes law, instead of decreasing the number of uninsured American families, we'll have 350,000 more Americans that don't have health insurance. That's their plan.

Our country continues to face a real health care crisis. Too many small businesses and individuals are paying too much for too little health care. Millions of families are just one accident on the way home from work this evening, or one illness, one child with a disability, from facing personal bankruptcy. That has not changed.

The Affordable Care Act I believe is too weak. It should be much stronger. But it is so much better than the system we find ourselves in today with so many lacking so much. And it's far superior to the Republican do-little or do-next-to-nothing approach; give the American people half a life preserver, which is their approach.

As always, when there is a need for public action, whether it is building a better bridge or more bridges, or providing an opportunity for more young Americans to get a college education, or health care—be it preventive care, school-based care, long-term care—the Republican answer is always the same: No. No. And their excuse is always the same, too: ''The deficit made me do it.''

''I'd like to do something about long-term care, but we just can't afford to do it.'' What a contrast when it comes to bills like that of today.

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

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

Mr. DOGGETT. Because whenever it is about depleting the Treasury's ability to fund those affordable needs for our country, they don't worry too much about the deficit. $46 billion earlier in the year; this bill is part of a package of almost $42 billion of additional revenue depletion. Later in the summer, we are told they will come up with $4 trillion of Bush tax cut extensions.

What this will ultimately lead to, if we pursue the irresponsible path,—of which this is just another step—is that vital public programs that work—Medicare and Social Security—cannot be sustained.

□ 1520

They cannot be financed. There is no free lunch to retirement and health security in this country. It requires that we invest in a responsible way, and that's what the Affordable Health Care Act does.

Reject this legislation today, which will undermine that reform, and set us back in our efforts to provide health care security to millions of American families.

Mr. CAMP. Mr. Speaker, I yield 1 minute to the distinguished majority leader, the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Mr. Speaker, I thank the gentleman from Michigan, Chairman CAMP.

Mr. Speaker, I rise in support of the legislation before us to reduce health care costs and expand patient freedom in health care decision-making.

Speaker BOEHNER and I made clear yesterday that the House will not act to raise taxes on anyone. The bill on the floor today is one step of many that we will need to take this year to ensure that end.

Even though the medical device tax has not yet been applied, the tax has already led to job losses, and threatens to reverse America's role as a global leader and innovator in the life sciences industry. We know if we want to encourage innovators, we cannot tax them.

Mr. Speaker, with all of the bipartisan action in the House and Senate on legislation to improve the approval process for drugs, biologics, and medical devices at the Food and Drug Administration, it would be reasonable to assume that Congress could find common ground on issues that are core to promoting jobs and innovation.

Unfortunately, don't expect this bill to reach the President's desk in a timely fashion, even with Members from both parties calling for the repeal of this harmful tax. The medical device tax was created as part of the new health care law and, for that reason alone, the administration continues to defend this tax which was only created to fund an unworkable law.

In fact, Mr. Speaker, the President has threatened to veto our bill because the tax will pay for his health care law. We should not be increasing taxes to pay for a law that a majority of Americans want repealed, a law that even some ardent supporters admit will not work as intended.

Mr. Speaker, the real price is being paid by the American people. A tax on medical devices will harm patient care, not improve it. With this tax, it will now be more expensive for patients to walk into the exam room because the bed itself can be classified as a medical device. The tax will dramatically alter the research and development budgets of medical device companies.

Mr. Speaker, just yesterday, a constituent of mine from Richmond requested that Congress recognize the vital importance of research funding and the direct impact that it could have for her son, Joshua, who was born with a rare and serious heart defect. Only 8 years old, Joshua has already braved three open-heart surgeries. There's no medical procedure today that can help this little boy. We need to encourage the medical innovations, not stifle them with taxes, so that there can be hope for kids like Joshua.

Further, the tax is directly causing job losses and could directly impact small business growth, as the medical device companies often start with just a few employees. Overall, this tax could result in the loss of tens of thousands of American jobs in an industry that is key to economic growth.

Mr. Speaker, the President's veto threat is notably silent on the other two major provisions of this bill, provisions championed by Representative LYNN JENKINS and Representative CHARLES BOUSTANY, to give patients more control over their health savings accounts and flexible spending arrangements, respectively. Are these provisions acceptable to the White House?

Will health savings accounts even be permitted if the President's health care law remains on the books?

The uncertainty caused by the law highlights, once again, how truly flawed it is, and why all of the President's health care law must be repealed.

Mr. Speaker, there are many difficult issues that Congress must address to ensure America remains a country of opportunity, innovation, and growth. Supporting this bill should be easy.

I'd like to thank Representative ERIK PAULSEN for his leadership in advancing this legislation to eliminate a harmful tax. And I want to recognize the leadership of Chairman DAVE CAMP, who is working to put forward pro-growth tax reform that will make our Tax Code simpler and fairer and result in a growing economy.

Mr. LEVIN. Could you please indicate how much time there is on each side?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. LEVIN) has 17½ minutes remaining. The gentleman from Michigan (Mr. CAMP) has 26¼ minutes remaining.

Mr. LEVIN. I yield myself 30 seconds.

It's the Republicans who've combined these three bills. The Republicans.

And the leader talks about jobs. I wish he would give instructions to the Ways and Means Committee to consider and bring up jobs bills that are just languishing from inaction. We need more than signals. We need action.

I yield 3 minutes to the gentleman from California (Mr. THOMPSON), a distinguished member of our committee.

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

Mr. Speaker and Members, I rise today in opposition to this bill. And this is not a tax that I like. As a matter of fact, I don't like this tax at all.

The medical device industry has been on the forefront of creating jobs, pushing medical innovation, and keeping all of us healthier. But we didn't pass this provision in a vacuum, and today we're not voting to repeal it in a vacuum. We didn't pass it to be vindictive or mean or because we just felt like it.

This provision was passed as part of a larger bill that was a response to a national crisis in health care that we're experiencing in our country. In order to do this, we had to make some really hard choices so our grandkids and our great grandkids weren't stuck with the bill for this response, like they were for the drug benefits for seniors or the tax cuts their grandparents enjoyed.

This wasn't done lightly, and the device industry isn't alone in sharing in some of this responsibility. But the device industry will also see the benefits of having 30 million additional people covered by health care. Many of those will be customers of the device industry.

I'd vote to repeal this provision today, yesterday, or tomorrow if we were having a serious discussion about the provision with a serious pay-for. Instead, we're repealing a tax on an industry that had over $40 billion in profits in 2010, and we're paying for it on the backs of middle class people, some of whom, for the first time in their adult lives, will have access to quality, affordable health care.

Now, this is probably the tenth time in this Congress that we've repealed, or we will vote to repeal, part of the Affordable Care Act. In addition to that, we've also voted to repeal the entire act.

This is not honest debate on policy but, rather, another political cheap shot at the Affordable Care Act. For these reasons, I urge a ''no'' vote on this legislation.

Mr. CAMP. I yield 2 minutes to the gentleman from Pennsylvania (Mr. GERLACH), a distinguished member of Ways and Means Committee.

Mr. GERLACH. I thank the chairman for his leadership and recognition.

Mr. Speaker, I rise today in support of this legislation and urge my colleagues to vote to stop now a $30 billion tax increase on medical innovation. This pending tax means higher costs for doctors and hospitals, less investment in finding new ways to improve treatments for patients, and fewer jobs for American workers.

What's at stake in Pennsylvania are an estimated 20,000 high-tech manufacturing jobs. Approximately 600 medical device manufacturers have helped our Commonwealth's workforce transition from a rust-belt economy to a high-tech leader in life sciences, biotechnology, and medical device manufacturing. However, this looming tax on innovation threatens to bring a little bit of that rust back to our manufacturing base.

Some of the medical device manufacturers in Pennsylvania have said that forcing them to write larger checks to the Internal Revenue Service would mean facing decisions about cutting back on research and development or raising prices. Cutting research and development would mean patients wait longer for groundbreaking treatments and products.

Raising prices would put American workers at a disadvantage compared to their European competitors who are often propped up by huge government subsidies.

Now, I realize the President's in full campaign mode. He's traveling around the country talking about the importance of working together to create jobs. So I would respectfully submit then that passing this legislation to

protect American jobs we already have would be at the top of the to-do list that we keep hearing about from the White House.

□ 1530

Mr. Speaker, we should be providing incentives that spur innovation rather than the Federal Government's taking more out of the private sector, which will threaten to drive these manufacturers out of business or overseas.

I ask that all Members support this legislation today so that we can stop a $30 billion tax hike in 2013 and prevent putting up new barriers that will cost American workers their jobs.

Mr. LEVIN. It is now my pleasure to yield 3 minutes to another distinguished member of our committee, the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL. I thank the gentleman.

Mr. Speaker, I rise to talk about the simplicity of the medical device excise tax and to remind people, as the majority leader said, that this is really about repealing the Affordable Care Act. This is not a debate about just the medical device excise tax. This is an effort to repeal the entire action.

This is a tremendous industry. I've worked with them for years. There are 400 medical device companies that employ 24,000 people and about 82,000 people indirectly. It is critical to the Massachusetts economy.

We are debating the same issue we debated 2 years ago when I worked closely with colleagues. By the way, the way Congress once functioned was to work with labor and the respective industries and with Members on both sides of the aisle in order to have an outcome that everybody, if they didn't love it, could at least come to say that they liked.

I negotiated decreasing that tax from 5 to 2.3 percent, and I stood up to those who thought it ought to be 5 percent. The big request from the industry was that they wanted the devices that were imported to be subject to the same tax. They were absolutely correct. We reached a compromise with the industry that bought into this suggestion because they knew that they would benefit from the expansion of insured individuals under the Affordable Care Act. I should note something that is very important today, which is that the industry receives Medicare payments indirectly via payments from hospitals.

Now I worry about the impact of the tax on the medical device industry. If we had a good pay-for today and if everybody agreed that we were going to try to hold onto the basis of the Affordable Care Act, count me in. One medical device company recently said to me, If we're going to get hit with a new tax, it's going to cost our company $100 million a year. To withstand that kind of tax increase, we're going to have to look at cutting jobs.

I understand that, and I'm concerned about the push for companies that are going to cut back on research and development; but I cannot support this piece of legislation due to the offset which would repeal the true-up protections for lower- and middle-income families that use the Affordable Care Act's premium tax credits. According to Joint Tax, 350,000 fewer individuals will become insured if those protections are repealed, and I can't support that.

The reality is that this vote is simply another political stunt to chip away at the health care reform act. I am open to working with Chairman CAMP. If we can find a path forward, as I've indicated, count me in. This is not the path to pursue. This is not the way to do it. A reminder: This really is not the way that this Congress functioned when I came to it, particularly on the Ways and Means Committee, when you work with industry and labor to accomplish extraordinary things.

Mr. CAMP. At this time, I yield 2 minutes to the distinguished chairman of the Energy and Commerce Committee, the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, last week, the House passed, by 387–5, major legislation that impacts millions of jobs by allowing the faster and safe approval of medical devices and pharmaceutical drugs.

Rather than sending those jobs overseas, they're staying here. The administration's impending tax on medical devices is a ticking time bomb for manufacturing jobs and innovation across the country and especially in Michigan, which is why we need to repeal it and pass this legislation.

Last month, I visited Stryker, a major device manufacturer that is headquartered in Kalamazoo and Portage, Michigan. They reinforced the harmful impacts that this tax will have on our corner of the State. Stryker employs about 2,500 workers in Kalamazoo County. They tell me that the tax is going to cost their company alone $150 million, and that number does not include the millions of dollars and thousands of man-hours that they're going to have to expend on ensuring that they're in compliance with that tax. These are dollars that could be better spent on wages, research, development, and investments in lifesaving technologies, which would not only help the employment sector but, obviously, patients as well. Stryker also recently announced the elimination of 1,000 jobs worldwide, which is a 5 percent reduction in its global sales force. The cause of that reduction: making up the cost for this impending tax.

The President said earlier this year that he would do whatever it takes to create jobs in America. He needs to sign this bill because, without it, it's going to cost jobs—as has been proven in Michigan alone.

Mr. LEVIN. I yield myself 30 seconds.

We very much favor the medical device industry. They agreed to pay for health insurance coverage. In 2011, Stryker had revenue of $8.37 billion on these products with a net income of $1.3 billion. Everybody is going to have to participate, as they promised, to make health care work. If everybody ducks out, people will go uninsured.

It is now my privilege to yield 3 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. I thank the ranking member on the Ways and Means Committee for yielding me this time.

Mr. Speaker, in the waning days of the work we were doing to get the Affordable Care Act in shape for consideration before the entire Congress, I wasn't an enthusiastic supporter of the medical device manufacturing tax as one of the pay-fors in order to pay for health care reform. I, however, agreed with the President wholeheartedly that health care reform had to be fully paid for. In fact, the idea was to pay for it, and then some, so that we had the ability to start reducing our budget deficits out into the future.

Because of the work that was done and because of the hard negotiations and the tradeoffs that were made, the Congressional Budget Office, in its analysis of the Affordable Care Act when it passed, said it would reduce the budget deficit by over $1.2 trillion over the next 20 years. Now, that is a significant achievement—that we are able to start reforming a health care system in desperate need of reform, pay for it at the same time, work to improve the quality of care and the access of care for 33 million uninsured Americans, but also start bending the cost curve in healthcare.

I was concerned about the medical device tax as an element of the pay-for, however, because of the vital role that the medical device industry has in our economy. They play an important role when it comes to job creation. They enjoy certain competitive advantages here in the United States market. I was concerned about the tax applying to the sales of the products as opposed to profits because of the impact it will have on smaller manufacturers, which operate on a much smaller margin.

That's why I support the legislation before us today, but I do so under the proviso and with the understanding that the pay-for that is being used right now is controversial on our side. I don't think it's the ideal pay-for. I don't believe that it's going to be the pay-for that the Senate would consider if it takes this measure up. It certainly won't be the pay-for that the President will feel comfortable signing into law. So there is going to be additional work that we're going to have to do together to try to find an acceptable bipartisan pay-for if we're going to repeal this tax on an important industry in our country.

I would also submit to my colleagues on the other side that there are many proposals under the Affordable Care Act that have enjoyed wide bipartisan support in the past, proposals that can help find savings in the healthcare system. They include the build-out of the

health information technology system that our health care providers desperately need, which will not only improve the efficiency of care delivered and reduce medical errors, but will finally start collecting that crucial data so we know better what works and what doesn't work in the delivery of health care. There are delivery system reforms in the health care reform bill that are already proving effective and that lead us towards a system that is more integrated, that is more coordinated, that is patient-focused, thus producing a much better outcome of care but at a better price.

Ultimately, we have to continue working together to change the way we pay for health care in this country so that it's based on the value—or the quality or outcome of care that's given—and no longer on the volume of services and tests and things that are done regardless of the results. There has been wide bipartisan agreement in the past over these issues which are included in the Affordable Care Act, but you would never guess it by listening to the terms of the debate today.

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

Mr. LEVIN. I yield the gentleman an additional minute.

Mr. KIND. While I support the legislation and what it's trying to accomplish here, I still think, following today's debate, there is going to be a lot more work that we're going to have to do in dealing with the other side of the Capitol, with the Senate, as far as coming up with acceptable pay-fors, in its mind, and also in working with this administration.

□ 1540

So hopefully we can reduce this tax burden on an important industry. But we can do it in a more reasonable and commonsense fashion so we don't jeopardize the health care access of over 350,000 Americans, which may be adversely impacted with this ''true-up'' provision, that is being used today to pay for the repeal of this revenue measure.

I thank my colleague for the time I was yielded.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Illinois (Mr. SCHOCK).

Mr. SCHOCK. Mr. Chairman, thank you for your leadership on this important piece of legislation.

Mr. Speaker, I rise today in support of the repeal of the 2.3 percent medical device tax created in the health care law.

This tax will have a devastating impact on jobs, estimated to be over 1,200 job losses in the State of Illinois, which already has an unemployment rate higher than the national average. Instead of working on policies that will incentivize economic growth, this tax will stunt it while adversely affecting small businesses and local communities.

Not far from my hometown is Canton, Illinois, an example of what can happen when device manufacturers partner with small communities. In May of 2013, Cook Polymer Technology, a raw material manufacturer, announced plans to open a second plant in Canton, Illinois, a town with a population of just under 15,000. These two facilities jump-started Canton's economy, leading to the creation of over 100 new well-paying jobs.

This partnership also led to a full percentage point drop in Canton's unemployment rate. According to Canton's mayor, private developers are now building more homes than at any time in the last 15 years combined in this little town's history. None of this would have been possible without Cook's decision to invest in Canton. Unfortunately for Canton, the looming medical device tax has already resulted in Cook's decision against building a new factory in the United States.

This tax will lead to future job losses as companies decide to close or cut back on their operations in R&D work. Communities like Canton will see their recent economic gains stalled, and it is why it is imperative that Congress repeal this device tax before job losses are realized and America finds it is no longer the leader in medical device technologies.

I urge passage of this bill and the repeal of the tax.

Mr. LEVIN. I yield 1 minute to the gentleman from North Carolina (Mr. WATT).

Mr. WATT. Mr. Speaker, I thank the ranking member for yielding time.

I walked in on the last two speakers, neither of whom said anything I disagree with, except that I can't support the bill because of the pay-for that is in the bill.

I'm convinced that we should repeal the medical device excise tax. I think it's driving jobs and innovation offshore, and a lot of that is happening in my congressional district. I also think it is counterproductive to talk about doing it and paying for it in the way that has been proposed in this bill. And I will therefore unfortunately not be able to support the bill as it is written today and introduced because of the manner in which it's being paid for.

I don't think there is anything complicated about this. We need to find a more acceptable way to do what I think a lot of us agree needs to be done, which is to repeal the medical devices tax. But this is not the way to pay for it, and we must find an acceptable pay-for.

I thank the ranking member for yielding time.

Mr. CAMP. I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentlewoman from Tennessee (Mrs. BLACK).

Mrs. BLACK. Mr. Chairman, thank you for yielding.

Mr. Speaker, I hope in the coming weeks, the Supreme Court strikes down this disastrous piece of legislation, but the reality is that no one knows for sure what the court is going to do. So we must continue to do everything we can to get rid of this law.

Today, as a cosponsor of this Health Care Cost Reduction Act of 2012, I continue to fulfill my pledge to defund, repeal, and replace ObamaCare with commonsense solutions.

First, this bill defunds ObamaCare by getting rid of these job-killing taxes. The 2.3 percent Medicare device tax would cost the taxpayers almost $30 billion, and the cost to the manufacturing industry would be about 43,000 jobs, forcing them either to close down or to ship these jobs overseas.

This bill also repeals ObamaCare's over-the-counter restrictions on flexible spending accounts. ObamaCare's government-must-know-everything mentality takes the flexibility out of the flexible spending accounts and drives up the health care costs. Most importantly, we're replacing it with real reforms that promote consumer choice, quality care, and reduced health care costs.

This is what the good people of the Sixth District of Tennessee expect me to do, why they sent me to Washington, and why I'm continuing to fight every day to defund, repeal, and replace ObamaCare with commonsense solutions.

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

Mr. CAMP. At this time, I yield 1 minute to the distinguished gentleman from Illinois (Mr. DOLD).

Mr. DOLD. Mr. Speaker, I certainly want to thank the chairman for his leadership.

I'm pleased to rise in support of this legislation because it will save jobs. We hear time and time again all across the country that the biggest issue that we face is jobs and the economy.

We've got an unemployment rate of 8.2 percent, and we need to be focusing in on growing our economy. This special tax increase on medical device manufacturers frankly would do quite the opposite. It would cost jobs. In the 10th District of Illinois, thousands of individuals are employed by manufacturers that provide medical devices. Frankly, we need to create an environment here in Washington, D.C., that promotes innovation, promotes these medical device companies from all around the globe to come here to our country.

So I'm pleased to support this legislation, and I urge my colleagues to support it as well, because we cannot have additional anxiety, uncertainty that is out there in the marketplace. We need to make sure that we are growing our economy, and we need to do that by providing an environment right here in Washington. Frankly, we're not doing that today. I support the legislation, and I urge my colleagues to do the same.

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

Mr. CAMP. At this time, I yield 1 minute to the distinguished gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, I rise today in strong support of this legislation that will repeal the job-killing, innovation-destroying tax on medical devices. I want to thank Congressman PAULSEN for introducing this legislation.

Mr. Speaker, California, and particularly San Diego, is a hub of medical device activity. Companies such as NuVasive or Edwards Lifesciences Corporation are but a few of the companies that are located in my district in California, San Diego.

While considering this device tax, we've got to understand that the medical device industry in San Diego alone is a $4.9 billion job-generating, job-creating industry. This industry represents one-third of all the life sciences industries, employing in my district 10,000 employees with an average income of $100,000.

The medical device tax will cost jobs. That's not just in my district, but across the country. Hopefully we'll see this tax repealed. Because in the long run, this tax may not only cost jobs, but could cost lives.

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

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

Mr. BILBRAY. Thank you very much. I appreciate it, Mr. Chairman.

Let's join together and pass the repeal of this destructive tax and move forward with good legislation that will provide affordable health care while providing job opportunities for our citizens.

Mr. CAMP. Mr. Speaker, at this time, I yield 1 minute to the distinguished gentleman from Virginia (Mr. HURT).

Mr. HURT. Mr. Speaker, I rise today in support of the Health Care Cost Reduction Act.

The American people know that the President's health care law is costing us more in premiums and more in taxes. It's costing us our constitutional liberties, and it is costing us American jobs.

One of the tax increases that will support this law is a $20 billion tax on our manufacturers that will result in thousands of lost American jobs at a time when our unemployment rate is over 8 percent for the third year in a row. Today's vote keeps faith with the American people as we continue working to repeal this law and to replace it with reforms that will deliver higher quality health care, lower costs, and that will preserve American jobs.

I urge my colleagues to support this bill, and I thank the chairman and the committee for its work on this bill.

□ 1550

Mr. CAMP. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Illinois (Mr. SCHILLING).

Mr. SCHILLING. Thank you, Mr. CAMP. I appreciate your hard work on this.

Unemployment is the largest problem we face today, so why would anyone want to punish innovation by forcing more taxes on American medical device companies. That is exactly what the President's health care law does, but we have a chance to repeal this tax today.

I hope the Senate will follow suit. This tax will hurt the medical device industry, including companies like Cook Medical, which has two facilities in my district in Canton, Illinois. Cook currently has 100 employees, but is looking to expand and provide more jobs for men and women in Illinois.

Support H.R. 436 to promote innovation, jobs and growth across our country.

Mr. CAMP. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Ohio (Mr. TURNER).

Mr. TURNER of Ohio. Thank you, Mr. Chairman.

Mr. Speaker, I strongly support the repeal of the ObamaCare medical device tax, which stifles research and costs jobs at a time when our economy is struggling to recover.

My bill, H.R. 1310, which repeals this tax on first responder medical devices, shares the goal of H.R. 436, the Health Care Cost Reduction Act.

In my community, Mound Laser and Photonics Center, which provides services to the medical device industry, was forced to layoff 10 employees as a result of this impending tax. Ferno, another company in my community which manufactures emergency health care products, says this tax will result in reduced research, development and production of new products.

Mr. Speaker, I urge all of my colleagues to support H.R. 436 and repeal this burdensome tax.

Mr. Speaker, beginning in 2013, a 2.3 percent excise tax will be imposed on the sale of medical devices by manufacturers, providers, or importers. This tax will place yet another burden on American businesses, stifling development of innovative life-saving products and costing jobs when our economy is struggling to recover, and will result in higher costs and inferior care for patients.

I strongly support the repeal of the 2.3 percent medical device excise tax. That is why I authored H.R. 1310, to repeal this tax on medical devices used by first responders. My bill shares the goal of H.R. 436, the Health Care Cost Reduction Act, which includes a provision to completely repeal the excise tax.

Earlier this year, a company headquartered in Miamisburg, Ohio in my district, Mound Laser & Photonics Center, MLPC, wrote to me about the negative effect of this new tax. MLPC specializes in laser-based micro and nano-fabrication and provides services to a number of markets, including the medical device industry. The firm is a tremendous research and development success story in southwest Ohio, growing from three employees to over forty. The majority of these workers have backgrounds in science and engineering, critical fields our country needs to compete in the global economy.

However, MLPC recently scaled back its operations and was forced to lay off 10 employees due to the loss of business from one of its medical device clients. Specifically, Dr. Larry Dosser, President and CEO of MLPC wrote:

> This is an unprecedented and devastating decision, which I believe is a direct result of Obama's Healthcare Reform Act. Not only does this impact the lives of these very good people, it also impacts MLPC's progress on a new facility that would be a major demonstration project for advanced manufacturing in the Dayton region.

I have also met with business leaders from Ferno-Washington Inc., a global leader in manufacturing and distribution of professional emergency and healthcare products based in Wilmington, Ohio. Ferno says the tax increase will cause the company to scale back research, development, and production of new products, hampering the company's ability to compete. The executives at Ferno estimate the cost of the tax is equivalent to 23 jobs.

Mr. Speaker, now is not the time to impose an extra burden on American businesses when our economy is struggling to get back on track. I urge all my colleagues to support H.R. 436 and repeal the 2.3 percent medical device excise tax.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Chairman, thank you for your leadership on this issue.

The economic news has been pretty grim lately. Last month, America created a mere 69,000 jobs, the lowest in a year. The job growth has been cut by two-thirds just the last few months. The unemployment rate, the only reason it went down is so many millions of Americans have just given up looking for work.

Now we learned today of all the 10 economic recoveries since World War II, this recovery ranks 10th, dead last, and dead last isn't acceptable to anyone.

This bill stops the killing of 43,000 American jobs; 43,000 American jobs will be lost if this new tax on our medical devices, on our stents and pacemakers and others, goes into place. This bill is all about saving jobs.

It also lowers the costs for patients because all those taxes get thrown right back on the patients and carried through, and it stops a tax on innovation in America, at which we are very good. It's key to our economic future. This bill prevents that attack. It also allows families the freedom to use their health savings accounts to buy over-the-counter prescriptions, which saves them money and allows them to keep more of their health savings account amounts the end of the year so that will they don't use it or lose it.

In Texas, we'll lose 2,000 jobs if this bill isn't signed by the President. I know he has vetoed it, but these are jobs, Mr. President. This is health care costs; this is innovation. This is what we ought to be rewarding in America, not punishing.

I support this bill strongly. I applaud Chairman CAMP and the members of the Ways and Means Committee who are bringing it to us.

By the way, to make sure it doesn't add to the deficit, if you get a Federal subsidy in health care for which you're not eligible, we'll have you pay it back. We just have you pay back what you didn't earn. That's the right way to do it, and that's the right way to pass this bill.

Mr. CAMP. I yield 2 minutes to the distinguished gentlewoman from Washington (Mrs. MCMORRIS RODGERS).

Mrs. MCMORRIS RODGERS. I thank the gentleman for yielding.

Beginning in a few short months, a 2.3 percent excise tax on medical devices will go into effect as a result of the President's health care bill. As George Will recently wrote, this new tax will ''tax jobs out of existence.''

Last year, I had the opportunity to host a jobs and innovation roundtable discussion with leaders from the medical device industry. One of the CEOs that was a part of the roundtable stated that if you're trying to destroy an industry, you're doing a very good job of it.

He was referring both to the delays at the FDA, as well as the medical device tax. In my home State of Washington, there are 17 medical device companies that provide over 8,700 people jobs. These are high-paying jobs with an annual payroll of over $500 million. These companies cannot hire new employees because of this job-killing new tax; 900 people would lose their jobs in Washington State. Nationally, it's estimated 43,000 U.S. jobs will be lost directly due to this tax.

This is one of 18 new taxes brought to you by ObamaCare. This one will cause medical device companies to reduce their research and development funds in order to pay for the new tax.

Who thinks that decreasing jobs in this economy is a good idea?

Patients deserve safe and effective medical devices, and Americans deserve the jobs that create medical devices. This legislation will help preserve what has been just a great American success story driven by our medical devices manufacturers that are developing lifesaving treatments.

I urge all of my colleagues to support H.R. 436.

Mr. CAMP. At this time we have no further speakers and are prepared to close, if the gentleman is prepared to close.

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

In a sense, there is much at stake in this debate. If this bill were to become law, it would unravel health care reform. What this industry seems to be asking is a reversal of their commitment to make health care reform work. If this Congress and the President were to say okay, every other industry that participated in saying they pay their share to make it viable, they'd come in line, and there would be no answer to them. In that sense, this debate, this issue is significant.

But in another sense it really isn't. This bill isn't going anywhere. The Senate leadership has already said it's not taking it up. There's been issued a Statement of Administration policy. The recommendation is the President would veto it. There's a certain emptiness to this debate because the bill isn't going anywhere.

The real significance is that it's being brought up despite that, raising the question, Does the majority in this House want a bill that goes somewhere relating to jobs?

The word ''jobs'' has been mentioned here more than any other word. As mentioned earlier, there is no evidence that jobs would be lost, as indicated by the majority.

The only study says that the 43,000 claim is wrong. So what's really at stake here, the significance of this debate is this: Will the majority do more than signal in this session, in its remaining months, or will it take up jobs legislation? I think there's an increasing indication that they, the majority, do not want a jobs bill that will go anywhere.

I mentioned earlier the letter I wrote to the chairman of our committee. I mentioned in there six provisions clearly relating to jobs in America, the 48C Advanced Energy Manufacturing Credit that once had bipartisan support.

□ 1600

The production tax credit for wind power, the Republicans came before the Ways and Means Committee and said, Extend it. But, silence. The Build America Bonds program. It helped to create hundreds and thousands of jobs—$180 billion in infrastructure investment. The 100 percent bonus depreciation that both sides say they support. But nothing but inaction. The proposal by the President for a 10 percent income tax credit for small businesses that could create jobs, not the illusory statements mentioned here. And then the R&D tax credit that the chairman of this committee and I have championed for years—and all we do is have a hearing.

And so this bill raises starkly this issue: Does this majority want bills going nowhere, or will they do more than signal and act to help create jobs that the people of this country badly need. That's the real issue before us today.

I urge a ''no'' vote on this bill on the merits. I urge the majority to start saying ''yes'' to jobs bills for the people of the United States of America.

I yield back the balance of my time.

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

I would just say to my friend from Michigan that we in the committee are in the process of reviewing all of the tax extenders. There's going to be about a hundred of them that expire at the end of the year, research and development being one of them—one I, obviously, have supported over the past.

Given our budget situation and given the record deficits run up by this administration, we're taking a close look at all of these provisions to make sure that they're justified, to make sure that they really bring economic benefits and jobs to this country, not just pass them along because that's what's been done in the past, but to really take our oversight responsibilities, review responsibilities seriously to make sure the things that we're doing are efficient, are effective, and really get to the core of how do we get this economy moving again.

We had the jobs numbers last Friday. They were abysmal. Clearly, the economic policies of this administration have been a failure. We're, obviously, trying to address some of the other policies of this administration that aren't going to work. And clearly, there are flaws in the health care bill. We've had bipartisan support to fix some of them, like repealing that onerous 1099 provision that would have put a wet blanket over all small businesses as they try to file paperwork on every expenditure over $600. It was a ridiculous provision. We had strong bipartisan support to repeal it. The President signed it. That is law.

We're now looking at today what we can do to improve other problems in this health care bill. One of them, clearly, is we need to help people save and allow them to afford the kinds of medications they need. For example, they tax over-the-counter medications by saying you can't use your tax-free savings account to buy cough syrup for your sick child.

So what's happening is many people are going to doctors. They're actually having to get a prescription so they can use their flexible spending account, the account that they have set aside to save for their medical needs. And don't we want parents to be able to try to find a least-cost alternative? If cough syrup will fix the problem that their child is having and meet their medical need, shouldn't we do that first, before going to the ER or before going to get a prescription? Again, what we want to do is keep parents in the driver's seat. Let them make the medical decisions that effect them and their children.

So we believe that it's so important that we allow over-the-counter medicines to be purchased out of an FSA. That is just a critical thing. And that has had strong bipartisan support.

The other issue is regarding medical devices. Clearly, taxing the medical devices is going to do one of two things. It's going to cost jobs. As Stryker Corporation in my home State of Michigan says, it's responsible for about a thousand layoffs as they try to plan for the future. Or, it's going to raise costs. Either one is a bad choice for those people who have medical needs that they need to meet.

And the last provision in this is, can people keep some of the money in their health care or flexible spending account if they don't have all their medical needs requiring the use of money out of that account? Can they save

some of it, or do they have to use it or lose it and buy extraneous things or things they don't really need. What this bill would do is say you can keep some of those dollars—up to $500. You would pay tax on it. And that means that if you've overestimated what your medical needs are, you can get some of those dollars back and use those. Again, it's your wages. You've put it in there. It's yours. You should be able to get it back.

I think these are all strong provisions. They've all had good bipartisan support, both for the substance of them as well as for the pay-for in the bill. That has had strong bipartisan support as well.

So I would urge support for this legislation. I do think it has a lot of support in the Senate as well, and I think we're going to see this legislation move forward. So I urge a ''yes'' vote, and I yield back the balance of my time.

Mr. DINGELL. Mr. Speaker, I rise today in opposition of H.R. 436. We find ourselves, yet again, going through another Republican dog and pony show as my colleagues attempt to repeal the Affordable Care Act bit by bit without replacing any of these pieces. I cannot even count how many of these circuses we have gone through this session. Instead of working for their constituents, my friends across the aisle are busy concocting schemes solely for political gain that will ultimately cost the American people, this time to the tune of more than $29 billion. That's right, the nonpartisan Congressional Budget Office estimates that if the medical device tax is repealed it will add to our deficit.

I think we would all agree that the medical technology industry is a critical industry, employing more than 400,000 workers nationwide and more than 9,000 in my home state. The work that they do is critical to keeping the American people healthy and to keeping our country competitive. During the drafting of the Affordable Care Act, the medical device industry, along with pharmaceutical companies, insurance companies and hospitals, committed to doing their part to make health reform a reality. Advocating to repeal the medical device tax appears to me to be going back on that commitment to the President and the American people.

Supporters of H.R. 436 like to say the medical device tax hurts small manufacturers, but the reality is the ten largest manufacturers will pay 86 percent of the tax. These same supporters claim the tax will result in the loss of jobs, but they seem to forget about the millions of new customers that the ACA will provide device companies. It seems to me that if you have 33 million more people with the ability to access medical devices, companies may need some employees to help them meet this new demand. I agree that it is important that the medical device industry can continue to succeed, and I believe that the Affordable Care Act will do so.

In addition to abolishing the medical device tax, H.R. 436 aims to repeal the definitions the Affordable Care Act put in place for tax-advantaged flexible spending accounts and health savings accounts. A small minority of workers benefit in minor ways from these accounts, whereas millions of Americans will be guaranteed access to comprehensive, affordable health care through the ACA. By enacting these provisions the ACA raises over $4 billion. The Republicans think they will pay for dismantling the ACA with changes they already used to finance two earlier pieces of legislation. Dipping repeatedly into a pot of money that will force hundreds of thousands of citizens to forgo health care coverage is not a viable solution. While my colleagues speak about wanting to balance our budget and reduce our deficit they are busy repealing a tax that would add to our precarious fiscal circumstances and taking away provisions enacted in the ACA that generate vitally needed dollars. And, my friends, we are all aware of the age old axiom that actions speak louder than words.

Mr. Speaker, this legislation is not a constructive use of this body's time. We cannot re-litigate the debates of the past. If we are to improve the health care that we are delivering to patients, and inspiring and encouraging innovation in our industry, I stand ready and willing to work with my colleagues on bipartisan legislation that will do so.

Ms. SCHWARTZ. Mr. Speaker, today's vote is nothing more than a political stunt by Congressional Republicans to once again undermine the health care reform law. Republicans included a ''poison pill'' to ensure limited Democratic support rather than work in a bipartisan manner on an important policy issue. This once again proves they are more interested in politics than policy.

We should take a serious look at corporate tax policy and its impact on innovation in this country. In Pennsylvania, the medical innovation industry is vital to economic growth, employing more than 80,000 people and pumping more than $13 billion into the local economy. I am proud that Pennsylvania companies are on the front lines of this innovation, and it is essential that they have the ability to grow and thrive.

We must work together to strengthen America's role as a global leader in the medical innovation sector, which will yield the next generation of life-saving treatments and strengthen our economic competitiveness. I urge my Republican colleagues to work with us to implement tax policies that will preserve, promote and grow these innovative industries.

Mr. PENCE. Mr. Speaker, I rise today in support of the Health Care Cost Reduction Act of 2012, H.R. 436, offered by Rep. PAULSEN of Minnesota, which will repeal the 2.3 percent tax on medical devices included in ObamaCare that is set to take effect at the end of this year.

This tax will have a dramatic impact on Indiana, which is one of the leading states in the medical device industry. The ''orthopedic capital of the world'' is in Warsaw, and across the state 20,000 Hoosiers design, manufacture, and sell a multitude of life-saving and life-enhancing products, creating a $10 billion economic impact.

The medical device tax threatens all of that success. Unless it is repealed, Indiana stands to lose more than 2,000 jobs in the medical device sector. This job-killing tax will stifle innovation, harm patients and raise the cost of health care for Hoosiers.

Repealing the medical device tax will ensure that Hoosiers can continue to lead in the medical device industry. Let us show our commitment to innovation and job growth today by passing the Health Care Cost Reduction Act and fully repealing the medical device tax.

Mr. MARCHANT. Mr. Speaker, this legislation will stop an impending tax created by Obamacare on medical devices. This tax stifles innovation, reduces jobs, and increases costs on patients. Congress must act to ensure that the medical device tax does not come in to effect.

Additionally, I support the new choices this bill gives consumers. Users of Health Savings Accounts will once again be able to access their HSA funds for over-the-counter purchases. This change reduces unnecessary doctor's office visits that are being made solely to obtain a prescription to use HSA funds. Lastly, this bill greatly improves Flexible Spending Accounts. Rather than forcing unneeded end of year purchases, this bill allows for a $500 cash-out option to be considered as taxable income. This change makes FSAs much more attractive, giving consumers another choice to determine the health care plan that is best for them—rather than the government making that choice. I urge support of the bill.

Ms. RICHARDSON. Mr. Speaker, I rise today in opposition to H.R. 436, the ''Protect Medical Innovation Act.'' This bill would repeal a 2.3 percent tax on the sale of medical devices that was scheduled to take effect in 2013 as a part of the healthcare reform legislation. The Joint Committee on Taxation, however, has said that this tax elimination would cost the government $29.1 billion in lost revenue through fiscal year 2022.

This decrease in revenue would be offset by the elimination of the cap on repayments of advance premium tax credits. This provision had been introduced to aid low- and moderate-income families whose economic circumstances changed dramatically during the year. The current repayment cap on tax credits is important to millions of American families facing economic uncertainty because it offers a guarantee that they will not be hit with unexpected tax bills at the end of the year. H.R. 436 brings the threat of uncapped expenses and will effectively serve as a deterrent for families considering purchasing healthcare coverage.

The Joint Committee on Taxation has estimated that the loss of revenue will therefore increase the number of uninsured Americans by 350,000, and I fear that the 37th Congressional District of California will be particularly impacted. In the city of Los Angeles, it was reported this month that unemployment had risen to 8.2 percent, or 13.6 percent for African Americans and 11 percent for Latinos. In construction alone, 28,000 jobs were cut, along with 13,000 in government. As we debate the repayment cap, we must keep in mind these thousands of hardworking citizens and their families who might otherwise feel the security of affordable healthcare coverage in uncertain times.

Mr. Speaker, healthcare reform legislation does not unfairly target the medical device industry, as many are claiming today. In the spring of 2009, representatives from various healthcare sectors, including medical device companies, pledged in a letter to work with President Obama to accomplish the goal of a more affordable and efficient healthcare system. This tax serves as the industry's contribution to the cost of reform. It is not an unreasonable sum, especially when the industry stands to benefit from an additional 30 million insured customers. Of those, roughly 10 million will fall between the ages of 50 and 64,

an age group with a high proportion of people needing medical devices.

The passage of this bill would send a dangerous message to other healthcare sectors who are contributing to the cost of comprehensive healthcare reform. Pharmaceutical companies, health insurance companies, skilled nursing facilities, laboratories, and home health providers have all taken on additional costs and taxes. We should be wary of setting a precedent that exempts one industry from its promised contributions, should other sectors then push for a similar repeal.

Supporters of this bill have also aligned themselves with small businesses; however, any tax relief would be siphoned off to large corporations. Industry analysts predict that the ten largest companies manufacturing medical devices, who in 2011 had net profits of $48 billion, will pay 86 percent of this tax. The medical device industry is already very profitable, and the benefit of ten million new customers will outweigh the cost of the tax.

I would like to take an additional moment to address the Republicans' claims that this bill will stop job loss and decelerated innovation. There is currently no incentive for medical device companies to shift jobs overseas because the tax does not apply to devices sold to other nations. Moreover, devices imported into the United States are subject to the same 2.3 percent tax. This means that there will be no unfavorable advantage for foreign-manufactured devices in domestic markets, and there will be no added cost to selling American devices in the international market.

Mr. Speaker, I was an original supporter of President Obama's plan for healthcare reform, and I believe that H.R. 436 would only be a step backwards. I will vote against this legislation, and I urge my colleagues to do the same.

Mr. RAHALL. Mr. Speaker, I believe that changes to the Patient Protection and Affordable Care Act are necessary and have cosponsored and supported several bills in this Congress to amend the health care law before it takes full effect.

West Virginians—our working families, our seniors on fixed incomes, our small businesses—are looking for and deserve substantive action from the Congress to address rising health care costs and access to quality care and I regret that the only thing the House majority in this Congress has brought to the floor is a slew of bills purposely designed to generate gridlock and stall in the legislative process.

While I do not support this measure, I believe that the Congress has a responsibility to address the concerns that have been raised by health care providers and medical device manufacturers, and I hope that it will do so.

Mr. PRICE of North Carolina. Mr. Speaker, I will be voting against H.R. 436, not because I believe that the current tax on the device industry is perfect, but because I object to the politicization of the issue and the use of a fundamentally-flawed offset.

As one of their first acts upon taking the majority, House Republicans voted to repeal the Affordable Care Act. Since then, they have voted to dismantle the law piece by piece. Today, they are at it again, and instead of addressing industry concerns in a concise and targeted manner, the majority has crammed together a politically-motivated bill designed to stick it to the President. Don't just take my word for it. Compare the bill we have before us today with the 1099 repeal law. Both deal with problematic revenue raisers included in the health reform law, but the 1099 repeal bill took a targeted approach that represented practical policymaking at its best. This effort is purely political, and the result is a legislative goody bag.

Moreover, while the 1099 bill's offset, a modification of the health insurance subsidy recapture cap, was a difficult pill to swallow, H.R. 436's offset is a poison pill. H.R. 436 would fully lift the cap, leading an estimated 350,000 people to forgo health insurance, according to the bipartisan Joint Committee on Taxation. These are working Americans earning between 133 and 400 percent of the federal poverty level. Why would the Majority ask working and middle income people to bear this burden alone? It is unacceptable.

As the representative from a part of our country known for its research and innovation, I fully understand the importance of the device industry. Medical devices have the potential to save and enrich the lives of Americans, and the companies that produce them are helping our economy recover by investing in new technology and providing high-paying, high-skilled jobs. Those companies also tried to be good actors in the health insurance reform debate. Like other industries, device companies understand that the skyrocketing cost of health care represents one of the greatest threats to families, small business owners, state and federal budgets, and the overall economy. Attempting to reverse this trend is one of the reasons Congress enacted the Affordable Care Act, and AdvaMed, the trade association representing medical device manufacturers, participated in the effort to ensure that the legislation would be deficit-neutral.

The final law brought the original $40 billion levy on device manufacturers down to a $20 billion contribution through a 2.3% excise tax on medical devices. However, as the ten-year budget window has shifted, industry reports that they expect to paying closer to $29 billion. We need to monitor this carefully and find a fair solution that accounts for the additional business the device industry may acquire as a result of the Affordable Care Act, while underscoring the need to keep the industry vibrant and innovative. That is not the discussion we are having today, but I hope it is one House Republicans will be willing to have in the near future, and I stand ready to work with them to do just that.

Mr. YOUNG of Florida. Mr. Speaker, I am pleased to support the passage of H.R. 436, the Protect Medical Innovation Act of 2012, legislation I agreed to cosponsor last year aimed at repealing yet another harmful job–killing provision put into place by the President's controversial health care reform law. Unless Congress moves to repeal it, beginning in 2013, a 2.3 percent excise tax will be imposed on the sale of medical devices by manufacturers or importers across the country.

The medical device tax will increase the effective tax rate for many medical technology companies. Unfortunately, the tax would be collected on gross sales, not profits, meaning companies could end up owing more in taxes than they produce in profits. As a result, device companies, many of which are small, entrepreneurial firms, are expected to pass the cost of the tax onto consumers, lay off workers, or cut R&D. These actions are unacceptable for an industry currently employing tens of thousands of Americans, as well as leading the way in innovation and scientific discovery. And in Florida, which is home to one of our nation's largest medical device economies, the impact of this excise tax would be particularly devastating in a state hit hard by the economic downturn.

Throughout the past year we have been listening to our local business owners who tell us the economy will not grow and new jobs will not be created until there is more certainty in our economy and more certainty in government fiscal and tax policies. H.R. 436 is a great first step in doing just that by permanently preventing the medical device tax from being implemented.

Mr. Speaker, I urge my colleagues in the United States Senate to follow our lead and quickly pass this legislation and send it to President Obama for his signature into law. Further delaying the effort to repeal this harmful tax will only lead to greater uncertainty throughout the medical technology sector, causing business owners to delay crucial decisions about long-term investment and expansion.

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

Pursuant to House Resolution 679, the previous question is ordered on the bill, as amended.

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.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 436 is postponed.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes.

Accordingly (at 4 o'clock and 7 minutes p.m.), the House stood in recess.

□ 1621

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BASS of New Hampshire) at 4 o'clock and 21 minutes p.m.

## HEALTH CARE COST REDUCTION ACT OF 2012

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of the bill (H.R. 436) to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices will now resume.

The Clerk read the title of the bill.

### MOTION TO RECOMMIT

Mr. BISHOP of New York. Mr. Speaker, I have a motion at the desk.

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

Mr. BISHOP of New York. I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Bishop of New York moves to recommit the bill H.R. 436 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:

Page 1, after line 8, insert the following:

(b) PROHIBITING TAX BENEFITS FOR COMPANIES THAT OUTSOURCE AMERICAN JOBS.—

(1) IN GENERAL.—The amendment made by subsection (a) shall not apply to any sale of a taxable medical device by the manufacturer, producer, or importer which outsourced American jobs during the testing period with respect to such sale.

(2) DETERMINATION OF OUTSOURCED AMERICAN JOBS.—For purposes of paragraph (1), American jobs are outsourced by a manufacturer, producer, or importer, as the case may be, during a testing period if the manufacturer, producer, or importer has fewer full-time equivalent employees in the United States on the last day of the testing period as compared to the first day of the testing period and has an increase in the full-time equivalent employees outside the United States on the last day of the testing period as compared to the first day of the testing period.

(3) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

(A) TESTING PERIOD.—The testing period with respect to a sale is the calendar year in which the date of sale occurs.

(B) EMPLOYEES OUTSIDE THE UNITED STATES.—An employee shall be treated as employed by the employer outside the United States whether employed directly or indirectly through a controlled foreign corporation (as defined in section 957) or a pass-through entity in which the taxpayer holds at least 50 percent of the capital or profits interest.

(C) EXCEPTION FOR EMPLOYEES SEPARATED VOLUNTARILY OR FOR CAUSE.—The number of full-time equivalent employees shall be determined without regard to any employee separated from employment voluntarily or for cause.

(4) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out this subsection, including regulations or guidance on employer aggregation, mergers and acquisitions, and dispositions of an employer and rules regarding the payment date for taxes owed if the offshoring occurs after the date of a sale.

Page 1, line 9, strike ''(b)'' and insert ''(c)''.

Page 2, line 1, strike ''(c)'' and insert ''(d)''.

Mr. BISHOP of New York (during the reading). Mr. Speaker, I ask unanimous consent to waive the reading.

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

Mr. PAUL. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will read.

The Clerk continued to read.

Mr. PAULSEN. Mr. Speaker, I reserve a point of order against the motion to recommit.

The SPEAKER pro tempore. A point of order is reserved.

The gentleman from New York is recognized for 5 minutes.

Mr. BISHOP of New York. Mr. Speaker, this is the final and only amendment any Member has been given the opportunity to offer to this bill. It will not kill the bill or send it back to committee. If adopted, H.R. 436 will immediately proceed to final passage as amended.

The amendment I offer is a simple, commonsense effort to discourage American employers from outsourcing American jobs. It conditions the repeal of the medical device tax on an employer keeping jobs in the United States. If a device manufacturer sends jobs overseas during a calendar year, then the repeal of the tax does not apply to that manufacturer for that year.

Both Democrats and Republicans want to create conditions that get American families back to work; both Democrats and Republicans agree that the Tax Code should discourage employers from shipping jobs overseas; and both Democrats and Republicans want American families to prosper and have the opportunity to achieve limitless possibilities. But we have different approaches to achieving that goal. While we have different approaches, I think all reasonable people can agree that the ultimate job destroyer is outsourcing.

I listened very carefully to the debate that took place on the underlying bill. Virtually every speaker on the Republican side of the aisle mentioned jobs, mentioned employment, mentioned job-killing regulations, job-killing taxes. I think the best way to kill a job isn't a regulation and it isn't a tax. The best way to kill a job and to kill American opportunity is to have that job done by someone overseas instead of by an American simply because it's cheaper to have that job done overseas.

This is an issue that weighs heavily on the minds of our constituents. A 2009 Harvard study found that half of all Americans are resentful of businesses that send jobs overseas, and over 80 percent have concern for their family's future due to outsourcing. No American should be fearful that their job will be shipped overseas, and this Congress should end those policies that provoke this anxiety.

The Tax Code still gives incentives to employers who create jobs in foreign countries rather than here at home. Our Republican colleagues rail against foreign aid, but isn't providing another country a job that an American could do the ultimate example of foreign aid?

I doubt we'll be able to eliminate outsourcing, but with this amendment, this Congress can discourage it. Adopting this amendment is our first step towards reforming our tax system in a way that benefits American businesses and American workers. Every time a U.S. business moves operations overseas, we lose opportunity, we lose economic growth, we lose competitiveness, and we lose desperately needed revenue necessary to reduce the deficit.

This bill was considered under a closed rule, so Republicans can't justify their opposition with the usual claim that Democrats are trying to subvert an open amendment process. An open amendment process simply didn't exist for this bill. This time there is no hiding: Either you support American jobs for Americans or you don't.

I urge all Members to support this amendment and to protect American jobs.

I yield back the balance of my time.

Mr. PAULSEN. Mr. Speaker, I withdraw my point of order and seek time in opposition.

The SPEAKER pro tempore. The gentleman withdraws his point of order.

The gentleman from Minnesota is recognized for 5 minutes.

Mr. PAULSEN. Mr. Speaker, this motion is nothing more than a distraction from the real issue, and that is stopping a massive, job-killing tax increase from taking place on the medical device industry. The legislation before us today is a bipartisan initiative to repeal that tax and make health care more affordable for all Americans.

House Republicans want to reduce health care costs and make coverage more affordable for families who are struggling. Democrats clearly rammed through a one-size-fits-all health care law that has made health care more expensive, and now they're back at it again attempting to thwart efforts to bring down health care costs.

This is about saving American jobs. This industry is one of America's best success stories that accounts for about 423,000 jobs across the country. It's made up of America's best innovators, entrepreneurs, engineers, doctors, and risk-takers who are improving and saving lives. This will all change, Mr. Speaker, unless we stop this tax, a $29 billion tax in just a little over 6 months that will cost this industry over tens of thousands of jobs, according to studies.

There's also two other important provisions that are in this legislation, Mr. Speaker. First of all, Congresswoman JENKINS' legislation that ensures that all families with an FSA or an HSA account can use their own health care dollars for their own health care needs for simple, over-the-counter medications without having to go to a doctor for a prescription. And we've also got Congressman BOUSTANY's legislation, which will allow flexible spending account participants to withdraw their own unused, hard-earned dollars at the end of the year.

□ 1630

Mr. Speaker, this legislation has 240 coauthors. It's bipartisanly supported. I urge rejection of the motion to recommit and support of the underlying legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Mr. BISHOP of New York. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 179, nays 239, not voting 13, as follows:

[Roll No. 360]

YEAS—179

Ackerman
Altmire
Andrews
Baca
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
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Duncan (TN)
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
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
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NAYS—239

Adams
Aderholt
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
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
Coffman (CO)
Cole
Conaway
Cooper
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
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 (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—13

Akin
Baldwin
Bass (CA)
Bilirakis
Coble
Filner
Hastings (FL)
Kucinich
Lewis (CA)
Marino
Paul
Shuler
Slaughter

□ 1656

Messrs. HUNTER, SHIMKUS, and SCHOCK changed their vote from ''yea'' to ''nay.''

Mr. CARNEY and Mr. DAVIS of Illinois changed their vote from ''nay'' to ''yea.''

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 360, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "yea."

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 270, nays 146, not voting 15, as follows:

[Roll No. 361]

YEAS—270

Adams
Aderholt
Alexander
Altmire
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (CA)
Davis (KY)
DeFazio
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellison
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Higgins
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Keating
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lipinski
LoBiondo
Loebsack
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
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
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Sewell
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Speier
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Tonko
Tsongas
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)

Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—146

Ackerman
Andrews
Baca
Becerra
Berkley
Berman
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
Costello
Courtney
Crowley
Cummings
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Heinrich
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Kildee
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McDermott
McGovern
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
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
Sires
Smith (WA)
Stark
Thompson (CA)
Thompson (MS)
Tierney
Towns
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—15

Akin
Baldwin
Bass (CA)
Bilirakis
Coble
Filner
Gohmert
Hastings (FL)
Kucinich
Lewis (CA)
Marino
Paul
Schmidt
Shuler
Slaughter

□ 1704

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 361, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

Mr. AKIN. Mr. Speaker, on rollcall No. 360 and 361, I was delayed and unable to vote. Had I been present I would have voted "no" on rollcall No. 360 and "aye" on rollcall No. 361.

## DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2013

Mr. ADERHOLT. Mr. Speaker, I ask unanimous consent that, during further consideration of H.R. 5855 in the Committee of the Whole pursuant to House Resolution 667, no further amendment to the bill may be offered except (1) pro forma amendments offered at any point in the reading by the chair or ranking minority member of the Committee on Appropriations or their respective designees for the purpose of debate; and (2) further amendments, if offered on this legislative day, as follows: an amendment by Mr. ADERHOLT regarding funding levels; an amendment en bloc by Mr. ADERHOLT consisting of amendments specified in this order not earlier disposed of; an amendment by Ms. BALDWIN limiting funds regarding Coast Guard Offshore Patrol Cutter class of ships; an amendment by Mr. BARLETTA regarding section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; an amendment by Mrs. BLACK limiting funds for the position of Public Advocate within U.S. Immigration and Customs Enforcement; an amendment by Mrs. BLACKBURN regarding Transportation Security Administration employee training; an amendment by Mrs. BLACKBURN regarding Transportation Security Administration teams used in any operation; an amendment by Mr. BROOKS regarding section 133.21(b)(1) of title 19, Code of Federal Regulations; an amendment by Mr. BROUN of Georgia limiting funds for Behavior Detection Officers or the SPOT program; an amendment by Mr. BROUN of Georgia regarding the Screening Partnership Program; an amendment by Ms. BROWN of Florida regarding funding levels for U.S. Customs and Border Protection; an amendment by Mr. CRAVAACK limiting funds for security screening personnel; an amendment by Mr. CRAVAACK limiting funds to pay rent for storage of screening equipment; an amendment by Mr. CRAVAACK regarding section 236(c) of the Immigration and Nationality Act; an amendment by Mr. CROWLEY regarding India; an amendment by Mr. CULBERSON regarding the Immigration and Nationality Act; an amendment by Mr. DAVIS of Illinois regarding cybersecurity; an amendment by Mr. ELLISON regarding the Civil Rights Act of 1964; an amendment by Mr. ENGEL regarding light duty vehicles; an amendment by Mr. FLORES regarding section 526 of the Energy Independence and Security Act of 2007; an amendment by Mr. FORTENBERRY limiting funds to restrict airline passengers from recording; an amendment by Mr. GARRETT limiting funds for VIPR teams; an amendment by Mr. GRAVES of Missouri regarding the rule entitled Provisional Unlawful Presence Waivers of Inadmissibility for Certain Immediate Relatives; an amendment by Ms. HOCHUL regarding unclaimed clothing; an amendment by Mr. HOLT limiting funds for aerial vehicles; an amendment by Mr. HOLT regarding scanning systems; an amendment by Mr. KING of Iowa regarding Department of Homeland Security policy documents; an amendment by Mr. KING of Iowa regarding Executive Order 13166; an amendment by Mr. LANDRY regarding aerial vehicles; an amendment by Mr. LOEBSACK limiting funds to deny assistance obligated by FEMA; an amendment by Mr. MEEHAN regarding Boko Haram; an amendment by Ms. MOORE regarding a pending application for status under the Immigration and Nationality Act; an amendment by Mr. MURPHY of Pennsylvania regarding a Federal Air Marshal Service office; an amendment by Mr. PIERLUISI regarding section 1301(a) of title 31, United States Code; an amendment by Mr. POLIS regarding an across-the-board reduction; an amendment by Mr. PRICE of Georgia regarding immigration laws; an amendment by Mr. RYAN of Ohio regarding visas; an amendment by Mr. SCHWEIKERT regarding the Secure Communities program; an amendment by Mr. SULLIVAN regarding section 287(g) of the Immigration and Nationality Act; an amendment by Mr. THOMPSON of California regarding deportation of certain aliens; an amendment by Mr. TURNER of New York regarding surface transportation security inspectors; and an amendment by Mr. WALSH of Illinois regarding software licenses; and that each such further amendment may be offered only by the Member named in this request or a designee, shall not be subject to a demand for division of the question in the House or in the Committee of the Whole, and shall not be subject to amendment except that the chair and ranking minority member of the Committee on Appropriations (or their respective designees) each may offer one pro forma amendment for the purpose of debate; and that each further amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent.

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

There was no objection.

GENERAL LEAVE

Mr. ADERHOLT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5855 and that I may include tabular material on the same.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 667 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 5855.

Will the gentleman from New Hampshire (Mr. BASS) kindly resume the chair.

□ 1715

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5855) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2013, and for other purposes, with Mr. BASS (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Wednesday, June 6, 2012, an amendment offered by the gentleman from New York (Mr. BISHOP) had been disposed of and the bill had been read through page 99, line 17.

Pursuant to the order of the House today, no further amendment may be offered except those specified in the previous order, which is at the desk.

AMENDMENT OFFERED BY MS. BROWN OF FLORIDA

Ms. BROWN of Florida. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. The amounts otherwise provided by this Act are revised by reducing the amount made available for ''Departmental Management and Operations—Departmental Operations—Office of the Secretary and Executive Management'', and increasing the amount made available for ''U.S. Customs and Border Protection—Salaries and Expenses'', by $28,400,000 and $25,000,000, respectively.

Mr. ADERHOLT. I reserve a point of order.

The Acting CHAIR. The point of order is reserved.

Pursuant to the order of the House of today, the gentlewoman from Florida (Ms. BROWN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. BROWN of Florida. I'm going to offer and withdraw my amendment but would like to continue to work with the committee to ensure our busiest airports have the Customs and Border Protection personnel they need to operate efficiently.

It is clear from the amendment being offered and statements being made that we have a severe need for additional Customs and Border Protection officers at every point of entry into the United States. Airports across America are losing customers and alienating foreign visitors because of the lack of Customs and Border Protection officers and the major delays it causes. Many foreign tourists anxious to spend money in the U.S. are kept on the tarmac for hours waiting to get processed by Customs and Border Protection. This is unacceptable and is forcing tourists to travel to non-U.S. destinations. This is also causing significant economic harm to many of our country's busiest cities.

My home airport, Orlando International Airport, which is one of the busiest ones in the U.S. and the number one tourist destination, bringing tourists from all over the world to visit our amazing amusement parks, universities, and business centers, is a prime example of the problem.

Since 2009, Orlando International Airport traffic has grown by more than 17 percent without any increase in Customs and Border Protection personnel. The results are waiting times that exceed 2 and sometimes 3 hours. However, this does not take into account those all too frequent instances where passengers are required to remain onboard the arriving aircraft, parked on ramps for up to an additional hour because the lines in the Federal Inspection Station are too long to securely and efficiently process them.

President Obama recognized this fact when he traveled to central Florida to announce his Executive order directing the Department of Homeland Security and the Department of Commerce to develop and implement a plan within 60 days to increase nonimmigrant visa processing capacities in China and Brazil by 40 percent in the coming year. Clearly, increased visitation to the United States means jobs, yet without additional Customs and Border Protection resources, Orlando International Airport will not be able to help the President achieve this goal.

With just 15 new Customs and Border Protection agents, the airport could accommodate additional flights that would generate 2,000 jobs and generate revenues of $360 million a year. That is a great return on our investment and exactly the kind of shot in the arm that our region desperately needs.

I know we're not going to solve this problem today, but I want to encourage this committee and the Department of Homeland Security to make every effort to ensure that a simple lack of Customs and Border Protection personnel isn't costing thousands of jobs and millions in economic development.

I ask unanimous consent to withdraw the amendment, and I yield back the balance of my time.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

□ 1720

Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. Mr. Chairman, I would yield to the gentleman from Nebraska (Mr. TERRY) to talk about an important cyber-critical infrastructure issue.

Mr. TERRY. Thank you, Mr. Chairman, for allowing me the opportunity to express my concerns with proposals that would allow the Department of Homeland Security to impose cybersecurity private infrastructure that it deems ''critical.''

The administration wants to expand DHS's role in designating private networks as critical infrastructure for the purpose of subjecting them to regulation, but it has yet to take care of its own networks. I commend Chairman ADERHOLT for including language in this bill that requires executive branch agencies to get their act together and formulate expenditure plans to protect their own networks. If they can't even secure Federal networks, why in the world would we want to give them authority to regulate private sector networks?

I understand that DHS currently works with the private sector on a voluntary basis, but that should be the extent of their involvement with critical infrastructure. As a member of the Speaker's Task Force on Cybersecurity, as well as the co-chairman of the Energy and Commerce Working Group on Cybersecurity, I have the very firm opinion that DHS simply should not be allowed to regulate cyber-critical infrastructure in the private sector.

I have great respect for the chairman. I will not be offering my amendment. I look forward to continuing to work with my colleagues on this issue, and again thank the chairman for his courtesy.

Mr. ADERHOLT. I thank the gentleman for his comments. I am also a member of the Speaker's Task Force on Cybersecurity, and I understand the concerns that the gentleman has expressed this afternoon.

As the gentleman noted, this bill focuses on Federal network security by addressing the failure of the administration to protect its own networks. Again, I want to thank the gentleman for his comments, and I would be happy to work with him to address his concerns.

I yield back the balance of my time.

The Acting CHAIR. Who seeks recognition?

Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. I yield to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY of Pennsylvania. I want to thank the chairman and Ranking Member PRICE for their hard work in writing a bill that keeps American families safe and prioritizes border and immigration law enforcement in a very tough budget environment.

In this bill, the Federal Air Marshal Service is under particular pressure to reduce costs, and we all share the common goal of pursuing the most cost-efficient and mission-effective air marshals to protect our skies.

In my district, there are over 80 dedicated and professional air marshals at the Pittsburgh International Airport, which is one of the country's 50 busiest airports. We all know about the air marshals' hard work, training, and risk to keep us safe; but I'm concerned about the potential impact on air marshals' cost and the impact upon families if the Federal Air Marshal Service moves forward with a restructuring plan. That's why I was going to offer an amendment with Congressman ALTMIRE to ensure no decision is made impacting Pittsburgh's air marshal workforce without first conducting a cost-benefit analysis that explores all potential options.

I'm concerned if the Transportation Security Administration proceeds with

closing the Pittsburgh office, any potential for savings would be dwarfed by the hundreds of thousands of dollars spent to relocate employees and their families.

Currently, taxpayers and the TSA pay almost nothing in commuting costs because the Pittsburgh air marshal office is less than 2 miles from the Pittsburgh airport terminal. Since air marshals are doing most of their work on a plane, the office exists mostly as a place for employees to go and complete their paperwork. Forcing air marshals to travel between a new office potentially much further from the Pittsburgh airport would dramatically increase costs and travel time.

What's most important for purposes of cost and security is the proximity of the air marshal workforce to the airport. I have asked the Federal Air Marshal Service to review alternatives to closure or transfer of the Pittsburgh field office, including co-locating its office on the grounds of the 911th Airlift Wing, which is an Air Reserve military base, part of the Pittsburgh International Airport.

Moving to the 911th would save the Agency a significant amount of overhead and rent costs while preserving the Federal Air Marshal Service operational mission to keep the skies safe.

I've been assured by the director of the Federal Air Marshal Service that he will look into alternatives to save costs, and I would like to get the assurance from the chairman that he'll work with me on securing that report.

Mr. ADERHOLT. Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. ELLISON

Mr. ELLISON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used in contravention of any of the following:

(1) The Fifth and Fourteenth Amendments to the Constitution of the United States.

(2) Title VI of the Civil Rights Act of 1964 (relating to nondiscrimination in federally assisted programs).

(3) Section 809(c)(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (relating to prohibition of discrimination).

(4) Section 210401(a) of the Violent Crime and Law Enforcement Act of 1994 (relating to unlawful police pattern or practice).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Minnesota (Mr. ELLISON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. ELLISON. Mr. Chairman, I have an amendment that I believe should enjoy bipartisan support on all sides. America being the land of the free, home of the brave, where liberty and justice for all is how we live. We recite those words every day when we come to the floor to say the Pledge of Allegiance.

This is simply an amendment which says in America, law enforcement will respect the individual dignity of each person and operate on the basis of what would indicate criminal behavior, not race, not national origin, not religion.

The leaders of four separate important caucuses in this Congress have come together and are in support. That includes the Congressional Progressive Caucus, the Congressional Black Caucus, the Congressional Hispanic Caucus, and the Congressional Asian Pacific American Caucus, which have all come together to say this is an important thing for all of us to support.

Everyone here in this body appreciates the hard work of DHS employees and what they do on a daily basis to keep our country safe. We thank them and value the work that they do. And we appreciate all law enforcement, especially when they put their lives at risk for our safety. No one questions law enforcement in general. But you should know, and there is no doubt and there is ample evidence to demonstrate, that there have been occasions in which individual Americans have been singled out, and this is not what our Nation is about. It's not the policy that we should support; and, therefore, we should support an amendment which says that discrimination has no place in the administration of the law.

Occasionally, reports of racial, ethnic, and religious profiling do surface. We see them in the media and reports in the civil liberty unions. In fact, I have reports in my hand, Mr. Chairman, ''Immigration Enforcement: Minor Offenses With Major Consequences by the ACLU,'' and ''The Growing Human Rights Crisis,'' which details how people have been singled out based on impermissible criteria. And so it is important for us to affirm in America, after all we have gone through to create liberty and justice for all, that we've got to affirm this principle here today.

Too many Americans who were simply going about their business have been discriminated against based solely on race, ethnicity, and religion. It's wrong when it happens, all of us can agree. And it's not what our country is all about. This amendment I'm offering today simply says it's contrary to our values. Our amendment is straightforward. It simply cites the Constitution and existing anti-discrimination laws to affirm that no funds made available by this bill can be used to engage in racial, ethnic, or religious profiling.

□ 1730

This is not a controversial amendment. It affirms core American values hard fought for not only in the civil rights movement, but many others, even including the Civil War. Nor it is partisan. In fact, it was a former Bush administration official who said, ''Religious or ethnic or racial stereotyping is simply not good policing.'' So that's not coming from me. That's an official from the Bush administration, and I quite agree with what he said.

So I urge all my colleagues to stand with me and vote in favor of this important amendment.

I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. We would be happy to accept the amendment from the gentleman from Minnesota.

I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I want to second the chairman's willingness here to accept this amendment. We think it's a good amendment, straightforward, intended to achieve goals about which we all ought to be able to agree. It simply seeks to ensure that Federal funding for the Department of Homeland Security is not used by law enforcement to discriminate or to deprive individuals of their constitutional rights.

I commend the gentleman for offering this amendment and urge its acceptance.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. ELLISON).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GRAVES OF MISSOURI

Mr. GRAVES of Missouri. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to finalize, implement, administer, or enforce the rule entitled ''Provisional Unlawful Presence Waivers of Inadmissibility for Certain Immediate Relatives'' published by the Department of Homeland Security on April 2, 2012 (77 Fed. Reg. 19902).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Missouri (Mr. GRAVES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. GRAVES of Missouri. Mr. Chairman, I rise today to offer an amendment which would prohibit funds from being used to enforce a rule proposed by this administration.

Under current law, certain spouses, children, and parents of U.S. citizens who are in this country illegally are not eligible to apply for a green card without first leaving the United States. These immediate relatives must travel abroad to obtain a green card from the Department of State and must also request from the U.S. Citizenship and Immigration Services a

waiver to the 3-year or 10-year ban that they received as a result of their unlawful presence.

The DHS-proposed rule would allow illegals with U.S. citizen relatives to stay in the United States while the Federal Government decides on their waiver requests. Specifically, the rule allows illegals to apply for and receive a provisional waiver to the 3-year or 10-year ban they received. The rule would simply allow them to remain in the U.S. illegally.

I'm a strong proponent of enforcing our current immigration laws, and this proposed rule allows illegals to circumvent Federal statutes that govern admission. It makes it easier for illegals to stay in our country unlawfully.

The core impact of the proposed rule will be to encourage relatives of U.S. citizens to come to the U.S. illegally. All an illegal individual needs to do is apply for a provisional waiver from the 3-year or 10-year ban and then apply for a green card.

What's even worse is if the U.S. Citizenship and Immigration Services denies an application for a provisional waiver, ICE will not prosecute that illegal for being in the U.S. unlawfully. In fact, ICE announced in August 2011 that it would seek to dismiss the prosecution of cases of illegals who have applied for a green card.

My amendment is going to block this proposed rule, known as the Provisional Unlawful Presence Waiver. I think it's going to send a strong message to illegals that are in our country unlawfully, you're not going to receive any form of benefits or leniency from our government.

My amendment also sends a message to this administration to start enforcing our current immigration laws, to support all efforts to control and defend our borders, and to stop giving breaks to those who have come to this country illegally.

I urge my colleagues to support my amendment.

Mr. ADERHOLT. Will the gentleman yield?

Mr. GRAVES of Missouri. I yield to the gentleman from Alabama.

Mr. ADERHOLT. I would be happy to accept the gentleman's amendment.

Mr. GRAVES of Missouri. I reserve the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to this amendment, which would negate the recent rule that would grant certain immediate relatives of U.S. citizens to apply for a provisional unlawful presence waiver while still in the U.S.

Applications for the unlawful presence waiver can take months or even years to adjudicate. This change in processing, this new rule, would permit U.S. citizens to remain united with their loved ones and ensure that the U.S. citizen is not subjected to the very harm—that is, prolonged separation—that the waiver, if granted, was meant to prevent.

To be clear, a pending or approved provisional waiver will not provide the interim benefits, such as employment authorization, it will not provide lawful status, it will not stop the accrual of unlawful presence, it will not provide protection from removal.

What it would do is eliminate the catch-22 faced by many American families who want to do the right thing by having family members already eligible for the waiver come forward to adjust to legal status. Under the current process, they're penalized if they come forward, penalized by long-term separation from U.S. citizens who are immediate relatives and who depend on them for emotional and financial support.

By allowing the processing of waiver applications in the United States, the proposed rule would improve the efficiency of the process and would save taxpayer money. It's a much needed change. It's a good rule. This change in processing is vitally needed. I see no reason to approve an amendment here tonight that would cancel out this beneficial change, and I urge the amendment's defeat.

I yield back the balance of my time.

Mr. GRAVES of Missouri. Mr. Chairman, it has come to my attention that my amendment has a typo in it. It reads 2102 as the date. I ask unanimous consent that that be changed to 2012.

The Acting CHAIR. Is there objection?

Without objection, the amendment is modified.

There was no objection.

The text of the amendment, as modified, is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to finalize, implement, administer, or enforce the rule entitled ''Provisional Unlawful Presence Waivers of Inadmissibility for Certain Immediate Relatives'' published by the Department of Homeland Security on April 2, 2012 (77 Fed. Reg. 19902).

Mr. GRAVES of Missouri. Mr. Chairman, with that, I would urge my colleagues to support the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment, as modified, offered by the gentleman from Missouri (Mr. GRAVES).

The amendment, as modified, was agreed to.

AMENDMENT OFFERED BY MR. RYAN OF OHIO

Mr. RYAN of Ohio. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to issue an immigrant or nonimmigrant visa to a citizen, subject, national, or resident of Brazil until the President of the United States determines and certifies to the Congress that the Government of Brazil has amended its laws to remove the prohibition on extradition of nationals of Brazil to other countries, except that the President may waive the application of this section on a case-by-case basis if the President determines and certifies to the Congress that it is in the national interests of the United States to do so.

Mr. ADERHOLT. Mr. Chairman, I reserve a point of order on the amendment.

The Acting CHAIR. A point of order is reserved.

Pursuant to the order of the House of today, the gentleman from Ohio (Mr. RYAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. RYAN of Ohio. Mr. Chairman, I have a heart-wrenching story to share with the Congress and the American people, of which I would like this amendment to help take some action: the egregious 2007 case of a decorated airman's murder in my congressional district, the State of Ohio v. Claudia C. Hoerig.

□ 1740

According to the affidavit, Mrs. Hoerig, wife of the deceased, purchased a Smith & Wesson .357, learned how to use it, practiced in Warren, in Trumbull County, Ohio, and days later, on March 12, 2007, she allegedly shot her husband, Major Karl Hoerig, twice in the back of the neck and once in the back of the head.

After being charged with aggravated murder by the Court of Common Pleas of Trumbull County, Ohio, Mrs. Hoerig fled to her native Brazil, where she has found sanctuary for 5 years.

The issue here, Mr. Chairman, is that I have a family in my district that has not seen justice served. She went to Brazil, in which we have an extradition treaty, but the Brazilian Constitution says that Brazilian citizens can't come back to the United States. But the issue here is that in 1999 Mrs. Hoerig renounced her citizenship in Brazil, became a citizen of the United States of America. So we have every right to ask the Brazilians to send her back to the United States.

She needs to have justice served. The Hoerig family needs justice served, and Karl Hoerig deserves that as he rests in peace.

The Brazilian Government has, on numerous occasions, pledged to internally investigate this matter and investigate the possible renunciation of Mrs. Hoerig's citizenship on the following grounds: in that, in her sworn, signed affidavit, Mrs. Hoerig renounced her Brazilian citizenship on the occasion of her U.S. naturalization in 1999, and that the Brazilian Government has stated that it may, in fact, honor Hoerig's renunciation, given the serious criminal nature.

So this amendment, because I cannot seem to get the attention of the Brazilian officials, after numerous letters,

numerous attempts, working closely with the State Department, can't get the Brazilians' attention. So this amendment is saying that we shall not use money to let Brazilians into the United States and allow them visas.

1.8 million visas are predicted to Brazilians in 2013. And I hope that some of us on both sides of the aisle can say that this man served our country. We have a woman who renounced her Brazilian citizenship, came to the United States, killed this airman, and went back to Brazil and now is in sanctuary there.

So I understand there may be some issues with this potential amendment here, but I will say, Mr. Chairman, that there are defense bills that will come to this floor, and I will attempt in some way to get the Brazilians' attention with the defense bills. There is foreign ops money, foreign aid that we use with Brazil. I will come to this floor as many times as I need to to try to get the attention of the Brazilian Government to make sure that Karl Hoerig and his family have the justice that they have earned, not just by being citizens of the United States, but also by serving this country so nobly for so many years.

I yield back the balance of my time.

POINT OF ORDER

Mr. ADERHOLT. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and it constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The rule states, in pertinent part:

''An amendment to a general appropriation bill shall not be in order if changing existing law.''

The amendment imposes additional duties.

I ask for a ruling of the chair.

The Acting CHAIR. Does any other Member wish to be heard on the point of order?

Seeing none, the Chair is prepared to rule.

The Chair finds that this amendment includes language conferring authority. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

AMENDMENT OFFERED BY MRS. BLACK

Mrs. BLACK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to provide funding for the position of Public Advocate within U.S. Immigration and Customs Enforcement.

The Acting CHAIR. Pursuant to the order of the House of today, the gentlewoman from Tennessee (Mrs. BLACK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Tennessee.

Mrs. BLACK. Mr. Chairman, I'm here today to talk about my amendment that would prohibit funding for an ill-conceived lobbyist position at the Immigration and Customs Enforcement, or ICE.

The Obama administration announced on February 7 of this year that it would begin advocating on behalf of illegal aliens, illegal alien advocates and communities that harbor illegals.

When Congress established the Department of Homeland Security, it created an advocate position for immigrants in the legal immigration process, but it declined to create one for illegal immigrants. The President cannot continue to willfully ignore the laws and the intent of Congress.

Mr. Chairman, there are currently 10 million unauthorized aliens in this country, and in the last 3 years, eight States have adopted immigration enforcement measures to address the illegal alien population in their States. This has come to pass because of the Federal Government's failure to secure the borders and enforce our immigration laws.

Nevertheless, the administration has not only used taxpayer dollars to sue States for such laws, but now wants to use taxpayer dollars to act as a lobbyist for illegal aliens. My amendment would deny the Obama administration funding for the illegal alien advocate position at ICE.

Contrary to what the Obama administration seems to think, the Department of Homeland Security was not created to act as a lobbying firm for illegal aliens. Using taxpayer dollars to fund a position whose primary purpose is to advocate on behalf of individuals who have come into our country illegally is ridiculous and certainly a waste of precious taxpayer dollars.

The administration should be using this money instead for its intended purpose—to combat illegal immigrants.

Mr. ADERHOLT. Will the gentlewoman yield?

Mrs. BLACK. I yield to the gentleman from Alabama.

Mr. ADERHOLT. We believe this is duplicative, but we will accept the gentlelady from Tennessee's amendment. The position would be duplicative, but we do accept the gentlelady's amendment.

Mrs. BLACK. I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to this amendment. It would prohibit any funding for Immigration and Customs Enforcement's new Public Advocate, a crucial position formed just this past February.

The public advocate works directly with ICE's Executive Assistant Director of Enforcement and Removal Operations to respond to acute and pressing concerns from those going through the immigration process, as well as family members and advocates. For example, the public advocate assists individuals and community members in resolving complaints and concerns with agency policies and operations, particularly those that are related to the use of ICE enforcement involving U.S. citizens. It proposes changes and recommendations to fix community-identified immigration problems and concerns. Without the public advocate, individuals proceeding through the immigration process would not have the same level of access to neutral, unbiased internal oversight, fulfilling the role of ombudsman for the public.

Since its inception on February 7, the public advocate has provided effective resolution of serious complaints, assisted in increasing public engagement at all levels, and acted as a good steward of the public dollar.

By adopting this amendment, we'd be saving ICE less than $200,000 per year, while severely impeding community participation and commonsense enforcement strategies.

I can't imagine why we would want to cancel a position that is so effective in helping citizens, helping those who have a stake in all this, helping them penetrate the bureaucracy, helping them get a resolution of serious complaints, making this agency, in effect, more user friendly, more responsive. Why would we want to damage that or destroy it? But that's exactly what this amendment would do, and I urge its rejection.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Tennessee (Mrs. BLACK).

The amendment was agreed to.

□ 1750

AMENDMENT OFFERED BY MR. CROWLEY

Mr. CROWLEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. It is the sense of Congress that the Department of Homeland Security should increase coordination with India on efforts to prevent terrorist attacks in the United States and India.

Mr. ADERHOLT. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. The gentleman from Alabama reserves a point of order.

Pursuant to the order of the House of today, the gentleman from New York (Mr. CROWLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. CROWLEY. I, along with my colleague Mr. ROYCE of California, plan to

offer a bipartisan amendment to the measure, but I understand this is subject to a point of order. I appreciate the chair and the ranking member for supporting an opportunity to say a few words since I won't be asking for a vote on the amendment at this time.

My amendment is about the importance of cooperation on homeland security between the United States and India. I believe that one of the most important decisions the United States has made in recent years is to strengthen our relationship with the democratic nation of India. With that relationship, one of our most important decisions has been to cooperate and coordinate on matters dealing with homeland security.

The fact is that both the United States and India face threats of terrorist attacks. The people of India will never forget the tragedy of 9/11. After all, many of those who were killed were of Indian origin. The people of the United States looked on in horror as terrorists carried out the brutal Mumbai attacks. In those attacks, terrorists killed not only Indians but Americans as well. 9/11 and Mumbai remind us of why it is important that we work together with India, and the people of our two countries remind us of why we must sustain and deepen that cooperation even further.

So I want to urge the Department of Homeland Security to continue the important work that it is doing with regard to India to help ensure that both of our countries are safe from terrorist attack.

I also want to thank my colleague Mr. ROYCE, who had planned to offer this amendment along with me. Support in this area is bipartisan, and we will continue to work in a bipartisan way.

Mr. Chairman, at this time, I ask unanimous consent to withdraw my amendment, and I yield back the balance of my time.

The Acting CHAIR. Is there objection?

Seeing none, the amendment is withdrawn.

AMENDMENT OFFERED BY MR. FLORES

Mr. FLORES. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), add the following new section:

SEC. ____. None of the funds made available by this Act may be used to enforce section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17142).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Texas (Mr. FLORES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. FLORES. Mr. Chair, I rise today to offer an amendment which addresses another misguided and restrictive Federal regulation.

Section 526 of the Energy Independence and Security Act prevents Federal agencies from entering into contracts for the procurement of a fuel unless its life cycle greenhouse gas emissions are less than or equal to emissions from an equivalent conventional fuel produced from conventional petroleum sources. In summary, my amendment would stop the government from enforcing this ban on all Federal agencies funded by the Department of Homeland Security appropriations bill.

The initial purpose of section 526 was to stop the Defense Department's plans to buy and develop coal-based or coal-to-liquids jet fuel. This restriction was based on the opinion of some environmentalists that coal-based jet fuel might produce more greenhouse gas emissions than jet fuel from traditional petroleum. We must ensure that our military has adequate fuel resources and that it can rely on domestic and more stable sources of fuel.

Unfortunately, section 526's ban on fuel choice now affects all Federal agencies, not just the Defense Department, which is why I am offering this amendment again today to the Homeland Security appropriations bill. Federal agencies should not be burdened with wasting their time studying fuel restrictions when there is a simple fix: to not restrict our fuel choices based on extreme environmental views, policies, and misguided regulations like those in section 526.

With increasing competition for energy and fuel resources and with the continued volatility and instability in the Middle East, it is now more important than ever for our country to become more energy independent and to further develop all of our domestic energy resources, including alternative fuels.

Placing limits on Federal agencies' fuel choices is an unacceptable precedent to set in regard to America's policy independence and our national security. Mr. Chair, section 526 makes our Nation more dependent on Middle Eastern oil. Stopping the impact of section 526 will help us to promote American energy, improve the American economy, and create American jobs.

Now, in some circles, there is a misconception that my amendment will somehow prevent the Federal Government and our military from being able to produce and use alternative fuels. Mr. Chair, this viewpoint is categorically false. All my amendment does is to allow the Federal Government purchasers of these fuels to acquire the fuels that best and most efficiently meet their needs.

I offered a similar amendment to the CJS appropriations bill, and it passed with bipartisan support. My similar amendments to the MilCon-VA and to the Energy and Water appropriations bills also passed by voice votes. My friend Mr. CONAWAY also had language added to the Defense authorization bill to exempt the Defense Department from this burdensome regulation.

Let's remember the following facts about section 526: It increases our reliance on Middle Eastern oil. It hurts our military readiness, our national security and our energy security. It also prevents a potential increased use of some sources of safe, clean and efficient American oil and gas. It also increases the cost of American food and energy. It hurts American jobs and the American economy. Last but certainly not least, it costs our taxpayers more of their hard-earned dollars.

I urge my colleagues to support the passage of this commonsense amendment.

At this time, I yield to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Yes, I would be happy to accept your amendment, and I look forward to working with you as we move forward in the process.

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

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the gentleman's amendment.

I think it's fair to say, if we are talking about common sense, that the balance of common sense lies against this amendment and with section 526 of the Energy Independence and Security Act.

It's quite a straightforward provision intended simply to ensure that the environmental costs from the use of alternative fuels, whatever they may be, are at least no worse than the fuels in use today. Why shouldn't that burden of proof be placed on the use of alternative fuels? It requires that the Federal Government do no more harm when it comes to global climate change than it is already doing through the use of unconventional fuels.

So this is a commonsense provision. It escapes me as to why we would want to violate this or bypass it in this Homeland Security bill, so I urge the rejection of the amendment.

I yield back the balance of my time.

Mr. FLORES. Mr. Chair, how much time do I have remaining?

The Acting CHAIR. The gentleman from Texas has 1 minute remaining.

Mr. FLORES. I appreciate the gentleman's remarks, but I do want to say this:

Again, my amendment does nothing to restrict the fuel choices of any Federal agency, in particular, those of the U.S. military. What it does do, for instance, is to allow the agencies to procure fuel that is refined from oil from Canada oil sands once the Keystone pipeline is built and once those fuels are refined. Today, theoretically, section 526 would restrict the use of those energy resources from our friendly neighbor—I think that is inappropriate—and it also causes our taxpayer funds to be spent less wisely.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. FLORES).

The amendment was agreed to.

□ 1800

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to enforce Executive Order 13166 (August 16, 2000; 65 Fed. Reg. 50121).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, my amendment addresses Executive Order 13166. That was an executive order that was issued in August of 2000 that directed our Federal agencies to provide foreign-language services to anyone who might seek to engage with the American Government. When I say the American Government, I do mean, Mr. Chairman, not just the Federal Government, but also local government.

The order directs Federal fund recipients—meaning local government—to pay for the enormous cost of providing translation and interpreter services from their own funds. There is no Federal reimbursement for this executive order. Many of us support English as the official language. We understand that there are billions that are spent in an effort to facilitate access to government to people who do not have the language skills, but also understand it is impossible to meet all of those demands.

As we watch the proliferation in this government, I would look at what recently Secretary of Homeland Security Janet Napolitano released, a memorandum detailing a DHS language access plan, which expands Executive Order 13166.

In summary, Mr. Chairman, this amendment simply says that no funds available under this act may be utilized to enforce Executive Order 13166.

With that, I yield to the chairman of the subcommittee from Alabama.

Mr. ADERHOLT. I rise in support of the gentleman's amendment from Iowa, and we think this is a good idea.

Mr. KING of Iowa. Reclaiming my time, I reserve the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR (Mr. GINGREY of Georgia). The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. This is an amendment that it seems very clear would actually hamper DHS operations and make us less safe.

Every component of DHS has to communicate effectively in their daily operations in order to accomplish the mission of the Department. How can ICE enforce our immigration laws without being able to communicate meaningfully with foreign-born persons with limited English proficiency? This is a critical executive order. It was a top priority in the Bush administration.

There was a memorandum issued during the Bush administration to the heads of all Federal agencies that helped facilitate the development of limited English-language proficiency plans.

To elaborate on that further, I yield to the gentlewoman from California (Ms. CHU), a leading member on the Judiciary Committee.

Ms. CHU. Mr. Chairman, I rise to oppose this amendment.

If this amendment passed, it would have a negative effect on many immigrants, many of whom work hard and play by the rules and are here legally, but may not have the ability to speak English well.

If this amendment passed, innocent people could be harmed. Foreign-born naturalized citizens would be at risk of erroneous detention and deportation by ICE. Not only that, detainees with serious, possibly life-threatening, medical needs would be placed in great peril due to the inability to make medical requests and communicate effectively with medical service providers.

If this amendment passed, lives could be lost because DHS and FEMA would have difficulty issuing danger warnings and evacuation instructions, as well as other critical notices in other languages during times of national emergency or catastrophe.

If this amendment passed, it would be harder for people to become citizens. That is because DHS would be prevented from providing foreign-language assistance to the elderly and disabled immigrants and refugees seeking to naturalize and become U.S. citizens.

We want immigrants to be fully assimilated in American society. This amendment would stop this process and, in fact, potentially cause great harm to many who do not deserve it.

I urge my colleagues to oppose this amendment.

Mr. PRICE of North Carolina. Mr. Chairman, I yield back the balance of my time.

Mr. KING of Iowa. Mr. Chairman, just quickly in closing, I would point out that we got along fine without this executive order up until the year 2000, and we'll get along fine without this executive order after the year 2012.

The assimilation component of this doesn't take place if you facilitate foreign-language speaking within government. Eighty-seven percent of Americans support this policy, the policy of English as the official language. This is a component of it. There's nothing that prevents justice, health, or emergency services from utilizing multiple languages to take care of the people.

So I urge its adoption, and I yield back the balance of my time.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. Mr. Chairman, I yield to my good friend from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Thank you, Mr. DICKS. I will be brief.

I just want to point out that the executive order itself indicates that only actions that would not be unduly burdensome should be engaged in. And the true scope of this amendment is really quite broad and adverse to the enforcement of the law.

If you are ICE and you have people in custody, those people in custody may not be speaking English, and you may need to be able to communicate with them in a language other than English. The broad scope of this amendment could interfere with that.

I would like to note, also, as to the FEMA issue that my colleague from California referred to, we think of DHS as immigration. My colleague from Iowa has mentioned that frequently in our committee. But the Department of Homeland Security is very broad. This could be the Coast Guard dealing with sailors in the Caribbean Sea, either people they believe are out to do mischief or people who are in distress who may not speak English. This could be storm warnings, as has been mentioned. There are parts of Florida where Spanish is spoken. Certainly in Puerto Rico, Spanish is spoken and hurricanes come. You want to alert the entire population in a way that they can understand that danger is on its way.

I think this repeal of this executive order, which goes back almost 12 years and through many administrations, is ill-advised. It will make the country less safe, and certainly it is an amendment that we should not support.

With that, I thank the gentleman.

Mr. DICKS. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

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

Mr. PRICE of North Carolina. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I have a King amendment at the desk, 322.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. (a) None of the funds made available in this Act may be used to finalize, implement, administer, or enforce the ''Morton Memos'' described in subsection (b).

(b) For purposes of this section, the term ''Morton Memos'' refers to the following documents:

(1) Policy Number 10072.1, published on March 2, 2011.

(2) Policy Number 10075.1, published on June 17, 2011.

(3) Policy Number 10076.1, published on June 17, 2011.

Mr. KING of Iowa (during the reading). Mr. Chairman, I ask unanimous consent that the reading be dispensed with.

The Acting CHAIR. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

□ 1810

Mr. KING of Iowa. Mr. Chairman, this amendment, this second King amendment, addresses the Morton memos, and he would be the director of ICE, and he is quite well known for the memos that unfolded that are known as the Morton memos. There are three of them. These memos, compiled together, bring about the effect of administrative amnesty. We'll remember that the President issued a policy sometime probably less than a year ago when he essentially announced that they were going to look for ways that they didn't have to deport people that are already adjudicated for deportation.

At the time there were 300,000 people here in the United States here illegally who had been adjudicated for deportation. They were awaiting a final deportation order.

The President's policy, as echoed through Department of Homeland Security Secretary Janet Napolitano, and acted on by ICE Director Morton, issued three memos that gave administrative amnesty this way.

Memo number one was the most significant, and it said this: that aliens who pose a danger to national security or are a risk to public safety, they might be deported. Illegal aliens who have recently entered the U.S., they might be deported if you catch them at the border, so to speak, Mr. Chairman. The third component of that memo number one was aliens who are fugitives or otherwise obstruct immigration controls might be deported. It really means the rest of them we're not going to pay much attention to. That's the administrative amnesty component.

Memo number two discouraged ICE agents from enforcing immigration laws against aliens, many who would qualify if the DREAM Act had been enacted—which is a pretty outrageous policy when you consider that it has multiple times been voted down in Congress.

Number three discouraged ICE agents from enforcing immigration laws against aliens who were victims or witnesses of crimes.

Those are the Morton memos. This amendment prohibits the dollars from being used in this budget to enforce the Morton memos.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT,
*March 2, 2011.*

Memorandum for: All ICE Employees
From: John Morton, Director
Subject: Civil Immigration Enforcement: Priorities for the Apprehension, Detention, and Removal of Aliens

PURPOSE

This memorandum outlines the civil immigration enforcement priorities of U.S. Immigration and Customs Enforcement (ICE) as they relate to the apprehension, detention, and removal of aliens. These priorities shall apply across all ICE programs and shall inform enforcement activity, detention decisions, budget requests and execution, and strategic planning.

*A. Priorities for the apprehension, detention, and removal of aliens*

In addition to our important criminal investigative responsibilities, ICE is charged with enforcing the nation's civil immigration laws. This is a critical mission and one with direct significance for our national security, public safety, and the integrity of our border and immigration controls. ICE, however, only has resources to remove approximately 400,000 aliens per year, less than 4 percent of the estimated illegal alien population in the United States. In light of the large number of administrative violations the agency is charged with addressing and the limited enforcement resources the agency has available, ICE must prioritize the use of its enforcement personnel, detention space, and removal resources to ensure that the removals the agency does conduct promote the agency's highest enforcement priorities, namely national security, public safety, and border security.

To that end, the following shall constitute ICE's civil enforcement priorities, with the first being the highest priority and the second and third constituting equal, but lower, priorities.

*Priority 1. Aliens who pose a danger to national security or a risk to public safety*

The removal of aliens who pose a danger to national security or a risk to public safety shall be ICE's highest immigration enforcement priority. These aliens include, but are not limited to:

aliens engaged in or suspected of terrorism or espionage, or who otherwise pose a danger to national security;

aliens convicted of crimes, with a particular emphasis on violent criminals, felons, and repeat offenders;

aliens not younger than 16 years of age who participated in organized criminal gangs;

aliens subject to outstanding criminal warrants; and

aliens who otherwise pose a serious risk to public safety.

For purposes of prioritizing the removal of aliens convicted of crimes, ICE personnel should refer to the following new offense levels defined by the Secure Communities Program, with Level 1 and Level 2 offenders receiving principal attention. These new Secure Communities levels are given in rank order and shall replace the existing Secure Communities levels of offenses.

Level 1 offenders: aliens convicted of ''aggravated felonies,'' as defined in §101(a)(43) of the Immigration and Nationality Act, or two or more climes each punishable by more than one year, commonly referred to as ''felonies'';

Level 2 offenders: aliens convicted of any felony or three or more crimes each punishable by less than one year, commonly referred to as ''misdemeanors''; and

Level 3 offenders: aliens convicted of crimes punishable by less than one year.

*Priority 2. Recent illegal entrants*

In order to maintain control at the border and at ports of entry, and to avoid a return to the prior practice commonly and historically referred to as ''catch and release,'' the removal of aliens who have recently violated immigration controls at the border, at ports of entry, or through the knowing abuse of the visa and visa waiver programs shall be a priority.

*Priority 3. Aliens who are fugitives or otherwise obstruct immigration controls*

In order to ensure the integrity of the removal and immigration adjudication processes, the removal of aliens who are subject to a final order of removal and abscond, fail to depart, or intentionally obstruct immigration controls, shall be a priority. These aliens include:

fugitive aliens, in descending priority as follows:

fugitive aliens who pose a danger to national security;

fugitives aliens convicted of violent crimes or who otherwise pose a threat to the community;

fugitive aliens with criminal convictions other than a violent crime;

fugitive aliens who have not been convicted of a crime;

aliens who reenter the country illegally after removal, in descending priority as follows:

previously removed aliens who pose a danger to national security;

previously removed aliens convicted of violent crimes or who otherwise pose a threat to the community;

previously removed aliens with criminal convictions other than a violent crime;

previously removed aliens who have not been convicted of a crime; and

aliens who obtain admission or status by visa, identification, or immigration benefit fraud.

The guidance to the National Fugitive Operations Program: Priorities, Goals and Expectations, issued on December 8, 2009, remains in effect and shall continue to apply for all purposes, including how Fugitive Operation Teams allocate resources among fugitive aliens, previously removed aliens, and criminal aliens.

*B. Apprehension, detention, and removal of other aliens unlawfully in the United States*

Nothing in this memorandum should be construed to prohibit or discourage the apprehension, detention, or removal of other aliens unlawfully in the United States. ICE special agents, officers, and attorneys may pursue the removal of any alien unlawfully in the United States, although attention to these aliens should not displace or disrupt the resources needed to remove aliens who are a higher priority. Resources should be committed primarily to advancing the priorities set forth above in order to best protect national security and public safety and to secure the border.

*C. Detention*

As a general rule, ICE detention resources should be used to support the enforcement priorities noted above or for aliens subject to mandatory detention by law. Absent extraordinary circumstances or the requirements of

mandatory detention, field office directors should not expend detention resources on aliens who are known to be suffering from serious physical or mental illness, or who are disabled, elderly, pregnant, or nursing, or demonstrate that they are primary caretakers of children or an infirm, person. or whose detention is otherwise not in the public interest. To detain aliens in those categories who are not subject to mandatory detention, ICE officers or special agents must obtain approval from the field office director. If an alien falls within the above categories and is subject to mandatory detention, field office directors are encouraged to contact their local Office of Chief Counsel for guidance.

*D. Prosecutorial discretion*

The rapidly increasing number of criminal aliens who may come to ICE's attention heightens the need for ICE employees to exercise sound judgment and discretion consistent with these priorities when conducting enforcement operations, making detention decisions, making decisions about release on supervision pursuant to the Alternatives to Detention Program, and litigating cases. Particular care should be given when dealing with lawful permanent residents, juveniles, and the immediate family members of U.S. citizens. Additional guidance on prosecutorial discretion is forthcoming. In the meantime, ICE officers and attorneys should continue to be guided by the November 17, 2000 prosecutorial discretion memorandum from then-INS Commissioner Doris Meissner; the October 24, 2005 Memorandum from Principal Legal Advisor William Howard; and the November 7, 2007 Memorandum from then Assistant Secretary Julie Myers.

*E. Implementation*

ICE personnel shall follow the priorities set forth in this memorandum immediately. Further, ICE programs shall develop appropriate measures and methods for recording and evaluating their effectiveness in implementing the priorities. As this may require updates to data tracking systems and methods, ICE will ensure that reporting capabilities for these priorities allow for such reporting as soon as practicable, but not later than October 1, 2010.

*F. No Private Right Statement*

These guidelines and priorities are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

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U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT,
*June 17, 2011.*

Memorandum for: All Field Office Directors, All Special Agents in Charge, All Chief Counsel

From: John Morton, Director

Subject: Exercising Prosecutorial Discretion Consistent with the Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens

PURPOSE

This memorandum provides U.S. Immigration and Customs Enforcement (ICE) personnel guidance on the exercise of prosecutorial discretion to ensure that the agency's immigration enforcement resources are focused on the agency's enforcement priorities. The memorandum also serves to make clear which agency employees may exercise prosecutorial discretion and what factors should be considered.

This memorandum builds on several existing memoranda related to prosecutorial discretion with special emphasis on the following:

Sam Bernsen, Immigration and Naturalization Service (INS) General Counsel, Legal Opinion Regarding Service Exercise of Prosecutorial Discretion (July 15, 1976);

Bo Cooper, INS General Counsel, INS Exercise of Prosecutorial Discretion (July 11, 2000);

Doris Meissner, INS Commissioner, Exercising Prosecutorial Discretion (November 17, 2000);

Bo Cooper, INS General Counsel, Motions to Reopen for Considerations of Adjustment of Status (May 17, 2001);

William J. Howard, Principal Legal Advisor, Prosecutorial Discretion (October 24, 2005);

Julie L. Myers, Assistant Secretary, Prosecutorial and Custody Discretion (November 7, 2007);

John Morton, Director, Civil Immigration Enforcement Priorities for the Apprehension, Detention, and Removal of Aliens (March 2, 2011); and

John Morton, Director, Prosecutorial Discretion: Certain Victims, Witnesses, and Plaintiffs (June 17, 2011).

The following memoranda related to prosecutorial discretion are rescinded:

Johnny N. Williams, Executive Associate Commissioner (EAC) for Field Operations, Supplemental Guidance Regarding Discretionary Referrals for Special Registration (October 31, 2002); and

Johnny N. Williams, EAC for Field Operations, Supplemental NSEERS Guidance for Call-In Registrants (January 8, 2003).

BACKGROUND

One of ICE's central responsibilities is to enforce the nation's civil immigration laws in coordination with U.S. Customs and Border Protection (CBP) and U.S. Citizenship and Immigration Services (USCIS). ICE, however, has limited resources to remove those illegally in the United States. ICE must prioritize the use of its enforcement personnel, detention space, and removal assets to ensure that the aliens it removes represent, as much as reasonably possible, the agency's enforcement priorities, namely the promotion of national security, border security, public safety, and the integrity of the immigration system. These priorities are outlined in the ICE Civil Immigration Enforcement Priorities memorandum of March 2, 2011, which this memorandum is intended to support.

Because the agency is confronted with more administrative violations than its resources can address, the agency must regularly exercise ''prosecutorial discretion'' if it is to prioritize its efforts. In basic terms, prosecutorial discretion is the authority of an agency charged with enforcing a law to decide to what degree to enforce the law against a particular individual. ICE, like any other law enforcement agency, has prosecutorial discretion and may exercise it in the ordinary course of enforcement. When ICE favorably exercises prosecutorial discretion, it essentially decides not to assert the full scope of the enforcement authority available to the agency in a given case.

In the civil immigration enforcement context, the term ''prosecutorial discretion'' applies to a broad range of discretionary enforcement decisions, including but not limited to the following:

deciding to issue or cancel a notice of detainer;

deciding to issue, reissue, serve, file, or cancel a Notice to Appear (NTA);

focusing enforcement resources on particular administrative violations or conduct;

deciding whom to stop, question, or arrest for an administrative violation;

deciding whom to detain or to release on bond, supervision, personal recognizance, or other condition;

seeking expedited removal or other forms of removal by means other than a formal removal proceeding in immigration court;

settling or dismissing a proceeding;

granting deferred action, granting parole, or staying a final order of removal;

agreeing to voluntary departure, the withdrawal of an application for admission, or other action in lieu of obtaining a formal order of removal;

pursuing an appeal;

executing a removal order; and

responding to or joining in a motion to reopen removal proceedings and to consider joining in a motion to grant relief or a benefit.

AUTHORIZED ICE PERSONNEL

Prosecutorial discretion in civil immigration enforcement matters is held by the Director and may be exercised, with appropriate supervisory oversight, by the following ICE employees according to their specific responsibilities and authorities:

officers, agents, and their respective supervisors within Enforcement and Removal Operations (ERO) who have authority to institute immigration removal proceedings or to otherwise engage in civil immigration enforcement;

officers, special agents, and their respective supervisors within Homeland Security Investigations (HSI) who have authority to institute immigration removal proceedings or to otherwise engage in civil immigration enforcement;

attorneys and their respective supervisors within the Office of the Principal Legal Advisor (OPLA) who have authority to represent ICE in immigration removal proceedings before the Executive Office for Immigration Review (EOIR); and

the Director, the Deputy Director, and their senior staff.

ICE attorneys may exercise prosecutorial discretion in any immigration removal proceeding before EOIR, on referral of the case from EOIR to the Attorney General, or during the pendency of an appeal to the federal courts, including a proceeding proposed or initiated by CBP or USCIS. If an ICE attorney decides to exercise prosecutorial discretion to dismiss, suspend, or close a particular case or matter, the attorney should notify the relevant ERO, HSI, CBP, or USCIS charging official about the decision. In the event there is a dispute between the charging official and the ICE attorney regarding the attorney's decision to exercise prosecutorial discretion, the ICE Chief Counsel should attempt to resolve the dispute with the local supervisors of the charging official. If local resolution is not possible, the matter should be elevated to the Deputy Director of ICE for resolution.

FACTORS TO CONSIDER WHEN EXERCISING PROSECUTORIAL DISCRETION

When weighing whether an exercise of prosecutorial discretion may be warranted for a given alien, ICE officers, agents, and attorneys should consider all relevant factors, including, but not limited to—

the agency's civil immigration enforcement priorities;

the person's length of presence in the United States, with particular consideration given to presence while in lawful status;

the circumstances of the person's arrival in the United States and the manner of his or her entry, particularly if the alien came to the United States as a young child;

the person's pursuit of education in the United States, with particular consideration given to those who have graduated from a U.S. high school or have successfully pursued or are pursuing a college or advanced degrees at a legitimate institution of higher education in the United States;

whether the person, or the person's immediate relative, has served in the U.S. military, reserves, or national guard, with particular consideration given to those who served in combat;

the person's criminal history, including arrests, prior convictions, or outstanding arrest warrants;

the person's immigration history, including any prior removal, outstanding order of removal, prior denial of status, or evidence of fraud;

whether the person poses a national security or public safety concern;

the person's ties and contributions to the community, including family relationships;

the person's ties to the home country and conditions in the country;

the person's age, with particular consideration given to minors and the elderly;

whether the person has a U.S. citizen or permanent resident spouse, child, or parent;

whether the person is the primary caretaker of a person with a mental or physical disability, minor, or seriously ill relative;

whether the person or the person's spouse is pregnant or nursing;

whether the person or the person's spouse suffers from severe mental or physical illness;

whether the person's nationality renders removal unlikely;

whether the person is likely to be granted temporary or permanent status or other relief from removal, including as a relative of a U.S. citizen or permanent resident;

whether the person is likely to be granted temporary or permanent status or other relief from removal, including as an asylum seeker, or a victim of domestic violence, human trafficking, or other crime; and

whether the person is currently cooperating or has cooperated with federal, state or local law enforcement authorities, such as ICE, the U.S. Attorneys or Department of Justice, the Department of Labor, or National Labor Relations Board, among others.

This list is not exhaustive and no one factor is determinative. ICE officers, agents, and attorneys should always consider prosecutorial discretion on a case-by-case basis. The decisions should be based on the totality of the circumstances, with the goal of conforming to ICE's enforcement priorities.

That said, there are certain classes of individuals that warrant particular care. As was stated in the Meissner memorandum on Exercising Prosecutorial Discretion, there are factors that can help ICE officers, agents, and attorneys identify these cases so that they can be reviewed as early as possible in the process.

The following positive factors should prompt particular care and consideration:

veterans and members of the U.S. armed forces;

long-time lawful permanent residents;

minors and elderly individuals;

individuals present in the United States since childhood;

pregnant or nursing women;

victims of domestic violence, trafficking, or other serious crimes;

individuals who suffer from a serious mental or physical disability; and

individuals with serious health conditions.

In exercising prosecutorial discretion in furtherance of ICE's enforcement priorities, the following negative factors should also prompt particular care and consideration by ICE officers, agents, and attorneys:

individuals who pose a clear risk to national security;

serious felons, repeat offenders, or individuals with a lengthy criminal record of any kind;

known gang members or other individuals who pose a clear danger to public safety; and

individuals with an egregious record of immigration violations, including those with a record of illegal re-entry and those who have engaged in immigration fraud.

TIMING

While ICE may exercise prosecutorial discretion at any stage of an enforcement proceeding, it is generally preferable to exercise such discretion as early in the case or proceeding as possible in order to preserve government resources that would otherwise be expended in pursuing the enforcement proceeding. As was more extensively elaborated on in the Howard Memorandum on Prosecutorial Discretion, the universe of opportunities to exercise prosecutorial discretion is large. It may be exercised at any stage of the proceedings. It is also preferable for ICE officers, agents, and attorneys to consider prosecutorial discretion in cases without waiting for an alien or alien's advocate or counsel to request a favorable exercise of discretion. Although affirmative requests from an alien or his or her representative may prompt an evaluation of whether a favorable exercise of discretion is appropriate in a given case, ICE officers, agents, and attorneys should examine each such case independently to determine whether a favorable exercise of discretion may be appropriate.

In cases where, based upon an officer's, agent's, or attorney's initial examination, an exercise of prosecutorial discretion may be warranted but additional information would assist in reaching a final decision, additional information may be requested from the alien or his or her representative. Such requests should be made in conformity with ethics rules governing communication with represented individuals[3] and should always emphasize that, while ICE may be considering whether to exercise discretion in the case, there is no guarantee that the agency will ultimately exercise discretion favorably. Responsive information from the alien or his or her representative need not take any particular form and can range from a simple letter or e-mail message to a memorandum with supporting attachments.

DISCLAIMER

As there is no right to the favorable exercise of discretion by the agency, nothing in this memorandum should be construed to prohibit the apprehension, detention, or removal of any alien unlawfully in the United States or to limit the legal authority of ICE or any of its personnel to enforce federal immigration law. Similarly, this memorandum, which may be modified, superseded, or rescinded at any time without notice, is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

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U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT,
*June 17, 2011.*

Memorandum for: All Field Office Directors, All Special Agents in Charge, All Chief Counsel

From: John Morton Director,

Subject: Prosecutorial Discretion: Certain Victims, Witnesses, and Plaintiffs

PURPOSE

This memorandum sets forth agency policy regarding the exercise of prosecutorial discretion in removal cases involving the victims and witnesses of crime, including domestic violence, and individuals involved in non-frivolous efforts related to the protection of their civil rights and liberties. In these cases, ICE officers, special agents, and attorneys should exercise all appropriate prosecutorial discretion to minimize any effect that immigration enforcement may have on the willingness and ability of victims, witnesses, and plaintiffs to call police and pursue justice. This memorandum builds on prior guidance on the handling of cases involving T and U visas and the exercise of prosecutorial discretion.

DISCUSSION

Absent special circumstances or aggravating factors, it is against ICE policy to initiate removal proceedings against an individual known to be the immediate victim or witness to a crime. In practice, the vast majority of state and local law enforcement agencies do not generally arrest victims or witnesses of crime as part of an investigation. However, ICE regularly hears concerns that in some instances a state or local law enforcement officer may arrest and book multiple people at the scene of alleged domestic violence. In these cases, an arrested victim or witness of domestic violence may be booked and fingerprinted and, through the operation of the Secure Communities program or another ICE enforcement program, may come to the attention of ICE. Absent special circumstances, it is similarly against ICE policy to remove individuals in the midst of a legitimate effort to protect their civil rights or civil liberties.

To avoid deterring individuals from reporting crimes and from pursuing actions to protect their civil rights, ICE officers, special agents, and attorneys are reminded to exercise all appropriate discretion on a case-by-case basis when making detention and enforcement decisions in the cases of victims of crime, witnesses to crime, and individuals pursuing legitimate civil rights complaints. Particular attention should be paid to:

victims of domestic violence, human trafficking, or other serious crimes;

witnesses involved in pending criminal investigations or prosecutions;

plaintiffs in non-frivolous lawsuits regarding civil rights or liberties violations; and

individuals engaging in a protected activity related to civil or other rights (for example, union organizing or complaining to authorities about employment discrimination or housing conditions) who may be in a non-frivolous dispute with an employer, landlord, or contractor.

In deciding whether or not to exercise discretion, ICE officers, agents, and attorneys should consider all serious adverse factors. Those factors include national security concerns or evidence the alien has a serious criminal history, is involved in a serious crime, or poses a threat to public safety. Other adverse factors include evidence the alien is a human rights violator or has engaged in significant immigration fraud. In the absence of these or other serious adverse factors, exercising favorable discretion, such as release from detention and deferral or a stay of removal generally, will be appropriate. Discretion may also take different forms and extend to decisions to place or withdraw a detainer, to issue a Notice to Appear, to detain or release an alien, to grant a stay or deferral of removal, to seek termination of proceedings, or to join a motion to administratively close a case.

In addition to exercising prosecutorial discretion on a case-by-case basis in these scenarios, ICE officers, agents, and attorneys are reminded of the existing provisions of the Trafficking Victims Protection Act (TVPA), its subsequent reauthorization, and the Violence Against Women Act (VAWA). These provide several protections for the victims of crime and include specific provisions for victims of domestic violence, victims of certain other crimes, and victims of human trafficking.

Victims of domestic violence who are the child, parent, or current/former spouse of a

U.S. citizen or permanent resident may be able to self-petition for permanent residency. A U nonimmigrant visa provides legal status for the victims of substantial mental or physical abuse as a result of domestic violence, sexual assault, trafficking, and other certain crimes. A T nonimmigrant visa provides legal status to victims of severe forms of trafficking who assist law enforcement in the investigation and/or prosecution of human trafficking cases. ICE has important existing guidance regarding the exercise of discretion in these cases that remains in effect. Please review it and apply as appropriate.

Please also be advised that a flag now exists in the Central Index System (CIS) to identify those victims of domestic violence, trafficking, or other crimes who already have filed for, or have been granted, victim-based immigration relief. These cases are reflected with a Class of Admission Code ''384.'' When officers or agents see this flag, they are encouraged to contact the local ICE Office of Chief Counsel, especially in light of the confidentiality provisions set forth at 8 U.S.C. §1367.

NO PRIVATE RIGHT OF ACTION

These guidelines and priorities are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

I would then at this point urge its adoption and yield to the acting subcommittee chairman, the gentleman from Texas.

Mr. CULBERSON. Mr. Chairman, the committee strongly supports the gentleman's amendment. It is entirely important and vitally important that the Congress defund the administration's unilateral attempt to bypass the laws of the United States and implement an amnesty program by Executive order. It's unacceptable. It violates the law.

As all of us in Texas know—I had brought with me tonight for this debate, because it's so important to remember, that the first image on the first coin of the Republic of Mexico states, liberty and law. There is a wonderful image of the liberty cap over the scales of Justice. It points out quite correctly, the Republic of Mexico's, the first coin they ever minted, that there can be no liberty without law enforcement.

We strongly support the gentleman's amendment. How vitally important it is that we restore law and order to the border, that we enforce the immigration laws in this country in a way that is evenhanded and fair and just, because only when the border is secure, only when the immigration laws are enforced, will we be able to actually have a healthy commerce with Mexico, will we be able to actually have a guest worker program with Mexico and allow people to come here legally to work so we can actually restore the back and forth trade that has made Texas and all the border States so prosperous.

We strongly support the gentleman's amendment and urge its adoption.

Mr. KING of Iowa. Reclaiming my time, Mr. Chairman, I would point out that the Morton memos, in effect, provide administrative amnesty potentially for millions.

I reserve the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, this amendment would prohibit the use of funds to enforce memos, internal ICE memos, on civil immigration enforcement priorities and on prosecutorial discretion.

Now, our friend from Texas rightly talks about the importance of law enforcement, and I would just ask colleagues, is there any law enforcement agency in the land that does not set priorities?

Every law enforcement agency set priorities. They have to make the most effective use of limited resources.

No law enforcement agency can go after every violation indiscriminately. Every law enforcement agency has to prioritize its resources to decide what's most important, what's most protective of the public safety and go after the perpetrators that would do us the most harm. That's about as basic as it gets.

In a world with limited resources, it's dangerous and irresponsible not to prioritize the detention and deportation of people who pose a threat to public safety and national security.

Why would we want ICE to spend as much time and energy going after innocent kids in college who were brought to this country by their parents as it spends going after known, dangerous criminals? Why would we want ICE to focus on the detention and deportation of the spouses of U.S. citizens serving in our military, rather than on people who pose a threat to national security?

The answer is, we would not want them to do such reckless and indiscriminate things. We want them to set priorities, and that's exactly what the Morton memos are about.

I yield to the ranking member of the Immigration Subcommittee of the Judiciary Committee, the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. It is true that every law enforcement agency in the land makes priorities for enforcement. You're going to go after the dangerous gang member before you go after somebody who is double-parked or who is jaywalking. That's what police do all over the United States.

What these memos do is to put some order into who we're going after first. It's important to note that in all of the memos there is a statement that this does not create any right for a person who is here without their proper papers. It is merely a set of priorities.

I would note also that these memos are not new. The prosecutorial discretion memos have been in effect since 1996. I recall in 1999 I was a member of the Judiciary Committee. Then-Chairman Henry Hyde, along with now Chairman LAMAR SMITH, asked the Department of Homeland Security, actually, the immigration service at the time, to set priorities, and here's what they said.

The letter expressed concern about cases of apparent extreme hardship, such as removal proceedings against legal permanent residents who came to the United States when they were very young, many years ago, maybe committed a single criminal crime at the lower end of the spectrum, who have always been law abiding, and said to the INS that they should exercise discretion more regularly. That was done by the Clinton administration, the Bush administration, and now the Obama administration.

To suggest that deportations are not occurring is extremely misleading because, in fact, there have been more deportations during the Obama administration per year than at any time in the Nation's history. DHS has removed over 779,000 individuals in deportation proceedings, an 18 percent increase.

However, there is a limit to the number who can be deported per year. Surely, we would all agree that going after criminals and terrorists is a higher priority than going after grandma or little kids.

Mr. PRICE of North Carolina. Mr. Chairman, I yield back the balance of my time.

Mr. KING of Iowa. Mr. Chairman, may I inquire as to how much time I have remaining?

The Acting CHAIR. The gentleman has 1 minute remaining.

Mr. KING of Iowa. Mr. Chairman, I would just make the point that I listened to a lot of discussion about something that we well know around here is prosecutorial discretion. We don't have the resources to prosecute every law breaker and we know that law enforcement has to use that discretion on those resources.

This, though, is the President's policy. This is the President's policy of administrative amnesty that's implemented through the White House, through Janet Napolitano down through Director Morton and his Morton memos, which are amnesty.

They said, we don't want to enforce the law. We want to have comprehensive immigration reform, which we know are code words for amnesty, and they are bringing it about through an executive administrative amnesty in the same way as they are trying to implement cap and trade rules through EPA rules and regulations.

□ 1820

I would add also they have a responsibility to enforce the law. It says in article II of the Constitution:

He shall take care that the laws be faithfully executed.

This Constitution doesn't give an exemption. It doesn't say you're going to enforce the ones you like and not the ones you don't like. We have to adopt this amendment so that we do direct the law.

I would urge its adoption, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

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

Mr. PRICE of North Carolina. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

Mr. CULBERSON. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CULBERSON. I yield to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Chairman, we've all heard the words from law enforcement: I don't make the laws; I just enforce it. The trouble is the administration is now saying: I don't like the laws. I won't enforce them in this category. It would be equivalent to an officer saying, I'm not going to enforce any drug laws because I don't agree with them. I want to wait until I may see a bank robber.

The fact is the executive branch is trying to legislate from the White House and violate the separations clause by using what is basically a pocket veto after the time limit that is described by law. That pocket veto is not only wrong; it's unconstitutional.

I would ask that the Judiciary Committee hold a hearing and ask the ICE agents about the fact that they've been directed, even when they raid a place where they have a warrant for somebody's arrest, even if they know other individuals are committing a crime at the time that they're in those situations, they're not allowed to arrest those they're witnessing in the commission of a crime under direction of the executive branch, which is trying to legislate from the White House.

We need to send a clear signal. It is for the White House and the executive branch to execute the laws of this country, not to change them, not to erase them, and not to try to legislate from a branch that is constitutionally not supposed to be making those decisions.

Mr. CULBERSON. I yield back the balance of my time.

AMENDMENT OFFERED BY MRS. BLACKBURN

Mrs. BLACKBURN. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds made available by this Act may be used to provide to a Transportation Security Officer, Behavior Detection Officer, or other employee of the Transportation Security Administration

(1) a badge or shield; or

(2) a uniform with epaulets or a badge tab.

Mr. DICKS. Mr. Chairman, I reserve a point of order on the amendment.

The Acting CHAIR. A point of order is reserved.

Pursuant to the order of the House of today, the gentlewoman from Tennessee (Mrs. BLACKBURN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Tennessee.

Mrs. BLACKBURN. Thank you, Mr. Chairman.

We all know that the TSA is out of control and Congress does have an institutional role to rein them back in. In 2005, the TSA administratively reclassified airport security screeners' title to Transportation Security Officers, or, as they are called, TSOs; and subsequently they changed their uniforms to resemble that of a Federal law enforcement officer. In 2008, a metal badge was added to this uniform. This title and the uniform, the changes that were made, Mr. Chairman, were simply made to give the TSOs an authoritative appearance.

Despite the new title and appearance, the TSOs and the BDOs, or Behavioral Detection Officers, do not receive any Federal law enforcement training, they're not eligible for Federal law enforcement benefits, and the TSOs and the BDOs are in name only, I remind you. The problem is they were set in place as airport security screeners; and administratively, since 2005, they have moved through all of these changes.

As of November 2009, the TSA had spent $1,027,560.10 on TSO badges. The current amount is unknown because TSA will not release the figure.

When Congress created the TSA, their presence at our Nation's security checkpoints at the airports was supposed to be in the capacity of airport security screeners, not transportation security officers or law enforcement officers. Almost every day of the week you can turn on the news and you see story after story where a TSO in uniform has been arrested or has acted inappropriately with a passenger. I believe many of these problems stem from the fact that the TSA does not consistently conduct what we would call routine preemployment or ongoing background checks of new and existing employees. Yet after inconsistent use of background checks and only 80 hours of classroom training, we are giving TSOs a badge and a uniform.

Meanwhile, if you were interested in joining most of our police departments, you would spend up to 6 months in an academy, where you would receive law enforcement training. This would come after you met certain application requirements and were accepted to that academy. And then, after you pass a test and complete that training, you would be given the right to wear a uniform and be called Officer. Here in D.C., the TSA has advertised for Washington Reagan International Airport TSOs on pizza boxes and on pumps at discount gas stations.

TSOs are abusing their uniforms and badges. Just days before Thanksgiving, a Virginia woman was raped after a TSO from Washington Dulles approached her wearing a TSA-issued uniform and flashed his badge. This past March, the TSO supervisor at Washington Dulles was arrested for allegedly running a prostitution ring. However, it's been reported that the individual pled guilty to a second degree assault in 1999. Why didn't TSA catch that while performing that background check before they gave him a badge and a uniform?

TSOs are abusing this limited authority. I just released a report this week that details 50 arrests involving the TSOs. These are reasons enough that we need to take them out of the uniforms, disallow the uniforms, and put them back to their job title of airport security screener.

I urge my colleagues to join the American Alliance of Airport Police Officers, which represents rank-and-file airport police officers in Dallas, L.A., and New York, who are tired of the TSA's mission creep and to adopt and support this amendment.

I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, this amendment is aimed at the people who protect us in our airports. It disparages their service, devalues their contribution, undermines our efforts to make this a more professional and competent force. Why would we do this? What an unnecessary and damaging amendment.

This amendment would prevent the Transportation Security Administration non-law enforcement personnel from wearing a metal badge or wearing a uniform that resembles the uniform of law enforcement. What an insult to these people. We count on these people to protect us. We put them in our aviation system as critical protection against terrorism and against others who could do us harm. How counterproductive is this to our efforts to develop a competent professional force?

□ 1830

TSA's current title and uniform policies are consistent with the skilled and professional nature of TSA's frontline workforce. These policies are aligned with policies for other security professional positions within the Department of Homeland Security.

So how gratuitous is it to disparage this workforce? These are skilled professionals. We want to make them more so. We want to boost their morale and show appreciation for their efforts. This amendment would be a backward step and, I think, a fairly petty backward step. It would hinder our efforts to develop a risk-based, intelligence-driven organization to secure our airports.

With that, I yield to our colleague from the authorizing committee, the gentlelady from Texas.

Ms. JACKSON LEE of Texas. I thank you very much.

Mr. PRICE is absolutely right, I serve as the ranking member on the Transportation Security Committee on Homeland Security, and a risk-based, well-trained professional team is what we have been working toward and what we are achieving.

I ask my colleagues to remember America pre-9/11 without a professional workforce. And I'd also like to say that in spite of the citations of inappropriate behavior, which none of us condone, there are thousands and thousands of untold stories of TSO officers doing their job, providing the safety lines for the safety of this Nation and providing assistance to the traveling public.

How do I know? Because I make it a habit of visiting airports and seeing our TSO officers work and interacting with them and asking them how long they have served. Many of them came in after 9/11 because they could not sit idly by while the Nation had been attacked. Many of them are former law enforcement officers, former military personnel who believed that they were serving their Nation.

What is a badge? It is a dignity that is allowed to those who are on the front lines of the Nation's security.

What is a uniform? It is a consistent statement that you are authorized to do your duty.

And I would simply say in the mistakes that occur in any body, whatever body it might be, local law enforcement, the United States military, do we strip them of their gear because of incidental or arbitrary incidents that individuals perpetrate? In this instance, we have a majority of heroic, first-line individuals who want to do better.

Can we do better? Absolutely. But it is not done through the removal of the badge or the removal of the uniform. I would just say to my colleagues that we have been blessed since the tragedy of 9/11, but I am reminded of the tragedy of 9/11, and I'm reminded of the heroic souls who lost their lives, families who still mourn. And I'm reminded of the effort of this Congress and the administration at that time, President George Bush, to answer the call. The TSA was part of answering that call. It is our duty, I believe, to ensure that professional service, to allow them to serve, and to ensure that they are serving the American public.

With that, I ask my colleagues to oppose the gentlelady from Tennessee's amendment.

Mr. PRICE of North Carolina. Mr. Chairman, I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. I yield to the gentlelady from Tennessee.

Mrs. BLACKBURN. I thank the gentleman for yielding. One point where I think we all agree is that there are many good people that work with the TSA. I have some good friends that work with the TSA. But to my colleagues here on the floor, I would remind you, those that are our airport screeners and now called transportation security officers, they cannot detain anyone. If they find someone they want to detain, they have to call the airport police.

I would also remind you, in the legislation that was passed in this House, they are designated as an airport security screener to assist the traveling public. I will also remind you that these TSOs receive 80 hours of training—80 hours—and then 3 to 5 weeks of on-the-job training. Our air marshals, our policemen, those law enforcement officers are receiving much more training. And despite TSA's growing presence, more than 25,000 security breaches have occurred at U.S. airports in the last decade, and they are dealt with by the airport police.

Mr. ADERHOLT. Mr. Chairman, I rise regrettably to oppose the amendment. I think this amendment is very well-intentioned; but the amendment, unfortunately, would force the TSA to wear civilian gear and this could possibly confuse the public as to whether the screeners have the authorized duty to carry out their lawful inspection of screening. It would also require the TSA to discard millions of dollars' worth of current uniforms, and the bill does not fund any new uniforms.

I do think that there are some things we need to address, and I appreciate the gentlelady from Tennessee bringing it to my attention here, and I would be happy to work with her. Again, I have to oppose the amendment, but like I said, I would be happy to work with her and see if we can't come to some accommodation on this.

I yield back the balance of my time.

The Acting CHAIR. The gentleman from Washington has reserved a point of order. Does the gentleman insist on his point of order?

Mr. DICKS. I withdraw my point of order.

The Acting CHAIR. The gentleman withdraws his point of order.

The question is on the amendment offered by the gentlewoman from Tennessee (Mrs. BLACKBURN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mrs. BLACKBURN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Tennessee will be postponed.

AMENDMENT OFFERED BY MRS. BLACKBURN

Mrs. BLACKBURN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds made available by this Act may be used for Transportation Security Administration Transportation Security Officers or Behavior Detection Officers outside an airport.

Mr. DICKS. Mr. Chairman, we do not have an accurate copy of the amendment, and we feel like we're at a disadvantage. This thing has been rewritten, and we don't have the final draft.

The Acting CHAIR. A copy of the amendment will be distributed.

Mr. DICKS. Thank you.

The Acting CHAIR. Pursuant to the order of the House of today, the gentlewoman from Tennessee (Mrs. BLACKBURN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Tennessee.

Mrs. BLACKBURN. Mr. Chairman, that is the correct amendment, and I want to thank the committee for working with us to make certain that we get it right. One of the things that I have learned through my legislative career is that many times leg counsel will advise something is done one way and parliamentarians another way. And whether it was at the State level or the Federal level, it is good to say let's get it right and let's do it right the first time. You have less cleanup. If we did more of that in this House, we would be coming back to this floor to correct wrongs that have been done. Certainly our plate is full of them this year.

□ 1840

There are some great aspects in the DHS bill, but there is one I have a lot of concern on, and it is the funding that is there for these DHS VIPR teams.

Now, this is what has happened since 2005. The VIPR teams have begun conducting random searches and screenings at train stations, subways, bus terminals, ferry terminals, and other mass transit locations around the country.

The objective of VIPR deployments is to augment capabilities that disrupt and deter potential terrorist activity. However, to date, we have not received any report of a VIPR team successfully preventing a single terrorist activity, despite the fact that during this timeframe the FBI, the CIA, and police officers have been highly successful at discovering and apprehending terrorists here in the U.S.

Last year alone, VIPR teams ran more than 9,300 unannounced checkpoints and other search operations. This comes at a rate of approximately 170 to 190 deployments each week. This past October, Tennessee became the first State to conduct a statewide VIPR team operation with TSA transportation security officers. The VIPR team randomly inspected truck drivers on the side of Tennessee's highways. And I remind you, these are individuals that have no law enforcement training.

Recently, we even saw TSA TSOs at the Capitol South Metro station a few weeks ago randomly inspecting——

Mr. DICKS. Will the gentlewoman yield?

Just very briefly, we're confused again because the gentlelady is referring to section 1 of her previous amendment, which is now taken out.

The Acting CHAIR. The gentlewoman from Tennessee controls the time.

Does the gentlewoman yield?

Mrs. BLACKBURN. No, I do not yield. And I'm going to finish my statement and discuss the activity of these teams that are working outside of an airport.

What we have to remember is that TSOs were previously called airport security agents. Now they have become transportation security officers, and now they are working outside of the airport.

I want you to keep in mind this about what transpired at the Capitol South Metro. Passengers had their bags randomly inspected. Keep in mind that these TSOs did not inspect every bag that came in front of them. They entered the station looking through some random selections, and they ignored everybody that was leaving that station. They only took people going in, not people coming out. That should really give everybody concern right now. If there was some reason for actionable intelligence, you would have been searching everybody just a few steps away from this Capitol.

Funding for almost 200 VIPR deployments each week that are random and are not based on and driven by intelligence is not an effective national security policy, nor does it serve the American taxpayer well. Catching terrorists isn't a secret; it needs to be driven by intelligence, which is why the FBI, our Nation's law enforcement, and the Capitol Police have been successful at it.

I encourage my colleagues to support the amendment, and I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. I first want to express some puzzlement though, and perhaps the sponsor of this amendment can clarify this as she closes.

One of the early scribbled versions of this amendment did indeed refer to VIPR teams, and about two-thirds of her statement was about VIPR teams, but my understanding is that the copy of the amendment we now have has had that portion scratched out. So the amendment no longer pertains to VIPR teams.

Could I, just for a moment, get some clarification on that.

And I yield to the gentlewoman from Tennessee.

Mrs. BLACKBURN. I thank the gentleman for yielding.

And yes, all of these TSOs that are working outside of our Nation's airports, as I said, they were originally put in place as airport security officers. As the gentleman well knows—

Mr. PRICE of North Carolina. Reclaiming my time, I asked a very direct question: Does the amendment include or not include VIPR teams?

I yield to the gentlewoman.

Mrs. BLACKBURN. At this point, the amendment is addressing those that are working outside of our Nation's airports. This is an overreach; it is a stretch. They are not put in place to do that, and I think the gentleman from North Carolina understands that very well.

Mr. PRICE of North Carolina. I thank the gentlewoman for clarifying that.

There is a lot of confusion about this amendment. The VIPR teams aside, let me just say that to put in this bill a blanket prohibition against TSA officers operating outside of an airport is overly broad and really would be damaging with respect to the things our screeners often are asked to do. Some screeners do assist in passenger screening at transit facilities, for example, and sometimes they are asked to help in screening at national security events. I am told there may be a role at the national conventions or events of that sort where a surge capacity is called for.

Now, some discretion, some good judgment is called for in the use of these personnel, but it escapes me why, in an appropriations bill, we would want to write in a blanket prohibition of this sort when there are demonstrable uses for these personnel outside the airport that are very valuable and contribute to our security.

So I urge defeat of the amendment, and yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. At this time, I would like to yield to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT. I thank the gentleman. I'll be brief.

If you've ever travelled in an airport for the last 10 years, you're familiar with the TSAs and their invasive conduct in certain circumstances, whether it's the full body scans or the pat downs, what have you. One thing that most Americans thought is that, if you didn't want to go through that, you could still always travel simply by driving your own car, driving your own truck, and not have to go through such an examination. That is not the case anymore.

The TSA is not just for airports anymore, as the gentlelady has explained. They now go beyond the airports. They go onto the Nation's highways and they go onto the rest stops and they go onto the truck stops and the rest. And they are doing so in a manner that is not from the original intent of the Homeland Security bill that created the TSAs. They are going out there where no identifiable public security threat has been posed and they're doing so in the most absurd manner.

Down in Savannah, Georgia, they went last year and they checked on the Amtrak trains. That sounds like a good idea. But you know when they did it? They did it when the people were getting off of the train as opposed to getting onto the train.

They went over to Texas a little while ago, in Brownsville, Texas, and they checked the cars there, private cars—your car, my car, trucks and what have you. And they did it over at a port, not when the people are going into the port when there might be a risk or a threat to the port; they did it when cars were leaving the port. And again, there was no identifiable risk or threat posed at that period of time.

There is support for the TSA in general, but let's focus it back at the airport again and let Americans know that you can still travel in this country, you can get in your own car and not be worried that there is going to be a TSA agent out there with no conceivable threat whatsoever and engaging in basically what really is security theater.

Ms. ZOE LOFGREN of California. Will the gentleman yield?

Mr. ADERHOLT. I yield to the gentlewoman.

Ms. ZOE LOFGREN of California. I would just like to make a brief comment, because I actually share the concern that's been expressed about TSA agents randomly going out. I had an incident such as that in the city of San Jose, and I find it improper and highly objectionable.

However, the concern I have in this amendment is, as Mr. PRICE has said, you could not utilize this workforce and say, Okay, we're having the Republican convention; we need an all hands on deck to do security. If this amendment passes, that would be off limits. If you had an actual articulable threat where you needed expertise, you couldn't use them.

So I think that is a mistake, even though I want to say I think the issue you've raised is a solid one and I agree with you. It's just I think the amendment goes way beyond the issue that we agree on.

I thank the gentleman for yielding.

□ 1850

Mr. ADERHOLT. I thank the gentlelady, and reclaim my time.

I appreciate the gentlelady from Tennessee working with us on this as we are trying to reword the amendment with the proposed changes. So with the proposed changes that have been given to the Clerk and handed out to the minority, we would accept the changes and accept the amendment.

Mr. DICKS. I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. It just seems to me that, we shouldn't be doing an amendment

here on the floor when we really don't have all the information before us. Your side is in charge of Homeland Security. PETER KING is the very able chairman of the Homeland Security Committee. There ought to be hearings on this issue if, in fact, TSA people are overstepping their bounds.

But to come here on the floor and try to cut off all funding, when we have no idea—the gentlelady had to rewrite her amendment several times, for God knows what reason. I mean, this is hardly the way to legislate.

So I urge the defeat of this scratchy little amendment, and let's go to PETER KING and BENNIE THOMPSON and ask them to hold hearings on this. Do this responsibly.

This amendment will be dropped. It isn't going anywhere, frankly, so you might as well face the fact that when we get to conference this is gone. The Senate will never agree to it. The administration would never agree to it, and they shouldn't.

If you want to do something that's constructive, go to the Homeland Security Committee and let them deal with it.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Tennessee (Mrs. BLACKBURN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mrs. BLACKBURN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Tennessee will be postponed.

AMENDMENT NO. 16 OFFERED BY MR. PIERLUISI

Mr. PIERLUISI. I have an amendment at the desk that was printed in the CONGRESSIONAL RECORD as Amendment No. 16.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to implement, administer, or enforce section 1301(a) of title 31, United States Code (31 U.S.C. 1301(a)), with respect to the use of amounts made available by this Act for ''Customs and Border Protection—Salaries and Expenses'' for the expenses authorized to be paid in section 9 of the Jones Act (48 U.S.C. 795) and for the collection of duties and taxes authorized to be levied, collected, and paid in Puerto Rico, as authorized in section 4 of the Foraker Act (48 U.S.C. 740), in addition to the more specific amounts available for such purposes in the Puerto Rico Trust Fund pursuant to such provisions of law.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Puerto Rico (Mr. PIERLUISI) and a Member opposed each will control 5 minutes.

Mr. ADERHOLT. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

The Chair recognizes the gentleman from Puerto Rico.

Mr. PIERLUISI. Mr. Chairman, violent crime in Puerto Rico and the neighboring U.S. Virgin Islands has been on the rise since 2000, even though violent crime nationwide has decreased substantially during that same time period.

Puerto Rico's homicide rate is about six times the national average. Although there are a number of reasons for this alarming spike in violence, one of the most important factors is that the U.S. government has, to its credit, substantially increased resources along the Southwest border with Mexico in an effort to stem the flow of drugs into our Nation through the Central American land corridor and to reduce violence in U.S. border States.

As a result, drug trafficking organizations have adapted, increasingly utilizing air and maritime routes through the Caribbean in order to supply the U.S. market, just as they did back in the 1980s and 1990s. In 2011, Puerto Rico, with a population of 3.7 million, had nearly as many homicides as Texas, with a population of 25 million. According to estimates, 75 percent of these homicides were linked to the international drug trade.

Through various bills and accompanying committee reports, the Appropriations Committee has taken clear notice of this issue and directed Federal law enforcement agencies to prioritize counter-drug efforts in the U.S. Caribbean. Indeed, in the report accompanying the bill before us, the committee states:

The public safety and security issues of the U.S. territories in the Caribbean must be a priority. The committee expects that the Secretary will allocate the resources, assets and personnel to these jurisdictions in a manner and to a degree consistent with that principle.

I want to thank the chairman and the ranking member for including this important language.

U.S. Customs and Border Protection is on the front lines of the counter-drug fight. The agency has hundreds of personnel stationed in Puerto Rico. These men and women work for the various offices under the agency's umbrella.

My amendment is designed to address a problem that has recently arisen, one that compromises the ability of CBP to carry out its vital counter-drug mission in Puerto Rico. For over a century, Federal law has provided that the collection of certain duties and taxes in Puerto Rico by CBP or its predecessor agencies will be deposited in something called the Puerto Rico trust fund.

Pursuant to the law and an implementing agreement between the Puerto Rico government and the Federal Government, a significant portion of that money is also used to fund certain Federal operations, including the maritime operations of CBP's office of Air and Marine in Puerto Rico.

For many years this arrangement worked well enough. However, recently, because of a shortfall in the Puerto Rico trust fund of about $1.7 million due to reduced customs collections, CBP closed a critical boat unit in San Juan that, in 2010, seized over 7,000 pounds of illegal drugs. This is because CBP has interpreted current Federal law to require that it use either the trust fund or general congressional appropriations to fund its operations, but not both.

My amendment would simply give CBP the authority to supplement any funding from the trust fund with general appropriations made in this bill, so that we will avoid a repeat of what happened in the case of the San Juan boat unit.

My amendment does not require CBP to spend a single additional dollar in Puerto Rico, or to prioritize Puerto Rico over other jurisdictions in any way, and the CBO has indicated the amendment has no budgetary impact. The amendment merely gives the agency the flexibility and discretion to draw upon general appropriations in the event there is a shortfall in the trust fund in order to fulfill its responsibilities in Puerto Rico.

Adoption of the amendment will ensure that the CBP's counter-drug mission in Puerto Rico is not unduly harmed. This, in turn, will promote the broader national security interest of the United States, since 80 percent of the drugs that enter Puerto Rico are ultimately transported to the U.S. mainland.

I want to thank the chairman and the ranking member for including language in the committee report on this subject, and I look forward to continuing to work with them to ensure that the Department of Homeland Security, including CBP, has the resources it needs to adequately address the drug-related violence crisis in Puerto Rico.

I reserve the balance of my time.

Mr. ADERHOLT. Mr. Chairman, we withdraw our point of order, and we accept the amendment.

Mr. PIERLUISI. I thank the majority, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Puerto Rico (Mr. PIERLUISI).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SULLIVAN

Mr. SULLIVAN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to terminate an agreement governing a delegation of authority under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) that is

in existence on the date of the enactment of this Act.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Oklahoma (Mr. SULLIVAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oklahoma.

Mr. SULLIVAN. Mr. Chairman, it is no secret that the Obama administration wants to phase out the 287(g) program. This program has successfully teamed up local law enforcement with Federal agents to pursue a wide range of investigations such as human smuggling, gang, and other organized crime activity and money laundering.

□ 1900

The President thinks this program is ineffective.

In order to phase out the 287(g), President Obama's FY2013 budget request struck $17 million from the program by terminating agreements and by stopping any further agreements from being signed. Thankfully, the underlying bill restores funding to the 287(g).

The 287(g) program provides State and local law enforcement with the training to identify, process, and detain possible immigration offenders. This program extends the Federal Government's ability to enforce our immigration laws without the additional overhead.

This program has been highly successful at not only apprehending immigration offenders but in facilitating the incarceration of dangerous criminals, and it has contributed to overall public safety. Nationwide, more than 1,500 officers have been trained and certified to enforce immigration laws, and there are 68 active memoranda of agreements in 24 States. Altogether, since the program's inception, 287(g) has identified over 186,000 aliens for removal.

Mr. Chairman, let me tell you about some local 287(g) success stories from my district. In February of this year, the Tulsa County Sheriff's Office was able to bust a sex slave ring in Tulsa and rescue the female victims from having up to 22 men forced on them per day. This was possible because of the 287(g) partnership.

Because of this partnership, the Tulsa County Sheriff's Office conducted investigations into known large shipments of amphetamine, opium and powdered testosterone, resulting in successful prosecution and asset forfeiture. Because of 287(g), the Tulsa County Sheriff's Office assisted with an arrest of nine illegal immigrants, one of whom was a child, being smuggled inhumanely in the bed of a Chevy Avalanche. Since the inception of the program in Tulsa, the Tulsa County Sheriff's Office has identified, processed, and entered into immigration proceedings on over 14,000 aliens, representing those with dangerous criminal backgrounds.

Sex trafficking, drugs, and human smuggling are all part of what the 287(g) program helps to stop. These stories are from Tulsa, but every locality that participates in this program has similar and equally laudable results.

While full funding has been restored to 287(g) in H.R. 5855, the program needs further protection. In order to further insulate these successful agreements and protect them from being terminated for cost-saving purposes or political reasons, my amendment simply prevents the termination of standing 287(g) agreements. We cannot allow the Obama administration any loophole to phase out or terminate this important program and place more undue pressure on our communities already burdened by criminal illegal immigration. Simply put, until the Federal Government steps up and starts doing its job, local law enforcement will continue to pick up the slack and enforce our laws.

I encourage the adoption of my commonsense amendment by my colleagues today, and I reserve the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, this amendment would prohibit any funds from being used to terminate 287(g) agreements.

The 287(g) program, as many people know, is a well-intentioned effort to allow State and local law enforcement entities to enter into a partnership with Immigration and Customs Enforcement. It is well intentioned, but it has turned out seriously flawed in the practice. Nine years after the 287(g) program was first initiated, there has been a thorough documentation of abuses and of the poor management of the program. There have been three audits by the DHS Inspector General that have raised serious concerns about the program.

As a result, ICE has had to reform the 287(g) program to ensure consistency in immigration enforcement actions across the country. The agencies have also had to terminate some 287(g) task forces, notably in Maricopa County, Arizona, after the Justice Department clearly documented racial profiling and other program abuses. Two other counties were also terminated for cause. There are also questions about cost-effectiveness, in fact, very serious questions about cost-effectiveness. Under the 287(g) task force model, it costs $13,322 to apprehend one alien and $19,941 to remove that alien.

Because of these costs, as well as other concerns I've already mentioned, Assistant Secretary Morton began notifying communities this spring that ICE would no longer be considering any 287(g) task force model request from State and local jurisdictions. It, instead, will devote resources to the expansion of other ICE programs and to the continued deployment of Secure Communities. For comparison purposes, under Secure Communities, it costs ICE $649 to apprehend one alien, and $1,321 to remove the alien. That's 10 times less than the 287(g) task force model.

Many communities across the country are agreeing with the transitioning away from the 287(g) program to Secure Communities. For example, the sheriff of Davidson County, Tennessee, questioned whether the 287(g) program was necessary given its low level of apprehensions and the fact that only 68 communities participated across the country. With Secure Communities being fully implemented nationwide in over 3,000 communities by the spring of 2013, I, frankly, see little need to continue the 287(g) program. Now, if this amendment is adopted, it's going to force ICE to fund this cost-prohibitive and questionable immigration enforcement activity in order to keep on doing what we know isn't working and wasting Federal taxpayer funds.

This is a time of fiscal restraint. This is a time when we should be applying cost-benefit standards, effectiveness standards. So Members need to oppose this amendment and allow the Assistant Secretary to prioritize funding decisions based on the most pressing immigration needs of this country and on reasonable standards of cost-effectiveness.

With that, I yield back the balance of my time.

Mr. DICKS. I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I yield to the distinguished gentlelady from California (Ms. LOFGREN).

Ms. ZOE LOFGREN of California. I would just like to note that there is a difference—and obviously the gentleman has a right to refine his amendment—between the original version of the amendment that we saw, which had a provision that allowed for the termination in certain cases. For example, when the Inspector General determined that a term of the agreement was violated, the amendment before us no longer has that provision. I think it's an important distinction.

In addition to the very high costs of over $33,000 to find and remove an alien under this program, there are complicated agreements that are engaged in between the localities and the Federal Government. If they aren't adhered to, there needs to be an enforcement action, and that would not be the case under this amendment.

I would note also that, if localities no longer think it's worth it—because, really, they're entering into agreements that cost them, too—it's time that might be better spent doing something else. If they say that this is not working out—we want to terminate it—I don't think, under this amendment, they would be able to do it because the Federal Government would need to respond to their requests and terminate.

Finally, as Mr. PRICE has indicated, this is a program that, although I think had good intentions, didn't work out the way people thought. That sometimes happens in law, and it often happens in immigration law. It's expensive. It's in fewer than 100 localities in the United States, and many of them are rethinking it. The terms and conditions have frequently not been adhered to. In some notorious cases, there have been flagrant violations of civil rights, and the Department has had to go in and yank contracts. Even in the cases where there haven't been really outrageous civil rights violations, there have been problems.

I think there are likely better and more cost-effective ways to enforce the immigration laws, which is why the Department has notified us that it is its intention to begin notifying communities just this spring that it's not going to be considering any further requests from State and local jurisdictions.

That current policy would be permitted under this amendment, and they don't have to accept any more, so we would be stuck with the 68 that we have—no more, no less. I don't think that's a sensible way to proceed on the enforcement of the immigration law; and I think the amendment, although I'm sure well-intentioned, would not enhance the enforcement of law.

□ 1910

Mr. DICKS. Mr. Chairman, I reclaim my time.

ICE itself has raised concerns about the cost effectiveness of the 287(g) program. With all due respect, this sounds like a program that both sides think isn't working that well. We ought to get rid of it. We could put this up on your wall as one of the things you've killed.

For example, under the 287(g) task force model, it costs $13,322 to apprehend one alien and $19,941 to remove them. If you compare that, as the distinguished ranking member did, with the Secure Communities program, it costs ICE $649 to apprehend one alien and $1,321 to remove them. That is more than 10 times less than the 287(g) task force model.

I would be glad to yield to my distinguished friend from Oklahoma to answer why you would want to keep the more expensive program if the Secure Communities program is working.

Mr. SULLIVAN. I believe the 287(g) program has been a huge success, and I disagree with my colleagues on the other side that it's not.

What we're trying to do is get rid of criminal illegal immigrants in our country that are raping people, involved in drug trafficking, that are murdering people, that are dangerous criminals. I think the program is a huge success, and I can just tell you stories in my area about sex slaves and human trafficking.

Mr. DICKS. Reclaiming my time, again, I would just ask the gentleman to contemplate that if we have a Secure Communities program that is dealing with this same issue and doing it at 10 times less for the taxpayers and this 287(g) program has had the inspector general all over it, why wouldn't we get rid of it if it is that expensive to do and use Secure Communities? This is just a commonsense thought here.

With that, I yield back the balance of my time.

Mr. SULLIVAN. This program actually cuts costs. It's a program that is very efficient. It's one that has to be implemented at the local levels because the Federal Government has failed to do its job.

The Federal Government doesn't do anything in immigration policy at all in this country, and it has been thrust upon local communities like my local sheriff's office. My local sheriff, Stanley Glanz, has instituted this 287(g) program in our community, and it's kept us safe and secure. We've taken it into our own hands to get people off our streets that are criminal illegal immigrants. It costs money to do that, but I think it's done in a very efficient way that cuts costs. It's done in a very efficient manner. These people are wreaking havoc on our communities, and there is a lot of cost involved in that that's not being talked about to the tune of millions and millions of dollars across this country.

I think for us, we would be abdicating our responsibility. Congressman DICKS, we would be abdicating our responsibility if we do not fund this 287(g) program. This is something we should embrace on both sides of the aisle. It's so important. Because of our location to other countries, we have people coming through our country every day smuggling people and drugs all the time. We have identity theft in our community, and it needs to be addressed. This is the only way we can do it until we have comprehensive immigration policy in this country.

I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. I would like to add that we strongly support 287(g). As a matter of fact, we have increased 287(g) by 25 percent in this bill. We reject the administration's cuts to 287(g), and we agree with the amendment from the gentleman from Oklahoma.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oklahoma (Mr. SULLIVAN).

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

Mr. PRICE of North Carolina. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oklahoma will be postponed.

Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. I yield to the gentleman from Iowa (Mr. LOEBSACK).

Mr. LOEBSACK. I thank the chairman for yielding.

Mr. Chairman, my home State is still recovering from billions of dollars in damage after the floods of 2008, which were the worst disaster in our State's history and one of the worst disasters in our Nation's history.

Unfortunately, today we have communities that have been awarded funds through the FEMA Public Assistance program that are afraid that over a year after the funds were awarded to replace buildings, and local funds have been spent, FEMA may be required to take back that funding at no fault of the community. That's what those folks are afraid of.

We shouldn't leave our local communities holding the bag on a failed project, destroyed and decaying buildings, and a loss of local taxpayer funds.

I don't believe that FEMA should come into one of our communities and take back disaster recovery funding over a year after it's already been awarded and after our communities have already spent a large amount of their taxpayers' money with the understanding that the project was moving forward.

Communities recovering from disasters right now, as I know the chairman's has, are also struggling in the worst recession since the Great Depression. The last thing they need is to have even more uncertainty thrown at them by losing disaster recovery assistance.

Disaster recovery must be a collaboration. Our local communities should not have the rug pulled out from under them, after years of struggling to recover, because the Federal Government committed support for rebuilding a community and then later took back that support. We need to maintain a partnership with States and communities, which means confidence that the Federal Government's promise of recovery funding means something.

Mr. Chairman, I just hope that we can work together with FEMA to ensure that taxpayer dollars are protected, that we can work together at all levels to rebuild communities and economies destroyed by disasters all over this great Nation, and that a local community's recovery can continue to move forward while we address any issues outside the community's ongoing recovery process.

Mr. ADERHOLT. I want to thank the gentleman for raising these issues and bringing it to our attention.

Just this past year, the district I represent was devastated by tornados. So the people of the district that I represent know firsthand what it is to work with FEMA and the recovery from a horrific disaster.

I understand my colleague's concerns and agree that we need to be cognizant of the burden on local communities if they've been awarded recovery funds and then have those funds taken back through no fault of their own.

My colleague certainly raises some commonsense points and issues that we should look at to address and to make sure that communities across the country aren't expending local funds for no reason, so that taxpayer dollars are protected at both the local and at the Federal level, so there is a better and more cooperative partnership between the Federal Government and these recovering communities.

It is important that the State and the Federal partnership on disaster recovery is maintained in a collaborative and productive fashion, and I agree with my colleague from Iowa and hope that the issues like this don't disrupt the partnership that lead to communities doubting the sincerity or the ability of their government to come to their aid in such a time as needed.

I know that everyone wants favorable outcomes and for our communities to recover as quickly as possible and agree that communities shouldn't shoulder the burden of an agency's mistake.

As recovery continues in the district of my colleague from Iowa, I pledge to work with him and FEMA to address these issues and look forward to recovery in a timely manner.

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

□ 1920

AMENDMENT OFFERED BY MR. BARLETTA

Mr. BARLETTA. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title) insert the following:

SEC. _____. None of the funds made available by this Act may be used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Pennsylvania (Mr. BARLETTA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. BARLETTA. Mr. Speaker, every day we're in session, we create new laws. Some affect spending, some protect our citizens and country, some honor those who have fallen. All are important, all carry the same weight, and all are Federal laws. But there are some elected officials in the United States who believe that they can pick and choose the laws they follow.

In 1996, Congress passed and the President signed the bipartisan Illegal Immigration Reform and Immigrant Responsibility Act. This law says very clearly that no local government entity or official may prohibit or in any way restrict any government entity or official from sending to or receiving from Immigration and Customs Enforcement information regarding the citizenship or immigration status of any individual.

Every day in cities across America, elected officials break that law and millions of illegal aliens benefit from the lack of enforcement. They benefit by taking jobs from American citizens and legal immigrants. They benefit by using taxpayer-funded benefits.

Some of our communities not only ignore the law, but many communities across our Nation willfully violate Federal law by encouraging illegal aliens to live in their cities, saying that they will be safe from Federal Government's reach.

Mind you, the Federal Government is not asking these cities to do anything extraordinary. The government is not asking cities to implement a radical new law. The Federal Government is merely asking these cities to obey the law, a law that has been on the books for 16 years. This is what the American people want.

According to a recent poll, an overwhelming majority of Americans want the Department of Justice to uphold the law and take legal action against cities that break existing Federal immigration law. But, once again, in the area of illegal immigration control, the Federal Government fails to act.

Instead, we send billions of tax dollars to these communities. That's why my colleagues and I rise to offer this amendment this evening. This amendment will prevent Federal funds from being given to cities and towns that do not follow Federal immigration law. This amendment will uphold existing Federal law. It will discourage the creation of a confusing national patchwork where some cities uphold the law and other cities willfully ignore it.

This amendment makes sense. It will keep us safe, and it cuts down on waste, fraud and abuse. I strongly encourage my colleagues to vote ''yes'' on this amendment.

With that, I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, this amendment is merely a restatement of existing law. It doesn't need to be in this bill. Moreover, there's no evidence that any State or local government has violated Federal law in this area.

In 2007, in fact, Homeland Security Secretary Michael Chertoff, a Republican, as we all know, testified that he wasn't aware of any city that interferes with the Department's ability to enforce the law. It's a largely fabricated problem, I believe, and the amendment itself would simply restate existing law.

I yield to Ms. LOFGREN, the ranking member of our Immigration Policy and Enforcement Committee.

Ms. ZOE LOFGREN of California. I thank the gentleman for yielding.

I would, in joining my opposition to the amendment, note that the amendment before us actually does not prevent highway funds and other funds from going to so-called sanctuary cities at all.

Further, I would note, as Mr. PRICE has done, that these so-called sanctuary laws really very rarely, if at all, from the record, have to do with communicating between the locality and the Federal Government. They have to do with what the locality is doing and their own citizens.

In many urban parts of the country, police chiefs have made a decision that they need to trust their communities to be witnesses to crime, to come forward, to cooperate with the police, and that they do not want to play the role of immigration police. They want to be the real police. That is a decision that localities can make, provided that they do not run afoul of the 1996 act that prohibits the restrictions on sending and receiving information.

Here's the deal: you can say we're not going to disrupt this community because of our need to get the trust of the community, but you can't prohibit the communication with the Federal Government.

I think that this amendment will not achieve anything. The law is already clear. It passed in 1996.

I would further note that there is a case, it had to do with gun control. It's called the Prince case, and what it says is that the Federal Government cannot commandeer local and State governments to enforce the Federal law.

If that's really what the intent is here, it would violate the Supreme Court decision saying that you can't use the power of the Federal Government to force cities to enforce gun control laws. I would say you couldn't do that to force cities to enforce immigration laws either. That would be the Prince case.

This amendment doesn't matter, really, whether the amendment is approved or not because, as I indicated and Mr. PRICE has indicated, this has been part of our law since 1996.

Mr. PRICE of North Carolina. I yield back the balance of my time.

Mr. ADERHOLT. I move to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. I would simply like to rise in support of the gentleman from Pennsylvania's amendment and say that we agree with his amendment that he has brought forth tonight.

I yield to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Thank you, Mr. Chairman. This amendment is common sense. The city of San Francisco, for example, officially declared itself an illegal alien sanctuary city by the Board of Supervisors in 1989, and now lawmakers are taking that a huge step further by actually creating legislation to

grant illegal aliens official city identification cards.

The head of the Public Information Office of the National Association of Chiefs of Police reports that in California, illegal aliens in San Francisco are being assured through costly Spanish language advertising campaigns that they will never be reported to Federal law enforcement agents such as ICE, Immigrations and Customs Enforcement, or Homeland Security investigation, or the U.S. Border Patrol, or any other Federal agency that could initiate the deportation process. That's a direct violation of the Federal law that the gentleman from Pennsylvania just read.

I'm proud to coauthor this amendment with my friend from Pennsylvania because he's exactly right. This amendment will save lives.

If a local law enforcement agency refuses to follow Federal law, they should not expect to be rewarded with Federal grant money, and that's what this amendment would do—cut off Federal grant money to sanctuary cities across America. I suspect you'll see them repeal their sanctuary city policy very rapidly when they discover they don't have access to Federal money.

Most recently, in the city of San Francisco, a renowned gang member, a member of the MS–13 gang, was just convicted for three first-degree murders in 2008. A father and two sons were murdered by this illegal alien who had multiple run-ins with law enforcement authorities in San Francisco. But because of the sanctuary city policy in San Francisco, he was not deported.

□ 1930

I urge the Members of the House to support the gentleman's amendment. This amendment will save lives.

Mr. ADERHOLT. Reclaiming my time, I yield to the gentleman from Arizona.

Mr. SCHWEIKERT. I thank the gentleman for yielding.

This is one of the moments where you get to stand up behind the microphone, and being from Arizona, embrace the irony.

Think of this. This Federal Government sues my State for actually enforcing the Federal immigration law. But yet in this particular case, in this amendment, as my friend here was just pointing out, we hand money to communities that are walking away from enforcing the very law. Does anyone see the irony of: You sue us for doing it, but yet we reward municipalities for becoming a sanctuary city and not living up to their obligations.

Mr. ADERHOLT. Reclaiming my time, I yield to the gentleman from Pennsylvania.

Mr. BARLETTA. Thank you.

Again, to sum this up, I was a mayor of a small town in Pennsylvania, and when the problem of illegal immigration hit my city, I came here to ask for help because our small budget couldn't help defend the people in my community. And when I came here and I talked to many experts, when I left here what I got was a nice coffee mug, a lapel pin, a pat on the back, and a Good luck, Mayor.

I finally decided after a 29-year-old city man was shot between the eyes by an illegal alien who had been arrested eight times before he came to my city, I said enough was enough. I had to protect the people in my community. And what happened was I was sued, and I was told that, We will bankrupt your city if you continue to fight.

But yet we have mayors across the country who are going to pick and choose what laws they want to defend. We're not asking for some crazy new law. We're asking mayors to defend the laws that they took an oath of office that they would defend. And that's what this bill would do. We should not reward those who are openly defying Federal laws that this Congress had passed.

Mr. ADERHOLT. Reclaiming my time, I would just like to say I support the gentleman from Pennsylvania's amendment.

I yield back the balance of my time.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I yield to the distinguished gentleman from Colorado.

Mr. POLIS. I thank the gentleman from Washington.

I rise in opposition to this amendment.

I think this amendment is an opportunity for us to examine why this issue is being discussed. The fact that there is such a large illegal population in our cities, in our counties, in our States, is not their fault. It's not a mayor's fault. It's not a county commissioner's fault. It's not a Governor's fault. It is our fault. It is Congress's fault. It is the failure of our Federal policies' fault.

Many of our communities have large illegal populations, including many of the communities I represent. And they try to get by. They try to engage in community policing to keep their community safe and earn the trust of their immigrant populations. They try to ensure that their immigrant populations are well cared for. They're doing as best they can. But until we fix that policy here and replace our broken immigration laws with a system that works for this country and works for the private sector and is in touch with reality, it's counterproductive to prevent experimentation at the State and local level.

If the State of Utah wants to experiment with work permits because of the lack of Federal action, let's find a way to let them do it. If our cities and towns find a way to get by a little bit better with the burden that we in this body have placed on them by refusing to take up immigration reform, then let them do it. Let them try to get by a little better. And until this body actually has the courage to address fixing our broken immigration system, we should not consider measures that continue to symbolically or really continue to handcuff our State and local officials in dealing with the problems associated with illegal immigration.

Mr. DICKS. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. BARLETTA).

The amendment was agreed to.

Mr. ADERHOLT. I move to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. At this time I would like to yield to the gentleman from Rhode Island to talk about an important cyber workforce issue.

Mr. LANGEVIN. Mr. Chairman, I thank the gentleman for yielding.

I'd first like to thank Chairman ADERHOLT for his hard work. His efforts to support and strengthen cybersecurity activities within the Department of Homeland Security have been commendable, and I want to thank him and his staff, as well as Mr. PRICE and his staff, for crafting this important piece of legislation.

There can be no doubt of the importance of ensuring DHS has the resources it needs to execute its role in protecting against cyberthreats, and key to this is attracting and retaining a robust and skilled cyber workforce.

DHS has been delegated numerous critical responsibilities in securing Federal networks through Federal statute and OMB memorandum. These include operating the United States Computer Emergency Readiness Team, or US–CERT, and overseeing the Trusted Internet Connection initiative. DHS also has prime responsibility within the executive branch for the operational aspects of Federal agency cybersecurity with respect to the information systems that fall under the Federal Information Security Management Act.

While I applaud the chairman for delivering on the need to strengthen America's homeland security efforts in the face of reduced Federal spending, I would ask him if he gave consideration to the hiring, development, and retention of our top-tier cybersecurity talent charged with performing the aforementioned critical duties. An organization such as the Department of Homeland Security absolutely must be able to attract and keep these highly skilled and highly valued individuals in order to defend Federal networks and inform better policy.

Mr. ADERHOLT. I thank the gentleman for his continued leadership on cybersecurity matters and welcome the opportunity to engage him in this colloquy. Ensuring that the Department of Homeland Security has the resources needed to execute cybersecurity responsibilities entrusted to it is

extremely important to both the short-term and the long-term success of its critical cybersecurity roles.

I assure the gentleman that we will continue to examine how to best proceed to make sure the Department has adequately and effectively resourced to deter and defend against cybersecurity threats.

Mr. LANGEVIN. Will the gentleman yield?

Mr. ADERHOLT. I yield to the gentleman.

Mr. LANGEVIN. I thank the gentleman. In that spirit, I would like to encourage the gentleman to work together with Mr. PRICE on efforts to determine and address potential DHS cyber workforce challenges. Specifically, I believe it would be a great value to have DHS study a report on its efforts, challenges, and recommendations to address cyber workforce requirements at the agency.

Given their critically important roles with regard to Federal cybersecurity, I believe we absolutely must make sure that DHS can attract and, equally as important, retain the best and the brightest to defend our networks.

Mr. ADERHOLT. I appreciate the gentleman's views and I look forward to working closely with him in examining these issues as we move forward. I'll make every effort to address the workforce concern as we move toward conference on this bill.

Mr. LANGEVIN. I thank the chairman. I certainly look forward to working with my good friend to ensure that our Federal Government is properly addressing these critically important cybersecurity and cyberworkforce challenges. It's a very important issue, and I thank the chairman for all of his hard work and also thank Ranking Member PRICE for his outstanding work on this important bill.

Mr. ADERHOLT. I yield back the balance of my time.

EN BLOC AMENDMENT OFFERED BY MR. ADERHOLT

Mr. ADERHOLT. Mr. Chairman, I have an amendment en bloc at the desk, and I would ask unanimous consent that the amendment be considered as read.

The Acting CHAIR. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used by the Department of Homeland Security any other Federal agency to lease or purchase new light duty vehicles, for any executive fleet, or for an agency's fleet inventory, except in accordance with Presidential Memorandum-Federal Fleet Performance, dated May 24, 2011.

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SEC. ____. None of the funds made available by this Act may be used for the purchase, operation, or maintenance of armed unmanned aerial vehicles.

SEC. ____. None of the funds made available under this Act may be used in contravention of immigration laws (as defined in session 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Alabama (Mr. ADERHOLT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alabama.

Mr. ADERHOLT. Mr. Chairman, this amendment combines three separate amendments which were outlined in our unanimous consent agreement earlier. The first, from Mr. ENGEL, has a limitation on funds for the lease or purchase of new light-duty vehicles that are not in accordance with the President's fleet efficiency standards.

□ 1940

The second amendment is from Mr. HOLT. It is a limitation on funds for the use of armored, unmanned aerial systems. And the third is from Mr. PRICE of Georgia. It's a limitation on funds being used in contravention of the Nation's immigration laws.

I would urge my colleagues to support the adoption of this en bloc amendment.

I yield back the balance of my time.

Mr. DICKS. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. If I can ask the chairman a question on this, it says none of the funds made available by this act may be used for the purchase, operation, or maintenance of armed unmanned aerial vehicles; is this from Homeland Security? Is this prohibition on Homeland Security?

Mr. ADERHOLT. That is correct.

Mr. DICKS. Has there ever been any plan to buy armed drones by Homeland Security?

Mr. ADERHOLT. No.

Mr. DICKS. I yield back the balance of my time.

The Acting CHAIR. The question is on the en bloc amendment offered by the gentleman from Alabama (Mr. ADERHOLT).

The en bloc amendment was agreed to.

AMENDMENT OFFERED BY MR. TURNER OF NEW YORK

Mr. TURNER of New York. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. (a) Except as provided in subsection (b), of the amounts made available by this Act, not more than $20,000,000 may be made available for surface transportation security inspectors.

(b) The limitation described in subsection (a) shall not apply to the National Explosives Detection Canine Training Program and Visible Intermodal Prevention and Response Teams.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from New York (Mr. TURNER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. TURNER of New York. Mr. Chairman, my amendment today seeks to limit funding for the surface transportation inspection program.

Mr. Chairman, at a hearing held by the Transportation Security Subcommittee of Homeland Security, of which I am a member, industry witnesses raised serious concerns about the efficacy of the surface transportation inspection program. Here are some of the concerns raised at the hearing:

Most surface inspectors have no surface transportation experience or surface security background whatsoever. Many surface inspectors were promoted from screening passengers at airports;

These inspectors report to the Federal security directors at local airports who commonly also do not possess any surface transportation experience.

At least one local TSA official indicated he is always looking for things for his inspectors to do to occupy their time;

Most surface inspectors have two things to look for in a typical day: whether a transit system is reporting incidents to the TSA and a box is checked on their clipboard, and whether there is a security person on duty, another box to be checked on a clipboard;

The work of these inspectors is redundant, performed by employees of other agencies, such as the Department of Transportation, OSHA or EPA, and on and on. What they do is ultimately slow down commerce on our Nation's rails and highways.

Since 2008, TSA has more than doubled the size of the transportation inspection workforce and quadrupled the program's budget. Yet, according to the majority of stakeholders we heard from, there has been almost no tangible improvement in security as a result of these investments.

Last year, TSA's entire surface transportation security budget was $126 million. Of this amount, surface inspectors cost taxpayers $54 million, which does not even include headquarters, administration, oversight, and staff associated with the program. This means that the surface transportation inspection program, which has been labeled as ineffective by a number of freight, rail, passenger service, bus, and mass transit agencies, is consuming more than 40 percent of the entire surface transportation security budget.

Millions of Americans rely on surface transportation every day. More than 8 million people use public transportation in New York City alone. Despite this need, less than 2 percent of the TSA's nearly $8 billion budget goes toward securing our Nation's surface transportation systems, and a large

portion of that limited budget is being squandered on this ineffective inspection program.

Surface transportation security is too important to our national economy and receives too small a portion of homeland security funding to waste a single dollar. Opponents of this amendment may argue that it will result in Federal inspectors being put out of work. It will not. We are transferring money to implement more productive security measures within TSA. The question is simply: Why should taxpayers, especially those who rely on surface transportation every day, have to fund a program that has no proven ability to enhance security?

My amendment today seeks to limit the inspector program budget to $20 million, which would substantially reduce its size, and allow the saved money to be put forward in other more effective surface programs, such as canine detection units, particularly at bus and rail stations. This amendment strengthens security. It addresses concerns raised by the very transit systems the program is designed to protect.

Today, I ask you to join me in supporting this measure.

I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I confess to some puzzlement as to the intent of this amendment. Despite the gentleman's explanation, what he's doing here is, in effect, totally restructuring the surface transportation security program. He's limiting to $20 million the funds available for surface transportation security inspectors. That's a potential decrease of $70 million from the carve-out in the bill.

Now, he also, in the current draft of this amendment, excludes from the prohibition, excludes the national explosives canine training program and the VIPR teams, in essence shifting—he's not reducing funding overall. He's shifting a huge amount of funding to these two functions. I just don't understand the rationale for that, particularly when you consider the vital functions of the surface transportation security inspectors, why would we want to virtually phase them out? The mission of these individuals is to assess the risk of terrorist attacks for all nonaviation transportation, to issue potential regulations, to enforce existing rules and protect our transportation systems.

This proposed limitation could hinder rail inspections, baseline assessments, mass transit assessments, and risk mitigation activities. As I read the amendment, all these functions would be drastically compromised, and with them, I think the security of the traveling public. So I'm baffled by the amendment, but I feel constrained to oppose it and urge its defeat.

I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. Mr. Chairman, I rise to reluctantly oppose the gentleman's amendment.

I appreciate that he has brought this to our attention. I just found out about the matter today. I would like to work with the gentleman from New York. However, I do have concerns about the broadness of this amendment.

The TSA surface transportation security inspectors, or TSI, provide a number of security functions agreed on as a result of consultation with the State, Federal, local, and private stakeholders. In addition, the inspectors provide the subject matter expertise for FEMA to evaluate eligibility for surface transportation security grants.

The amendment that the gentleman brings up tonight would result in laying off about 240 inspectors, which is about 60 percent of the current workforce. This would be an excessive action to address what seems to be a need to better focus on the operations of surface inspectors. It would effectively take TSA out of the surface security realm at a time when we know terrorists and those interested in attacking our mass transit and other surface modes of transportation are focused on just that, so I urge my colleagues to reject the amendment.

I yield back the balance of my time.

□ 1950

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. TURNER).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. TURNER of New York. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT OFFERED BY MR. POLIS

Mr. POLIS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. (a) Each amount made available by this Act (other than an amount required to be made available by a provision of law) is hereby reduced by 2 percent.

(b) The reduction in subsection (a) shall not apply to amounts made available for—

(1) ''Analysis and Operations'';

(2) ''United States Secret Service—Salaries and Expenses'';

(3) accounts in title III; and

(4) accounts of the Domestic Nuclear Detection Office.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Colorado (Mr. POLIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Mr. Chairman, our Nation continues to struggle under an increasing mountain of debt. My constituents sent me to Washington to do something about the budget deficit. That's why I was one of the handful of Members who voted for the Simpson-Bowles budget—the only budget, I might add, of the five budgets considered by the House of Representatives that had bipartisan support. Republicans and Democrats have voted for it. So, too, I joined my colleagues on the other side of the aisle, in some, but not all, of the across-the-board cuts and cuts that have been proposed to various agencies in different appropriations bills.

This amendment is simple. It's a straight 2 percent cut across the board to this bill, exempting counterterrorism accounts. We shouldn't choose between protecting our country and cutting wasteful government spending. This was designed to protect the most politically sensitive and important accounts in this bill, namely, FEMA and antiterrorism activities, which was, of course, the original purpose under which President Bush composed the Department of Homeland Security, and it's an area that we should not sacrifice.

My amendment is really about safeguarding the American people without continuing to squander taxpayer dollars. The best thing we can do to safeguard the American people is balance our budget. The longer we fail to take action with regard to making the necessary cuts, the more we make ourselves economically beholden to foreign countries such as China. During this time of budgetary constraints when our deficit is spiraling out of control, we need to take every opportunity to eliminate unnecessary government spending.

Now, cutting government spending is never easy. It might mean jobs in different agencies, it might mean missions that we agree or disagree on. But I think cutting $640 million from an overall bill of $46 billion is a reasonable first step.

Now, in particular, the Department of Homeland Security has significant waste and abuse that can be targeted for reduction. It's had massive failures; and in these economic times, we shouldn't continue to reward failure of an agency.

There are so many frivolous programs in the Department it's really hard to know where to begin. Now, in the 2011 report, the independent GAO suggested 11 actions that DHS or Congress could take to reduce the cost of government operations; and yet of those 11 actions, only one has been fully addressed.

Take, for example, one example from the report that GAO found is that CBP's Arizona Border Surveillance Technology Plan is not accomplishing

its goal to support Arizona border security. The GAO made three recommendations last year to the program, and DHS has not taken them into action. This year's GAO report suggests Congress should consider limiting future funding to the program until DHS can show that they have addressed the flaws and they're able to work in conjunction with Arizona border security.

We can't continue to increase funding for a Department that fails to deliver. If this Department succeeded, Mr. Chair, why do we have 10 to 15 million people in this country illegally? Is this Department making a dent in that number? I think not. Will they make less or more of a dent with 2 percent less funding? I think not. We can't afford to continue to throw money down the toilet trying to build virtual or real fences at the border that can't prevent crossing, hurting our own stalled economy trying to police our way to restore the integrity of our laws.

Look, this country needs to address our broken immigration system. There are 10 to 15 million people in this country illegally. The Department of Homeland Security has failed. They have failed. Are we going to reward failure by increasing their budget, or are we going to penalize failure? Maybe if we finally do a 2 percent cut, they'll get the message that they can't just keep telling Congress they need more money. Every agency tells Congress, we need more money, give us more money. That's why this country is in this mess.

Look, make no mistake, if my amendment passes, the bill would still appropriate tens of billions of dollars to this Department, enough to continue all necessary activities and fully continue the funding enhancements to our antiterrorist programs. But it's imperative to the future of this country that we take real action to achieve fiscal sustainability and spur economic growth. We can take that first step today—and I've joined my colleagues on the other side of the aisle in support of similar amendments in the past with regard to different appropriations bills—by reducing government spending in this bill.

I urge my colleagues on both sides of the aisle to vote for my amendment.

Mr. DICKS. Will the gentleman yield?

Mr. POLIS. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman has 15 seconds remaining.

Mr. POLIS. I yield the final 15 seconds to the gentleman from Washington.

Mr. DICKS. The only thing I would say to my friend is, if you know where all these programs are, you ought to cut the programs and not do an across-the-board cut. That is the easy way out.

Mr. POLIS. Reclaiming my time, I thank the gentleman. I urge support of the amendment, and I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I claim time in opposition.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. Mr. Chairman, I rise in opposition because the amendment would slash critical funding for our Nation's homeland security. For the third fiscal year in a row, this bill that we have before us accomplishes a dual goal that we have constantly worked on—fiscal discipline and necessary funding for the homeland security needs of this country.

The bill reduces the departmental management by $191 million, or 17 percent, below the request and $71 million below last year. It demands efficiency from all agencies, including an overall reduction of the TSA of $147 million, or 3 percent. It cuts programs that are not performing and reduces bureaucratic overhead.

The Department is an Agency of 230,000 employees with an absolutely critical Federal mission. So I would urge my colleagues to join me in opposing this amendment.

I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, our colleague from Colorado is a persistent critic of the Department of Homeland Security, and I think often his criticisms have force—for example, his remarks a few moments ago on the unneeded so-called ''sanctuary cities'' amendment. This amendment, though, I believe is an overreach, is indiscriminate, and I do feel constrained to oppose it. It would reduce funding for every frontline agency within the Department of Homeland Security by 2 percent.

The bill already includes a 1 percent reduction for the budget request, and it reflects the third year in a row that funding for the Department of Homeland Security has decreased. I think this amendment would do damage to our security. If this reduction were adopted, critical programs such as border security, immigration enforcement and transportation security would no longer be shielded from ill-advised cuts throughout the bill.

The reduction would require the Department to lay off crucial staff we've hired over the past 3 years, including more Border Patrol Agents, CBP officers at the ports of entry—and many of those ports of entry are already backed up—ICE investigators along the Southwest border, and Coast Guardsman who work on environmental efforts such as oil spills.

This reduction would also mean the Department would need to abandon critical research and technology procurements, the science and technology program that we're painstakingly building back from unacceptably low levels in the current fiscal year. These research efforts will better protect our aviation and transit systems, and we need to continue cutting-edge research.

□ 2000

We also need to protect our national security so that we can prevent or thwart attempted attacks before they occur. As we saw just last month, terrorists remain committed to attacking the United States, our citizens, and our allies.

Finally, with this amendment, front office and management activities would also be negatively affected. Already, this bill slashes funding by 21 percent below the administration's request.

I know that's an easy target, Mr. Chairman. There's no constituency out there for good management and for necessary administrative expenses. But believe me, cutting those front offices, cutting those administrative functions does affect front line operations at the end of the day.

The Secretary and her staff have to run the day-to-day operations of the Department. They need adequate personnel, adequate staff support. The offices are already operating on fumes. This additional cut would do great damage.

So this is an amendment that I believe, despite the offerer of the amendments good intentions and his conscientious critique of certain departmental operations, I believe the amendment is overly broad, would do damage, and should be rejected.

Mr. DICKS. Will the gentleman yield?

Mr. PRICE of North Carolina. I yield to the gentleman from Washington.

Mr. DICKS. I want to associate myself with the gentleman's comments and the chairman's comments on this amendment. We're talking here about homeland security, and we have been hit before. And we can't have a meat-ax, across-the-board approach. We would certainly oppose it if the other side was attempting to do it, and we have to have the same kind of discipline on our side.

I suggest, in good faith, to the gentleman from Colorado, if you've got all these reports and all these things about various programs that aren't functioning, offer amendments on each of those programs, and then we can vote on them and make a discerning decision. But just going across the board, I think, is the easy way out, and I urge rejection of the gentleman's amendment.

Mr. PRICE of North Carolina. I thank the ranking member for his comments. I agree with them.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. POLIS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

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

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

AMENDMENT OFFERED BY MR. BROUN OF GEORGIA

Mr. BROUN of Georgia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title) add the following:

SEC. ____. None of the funds made available by this Act may be used to enforce section 44920(F) of title 49, United States Code.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Georgia (Mr. BROUN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. BROUN of Georgia. Mr. Chairman, my amendment says that no funds in the underlying bill may be used to restrict access to the Screening Partnership Program, SPP program, of the Transportation Security Administration, TSA.

SPP is a pilot program that the Federal Government is using to test privatization at certain airports. Currently, there are 16 airports that participate in this program, and a 17th airport has just recently been approved. These airports have received overwhelmingly positive reports and feedback from passengers as well as security personnel alike.

In fact, last night I was talking with my good friend, Congressman CYNTHIA LUMMIS from Wyoming, and she was telling me about the success of the Jackson Hole Airport in Jackson, Wyoming, which is part of the SPP program. Almost three-fourths of all travelers in the State of Wyoming fly in and out of Jackson Hole, and Congresswoman LUMMIS said that the screening process there is top of the line. They've not had any problems whatsoever.

You see, airports can still be effective and do their due diligence without the Federal Government directing, dictating how their security should be set up.

I understand that the language in the underlying bill attempts to make access to SPP easier. However, the purpose of my amendment is to ensure that we don't ever use funds to restrict participation in the program, and here's an example of why.

Kansas City Airport is another airport that has been testing out privatization. They've been part of SPP for a few years and have received stellar customer reviews, with no reported problems.

Recently, though, the private contractor handling the security reapplied for the SPP program, but the administration denied their application. Even worse, the administration selected a different bidder that has no experience whatsoever in airport security. I don't understand this. This makes no sense, and it's a perfect example of how the administration will shut out good private contractors in order to ensure a lasting place in the Federal Government for the TSA.

Mr. Chairman, the SPP program will not only spur our economy by creating good jobs in the private sector, but it will also relieve some of the burdensome costs that the TSA imposes on our Federal budget. I urge my colleagues to support this commonsense amendment so that we can take privatization of the TSA one step further.

I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I claim time in opposition.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. Mr. Chairman, I rise reluctantly to to oppose the amendment of my good friend from Georgia.

I do support privatized screening; however, I'm concerned how the amendment that has been proposed by the gentleman would be applied. The effect of the amendment would be to prohibit TSA from canceling a contract for cause, such as the case where a privatized screening airport fails to comply with applicable laws and security requirements.

The amendment may be intended to restrain TSA from capriciously canceling contracts, but it would go too far, and it would tie the TSA's hands.

So again, I reluctantly cannot support my colleague's amendment, and I would urge my colleagues to vote ''no.''

I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I want to associate myself with the remarks of the chairman.

I confess to some confusion as to the exact intent of the amendment. Like some earlier amendments we were dealing with, it seems to have gone through many drafts. I'm not sure if the idea is to say you can't terminate an agreement or that somehow you can't restrict access to the program. But, in any case, it seems to me the problem with this amendment is a tying of the Administrator's hands when some flexibility and some judgment is called for.

I certainly have no objections to the principle of the Screening Partnership Program. If a private company can provide screening in accordance with TSA standards and a local airport authority wants to contract with them, so be it. In fact, this bill increases funding for the SPP by $15 million over current year levels.

But to say that under no circumstances can the TSA exercise discretion in granting these contracts or continuing them, I think, really goes too far. We need standards. We need qualified professionals to screen passengers. We need for the TSA Administrator to have some flexibility to protect the flying public. So if a private company fails or doesn't meet the standards, then they shouldn't be given this contract, and we have to have the flexibility to make sure that they don't receive the contract.

So I associate myself with the position of the chairman, and urge rejection of the amendment.

I yield back the balance of my time.

□ 2010

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROUN).

The amendment was rejected.

AMENDMENT OFFERED BY MR. BROUN OF GEORGIA

Mr. BROUN of Georgia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used for Behavior Detection Officers or the SPOT program.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Georgia (Mr. BROUN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. BROUN of Georgia. My amendment eliminates all funding for the behavior detection officers and for the Screening of Passengers by Observation Techniques program, better known as the SPOT program.

The SPOT program trains TSA behavior detection officers to monitor regular airline passengers for stress, fear, or deceptive behavior. The officers then are supposed to put any passengers who exhibit terrorist-like behaviors, such as stress, fear, and deceptive behavior, through a more rigorous screening process.

This seems to be reasonable, but actually, Mr. Chairman, it is laughable. These agents go through very minimal training, and they are hardly qualified to delve into the psychology of a possible terrorist.

This program was modeled after a very effective one used in Israel, but their agents go through a very extensive program of preparation for this line of work. Plus, they focus on a handful of airports in Israel as opposed to the hundreds that we have to worry about here in the United States. Moreover, almost any passenger having a bad day could be deemed a terrorist under the list of emotions that the agents are supposed to take note of. We've all stood in line and have seen the awkward, invasive pat-downs that many innocent passengers have to endure. Many of us have seen the crying children or elderly grandmas who suffer through these embarrassing protocols as we try to get through security. It has got to stop.

I would also like to point out that the SPOT program costs us a quarter of a billion dollars to operate annually, and it will require more than $1.2 billion over the next 5 years. We don't have that kind of money to spend on a program that just simply does not work. Believe me, it doesn't work.

The Government Accountability Office has found that 17 known terrorists, all who are on the No Fly List, have been able to board airplanes over 24 different times from eight different SPOT-certified airports. There are 17 terrorists on the No Fly List who have boarded airplanes at least 24 times at eight different SPOT-certified airports. In fact, the GAO also found that not one terrorist—not one—has been caught by the SPOT program. The program has not been scientifically validated anyway.

Mr. Chairman, that alone is enough to convince me that the SPOT program is a waste of our time, a waste of our money, and is flat out not working. So let's get rid of it and, instead, invest our resources in intelligence and in technologies that help us catch terrorists before they ever step foot inside an airport in the first place.

I urge my colleagues to support this amendment, and I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. I do appreciate the gentleman's oversight concerns and his suggestions on how we can make this a better program. However, behavior detection officers are actually a meaningful layer of our Nation's risk-based approach to security.

While there have been questions about the overall size of the program and the science behind it, this committee has continued to address any concerns through robust oversight. I would welcome the opportunity to work with the gentleman from Georgia on how we might address these concerns, but this does not mean that we should completely destroy a program that is designed to counter new and evolving tactics being developed by terrorists and our adversaries as we speak.

As recently as last month, after a foiled terrorist plot that originated in Yemen, we learned that our enemies are still actively plotting to hit our aviation sector. These operatives are devising new methods for attacking this Nation, and some of them are more difficult to detect using the traditional screening methods that we normally see in the airports. This is where the behavior detection officers come into play. These officers serve as additional layers, as I mentioned, of defense to root out these adversaries who would try to slip through our defenses.

This committee will continue to make sure that the BDO program is rightly sized and that the Department validates the science behind it. It is something that we have certainly focused on this year and that we need to continue to focus on. Again, cutting the entire program would be irresponsible and would open up holes in our Nation's security posture, particularly in light of the continued attempts to attack our Nation's transportation system.

I would urge my colleagues to oppose the amendment, and I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. I would associate myself with the words of the chairman and also oppose this amendment.

The behavior detection program utilizes specially trained individuals to identify potentially high-risk passengers. It's not a new or a novel idea. In fact, it has been a cornerstone of the Israeli Government's aviation security for many years. Administrator Pistole, a man who has spent his entire professional career dedicated to protecting this country, does believe in this program. He is also attempting to refine it and to utilize it to its fullest potential.

Our committee has resisted greatly expanding the program. In fact, we don't fund the administration's request for an additional 75 officers, and we do reduce the funding by $7 million. The program is important. It is part of a layered system of security, so it would, I think, not be wise to eliminate the program altogether. I think it would be unsafe, in fact, so I urge the rejection of the amendment.

Mr. DICKS. Will the gentleman yield?

Mr. PRICE of North Carolina. I yield to the gentleman from Washington.

Mr. DICKS. In my own State of Washington, we had Ahmed Ressam, the millennium bomber. He came across from Victoria on a ferryboat, and as he was going through the search procedures, he showed anxiety. Because of that, he was sent over for a secondary screening. He got out of his car and ran, and he was captured, actually, by former prosecutor Dan Clem from Kitsap County, my home county. This is an example. This was a guy who was going to go to Los Angeles and blow up Los Angeles' LAX Airport. Because of his behavior and the alertness of the officers to know that this person was showing signs of anxiety, we were able to thwart that.

So I'm with the chairman and the ranking member here. Let's not do something precipitous. Let's defeat, as we always do, the gentleman's amendment.

Mr. PRICE of North Carolina. I yield back the balance of my time, Mr. Chairman.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROUN).

The amendment was rejected.

AMENDMENT OFFERED BY MR. CRAVAACK

Mr. CRAVAACK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used in contravention of section 236(c) of the Immigration and Nationality Act (8 U.S.C. 1226(c)).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Minnesota (Mr. CRAVAACK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

□ 2020

Mr. CRAVAACK. Mr. Chairman, I rise to offer an amendment to the fiscal year 2013 Homeland Security appropriations bill to prohibit Immigration and Customs Enforcement, ICE, from using taxpayer dollars to process the release or administer alternatives to detention to illegal immigrants who commit a crime in violation of section 236(c) of the Immigration and Nationality Act.

Importantly, this section requires the U.S. Government to detain illegal aliens who have committed serious crimes until the illegal alien is deported to their home country. For example, section 236(c) would require ICE to detain an alien that committed murder until the alien is deported.

I think this is a very commonsense provision. In fact, my opinion is that criminal illegal aliens shouldn't be in the United States in the first place, but that's a debate for another day.

Make no mistake, I believe that the vast majority of ICE employees are great Americans, and I personally appreciate the work they do to ensure the Nation remains a nation founded under the rule of law. However, ICE does not always operate in accordance with section 236(c). For example, ICE has allowed criminal illegal aliens who are waiting for a deportation hearing to leave Federal detention facilities and reenter the general public if the criminal illegal alien is fitted with a GPS tracking device or regularly checks in with an ICE supervisor. This is very troubling to me, Mr. Chairman.

In August 2010, ICE policy for releasing dangerous criminal aliens proved deadly. According to a Freedom of Information Act report, illegal alien Carlos Montano was sentenced to over a year in jail for a second DUI and was released from ICE custody wearing only a GPS tracking device. This is in direct violation of section 236(c) and is a violation that had tragic consequences. On August 1, Montano got drunk, got behind a wheel, and collided head on with a vehicle carrying three nuns. The head-on collision killed 66-year-old Sister Jeanette Mosier of Virginia.

To protect innocent citizens from criminal illegal aliens, I firmly believe we need to enforce our immigration laws, especially section 236(c). Mandating the detention of dangerous criminal illegal aliens is plain common sense.

Last year, this amendment overwhelmingly passed the House in a bipartisan vote, but the provision was stripped out in conference. So I'm offering the amendment again this year.

I urge my colleagues to support this amendment.

Mr. ADERHOLT. Will the gentleman yield?

Mr. CRAVAACK. I yield to the gentleman from Alabama.

Mr. ADERHOLT. I would like to say that we would agree with the gentleman from Minnesota's amendment and would support it and think it's a good idea.

Mr. CRAVAACK. I thank the gentleman.

And I also believe that this is a good use of taxpayer dollars. I do not believe in releasing illegal immigrants that commit serious crimes.

With that, I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I have read this amendment carefully, and we dealt with it, as colleagues may remember, on the floor last year.

The gentleman offering the amendment says it does nothing but restate existing law, but, at a minimum, it sends a strong anti-immigrant message.

The gentleman says the amendment prohibits the use of funds by ICE to process the release of illegal immigrants to administer alternative forms of detention to immigrants who have committed crimes which supposedly mandated incarceration. If we're following the existing law, I don't understand the need for this language, the need for this amendment.

Mr. CRAVAACK. Will the gentleman yield?

Mr. PRICE of North Carolina. I yield to the gentleman from Minnesota.

Mr. CRAVAACK. Sir, ICE is not following existing law, and this would prohibit the funds to ensure that those funds would not be used to allow illegal immigrants that have committed heinous crimes to be readmitted back into the public for any reason.

Mr. PRICE of North Carolina. If ICE is not enforcing existing law, then ICE needs to be brought into line. But this amendment, you're saying, does not add to existing law.

Mr. CRAVAACK. Will the gentleman yield?

Mr. PRICE of North Carolina. Yes.

Mr. CRAVAACK. This would prevent illegal aliens from being released back into the general public that have committed crimes either on a bracelet or by ''checking in'' with their ICE supervisor.

Mr. POLIS. Mr. Chairman, will the gentleman yield?

Mr. PRICE of North Carolina. I yield to the gentleman from Colorado.

Mr. POLIS. I thank the gentleman for yielding.

This amendment highlights the flip side of this issue in some alternate reality university.

There is a real issue with detention. The issue is not that criminal aliens are being released. They are not. The real issue is we're continuing to pay for the ongoing and indefinite detention of noncriminal aliens at a great cost to taxpayers. We're putting illegal immigrants who have committed no crime—may have violated our civil code—up at detention facilities to the tune of $120 a night when alternatives to detention, proven effective, cost $15 to $20 a night. It's like some alternate reality.

There is a real problem. It's not that criminal aliens are being released. They're not. By the way, if they are, then we need to focus on detaining criminal aliens. There's no disagreement in this body. But why are the noncriminal aliens caught up in this net?

At our detention facility of ICE in Aurora, which is outsourced to a private provider, it's only 40 percent of the detainees that are criminal aliens and 60 percent that are not. Why aren't we talking about saving money, spending $15 or $20 instead of $120 per night putting illegal immigrants up at expensive hotels? Why aren't we talking about that? This is like some alternate reality that I simply can't understand.

The amendment doesn't do anything. We're not releasing criminal aliens nor should we. Nobody thinks we should.

Mr. PRICE of North Carolina. Reclaiming my time, Mr. Chairman, that's the point. There is no evidence that the gentleman has presented or that I've seen that ICE is, in fact, releasing or holding in alternatives to detention people who, according to the law, should be detained. The law is what it is. This amendment does not add or subtract to the law. It clearly insinuates that things are going on that we have no evidence that are occurring. For that reason alone, it seems redundant on one level, but has a misleading and hostile message on the other. I urge its rejection.

ICE isn't pursuing alternatives to detention in cases where they shouldn't be doing so. I see no evidence for that. In fact, I think alternatives to detention often are useful and certainly more cost effective, and the absconding rate is very low. If we have people who should be detained, then of course we should detain them. But the notion that ICE is not doing that, that ICE is pursuing these other alternatives with people who really shouldn't have access to them, is not accurate. For that reason, I urge rejection of this amendment.

I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. I yield to the gentleman from Minnesota.

Mr. CRAVAACK. Mr. Chairman, I don't know what alternate reality they're speaking of. I'm speaking of the reality of this world. I'm speaking of Mr. Montano, who got drunk and got behind a wheel of a car because he is on a GPS tracking device after committing a heinous crime and being tracked, supposedly, by ICE.

□ 2030

I'm taking about illegal aliens that are let into our society, and the majority of whom don't come back to their supervisor, but they also just disappear into the fabric of the country. That's the reality that I'm speaking of to protect the American public from illegal aliens that are illegally in the United States that have created a heinous crime against Americans. This is the reality that I'm speaking of.

This law will defund ICE to ensure that illegal aliens that have committed heinous crimes that are not deported back into their home countries are kept detained until such time as they are deported or remain in custody.

Mr. ADERHOLT. I yield back the balance of my time.

Mr. DICKS. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I yield to my good friend from Colorado. He will tell us more about the alternate reality, I think.

Mr. POLIS. I thank the gentleman from Washington.

Look, if criminal aliens are not being detained in accordance with the law, simply restating the law won't change that.

Again, what's happening today is noncriminal aliens are being detained. What does that mean? It means that mothers are torn from their sons. It means that fathers are torn from their daughters. It means that spouses and families are torn apart across our country who have not committed any crime.

Now, criminal aliens represent a significant percentage of the illegal immigrants in detention. We all agree that they should be detained. We're not talking about paroling, we're not talking about alternative detention for criminal aliens.

Now, how could we address this problem in a real way, in the real world, to ensure that we have enough beds to contain criminal aliens? The best way to do that is not detain noncriminal aliens. Then we have enough beds, we have enough security. We save money, and we can make darn sure that criminal aliens aren't exempted from detention.

Let's talk a little bit about Colorado. At our Aurora detention facility, we have about 450 beds. Now, we have more demand than that; and like in many States, our county jails are used as detention facilities.

Now, the counties are reimbursed by the Department of Homeland Security. By the way, it's another Federal bailout of the prison industry. Many of them are private prisons. But, again, our Federal Government is paying $120 a night, $150 a night, $100 a night for the detention of noncriminal aliens.

If people are being let go because there is no room for them, it's because we're filling the cells with innocent mothers, with innocent children, with families being torn apart. That's the only reason I could think of why anybody who has committed a crime might be let go.

Look, if we're serious about making sure that anybody who represents a threat to our society is detained until they are deported or sentenced, we need to do something about noncriminal aliens and make sure that we can fully embrace the successful alternatives to detention, which not only allow families to be together, parents to be with their kids, parents to participate in school conferences, parents who participate in making sure that their kids have food on the table, but also save taxpayer money and keep those beds open for criminal aliens about whom there is no disagreement whatsoever, who should remain safe from society and be kept behind bars.

This amendment restates something which already is the law and is not an actionable change. If we want to make an actionable change, I would be happy to work with my friend to do so to make sure these beds aren't being taken up by noncriminal aliens and that we could aggressively pursue alternative detention for those who have not committed any crimes in this country and whose only violation is a civil violation.

There is a legitimate issue here. We want to make sure that criminal aliens are detained and deported. There is no disagreement about that.

To do so, rather than simply restating something that's obvious and already the case, we should move forward in making sure that we target our resources. We target our limited resources after criminal aliens rather than the vast majority of our illegal population, which is engaged in a civil violation but are not threats to society.

We're talking about people that are important to our economy and important to our communities, the fabric of our communities. We're talking about the president of the student body in a high school in my district who happens to lack documentation. We're talking about families that play important economic roles in our district in agriculture, in service industries, across various sectors. We're talking about consumers in our stores, driving the demand and driving support for job creation in the middle class.

Are there people who are a threat to society? Yes. Some are Americans, some are green card holders, some are here illegally. I think across the board we agree that those who are a threat to society need to be removed from society as expeditiously as possible.

We can do so more expeditiously and more efficiently if we can reform our detention system to make sure that we're not catching all the noncriminal aliens up in the system because they happen to be in the wrong place at the wrong time.

Mr. DICKS. Reclaiming my time, do you think they deserve a trial? Do these people deserve a trial.

Mr. POLIS. Absolutely, they deserve a trial.

Mr. DICKS. I mean, there has to be some kind of legal process.

Mr. POLIS. That's right. The way that they do this in our Aurora detention facility, they have criminal aliens who wear a red jump suit. Noncriminal aliens wear a yellow jump suit. So they wear different jump suits. They're in different areas of the detention facility, in part because we don't want the criminal element, including some gangs, to corrupt or taint the noncriminal aliens that are there too. They are separated out.

But we're paying 120 bucks a night for all of them. Why not focus that enforcement effort on the criminal element to detain and deport them, rather than separating and stripping the mothers of their child?

I oppose the amendment.

Mr. DICKS. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. CRAVAACK).

The amendment was agreed to.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, at this time I would like to yield to our colleague from the authorizing committee, the gentlelady from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the ranking member and the ranking member of the full committee and ranking member of the subcommittee for their courtesies, and I think clearly over this process that we've had an opportunity, as authorizers, to work with our friends on the Appropriations Committee.

I wanted to have the opportunity to share what I think is important information, an amendment that I believe and hope that the policy aspect of these amendments we can work together in conference to ensure we've come to a meeting of the mind.

I look forward to working with the conferees and working with the Senate to make some corrections. Last evening, my amendment to help to restore the mission of FAMs was, in essence, an amendment that needs to be clarified. I again rise with the policy amendment that would help FAMs, the Federal Air Marshals, which I think I could poll any American and ask them the question as to whether or not Federal Air Marshals are, in fact, a crucial element of our security.

Today in our hearing, Administrator Pistole, in a direct question that I asked of him as to whether a $50 million reduction would reduce the mission and the security aspect of the Federal Air Marshals, his emphatic answer was, yes, that is what is happening.

I think that we should streamline and be efficient, but my amendment that we were hoping that would be discussed was an amendment to restore the $50 million. It should be noted that this was taken from $5 billion, and many Members thought we were, in essence, drawing resources that were taken away from a small pot; but of $5 billion, we are simply asking that 50, 51 would be taken out to restore the mission of FAMs and to respond to concerns about cabin security.

Mr. Chair, I rise today to offer my amendment 404 to "the FAMS Appropriation in Fiscal Year (FY) 2013." The House Report has recommended reducing the FAMS budget by $50 million. It is my sincere belief that this is a detrimental mistake. This recommendation ignores FAMS' integral part in the homeland security mission. If FAMS loses $50 million to its budget it will result in the virtual shut down of the FAMS program.

Flight coverage is controlled by two outstanding factors: the number of FAMs available and the Mission Travel Budget which includes hotel and per diem costs. These constraints directly impact FAMS ability to perform optimally. They are outlined in the FAMS risk-based concept of operations (CONOPS). International flights are the highest risk followed by large plane and long haul flights.

With the reduction, FAMS will be forced to choose whether domestic or international flight coverage will be decreased. If domestic flights are maintained, then international flight coverage must be cut by 20 percent. Keep in mind that as I stated, international flights are the highest risk operations. By contrast, if international flights are maintained, domestic flight coverage must be cut by as much as 30 percent. This domestic reduction does not take into account the 10 percent decrease noted in the President's proposed budget. In total, FAMS domestic coverage will face a crippling 40 plus percentage reduction that FAMS has not experienced since Christmas Day 2009. I mention this date because on Christmas Day in 2009, a failed attack forced Congress to increase FAMS' size to cover both domestic and international flights. It was clear then that Congress recognized flight vulnerabilities that have since been all but forgotten. While we believe that we cannot afford the FAMS budget, what we truly cannot afford is a successful attack to our security.

It is important to note that FAMS is exploring alternative cost saving efforts. FAMS plans to extend its current hiring freeze into FY 2013 as mandated by the President's Budget. The reduction combined with limited employees

would severely undermine FAMS mission. The hiring free will extend to administrative personnel in FY'13. FAMS will also implement a furlough of all FAMS personnel of three to five days, reduce mission coverage, assess which offices can be shut down and consider a reduction in force (RIF) to strategically reduce on-board staffing levels. In addition, FAMS will undergo a significant decline in critical operational programs including travel, information technology and logistical support.

I must stress again that any reduction to the FAMS budget goes beyond the reasonable operational abilities of this program. It will severely impact our aviation security and impede the good work and progress of this program. For these reasons and more I urge my colleagues to restore the $50 million to the FAMS budget.

AMENDMENT TO H.R. 5855, AS REPORTED

OFFERED BY MS. JACKSON LEE OF TEXAS

At the end of the bill (before the short title), insert the following:

SEC. ____. The amounts otherwise provided by this Act are revised by increasing the amount made available for ''Security, Enforcement, and Investigations—U.S. Customs and Border Protection—Salaries and Expenses'', by increasing the amount made available for ''Federal Air Marshals'', and by reducing the amount made available for ''Research and Development, Training, and Services—United States Citizenship and Immigration Services'' by $25,000,000, $25,000,000, and $50,000,000, respectively.

In addition, we have an amendment that I hope the policy of it will be moved in conference, the overall look of adding resources to the Transportation Security Administration, particularly TSA, in the amount of $50 million, that will help restore the reduced mission of the Federal Air Marshals, more training, professionalism; but there is no doubt we have to close offices, we have to furlough FAMs, and we have to be able to try to meet the concerns of, in essence, the question of cabin security.

□ 2040

It is very difficult to not have this $50 million. I am going to work with conferees, and I hope to work with the ranking member and the chairperson to see the value of providing some restoration to the FAM dollars.

Mr. Chair, I rise today to offer my amendment to H.R. 5855, Making Appropriations for the Department of Homeland Security for the Fiscal Year ending September 2012. Jackson 405 amendment will increase the budget for the Transportation Security Administration by $50 million.

The Transportation Security Administration, which was created in the aftermath of 9/11, nothing is more important to me than the safety of the traveling public. TSA, informed by the latest intelligence, researches and deploys technology and constantly evaluates and updates screening procedures in order to stay ahead of the evolving threats to aviation security.

The United States has a complex and interconnected transportation network that has developed primarily over the last 100 years, and is what makes our fast-paced lives possible. Our ability to travel efficiently from place to place and to transport materials and consumer products around the world is essential to our modern lifestyle, and to our nation's security and economic health. At the same time, our transportation infrastructure (e.g., roads, bridges, bus stations, railways and railway stations, airports, inland waterways, seaports and pipelines) is vulnerable to damage from both natural and man-made disasters.

The transportation infrastructure in the United States includes: Aviation, 5,000 Public Airports; Passenger Rail and Railroads, 120,000 Miles of Major Railroads; Highways, Trucking, and Busing, 590,000 Highway Bridges; 4,000,000 of Public Roadways; Pipelines, 2,000,000 Miles of Pipelines; Maritime, 300 Inland/Coastal Ports; Mass Transit, 500 Major Urban Public Transportation Operators.

In the event of a natural disaster or terrorist attack, damage to transportation systems can result in injury and loss of life, hamper emergency evacuation from the scene of the disaster, and inhibit rescue workers' ability to get to the scene to provide aid. Sometimes, as in the case of Hurricane Katrina, the existing transportation systems, even if undamaged, are insufficient to effectively evacuate a disaster area. Recovery from a disaster can take years and be very expensive for individuals, private companies and government agencies.

Focusing on transportation security means that we are doing what we can to predict, plan for and prevent, if possible, these catastrophic events. This includes developing resilient transportation systems, mitigating the effects of a disaster, and planning for recovery.

I ask my colleagues to join me in increasing the budget for TSA.

Also, I think it is very important on this question of Buy America, and that is legislation that requires the Department of Homeland Security funds to, in this time of unemployment, be used for American companies only. One might say we already have a Buy America. Well, let me just educate my colleagues. In the issue of screening, where there is this desire to have a Screening Partnership Program through the FAA legislation that was passed in February, the prohibition of using foreign companies to screen Americans in United States airports was removed. And so foreign companies can now be our screeners. That, of course, is a question of jobs. It is particularly a question of Federal dollars dealing with security going to foreign-owned companies.

This amendment is a crucial amendment. I wish my colleagues would have allowed it on the floor of the House. But I believe that this should be a matter taken up under the security premise as to whether or not, even if there is a provision for the Screening Partnership Program, which, again, Mr. Pistole indicated that the $15 million that was allotted out of our screening program was going to undermine the screening program, the federally based screening program, that our system should be federally focused. But if there is an SPP, if there is a Screening Partnership Program, the idea of having foreign-owned companies secure the contracts, take away American jobs, and then be screening Americans, is ludicrous at best.

I would encourage individuals that we can work together. I look forward to working together.

Mr. Chair, I rise today to offer my limitation, amendment 403 to H.R. 5855, the ''Department of Homeland Security Appropriations Act in Fiscal Year (FY) 2013.'' Under my amendment, DHS funds will only be allocated to companies controlled by U.S. citizens. In the midst of an economy that continues to maintain a high unemployment rate, it is imperative that we do everything in our power to ensure that American tax dollars support American businesses which will in turn support our citizens and our families. Private companies that perform security screenings at our U.S. airports are no different. Security protection laws and private vs. federal screening disagreements aside, we must ensure that we hire our own American companies.

Unlike other aspects of aviation security that are subject to multiple hearings before Congressional committees, there have been no hearings or findings of fact to establish the security risk of allowing foreign owned companies to perform screening at U.S. airports. Prior to this year, the Screening Partnership Program (SPP) allowed some U.S. airports to opt-out of using federal screeners. In addition, 40 U.S.C. § 44920 prohibited TSA from entering into contracts to provide private screenings of passengers and bags by any company that was not owned and controlled by a citizen of the United States. Congress changed this requirement in February with the FAA Modernization Act that included a waiver of the requirement that private screening contracts only be awarded to U.S. owned companies.

According to the Defense Security Service, a U.S. company is considered to be under foreign ownership, control or influence ''when a foreign interest has the power, direct or indirect, whether or not exercised, to direct or decide matters affecting the management or operations of the company in a manner which may result in unauthorized access to classified information or may affect adversely the performance of classified contracts.''

By allowing foreign companies to conduct security screenings at our airports, we leave ourselves vulnerable to foreign interests taking precedence in the safety of our citizens and the security of our flights.

It is no secret that aviation security in the U.S. remains a focus of Al Qaeda. In thwarting attacks, it is not enough to merely mitigate a hostile, foreign influence. Any access to intelligence, technologies, policies or procedures that could be communicated to foreign terrorists must be avoided entirely. Concerns about national security have led to tighter guidelines for federal government approval of foreign acquisitions of U.S. companies by foreign investors and the granting of federal contracts to foreign owned companies. But they neglect the other important issue at hand—the loss of opportunities for American companies.

The law establishing the opt-out program in 2001 required the head of TSA to determine there are private screening companies owned and controlled by U.S. citizens to perform screening contracts. There is no evidence of any shortage of U.S. owned security companies to perform screening when an application is granted.

We must not allow foreign owned companies to perform screening at any U.S. airport. The U.S. should not reopen itself to a risk of

lives lost and damage to the aviation industry and the U.S. economy by opening the door to the risk of another attack by Al Qaeda or any other terrorist group outside the U.S. In addition, American tax dollars should support our American businesses and our people. For these reasons and more I urge my colleagues to include my limitation amendment to the DHS appropriations bill.

AMENDMENT TO H.R. 5855, AS REPORTED

OFFERED BY MS. JACKSON LEE OF TEXAS

At the end of the bill (before the short title) add the following:

SEC. ____. None of the funds made available by this Act may be obligated for a contract entered into under section 44920 of title 49, United States Code, with a private company that is not owned and controlled by a citizen of the United States.

Mr. PRICE of North Carolina. I yield back the balance of my time.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

First amendment by Mr. KING of Iowa.

Second amendment by Mr. KING of Iowa.

First amendment by Mrs. BLACKBURN of Tennessee.

Second amendment by Mrs. BLACKBURN of Tennessee.

An amendment by Mr. SULLIVAN of Oklahoma.

An amendment by Mr. TURNER of New York.

An amendment by Mr. POLIS of Colorado.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. KING OF IOWA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the first amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 224, noes 189, not voting 18, as follows:

[Roll No. 362]

AYES—224

Adams
Aderholt
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Bilbray
Bishop (UT)
Black
Blackburn
Bonner
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lipinski
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)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Renacci
Ribble
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Roskam
Ross (FL)
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
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Yoder
Young (AK)
Young (FL)

NOES—189

Ackerman
Amodei
Andrews
Baca
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Bono Mack
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)
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Flake
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heck
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
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
Napolitano
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Richmond
Rivera
Ros-Lehtinen
Ross (AR)
Rothman (NJ)
Roybal-Allard
Royce
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
Tipton
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woodall
Woolsey
Yarmuth
Young (IN)

NOT VOTING—18

Akin
Baldwin
Bass (CA)
Bilirakis
Coble
Conyers
Filner
Griffin (AR)
Kucinich
Lewis (CA)
Marino
Myrick
Neal
Paul
Runyan
Shuler
Slaughter
Towns

□ 2107

Messrs. ISRAEL, PASCRELL, DAVIS of Illinois, and WOODALL changed their vote from ''aye'' to ''no.''

Messrs. HARPER, PEARCE, GRIMM, NUGENT, and COFFMAN of Colorado 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:

Mr. FILNER. Mr. Chair, on rollcall 362, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. KING OF IOWA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the second amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 238, noes 175, not voting 18, as follows:

[Roll No. 363]

AYES—238

Adams
Aderholt
Alexander
Altmire
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
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
Chandler
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
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
Latta
Lipinski
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)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Roskam
Ross (FL)
Royce
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)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—175

Ackerman
Amash
Andrews
Baca
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)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
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
Napolitano
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rivera
Ros-Lehtinen
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
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—18

Akin
Baldwin
Bass (CA)
Bilirakis
Coble
Conyers
Filner
Kucinich
LaTourette
Lewis (CA)
Marino
Myrick
Neal
Paul
Runyan
Shuler
Slaughter
Towns

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 2112

Mr. COLE changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 363, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted ''no.''

AMENDMENT OFFERED BY MRS. BLACKBURN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the first amendment offered by the gentlewoman from Tennessee (Mrs. BLACKBURN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 131, noes 282, not voting 18, as follows:

[Roll No. 364]

AYES—131

Adams
Alexander
Amash
Amodei
Bachmann
Bachus
Barton (TX)
Benishek
Bilbray
Bishop (UT)
Black
Blackburn
Boustany
Brady (TX)
Buchanan
Burgess
Burton (IN)
Camp
Campbell
Canseco
Chabot
Cravaack
Culberson
Davis (KY)
Duncan (SC)
Duncan (TN)
Ellmers
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Gardner
Garrett
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Harper
Harris
Hartzler
Heck
Hensarling
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan
Kinzinger (IL)
Kline
Labrador
Lamborn
Landry
Lankford
Long
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
McCarthy (CA)
McClintock
McHenry
McKinley
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Mulvaney
Neugebauer
Nugent
Nunnelee
Paulsen
Pearce
Pence
Petri
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rehberg
Reichert
Rigell
Roby
Rokita
Rooney
Roskam
Ross (FL)
Scalise
Schmidt
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Smith (NE)
Southerland
Stearns
Stutzman
Sullivan
Terry
Tipton
Walsh (IL)
Webster
Westmoreland
Wilson (SC)
Wittman
Woodall
Yoder
Young (AK)

NOES—282

Ackerman
Aderholt
Altmire
Andrews
Austria
Baca
Barletta
Barrow
Bartlett
Bass (NH)
Becerra
Berg
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Bonner
Bono Mack
Boren
Boswell
Brady (PA)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Bucshon
Buerkle
Butterfield
Calvert
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crawford
Crenshaw
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Edwards
Ellison
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Gibbs
Gibson
Gonzalez
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Hastings (FL)
Hastings (WA)
Hayworth
Heinrich
Herger
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly
Kildee
Kind
King (NY)
Kingston
Kissell
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lungren, Daniel E.
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McNerney
Meehan
Meeks
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Murphy (PA)

Nadler
Napolitano
Noem
Nunes
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Platts
Polis
Price (NC)
Quigley
Rahall
Rangel
Reed
Renacci
Reyes
Ribble
Richardson
Richmond
Rivera
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross (AR)
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuster
Simpson
Sires
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stark
Stivers
Sutton
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tonko
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
West
Whitfield
Wilson (FL)
Wolf
Womack
Woolsey
Yarmuth
Young (FL)
Young (IN)

NOT VOTING—18

Akin
Baldwin
Bass (CA)
Bilirakis
Coble
Conyers
Filner
King (IA)
Kucinich
Lewis (CA)
Marino
Myrick
Neal
Paul
Runyan
Shuler
Slaughter
Towns

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 2116

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 364, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MRS. BLACKBURN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the second amendment offered by the gentlewoman from Tennessee (Mrs. BLACKBURN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 204, noes 210, not voting 17, as follows:

[Roll No. 365]

AYES—204

Adams
Aderholt
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Benishek
Berg
Biggert
Black
Blackburn
Bonner
Bono Mack
Boustany
Braley (IA)
Brooks
Broun (GA)
Buchanan
Bucshon
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cassidy
Chabot
Coffman (CO)
Conaway
Cravaack
Crawford
Culberson
Davis (CA)
Davis (KY)
DeFazio
DesJarlais
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Eshoo
Farenthold
Farr
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Griffith (VA)
Guinta
Guthrie
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Himes
Holt
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan
Kelly
King (IA)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
Latta
Loebsack
Long
Lucas
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McDermott
McHenry
McKeon
McKinley
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pelosi
Pence
Petri
Pitts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quayle
Rehberg
Ribble
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ross (FL)
Royce
Ryan (WI)
Sanchez, Loretta
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Smith (NE)
Smith (TX)
Southerland
Speier
Stearns
Stivers
Stutzman
Sullivan
Terry
Tiberi
Turner (NY)
Upton
Walberg
Walden
Walsh (IL)
Waters
Webster
West
Westmoreland
Wilson (SC)
Wittman
Wolf
Woodall
Yoder
Young (AK)
Young (IN)

NOES—210

Ackerman
Altmire
Andrews
Baca
Barrow
Bass (NH)
Becerra
Berkley
Berman
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bonamici
Boren
Boswell
Brady (PA)
Brady (TX)
Brown (FL)
Buerkle
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Cummings
Davis (IL)
DeGette
DeLauro
Denham
Dent
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Edwards
Ellison
Engel
Fattah
Frank (MA)
Fudge
Garamendi
Gerlach
Gonzalez
Granger
Green, Al
Green, Gene
Griffin (AR)
Grijalva
Grimm
Gutierrez
Hahn
Hall
Hanabusa
Hastings (FL)
Hayworth
Higgins
Hinchey
Hinojosa
Hirono
Hochul
Holden
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
King (NY)
Kissell
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Luján
Lungren, Daniel E.
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McGovern
McIntyre
McNerney
Meehan
Meeks
Michaud
Miller (NC)
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Perlmutter
Peters
Peterson
Pingree (ME)
Platts
Price (NC)
Quigley
Rahall
Rangel
Reed
Reichert
Renacci
Reyes
Richardson
Richmond
Rivera
Rogers (KY)
Ros-Lehtinen
Roskam
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuster
Simpson
Sires
Smith (NJ)
Smith (WA)
Stark
Sutton
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tierney
Tipton
Tonko
Tsongas
Turner (OH)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watt
Waxman
Welch
Whitfield
Wilson (FL)
Womack
Woolsey
Yarmuth
Young (FL)

NOT VOTING—17

Akin
Baldwin
Bass (CA)
Bilirakis
Coble
Conyers
Filner
Kucinich
Lewis (CA)
Marino
Myrick
Neal
Paul
Runyan
Shuler
Slaughter
Towns

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 2122

Mr. COLE changed his vote from "aye" to "no."

Ms. PELOSI, Ms. LORETTA SANCHEZ of California, Ms. SPEIER, and Mr. LOEBSACK changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 365, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. SULLIVAN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Oklahoma (Mr. SULLIVAN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 250, noes 164, not voting 17, as follows:

[Roll No. 366]

AYES—250

Adams
Aderholt
Alexander
Altmire
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coffman (CO)
Cole
Conaway
Cooper
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
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
Holden
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
Lipinski
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)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
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
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
Sutton
Terry
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—164

Ackerman
Andrews
Baca
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Costa
Costello
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
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
Napolitano
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Smith (WA)
Speier
Stark
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—17

Akin
Baldwin
Bass (CA)
Bilirakis
Coble
Conyers
Filner
Kucinich
Lewis (CA)
Marino
Myrick
Neal
Paul
Runyan
Shuler
Slaughter
Towns

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 2126

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. THOMPSON of Pennsylvania. Mr. Chair, on rollcall No. 366 I inadvertently voted "no," I meant to vote "aye." Had I voted correctly, I would have voted "aye."

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 366, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. TURNER OF NEW YORK

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. TURNER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 101, noes 314, not voting 16, as follows:

[Roll No. 367]

AYES—101

Adams
Amash
Bachmann
Barletta
Barton (TX)
Benishek
Bishop (UT)
Blackburn
Brady (TX)
Broun (GA)
Buchanan
Burgess
Burton (IN)
Campbell
Cantor
Cassidy
Chabot
Chaffetz
Cravaack
DeFazio
Duncan (SC)
Duncan (TN)
Farenthold
Fincher
Flake
Fleming
Flores
Foxx
Franks (AZ)
Garrett
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Griffith (VA)
Guinta
Harris
Hartzler
Hensarling
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Issa
Johnson (IL)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Labrador
Lamborn
Lankford
Latta
Long
Luetkemeyer
Lummis
Mack
Marchant
McClintock
McHenry
McKinley
Meehan
Mica
Miller (FL)
Mulvaney
Neugebauer
Nunnelee
Pence
Pitts
Poe (TX)
Posey
Price (GA)
Quayle
Ribble
Rohrabacher
Royce
Ruppersberger
Scalise
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Smith (NE)
Southerland
Stearns
Stutzman
Turner (NY)
Walberg
Walsh (IL)
West
Westmoreland
Wilson (SC)
Woodall
Young (AK)

NOES—314

Ackerman
Aderholt
Alexander
Altmire
Amodei
Andrews
Austria
Baca
Bachus
Barrow
Bartlett
Bass (NH)
Becerra
Berg
Berkley
Berman
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Black
Blumenauer
Bonamici
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Braley (IA)
Brooks
Brown (FL)
Bucshon
Buerkle
Butterfield
Calvert
Camp
Canseco
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farr
Fattah
Fitzpatrick
Fleischmann
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Gerlach
Gibbs
Gibson
Gonzalez
Granger
Green, Al
Green, Gene
Griffin (AR)
Grijalva
Grimm
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Herger
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Hunter
Hurt
Israel
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kinzinger (IL)
Kissell
Kline

Lance
Landry
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McMorris Rodgers
McNerney
Meeks
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Murphy (CT)
Murphy (PA)
Nadler
Napolitano
Noem
Nugent
Nunes
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pearce
Pelosi
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Platts
Polis
Pompeo
Price (NC)
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuster
Simpson
Sires
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stark
Stivers
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Tsongas
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
Whitfield
Wilson (FL)
Wittman
Wolf
Womack
Woolsey
Yarmuth
Yoder
Young (FL)
Young (IN)

NOT VOTING—16

Akin
Baldwin
Bass (CA)
Bilirakis
Coble
Filner
Kucinich
Lewis (CA)
Marino
Myrick
Neal
Paul
Runyan
Shuler
Slaughter
Towns

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 2130

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 367, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. POLIS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. POLIS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 99, noes 316, not voting 16, as follows:

[Roll No. 368]

AYES—99

Adams
Amash
Barton (TX)
Becerra
Benishek
Black
Blackburn
Brooks
Broun (GA)
Buerkle
Burgess
Burton (IN)
Camp
Campbell
Chabot
Chaffetz
Cooper
Deutch
Duffy
Duncan (SC)
Duncan (TN)
Eshoo
Fincher
Flake
Flores
Foxx
Franks (AZ)
Garrett
Goodlatte
Gosar
Gowdy
Graves (GA)
Griffith (VA)
Grijalva
Gutierrez
Hahn
Hartzler
Hastings (FL)
Hensarling
Herger
Huelskamp
Huizenga (MI)
Hultgren
Hurt
Issa
Jenkins
Johnson (IL)
Jordan
Kind
King (IA)
Labrador
Lance
Lankford
Larsen (WA)
Lee (CA)
Lofgren, Zoe
Lummis
Lynch
Mack
Manzullo
Marchant
McClintock
Miller (MI)
Moran
Mulvaney
Napolitano
Neugebauer
Nunnelee
Pastor (AZ)
Pence
Petri
Pitts
Poe (TX)
Polis
Pompeo
Price (GA)
Quayle
Ribble
Rigell
Rohrabacher
Royce
Ryan (WI)
Schilling
Schweikert
Scott (SC)
Scott, Austin
Serrano
Sessions
Speier
Stearns
Stutzman
Tiberi
Upton
Velázquez
Walberg
Walden
Walsh (IL)
Wilson (SC)
Woodall

NOES—316

Ackerman
Aderholt
Alexander
Altmire
Amodei
Andrews
Austria
Baca
Bachmann
Bachus
Barletta
Barrow
Bartlett
Bass (NH)
Berg
Berkley
Berman
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bonamici
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brown (FL)
Buchanan
Bucshon
Butterfield
Calvert
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Edwards
Ellison
Ellmers
Emerson
Engel
Farenthold
Farr
Fattah
Fitzpatrick
Fleischmann
Fleming
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Granger
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Grimm
Guinta
Guthrie
Hall
Hanabusa
Hanna
Harper
Harris
Hastings (WA)
Hayworth
Heck
Heinrich
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Hunter
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Keating
Kelly
Kildee
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Lamborn
Landry
Langevin
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Long
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Maloney
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (NC)
Miller, Gary
Miller, George
Moore
Murphy (CT)
Murphy (PA)
Nadler
Noem
Nugent
Nunes
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Paulsen
Pearce
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Platts
Posey
Price (NC)
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Richardson
Richmond
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Sensenbrenner
Sewell
Sherman
Shimkus
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stark
Stivers
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tierney
Tipton
Tonko
Tsongas
Turner (NY)
Turner (OH)
Van Hollen
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wittman
Wolf
Womack
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—16

Akin
Baldwin
Bass (CA)
Bilirakis
Coble
Filner
Kucinich
Lewis (CA)
Marino
Myrick
Neal
Paul
Runyan
Shuler
Slaughter
Towns

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 2133

Messrs. GARRETT and KING of Iowa changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 368, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Department of Homeland Security Appropriations Act, 2013".

Mr. ADERHOLT. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr.

REED) having assumed the chair, Mr. GINGREY of Georgia, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5855) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2013, and for other purposes, directed him to report the bill back to the House with sundry amendments adopted in the Committee of the Whole, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Under House Resolution 667, 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. TIERNEY. Mr. Speaker, I have a motion to recommit at the desk.

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

Mr. TIERNEY. I am opposed in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Tierney moves to recommit the bill H.R. 5855 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment:

Page 19, line 18, after the dollar amount insert ''(reduced by $16,630,000)''.

Page 32, line 16, after the dollar amount, insert ''(increased by $16,630,000)''.

Page 39, line 20, strike ''$150,000,000'' and insert ''$490,300,000''.

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

Mr. TIERNEY. Mr. Speaker, tonight I rise to offer the final amendment. I want to be clear that this is a final amendment to the bill. It will not kill the bill, nor will it send it back to committee. If it's adopted, the bill will be voted on immediately as amended.

Let me start by saying that it's unfortunate that the House Republicans unilaterally reneged upon the agreed upon discretionary caps that were established by the Budget Control Act. Their doing so—just to finance more tax cuts for people that were already tremendously well-off—has resulted in the Appropriations Committee having to absorb $19 billion in reductions below the Budget Control Act. So I recognize, Mr. Speaker, that subcommittee Chairman ADERHOLT and Ranking Member PRICE did the very best that they could with this bill given the subcommittee's allocation. Nevertheless, I offer this final amendment that focuses on two important areas: combating the increasing cyberthreat facing this country and protecting our urban areas from terrorist threats.

This week's Washington Post pointed out that in recent years, there have been numerous revelations about how the unknown vulnerabilities of our networks and cyberinformation were used to break into systems that were assumed to be secure.

□ 2140

One came in 2009 targeting Google, Northrop Grumman, Dow Chemical and hundreds of other firms when hackers from China penetrated the targeted computer systems. Over several months, the hijackers siphoned off oceans of data, including the source code that runs Google systems. According to the same article, another attack last year took aim at cybersecurity giant RSA, which protects most of the Fortune 500 companies.

But it's not only a problem for the largest companies. In fact, according to Reuters, 40 percent of all the targeted Internet attacks are directed toward more vulnerable companies with fewer than 500 employees.

Mr. Speaker, I expect the chairman will defend this bill's investments in cybersecurity and, again, I appreciate that. He did what he could do, and we should be doing more. While we spend more than China, Russia, and the next eight countries combined ensuring that our military superiority is intact, we have not taken that same sense of purpose to cybersecurity.

My amendment does precisely that, adding $17 million in new funding to the National Protection and Programs Directorate for additional cybersecurity personnel, including training and education opportunities to grow the future cybersecurity workforce. With repeated and increasingly dangerous threats to our Federal and private cybernetworks, it's critical that we have staff with the utmost up-to-date training and skills to address these threats.

The final amendment also increases the bill's investment in Urban Area Security Initiative grants from $150 million to $490.3 million. This will not take money away from anybody; it just reallocates the distribution. This is the amount Secretary Napolitano devoted to the Urban Area Security grants in 2012. As my colleagues know, these grants are intend to protect the highest risk and highest density urban areas from terrorist threats. These grants have been substantially reduced under the Republican majority, and these reductions have put our Nation's most populated areas at greater risk.

With that, Mr. Speaker, I yield to my colleague from New York.

Mrs. LOWEY. While I appreciate language in the bill set aside for high threat areas, I fear that it's simply insufficient to combat the threats we know are facing our most populated cities.

This motion simply raises the floor that must be spent protecting our major population levels to be equal to current levels. The amount of money dedicated to urban areas has dropped from $887 million in 2010, $725 million in 2011, to now under $500 million, yet the threats we face have not diminished.

I thank the gentleman for offering this motion and yielding, and I urge my colleagues to vote to protect our critical population and economic centers.

Mr. TIERNEY. Reclaiming my time, Mr. Speaker, this final amendment improves the underlying bill and hopefully will garner bipartisan support. Let's take these additional threats to combat cyberthreats, but step up our efforts to protect our urban areas from terrorist threats. Please support the motion to recommit.

With that, I yield back the balance of my time.

Mr. ADERHOLT. Mr. Speaker, I rise in opposition to the motion.

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

Mr. ADERHOLT. Mr. Speaker, this bill is already robust on cybersecurity. It provides a substantial increase in every cybersecurity program across the Department.

Furthermore, this bill already does more for grants to high-risk areas than any previous DHS appropriations bill, and we increase grants by more than $400 million. Let me repeat that: By more than $400 million we increase grants.

In short, this motion is not needed. This bill cuts spending overall, but it also fully sustains all frontline and high-risk operation. It is a balanced bill. It is a disciplined bill. It is a bill worthy of support.

Mr. Speaker, it's time to vote. It's time to meet our Nation's needs for security and fiscal restraint. I urge my colleagues to reject this unnecessary motion and to enthusiastically support this bill.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

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

A recorded vote was ordered.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for the electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 165, noes 251, not voting 15, as follows:

[Roll No. 369]

AYES—165

Ackerman
Altmire
Andrews
Baca
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
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)
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Olver
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—251

Adams
Aderholt
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carney
Carter
Cassidy
Chabot
Chaffetz
Chandler
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
Heinrich
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
LoBiondo
Loebsack
Long
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
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
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—15

Akin
Baldwin
Bilirakis
Coble
Filner
Kucinich
Lewis (CA)
Marino
Myrick
Neal
Paul
Runyan
Shuler
Slaughter
Towns

□ 2159

Mr. CARNEY 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 369, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted ''aye.''

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 234, nays 182, not voting 15, as follows:

[Roll No. 370]

YEAS—234

Adams
Aderholt
Alexander
Altmire
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Berkley
Biggert
Bilbray
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
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
Heinrich
Hensarling
Herger
Herrera Beutler
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Keating
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
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)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—182

Ackerman
Amash
Andrews
Baca
Bass (CA)
Becerra
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Burgess
Butterfield
Campbell
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Duncan (TN)
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Flake
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kaptur
Kildee
Kind
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)

Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lummis
Lynch
Maloney
Markey
Matsui
McClintock
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Nadler
Napolitano
Olver
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Sensenbrenner
Serrano
Sewell
Sherman
Sires
Smith (WA)
Speier
Stark
Stearns
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—15

Akin
Baldwin
Bilirakis
Coble
Filner
Kucinich
Lewis (CA)
Marino
Myrick
Neal
Paul
Runyan
Shuler
Slaughter
Towns

□ 2207

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 370, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed rollcall vote Nos. 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, and 370. Had I been present, I would have voted "aye" on rollcall vote Nos. 360, and 369. Had I been present, I would have voted "no" on rollcall vote Nos. 358, 359, 361, 362, 363, 364, 365, 366, 367, 368, and 370.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
*Washington, DC, June 7, 2012.*

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

DEAR MR. SPEAKER: Pursuant to the permissions granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 7, 2012 at 6:08 p.m.:

That the Senate passed S. 3261.

That the Senate passed without amendment H.R. 5883.

That the Senate passed without amendment H.R. 5890.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

□ 2210

## MOTION TO INSTRUCT CONFEREES ON H.R. 4348, SURFACE TRANSPORTATION EXTENSION ACT OF 2012, PART II

Mr. BROUN of Georgia. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Broun of Georgia moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4348 be instructed to insist on provisions that limit funding out of the Highway Trust Fund (including the Mass Transit Account) for Federal-aid highway and transit programs to amounts that do not exceed $37,500,000,000 for fiscal year 2013.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Georgia (Mr. BROUN) and the gentleman from Oregon (Mr. DEFAZIO) each will control 30 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. BROUN of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we all know that our country is facing an unprecedented fiscal emergency. We're broke as a Nation. While a number of us believe that the Federal Government's spending must be limited from the very start, it's clear to most of us here that any spending that we do must be offset. We cannot continue to build debt for our children and our grandchildren.

In most cases, when we wish to increase spending, we are presented with a very difficult choice: whether to increase taxes, as some would have us to do, or reduce spending in other areas of the Federal Government. But the case before us today, the Federal highway system, is different from most Federal programs.

Much of the spending in the underlying bill is filtered through the highway trust fund, which was built on a unique principle of ''user pays.'' Unlike most government programs which rely on general tax revenues, the programs which provide for new roads and highway improvements are paid for by highway users through the 18.4 cents per gallon gas tax. It isn't a perfect system, but it was created with a built-in accountability measure in mind: that the highway trust fund may only give out in obligations the amount in which it takes in through gas tax revenues.

Until recently, this principle worked relatively well. But increasing construction costs, stricter federally mandated fuel efficiency standards, and a reluctance to increase the gas tax—especially during an economic downturn—have led to a decrease in the highway trust fund's purchasing power.

None of these problems should have been a surprise to Congress, Mr. Speaker, as many of them were direct results of actions taken by this body. Nevertheless, these obstacles should have led us to some sort of congressional action in order to keep the highway trust fund—and the Federal highway programs as a whole—solvent.

So what did Congress do? Did we increase the gas tax? Did we reverse the fuel efficiency standards? Did we reorganize any of the programs or do anything to encourage the production of cheaper fuel here in the U.S.? No, absolutely not. When faced with the threat of bankrupting the highway trust fund in 2005, Congress did nothing to rein in spending or increase revenues. Instead, Congress passed the SAFETEA–LU law, which was the biggest, most expensive transportation authorization in history. Not surprisingly, by 2009, the highway trust fund was broke. Since then, we've passed three separate bailouts of the highway trust fund totaling nearly $30 billion.

Mr. Speaker, I fear that the bill which is currently in conference will only lead to more of the same of that deficit spending. My fear is supported by numbers from the Congressional Budget Office which show that for each of the next 2 years, there is a projected $8 to $9 billion gap between the likely revenues and the expected outlays within the highway trust fund.

It is important to note, however, that these estimates are developed using current budgetary conditions. This means that changes could be made during the conference which would prevent this shortfall from happening again.

One approach which has been embraced by many Members is to tie U.S. energy production to highway financing. On its face, this approach looks like a win-win solution to both drive down gas prices and allow for increased investment in transportation infrastructure.

While I support language to authorize the Keystone pipeline and other domestic energy projects, I must caution my colleagues about combining such initiatives to pay for a transportation authorization. There are many regulatory hurdles that these projects must cross, as well as litigation, before they come to fruition. I don't agree with these burdens, but they are a reality. Even in the best case scenario, it will be years before we see any profits from Keystone or any energy development that many of us would like to see us undertake.

Indeed, using potential energy production to pay for other priorities is not new in this body. In fact, the House has voted to allow development of the resources in the Arctic National Wildlife Refuge more than 10 times since 1995. But as many of us know, policies that are passed here in the House, or even in both bodies, do not always take effect as intended.

While I agree that our Nation's infrastructure needs significant help, we simply cannot allow ourselves to spend billions of dollars that we simply don't have based on the promise of potential,

unrealized energy revenues. That's why I have brought this motion to the floor tonight.

My motion to instruct would restore the inherent limits which were built into the highway trust fund originally. It would ask that the conferees only obligate funds which are equal to what the Congressional Budget Office projects that the government will take in via the Federal gas tax over the course of fiscal year 2013.

If my language were added to the bill, it would return discipline to a broken program until either additional real revenue becomes available or policy changes are made which would relieve the pressure on the highway trust fund.

We are in a fiscal crisis, Mr. Speaker. As a House Member, when I evaluate legislation, I ask myself four questions. The first, is it right? Is it moral? The second, is it constitutional according to the original intent of the Constitution? The third, is it needed? And the fourth, can we afford it?

Given what the conferees are working with, I can't sign off on that last question. It is simply not affordable.

We cannot continue to create more debt. And I'm not the only one who feels that way, Mr. Speaker. In fact, likewise, just 2 days ago, the U.S. Chamber of Commerce sent a letter to House Members earlier this week expressing its fear of an ''impending fiscal cliff.'' In part, the letter states that:

> America is accelerating toward a fiscal cliff while at the same time Congress and the President are ignoring a growing long-run fiscal imbalance.

Mr. Speaker, it seems clear to me that passing the motion before us here today would be an important step towards reining in spending and allowing us to step back from the precipice on which we find ourselves, a precipice of total economic collapse of our Nation.

Unfortunately, as with every other issue, the debate over transportation spending has become ''cuts for thee, but not for me.'' The time for such games has ended. My motion would attempt to rein in Federal spending and hold us to our honest limits for now. And if the best case scenario presents itself down the road, all the better.

I urge my colleagues to support this motion, and I reserve the balance of my time.

□ 1020

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I might consume.

Well, here we are in the dark of the night, voting on what is really, for the most part meaningless, which is a motion to instruct conferees, which is nonbinding. But in this case, since this might indicate the intent of the majority, should this motion prevail, this is a very significant discussion of the future of our country.

Now, the gentleman talked about runaway spending, and we have some substantial agreement there. I was the lead Democratic sponsor on a balanced budget amendment which would force us to agree on ways to move toward fiscal responsibility, including both revenues, which that side denies, and expenditures.

But when we look at expenditures, we need to discriminate between consumption and investment. Investment is transportation and infrastructure, giving the United States of America a 21st century, competitive infrastructure system to compete with the rest of the world.

Our competitor nations get it. China's spending almost 10 percent of their gross domestic product on transportation investment so they can be more competitive, get their goods to market more quickly, more efficiently, more fuel efficiently, move their people more efficiently.

India, 5 percent. Brazil, 6 percent. United States of America, a little bit less than 1 percent—and the gentleman's amendment would cut it to zero for the next year. Yes, zero.

Now, how does that happen?

Well, the fact is that as we incur obligations to spend money on infrastructure, there's a tail, there's a lag. We only reimburse the States once the projects are finished. And it happens that, over the next year, the past obligations to which the Federal Government has committed, would equal the amount of money to which the gentleman would limit us, which would mean no new investment in transportation and infrastructure in this country, despite the fact we have 150,000 bridges on the Federal system that are at the point of collapse or need substantial rehabilitation.

We have 40 percent of the miles on the national highway system that don't just need an overlay; they need to be dug up. They need to be totally rebuilt. And a $70 billion backlog on our transit system. That's the 19th and 20th century system, let alone a 21st century transit them.

And guess what? If we make these investments with the ''Buy America'' requirements, which many on that side of the aisle are opposed to, we would put millions to work in this country. So we are, on this side, fighting for more investment. There are many on that side fighting for reduced investment. But this motion would actually propose zero, zero investment for the next year in transportation and infrastructure in America, with the deteriorating system. And that's somehow fiscally prudent.

The gentleman talked about the Chamber of Commerce. Kind of interesting because actually I have a letter dated June 5, pretty recent, from the Chamber of Commerce:

Passing transportation reauthorization legislation is a concrete step Congress and the administration can take right now to support job, economic productivity without adding to the deficit. The Chamber strongly opposes the Broun amendment, the motion to instruct conferees, and urges you to vote against this effort to slash funding for highways, transit, and safety programs. The Chamber may consider including votes on or in relation to this Broun amendment to instruct in our annual how they voted score card.

That's good. I might end up at 5 percent or 10 percent because I am going to oppose it. A lot of time I'm kind of zero with the Chamber. So that's good. They get it.

There's a long list of businesses and others that are opposed to this amendment. They understand for America to compete in the modern 21st century world we need an up-to-date transportation system. We don't have it, and the 20th century system we have, the legacy of Dwight David Eisenhower, a Republican President, is falling apart.

At the levels the gentleman would mandate with this motion to instruct, according to the Congressional Budget Office, there would be zero new investment in the coming year. That is hundreds of thousands of jobs lost, opportunities lost.

Now, I understand that on their side of the aisle they're having a very robust debate—I didn't bring my poster tonight—about the issue of devolution. And devolution is a theory that the Federal Government shouldn't be involved in national transportation policy. It should be delegated to the 50 States, and they should be responsible for paying for it.

Well, guess what? We had that system until 1956. Dwight David Eisenhower and the surface transportation legacy he gave us with the national highway system. And I have a great poster—I wish I'd brought it—which is a great photo from the air of the new, brand new, spanking new, beautiful new Kansas Turnpike, 1956. And guess what?

It ends kind of abruptly, and you go, wow, what's that line? Why does it end there?

Well, that was a farmer's field in Oklahoma, because Oklahoma said, well, we'll build our section too. We'll have a new, coordinated thing. But they said, well, we don't have the money, and they couldn't do it. And it wasn't done until the Eisenhower bill was adopted and we had a national investment in a national transportation highway system.

They want to go back to the good old days, a 50-State system funded by the 50 States that's disconnected. So freight comes into L.A., which is going to all of the Western United States, well, even some of it further to the east, maybe, probably not all the way to Georgia, who knows. Some of it. And well, I guess California would have to pay for moving all the freight for the rest of the country. Well, maybe they're not going to do that, and maybe the other States aren't going to do that under this kind of new, bizarre theory of devolution.

We need a 21st century, efficient, competitive, world-class national transportation system. The bill that

the Senate passed won't get us there. I would vote for it. Won't get us there.

The bill that was proposed on the Republican side of the aisle, which they couldn't even get out of conference, would move us backwards. This bill would take us back to essentially, not quite even Third World status because Third World countries are investing more of their GDP in transportation and infrastructure than us. It would be Fourth World, formerly First World, vaulting over everybody else saying, hey, we're just going to let it fall apart. We're going to leave it up to the 50 States, and maybe they can get it together for a national system. Maybe they can't. This is nuts.

With that, I reserve the balance of my time.

Mr. BROUN of Georgia. To begin with, I yield myself as much time as I may consume, and then I'll yield to my good friend, MO BROOKS from Alabama.

But prior to yielding to Mr. BROOKS, I want to say that my good friend, who I have utmost admiration and good feelings towards personally, my friend from Oregon is just factually incorrect. If this motion to instruct is indeed put into the conference report that, hopefully, they will get out, there will continue to be new investment in our infrastructure. The difference will be that we just won't create any more debt.

And the argument I got from my colleague on the other side just shows the very drastic difference in philosophy between my Democratic colleagues and me and many on our side, and that's that it seems to me that the philosophy of the Democratic party is that only government creates jobs.

The government doesn't make any money. They just take money from those who are creating jobs and spend it on whatever government decides that they want to spend it on. We spent a tremendous amount of money, which is going to wind up being over $1 trillion in a stimulus package that our President gave us. And where are the jobs? He created some temporary jobs. Created even temporary infrastructure jobs, but our economy is no better.

The American people are asking, where are the jobs? Where's the stronger economy?

There is none. And there is none because the philosophy of my Democratic colleagues just simply does not work. Socialism has never worked under any socialist particular regime in the history of this Nation, and it's not going to work under the socialistic regime of Barack Obama and my Democratic colleagues.

I believe in transportation. It's one of the few truly constitutional functions of the Federal Government under the original intent. In our Founding Fathers' time they called it a postal road system.

□ 2230

But what I am against is creating more debt for my two grandchildren, who are 6 and 7. Their names are Tillman and Cile Surratt, and they live in Oconee County, Georgia. What we are doing here in this body and what we've been doing in the 5 years I've been here is creating more debt that they and their children and their grandchildren are going to have to pay. They're going to live at a lower standard than we do today.

It's because of this philosophy of Big Government spending; it's because of a philosophy of government knows best for America; and it's a philosophy of government is going to take away from those who are producing and creating jobs and give it to government bureaucrats to try to tell us how to run our lives.

It has to stop. America is broke, and we have to stop this deficit spending. Where are the jobs?

We can create some part-time jobs. I'd like to see us have a transportation bill. I'd like to see us have a 10-year transportation bill based on highway trust fund spending—nothing else—and not going into debt any further. So the philosophy of my good friend from Oregon and his colleagues on the Democratic side is a philosophy of economic failure as a Nation, and we've got to stop it.

I would now like to yield 10 minutes to my good friend from Alabama (Mr. BROOKS).

Mr. BROOKS. I support Representative BROUN's motion to instruct. Let me explain why.

For six decades, America has been the greatest Nation in history. We are blessed with a standard of living envied by the world, a military unmatched in history, freedoms that others can only dream of.

Why is America great? Because Americans before us sacrificed so that their children, their grandchildren, their country would enjoy a better future.

Our Founding Fathers exemplified America's spirit when they stated in the Declaration of Independence:

> And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

In contrast, today's Washington abandons America's foundational principles. Today's Washington supports unsustainable spending binges that abandon our children and grandchildren and America's future.

Perhaps a refresher is needed to emphasize America's financial plight.

Mr. Speaker, let me first direct your attention to this deficit chart. As the chart reflects, America suffers from three consecutive, record-breaking, and unsustainable trillion-dollar deficits, and we are in the midst of a fourth trillion-dollar deficit that is projected for this year.

Think about that for a moment.

In fiscal year 2011, Washington borrowed 36 cents for every dollar it spent. No household or business could survive borrowing 36 cents for it to operate. Similarly, no nation can survive that either. As a result, America blew through the $15 trillion accumulated debt mark in November of last year. This year, America is going to blow through the $16 trillion debt mark.

Mr. Speaker, the next chart reflects spending for FY 2010 and FY 2011. In FY 2010, the cost of America's debt service was $196 billion. In FY 2011, the cost of America's debt service was $221 billion. They're relatively small slices of those pies. However, in just 1 year, the cost to American taxpayers to service America's debt increased by $25 billion.

To put that into perspective, $25 billion is more than NASA's entire budget—and this is at record low interest rates. If America's creditors become as insecure as the creditors of Greece, Spain, Italy, and any number of other nations and if interest rates go up accordingly, America's debt service would jump to the $800 billion-a-year range, making debt service more costly than our entire budget for national defense, our entire budget for Social Security, or our entire budget for Medicare. Consequently, if we had this small slice of the pie increase to $800 billion a year, every other service provided by the Federal Government would have to shrink.

So that we are clear, reckless, out-of-control spending is the cause of America's deficits.

In fiscal year 2007, when NANCY PELOSI became House Speaker and when HARRY REID became the Senate Majority Leader, America spent $2.7 trillion. In FY 2011, America spent $3.6 trillion. In just 4 years, Federal Government spending went up $900 billion—a 33 percent increase. Simply stated, there is no end in sight to Washington's reckless and irresponsible spending.

Mr. Speaker, if Washington does not gain wisdom and backbone, if Washington does not change its reckless spending habit, then there will be an American insolvency and bankruptcy. For emphasis, the question is not ''if.'' The questions are ''when?'' and ''how much damage will be done to our Nation from that insolvency and bankruptcy?'' President Obama's Chairman of the Joint Chiefs of Staff, Mike Mullen, gave insight when he stated, ''I think the biggest threat we have to our national security is our debt.''

And he is right. Already, America's out-of-control spending threatens to force the firing of 700,000 national defense personnel starting in a mere 7 months, on January 1 of 2013. Let me emphasize that: threatened with 700,000 lost jobs. No enemy has ever undermined America's national defense so badly.

But it does not end with the decimation of America's national defense, which may leave America at the mercy of our enemies abroad. America's insolvency and bankruptcy risk the elimination of Social Security and Medicare, thereby breaching our obligations

to our elderly and leaving them impoverished and without medical care.

To summarize the danger to America, think back to the Great Depression in the 1930s and imagine how bad it would have been if then the Federal Government had been insolvent. As you do this, remember the result of the Great Depression—an ensuing war that killed tens of millions of men, women, and children worldwide.

All of this brings me to PAUL BROUN's motion to instruct. The transportation bill is a microcosm of what threatens America. We enjoy, roughly, $37 billion in expected highway revenue, yet some in Washington seek to spend, roughly, $51 billion. That's $14 billion a year that we don't have.

Now, there are solutions to this budget gap that I could support. We could cut $14 billion in foreign aid and spend it on American roads, but my colleagues across the aisle oppose that. We could cut welfare and stop paying $14 billion a year to people to not work and instead pay $14 billion a year to people to work on buildings and bridges, but my colleagues across the aisle oppose that. There are plenty of solutions out there, but simply borrowing another $14 billion a year we don't have is not one of them.

Mr. Speaker, I cannot in good conscience support a transportation bill that spends, roughly, $14 billion we don't have, thereby accelerating America on its path to insolvency and bankruptcy.

In that vein, I thank Congressman PAUL BROUN for filing his motion to instruct and for displaying the leadership America so sorely needs. Congressman BROUN is a man of principle. He has the intellect to understand the economic disaster that awaits America if Washington does not live within its means. More importantly, Mr. BROUN has the backbone to do something about it. It is an honor to stand with Congressman BROUN and to support his motion to instruct.

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

I appreciate and I certainly do respect the gentleman from Georgia, and he is a gentleman, but let's get a few things straight here.

We're not talking about government jobs. We're talking about private sector jobs. The Federal Government does not build bridges. The Federal Government does not restore the condition of our highways. The Federal Government does not build transit vehicles or invest in transit systems. What the Federal Government does is to invest with strong ''buy America'' provisions to the best low-cost bidders to make and restore these products to make America more competitive.

□ 2240

One of the things that underlays our system, the most basic thing—I mean, George Washington, he started to build canals; Abraham Lincoln, the transcontinental railway; Dwight David Eisenhower, the national highway system, which is now falling apart; and Ronald Reagan put transit into the highway trust fund, because we shouldn't neglect our urban areas and the needs of those people.

The effect of the Broun amendment would be zero new Federal expenditures beginning October 1 next year on transit highways and other investments in transportation in this country. You can't get around that. That's what they're proposing. Because we have past obligations and the way they've written, this would limit us to only pay for past obligations, not any new obligations.

They rattled on and prattled on a bit about the Obama stimulus. I voted against it. Why did I vote against it? Because 7 percent was transportation investment and 40 percent was tax cuts. And guess what? Those damn tax cuts didn't put anybody back to work, and they won't put anybody back to work in the future. That's all you guys want, is tax cuts. We need investment in our country. We need investment in moving people and goods. We need to compete with the world, and you don't want to do it. That's nuts.

I yield such time as he may consume to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy in permitting me to speak against this motion to instruct.

Mr. Speaker, I've been through this movie before as a member of the Budget Committee. This is not new ground. When it was first unveiled before us and I looked at the transportation provisions, I asked the Republican staff to pin down exactly the amount of money that is available. This essentially is what the Republican budget is, and it was not enough to meet the current obligations. It meant that there would be no new programming. And now we're bringing it to the floor with instructions to make sure that this is what the conference committee enacts.

Let us be clear. What my friend and colleague from Oregon pointed out is that this is an opportunity for us to empower the private sector. Republicans and Democrats alike have been visited time and time and time again—first of all, you could hear from people in your district that the Recovery Act kept businesses afloat, kept people working, made a huge difference in every State in the union. Even though I agree with my colleague from Oregon that it wasn't enough infrastructure, but the contractors, electrical contractors, unions, and pavers were thankful for it to help many of them not go out of business.

The list of people who oppose this amendment are not opposing it because our proposal is socialism. To the contrary. The Amalgamated Transit Union, the American Coal Ash Association, the American Concrete Pavement Association, the American General Contractors, the Laborers' International, the Portland Cement Association, the Carpenters, and the U.S. Chamber oppose this because it would add to the depression that we have in the construction cycle in the United States right now. We would not be able to keep pace, and it would result in hundreds of thousands of jobs being lost.

We had a proposal that passed the Senate with 74 votes—half the Republicans—that would enable us to have two construction cycles. The Republicans, who could not get the votes to even have the courage to bring their proposal to the floor—it fell apart, having been brought to the Transportation Committee. And I am a proud alumni member of that committee. For the first time in history, it was a blatantly partisan bill that had never even had a hearing. They somehow got it out of committee, and they got it out of our Ways and Means Committee, but the support within the Republican Party completely fell apart before it came to the floor. They were afraid to have it voted on because it would have been defeated because it was bad for America. I had a list of 600 groups when I was arguing against it in our Ways and Means Committee that thought it was terrible policy.

We requested the Republican leadership to at least allow the Senate bill to be voted on, and they were afraid to do that. So we're in conference now merely because the Republicans just had a short-term extension, unwilling to allow this body—and I know there would be a number of my Republican friends who would have joined with us. Not a majority of Republicans, but enough that it would have passed comfortably, and we wouldn't be caught in this Never Never Land.

My good friend from Georgia is concerned that his two grandchildren will be facing debt. Well, the Republican budget would force us to increase the debt ceiling. It will force us to borrow in order to have more unfunded tax cuts, even while it undercuts investment in infrastructure. This was admitted by the Republican chair of the committee in our budget hearing yesterday. He admits that it's not going to balance any time in the foreseeable future, and that it will require the increase in the debt ceiling.

But there's a very different philosophy. It has nothing to do with socialism. My Lord, I thought that the John Birch claim that Dwight Eisenhower was a Communist or a socialist was discredited. The partnership we've had with the highway trust fund and investing in America's future is something that is the opposite of socialism. It is a public-private partnership that has involved people at all levels in government in things that made a difference.

I had a meeting today with 80 stakeholders primarily from the private sector, including environmentalists and unions and businesses and trade associations, who are apoplectic over the

prospect that this House would go on record to shut down all new investment for the next year and further undercut the opportunity of moving a bipartisan Senate bill to at least give us two construction cycles and move forward.

I agree that we need to be concerned about a debt burden, and independent analysis of why we've had an exploding debt includes unfunded tax cuts. Remember, Mr. DEFAZIO and I served here when the big fear was that we were going to pay off all government debt. What would the insurance companies do? What would the pension plans do if there wasn't government debt to invest in? This is part of the rationale for the Bush tax cuts of 2001 and 2002, because we were looking at a $5.3 trillion surplus.

Well, they solved that problem. They solved it with tax cuts, primarily for people who need them the least. Yet, we have serious problems with increasing health care costs, and now they are trying to dismantle the Affordable Care Act, which would actually, over 20 years, start reining those costs in. They had not one, but two unfunded wars, which my colleague and I from Oregon opposed. There is the collapse of the economy.

It is interesting that Mr. Romney's adviser, when there was criticism of the Romney record in Massachusetts for debt and problems of job loss, said:

Well, you know, part of that is that's not really a good criterion, because a lot of those jobs were lost in Governor Romney's first year in office, and you shouldn't count those.

□ 2250

There is a certain merit to that, but if you use the Romney standard of not being accountable for the first year as Governor of Massachusetts, the problems with employment and the problems with the debt look much, much different, because this President inherited one of the worst situations in American history.

It is important that we focus on where we need to go forward. We actually had a much higher percentage of the gross domestic product in public debt immediately after World War II. It's much higher than the debt burden today.

How was that solved? Was it solved by cutting taxes to zero? No. They had much higher tax rates for 20 years until the Kennedy-Johnson tax cuts. They invested in America, as my friend from Oregon pointed out. They invested in education for returning veterans, they invested in the highway, the transcontinental highway fund, they invested in America's future.

That's what we should be doing now. The absolute worst thing, the worst thing would be to shut down investment this next year in transportation and infrastructure.

That's why companies from A to Z oppose this motion to instruct. I hope, instead, we pass the Senate bill, get 2 years of construction cycle, reject this wrong-headed approach, and get on with the business of rebuilding and renewing America.

Mr. DEFAZIO. I thank the gentleman. I would point out that the Senate, the proposed Senate bill, which we could pass tonight, if we call people back, or tomorrow, or next week if we stayed in town to work, but we have breaks every other week now—39 legislative days until the election. America doesn't have any problems. We don't need to be here. Right? Come on.

But the bottom line is the Senate bill would not create a penny of new debt and would fund current levels of investment, which are not what we need; but we could get by with that for 2 years until we figure out a way to make more robust investments.

The gentleman would reduce that investment to zero, zero, not exaggeration. That's the Congressional Budget Office—zero. No Federal spending for transit, no Federal spending for highways next year. That's hundreds of thousands, millions, probably a million jobs, probably 1.6 million, we would sacrifice on the altar of what? Again, back to the principle, investment consumption.

Certainly you can understand that on your side of the aisle. It's been a Republican tradition to invest in America, to invest in a more efficient transportation system for America, to make us more competitive in the world, to move our people and our goods more efficiently, to avoid importing foreign fuel and all the other things we have to do with an inefficient system. This would defy all that and say, no, United States of America, we're not going to invest in our national transportation system.

We're going to devolve that to the 50 States. We're going to go back to 1956 when one State decides to make an investment and the other State doesn't and the road ends at the border. I can't understand what this is all about.

With that, I reserve the balance of my time.

Mr. BROUN of Georgia. Mr. Speaker, may I inquire how much time remains on both sides.

The SPEAKER pro tempore. The gentleman from Georgia has 10 minutes remaining, and the gentleman from Oregon has 8½ minutes remaining.

Mr. Speaker, I want to say my friends from Oregon are just factually incorrect. This would not cut out all new spending, and they are using scare tactics to promote their Big Government agenda.

I yield 5 minutes to my good friend, the gentleman from South Carolina, JEFF DUNCAN.

Mr. DUNCAN of South Carolina. I want to thank my friend from Georgia for yielding to me tonight.

I think our colleagues on the other side of the aisle are in denial about deficits and debt. What it means—I put the debt clock right here in front for everyone to see, but if you can't see it, America is $15.74 trillion in debt.

In fact, we've had over $30 million added to the Nation's debt just since we have been talking this evening and the clock's running right now; $50,000 per American citizen in this country is your share of the Nation's debt.

You know, back in July of 2010, my wife and I, we took our boys, it was after a campaign, and we went out across the Nation. In 17 days we went through 19 States, and we visited no less than 11 national parks. Now, this was after the $1.2 trillion stimulus package passed by President Obama in the Democrat-controlled Congress.

But what did I see as I drove through the 19 States of this country's heartland? Where did I see the construction projects on the road, the $1.2 trillion in deficit spending to get the jobs we never got?

I saw the construction happening, road construction happening on roads leading into national parks. I didn't see it on the interstate highways that would allow transportation of commerce around this land. I saw it in the national parks.

We're $15.74 trillion in debt, and all the gentleman is asking to do is let's live within our means. Let's collect the highway tax, and let's just spend that. Let's not continue to perpetuate deficit spending. But, you know, we throw words around like ''millions'' and ''billions'' and ''trillions'' around this Nation, and we lose track of what a trillion is.

But let me just tell you, if we decided to get serious about paying back our Nation's creditors, and we did it at the rate of $20 million a day, and we did that every day, 7 days a week, 365 days a year—and, ladies and gentlemen, listen up—if we did that every day of the year, from the time Jesus Christ was born until now, we have only paid back $14.9 trillion of our debt, less than what we owe, at the rate of $20 million a day, for 746,000 days that it's been.

Now it's time to get serious about what we're doing in this country with regard to revenue and with regard to deficit spending. This the fourth year in a row we will be in excess of a trillion dollars, spending a trillion dollars more than we're bringing in as a Nation. All we're doing on the Republican side is saying, you know what, it's time America lives within its means. It's time we have a balanced budget.

We need a balanced budget to the Nation's Constitution to require this body, which shows no fiscal restraint, require this body to live within its means just like we have to do at home in our family budgets and our small business budgets. It's time to get serious in this country about our Nation's debt and about what our deficit spending means.

Quit spending money for jobs we never got from the Obama stimulus package.

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

The language limits the funding out of the highway trust fund, including

the mass transit account for Federal aid highway and transit programs, to amounts that do not exceed $37.5 billion, about a third of the cost of the continuing war in Afghanistan, which I would like to bring to a close. But the existing obligations of the Federal Government for past construction, we reimburse States once the project is done, transit project, highway project, bridge project, done, we reimburse them. We don't pay them in advance. Our current obligations for the next year are $38.8 billion.

So, if we limit the outlays to $37.5 billion, and we owe $38.8 billion to the States when they deliver their completed contracts in the coming year, that means we would have negative spending on Federal investments in transportation and infrastructure.

While competitive nations around the world are investing dramatically to more efficiently move goods and people, we would spend less than zero.

I don't know how we spend less than zero, but that's what this amendment would do. You keep prattling on about the Obama stimulus. I voted against it. I was one of the few Democrats who did. I voted against it not because of investment in infrastructure, but because it didn't invest in infrastructure. The President talked about it. Larry Summers hated infrastructure.

□ 2300

Timmy Geithner hates infrastructure. Old-school Jason Furman, all his advisers, they hate it. Seven percent of the money we borrowed was invested in infrastructure. Seven percent of that $800-some billion dollars. And guess what? I can justify that borrowing because I can say to my kids and my grandkids, We built that bridge, we built that transit system, we built that highway, and you're still using it, and it made America more competitive.

But over 40 percent was tax cuts. He adopted the Republican approach. How many jobs did the tax cuts create? Nada, zero, none. You guys want to do more tax cuts, and you don't want to do any investment. That's what this would lead us to. You want to continue the Bush tax cuts—all of them—and you want to invest less than zero in Federal infrastructure.

I reserve the balance of my time.

Mr. BROUN of Georgia. I am not sure where my friend gets his mathematics from, but it's certainly not in reality.

I yield such time as he may consume to my friend, the gentleman from Ohio (Mr. JORDAN).

Mr. JORDAN. I thank the gentleman for yielding and I thank the gentleman for offering his motion. We've heard all kinds of emotional stuff and language here. But let's just cut to the chase. This doesn't cut anything. It doesn't slash anything. This is a motion to instruct conferees in the transportation bill, the conferees on that legislation, to limit spending in the transportation legislation to the amount of money that's in the highway trust fund. It's as simple as that. Here's the money that came in. All you can do is spend what you have.

Imagine that concept. Imagine government actually just following that simple concept. Here's what came in. That's all you can spend. If we'd been doing that, we wouldn't have this debt that Mr. DUNCAN so eloquently spoke about. We wouldn't have the problems we see. You can say all the things you want, but it is that simple. This is apple pie, this is baseball. This is as plain as it gets. This is what every family has to do. This is what every small business has to do. This is what every township has to do. This is what every village has to do, every county has to do, every city has to do, every State has to do. The only entity that doesn't have to do this is, Oh, by the way, that entity that happens to have a $16 trillion national debt.

This is as simple as it gets. What you take in is all you can spend. You can't do what the politicians love to do: borrow from someone else. Borrow from some other program, which means you have to sell bonds to run up the debt. You can't do what politicians love to do: spend more than you have. You can only spend what you have.

And yet the other side says, This is terrible. This will ruin everything. This will make us Third World status. I'll tell you what will make us Third World status is a debt larger than our GDP. That's where Greece is. That's where they are. That's what will make us Third World status.

This is as simple and as plain as it can get, and I appreciate the courage of the gentleman to bring the motion forward to have this debate. This is a debate that we need to have in this country. If we can't even limit spending in this program to what comes in from the dedicated revenue, if we can't even do that, how are we ever going to cut spending elsewhere to get a handle on our deficit and our debt problem, if we can't even do this?

The American people get this. And you can try to confuse them with all the fancy language you've heard from the gentleman from Oregon—you can try to—but the American people get it.

I want to commend the gentleman for offering his motion, and I plan on supporting it tomorrow when we have a vote.

Mr. DEFAZIO. May I inquire as to the time remaining?

The SPEAKER pro tempore. The gentleman from Oregon has 6 minutes remaining. The gentleman from Georgia has 3½ minutes.

Mr. DEFAZIO. I yield myself 3 minutes.

Again, we're failing to discriminate between investment and consumption. The Republicans were all for consumptive tax cuts, i.e., give people the money, they'll spend it on consumer goods, that will somehow put people back to work, as opposed to investing in the future of our country. That's what I'm talking about here.

It's interesting that they're on the wrong side from the Chamber of Commerce, the Association of General Contractors, and other groups that are incredibly generous to them during the campaign season who think they're very wrongheaded with this amendment.

This isn't fancy language. I have the statistics from the Department of Transportation. Over the next year, the Federal Government is legally obligated for past construction projects authorized under law to pay $38.8 billion to the States. This amendment would say we can spend no more than $37.5 billion in the coming year. That means we cannot even meet our legal obligations for past construction which will be completed by October 1. That means an end to all Federal investment in transportation in this country on October 1 for the next year.

It's not fancy language. It's a fact. It comes from the Congressional Budget Office, which the Republicans control, and the Department of Transportation, which the Obama administration controls. It's pretty much the consensus in the business community, the Chamber of Commerce, the Association of General Contractors, and everybody else. This would mean an end to investment for 1 year. That's a minimum of 1.6 million jobs lost. It's an incredible lost opportunity for the future of our kids and grandkids.

You need to understand the difference between—you're supposedly the party of business. It's like people borrow money when they're in business if they have a good investment to make, if they can make their company more competitive. We can make our country more competitive if we invest in our transportation infrastructure. If we neglect it and people have to detour around the 150,000 bridges that are weight-limited and about to collapse like the one in Minnesota, if they have to detour around the 40 percent of the deteriorated national highway system, if people can't get to work or get killed like they did here in Washington, D.C., on a deficient mass transit system because we have a $70 billion backlog, and all of these investments, when made by the private sector, for the private sector, and for the people of America, are made in America. And you would defer instead to more tax cuts.

I reserve the balance of my time.

Mr. BROUN of Georgia. Mr. Speaker, I have the right to close, and I am going to reserve the balance of my time until the time to close.

Mr. DEFAZIO. How much time do I have remaining?

Mr. BROUN of Georgia. The gentleman from Oregon has 3 minutes remaining.

Mr. DEFAZIO. Again, I wish this wasn't the dark of the night because this is a debate America should and would like to have. I'll reiterate: the United States Chamber of Commerce, with whom I frequently disagree, strongly opposes the Broun motion. We

have a long list of groups, private sector business groups, who oppose this motion because this is not about government jobs. It's about private sector jobs. This is not about government gone wild.

I wish it had been different. I wish that the stimulus had been half as large and 100 percent invested in the infrastructure of this country. We would have put millions more people back to work, and we would be on the road to recovery today. But instead, in deference to three Senate Republicans, the President, who wanted to look bipartisan, gave in to six times as much money for tax cuts as investment in infrastructure. And you want to blame infrastructure for the debt and the deficit, or the Obama failed stimulus? No, guys, no. It's your policies. We implemented them. And they don't work. We need to invest in the underpinnings of the country.

When I was first elected to office, I served with a very, very conservative Republican, a guy named Bill Rogers on the Lane County Commission, and he would always say, Government's for two things. I'd say, What's that, Bill? He'd say, Roads and rope. Roads and rope. That is public safety and infrastructure.

And there has been bipartisan agreement since George Washington that the Federal Government has an obligation to more efficiently move goods and people in this country. That's a long time before the incredibly competitive 21st century and what we're dealing with today with our huge trade deficits and everything else. That was George Washington.

Abraham Lincoln, a Republic President: Build the transcontinental railway. Borrowed money to do it, by God. What do you know? And then, Dwight David Eisenhower, the National Highway System, National Defense Highway System. And Ronald Reagan: We need to invest in transit in our cities.

□ 2310

And you would turn back the clock to pre-George Washington and say the 50 States—we didn't have States then, but, you know, you guys are going to at least allow us to keep federalism and that intact. But ''they should create somehow a Federal system. They should coordinate. They should raise the money. This is not an obligation of the Federal Government.''

This is not imaginary. This is not play. It's not ideology. It's simple hard numbers and facts. The number you would allow for the next year is deficient to the previous obligations.

Now, I know you guys took us—and there are a number of you on that side who say, hey, it doesn't matter if the Government of the United States of America defaults. I think it does. I've been good for my debts. I think our country has got to be good for our debts. And I think we would be in a disaster if we weren't.

So you can say that. Oh, yeah, you know, it's meaningless. It's facts.

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

Mr. DEFAZIO. This is reality. Invest in America. Why do you hate this country so much?

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

Mr. BROUN of Georgia. Mr. Speaker, I was just charged by this gentleman for hating America, and I challenge those words, and I ask that his words be taken down.

The SPEAKER pro tempore. The gentleman will be seated, and the Clerk will report the words.

Mr. BROUN of Georgia. Mr. Speaker, I withdraw my request.

The SPEAKER pro tempore. The gentleman's demand is withdrawn.

The gentleman is recognized for the remaining 3 minutes.

Mr. DEFAZIO. Mr. Speaker, if the gentleman would yield for one second.

Mr. BROUN of Georgia. I yield to the gentleman for just one second.

Mr. DEFAZIO. Well, give me four, maybe.

I did not mean to direct the remark to you. It was a generic statement out of concern.

Mr. BROUN of Georgia. Well, the gentleman did obviously direct remarks towards me. He pointed at me when he said: ''Why do you hate America so much?''

I love my country. I'm a U.S. marine. I'm trying to save my country from financial collapse. And that's what this is all about: stop spending money that we don't have.

We've got to finish the projects that we've already started, those that have already been approved and funded, before we start dipping into the general fund. It's estimated that we'll have a shortfall of $8 billion to $9 billion if this motion to instruct is not put in place.

We cannot afford the status quo. Their argument is to continue spending money, continue down a road that is going to cause a financial collapse of this Nation, in my opinion.

□ 2330

We need to create jobs. We need to get this country going economically. The policies of this administration have not worked. Policies that were put forward while NANCY PELOSI was Speaker of this House, with the stimulus bill and other big spending bills just have been essentially abject failures.

We cannot continue spending money that we don't have, and that's the reason I brought this motion forward, a motion to instruct the conferees to spend—continue transportation funding, continue building our transportation infrastructure, which I think is absolutely critical for economic development. But creating more debt is not the answer.

I resent being accused of hating America, and it angers me when I'm accused, personally accused by somebody that I thought was a friend. And I'm going to try very hard not to take this personally. I will not carry a grudge because I know, from my heart, we can disagree on issues, and I don't take it personally. But when he pointed at me and accused me of hating America, that's the reason I asked for his words to be taken down.

And what I ask my colleagues in this House to do is look in their hearts, because we absolutely have to change the way this House, this Congress, this government is doing business. We cannot continue spending ourselves to oblivion, and that's the way we're headed.

We need to create jobs. We need to create a strong economy. This has not been about tax increases or tax decreases, as has been accused tonight. This is about spending money that we have, and no more.

I encourage my colleagues to please vote for this motion to instruct, and I yield back the balance of my time.

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

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

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

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

The yeas and nays were ordered.

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

## CORRECTION TO THE CONGRESSIONAL RECORD OF WEDNESDAY, JUNE 6, 2012 AT PAGE H3575

## 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 section 503 of H. Con. Res. 112, the House-passed budget resolution for fiscal year 2013, deemed to be in force by H. Res. 614 and H. Res. 643, I hereby submit for printing in the CONGRESSIONAL RECORD revisions to the budget allocations and aggregates set forth pursuant to the budget for fiscal year 2013. The revision is designated for the Health Care Cost Reduction Act of 2012, H.R. 436. A correponding table is attached.

This revision represents an adjustment pursuant to sections 302 and 311 of the Congressional Budget Act of 1974 (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 resolution, pursuant to 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 | 2,799,329 | [1] |
| Outlays | 2,947,662 | 2,891,863 | [1] |
| Revenues | 1,877,839 | 2,260,625 | 32,439,140 |
| Change for the Health Care Cost Reduction Act (H.R. 436): | | | |
| Budget Authority | 0 | 0 | [1] |
| Outlays | 0 | 0 | [1] |
| Revenues | 0 | −2,103 | −22,627 |
| Revised Aggregates: | | | |
| Budget Authority | 2,858,503 | 2,799,329 | [1] |
| Outlays | 2,947,662 | 2,891,863 | [1] |
| Revenues | 1,877,839 | 2,258,522 | 32,416,513 |

[1] Not applicable becuause annual appropriations Acts for fiscal years 2013 through 2022 will not be considered until future sessions of Congress.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BILIRAKIS (at the request of Mr. CANTOR) for today on account of personal reasons.

Mr. MARINO (at the request of Mr. CANTOR) for today on account of personal reasons.

## SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3261. An act to allow the Chief of the Forest Service to award certain contracts for large air tankers to the Committee of Agriculture.

## SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 292. An act to resolve the claims of the Bering Straits Native Corporation and the State of the Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act.

S. 363. An act to authorize the Secretary of Commerce to convey property of the National Oceanic and Atmospheric Administration to the City of Pascagoula, Mississippi, and for other purposes.

## BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on May 31, 2012, she presented to the President of the United States, for his approval, the following bills.

H.R. 5740. To extend the National Flood Insurance Program, and for other purposes.

H.R. 3992. To allow otherwise eligible Israeli nationals to receive E–2 nonimmigrant visas if similarly situated United States nationals are eligible for similar nonimmigrant status in Israel.

H.R. 2947. To provide for the release of the reversionary interest held by the United States in certain land conveyed by the United States in 1950 for the establishment of an airport in Cook County, Minnesota.

H.R. 4097. To amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, and for other purposes.

## ADJOURNMENT

Mr. BROUN of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 35 minutes p.m.), the House adjourned until tomorrow, Friday, June 8, 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:

6362. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Test Procedures for Electric Motors and Small Electric Motors [Docket No.: EERE-2008-BT-TP-0008] (RIN: 1904-AC05) received May 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6363. A letter from the Chief, Policy and Rules, OET, Federal Communications Commission, transmitting the Commission's final rule — Unlicensed Operation in the TV Broadcast Bands; Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band [ET Docket No. 04-186; ET Docket No. 02-380] received May 9, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6364. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Transmission Planning Reliability Standards [Docket No.: RM11-18-000; Order No. 762] received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6365. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Access Authorization Fees [NRC-2011-0161] (RIN: 3150-AJ00) received May 9, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6366. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Aging Management of Stainless Steel Structures and Components in Treated Borated Water [LR-ISG-2011-01] received May 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6367. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Filing a Renewed License Application [Docket No.: PRM-54-6; NRC-2010-0291] received May 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6368. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule — Roth Feature to the Thrift Savings Plan and Miscellaneous Uniformed Services Account Amendments received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6369. A letter from the Senior Procurement Executive/Deputy Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Prohibition on Contracting with Inverted Domestic Corporations [FAC 2005-59; FAR Case 2012-013; Item I; Docket 2012-0013, Sequence 1] (RIN: 9000-AM22) received May 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6370. A letter from the Senior Procurement Executive/Deputy Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Revision of Cost Accounting Standards Threshold [FAC 2005-59; FAR Case 2012-003; Item III; Docket 2012-0003, Sequence 1] (RIN: 9000-AM25) received May 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6371. A letter from the Senior Procurement Executive/Deputy Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Free Trade Agreement-Columbia [FAC 2005-9; FAR Case 2012-012; Item II Docket 2012-0012, Sequence 1] (RIN: 9000-AM24) received May 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6372. A letter from the Senior Procurement Executive/Deputy Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-59; Introduction [Docket FAR 2012-0080, Sequence 4] received May 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6373. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation for Marine Events; Temporary Change of Dates for Recurring Marine Events in the Fifth Coast Guard District, Ocean City Maryland Offshore Grand Prix, Ocean City, MD [Docket No.: USCG-2012-0046] (RIN: 1625-AA08) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6374. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; Wy-Hi Rowing Regatta, Trenton Channel; Detroit River, Wyandotte, MI [Docket No.: USCG-2012-0342] (RIN: 1625-AA08) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6375. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Crowley Barge 750-2; Bayou Casotte; Pascagoula, MS [Docket No.: USCG-2012-0190] (RIN: 1625-AA00) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6376. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; Smokin the Lake; Gulfport Lake; Gulfport, MS [Docket No.: USCG-2012-0168] (RIN: 1625-AA08) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6377. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Removal of Category IIIa, IIIb, and IIIc Definitions; Delay of Effective Date and Reopening of Comment Period [Docket No.: FAA-2012-0019; Amdt. No. 1-67] (RIN: 2120-AK03) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6378. A letter from the Regulatory Ombudsman, Department of Transportation, transmitting the Department's final rule — Amendment to Agency Rules of Practice

[Docket No.: FMCSA-2011-0259] (RIN: 2126-AB38) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6379. A letter from the Director of Regulation Policy and Management, Office of General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Copayments for Medications in 2012 (RIN: 2900-AO28) May 9, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6380. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 42 Qualified Contract Provisions [TD 9587] (RIN: 1545-BD20) received May 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. SCHAKOWSKY (for herself, Mrs. LOWEY, Mr. BERMAN, Mr. ACKERMAN, Ms. BASS of California, Ms. BORDALLO, Mrs. CAPPS, Mr. CARNAHAN, Ms. CLARKE of New York, Ms. DELAURO, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. HINCHEY, Ms. JACKSON LEE of Texas, Mr. LARSON of Connecticut, Ms. LEE of California, Mrs. MALONEY, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. GEORGE MILLER of California, Ms. MOORE, Mr. MORAN, Mr. MURPHY of Connecticut, Mrs. NAPOLITANO, Ms. NORTON, Mr. RANGEL, Ms. RICHARDSON, Mr. SHERMAN, Ms. SLAUGHTER, Ms. SPEIER, Mr. STARK, Ms. WASSERMAN SCHULTZ, Ms. WOOLSEY, Mr. LEWIS of Georgia, Ms. EDWARDS, Mr. LARSEN of Washington, Mr. CICILLINE, Ms. HIRONO, Mr. OLVER, Ms. DEGETTE, and Mr. WELCH):

H.R. 5905. A bill to combat international violence against women and girls; to the Committee on Foreign Affairs.

By Mr. POLIS (for himself, Ms. MCCOLLUM, Mr. OWENS, Mr. ROSS of Arkansas, Mr. CAPUANO, Mrs. DAVIS of California, Mr. SHERMAN, and Mr. KIND):

H.R. 5906. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices; to the Committee on Ways and Means.

By Mr. COSTA:

H.R. 5907. A bill to modify the boundary of Yosemite National Park, and for other purposes; to the Committee on Natural Resources.

By Ms. BALDWIN:

H.R. 5908. A bill to require the Federal Government to buy paper and paper products from American sources; to the Committee on Oversight and Government Reform.

By Mr. CUMMINGS:

H.R. 5909. A bill to improve access to oral health care for vulnerable and underserved populations; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, the Judiciary, Natural Resources, Veterans' Affairs, and 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. DOLD (for himself, Mr. PETERS, Mr. ROSKAM, Mr. BARROW, Mr. HULTGREN, Mr. HANNA, Mr. SCHOCK, and Mr. RENACCI):

H.R. 5910. A bill to direct the Secretary of Commerce, in coordination with the heads of other relevant Federal departments and agencies, to produce a report on enhancing the competitiveness of the United States in attracting foreign direct investment, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SULLIVAN (for himself, Mr. MURPHY of Pennsylvania, Mr. LONG, Mrs. NOEM, Mr. SCHOCK, Mr. BOREN, Mr. LUCAS, Mr. COLE, Mr. LANKFORD, and Mr. BOSWELL):

H.R. 5911. A bill to amend the Toxic Substances Control Act relating to lead-based paint renovation and remodeling activities; to the Committee on Energy and Commerce.

By Mr. COLE (for himself, Mr. FITZPATRICK, Mr. CAMPBELL, Mr. PAUL, Mr. BARTLETT, Mr. FLEMING, Mr. LANDRY, Mr. YODER, Mr. KINGSTON, Mr. WEBSTER, Mr. LAMBORN, Mr. SOUTHERLAND, Mr. JORDAN, Mr. GOHMERT, Mr. BROUN of Georgia, Mrs. SCHMIDT, Mr. PITTS, Mr. PAULSEN, Mrs. LUMMIS, Mr. CHABOT, Mr. ISSA, Mr. FLEISCHMANN, Mr. QUAYLE, Mrs. NOEM, Mr. MCCLINTOCK, Mr. CANSECO, and Mr. GRIFFIN of Arkansas):

H.R. 5912. A bill to amend the Internal Revenue Code of 1986 to prohibit the use of public funds for political party conventions, and to provide for the return of previously distributed funds for deficit reduction; to the Committee on House Administration.

By Mr. MCCAUL (for himself, Mr. KEATING, and Mr. LONG):

H.R. 5913. A bill to create an independent advisory panel to comprehensively assess the management structure and capabilities related to the Department of Homeland Security and make recommendations to improve the efficiency and effectiveness of the management of the Department; to the Committee on Homeland Security.

By Mr. ROE of Tennessee:

H.R. 5914. A bill to authorize the National Desert Storm Memorial Association to establish the National Desert Storm and Desert Shield Memorial as a commemorative work in the District of Columbia, and for other purposes; to the Committee on Natural Resources.

By Mr. KELLY:

H.R. 5915. A bill to amend the Fair Labor Standards Act to exempt marketing research participants and mystery shoppers from certain provisions of that Act; to the Committee on Education and the Workforce.

By Mr. CARNAHAN (for himself, Mr. HOLT, Mr. MORAN, Mr. LIPINSKI, Mr. ENGEL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MILLER of North Carolina, Ms. ROS-LEHTINEN, Mr. CICILLINE, Ms. NORTON, and Mrs. BIGGERT):

H.R. 5916. A bill to provide for the establishment of a body to identify and coordinate international science and technology cooperation that can strengthen the domestic science and technology enterprise and support United States foreign policy goals; to the Committee on Science, Space, and Technology.

By Mr. CLYBURN:

H.R. 5917. A bill to suspend temporarily the duty on 4,4'-Diamino-2,2'-stilbenedisulfonic acid; to the Committee on Ways and Means.

By Mr. CLYBURN:

H.R. 5918. A bill to extend the temporary suspension of duty on Grilamid TR 90; to the Committee on Ways and Means.

By Mr. CLYBURN:

H.R. 5919. A bill to extend the temporary suspension of duty on Grilbond IL 6-50%F; to the Committee on Ways and Means.

By Mr. CLARKE of Michigan (for himself and Mr. STIVERS):

H.R. 5920. A bill to create jobs and promote fair trade by increasing duties on certain foreign goods imported into the United States; to the Committee on Ways and Means.

By Mr. CLYBURN:

H.R. 5921. A bill to extend the temporary suspension of duty on Primid QM-1260; to the Committee on Ways and Means.

By Mr. CLYBURN:

H.R. 5922. A bill to extend the temporary suspension of duty on Primid XL-552; to the Committee on Ways and Means.

By Mr. HASTINGS of Florida:

H.R. 5923. A bill to direct the Secretary of the Interior to establish a grant program to eradicate non-native constrictor snakes from ecosystems in which they exist in sustainable populations, and for other purposes; to the Committee on Natural Resources.

By Mr. MACK:

H.R. 5924. A bill to provide that no United States assistance may be provided to Pakistan until Dr. Shakil Afridi is freed; to the Committee on Foreign Affairs.

By Mr. AUSTIN SCOTT of Georgia:

H.R. 5925. A bill to protect individual privacy against unwarranted governmental intrusion through the use of the unmanned aerial vehicles commonly called drones, and for other purposes; to the Committee on the Judiciary.

By Mr. STIVERS:

H.R. 5926. A bill to authorize and request the President to award the Medal of Honor posthumously to Major Dominic S. Gentile of the United States Army Air Forces for acts of valor during World War II; to the Committee on Armed Services.

By Mr. TONKO:

H.R. 5927. A bill to authorize the Secretary of Interior to carry out projects and conduct research on water resources in the Hudson-Mohawk River Basin, to establish a Hudson-Mohawk River Basin Commission, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, 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 Alaska:

H.R. 5928. A bill to designate a peak in the State of Alaska as "Mount Chosin Few"; to the Committee on Natural Resources.

By Mr. RIGELL:

H. Res. 680. A resolution expressing the sense of the House of Representatives that, as part of any agreement on Medicare reform, Medicare should not be changed for any citizens of the United States over the age of 55 and any agreement should provide a detailed plan to reduce waste, fraud, and abuse in the program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOYLE:

H. Res. 681. A resolution expressing support for designation of the Thursday before Thanksgiving as Children's Grief Awareness Day; to the Committee on Education and the Workforce.

By Ms. NORTON:

H. Res. 682. A resolution expressing the sense of the House of Representatives supporting the Federal workforce; to the Committee on Oversight and Government Reform.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers

granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Ms. SCHAKOWSKY:

H.R. 5905.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the powers of Congress, as enumerated in Article I, Section 8.

By Mr. POLIS:

H.R. 5906.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

By Mr. COSTA:

H.R. 5907.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3 of the United States Constitution.

By Ms. BALDWIN:

H.R. 5908.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. CUMMINGS:

H.R. 5909.

Congress has the power to enact this legislation pursuant to the following:

Article 1, 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 Mr. DOLD:

H.R. 5910.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, clause 3, which provides Congress the power to ''regulate commerce with foreign Nations and among the several States.''

By Mr. SULLIVAN:

H.R. 5911.

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. COLE:

H.R. 5912.

Congress has the power to enact this legislation pursuant to the following:

Amendment XVI to the United States Constitution.

Additionally, since the Constitution does not provide Congress with the power to provide financial support to U.S. political parties, the general repeal of the Presidential Election Campaign Fund for this purpose is consistent with the powers that are reserved to the States and to the people as expressed in Amendments IX and X to the United States Constitution.

Further, Article I Section 8 defines the scope and powers of Congress and does not include this concept of taxation in furtherance of funding U.S. political parties within the expressed powers.

By Mr. MCCAUL:

H.R. 5913.

Congress has the power to enact this legislation pursuant to the following:

article 1 clause 8 section 18

By Mr. ROE of Tennessee:

H.R. 5914.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress as stated in Article 1, Section 8, Clause 17 of the United States Constitution.

By Mr. KELLY:

H.R. 5915.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mr. CARNAHAN:

H.R. 5916.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1. ''All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives.''

By Mr. CLYBURN:

H.R. 5917.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, of the U.S. Constitution.

By Mr. CLYBURN:

H.R. 5918.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, of the U.S. Constitution.

By Mr. CLYBURN:

H.R. 5919.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, of the U.S. Constitution.

By Mr. CLARKE of Michigan:

H.R. 5920.

Congress has the power to enact this legislation pursuant to the following:

Congress' power to regulate Commerce with foreign Nations under Article I, Section 8, clause 3 of the Constitution.

By Mr. CLYBURN:

H.R. 5921.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, of the U.S. Constitution.

By Mr. CLYBURN:

H.R. 5922.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, of the U.S. Constitution.

By Mr. HASTINGS of Florida:

H.R. 5923.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. MACK:

H.R. 5924.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8 Clause 3: To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes; and Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof; and Article 1 Section 9 Clause 7: No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

By Mr. AUSTIN SCOTT of Georgia:

H.R. 5925.

Congress has the power to enact this legislation pursuant to the following:

Amendment 4, clause 1, of the United States Constitution states that ''the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.'' Although the Constitution does not specifically designate Congress the power to address personal privacy, Article 1, Section 8, Clause 18 designates to Congress the power the make all laws necessary and proper for carrying into and protecting against all powers vested by the Constitution of the United States. This bill would be necessary and proper for securing the rights guaranteed to the people in the 4th Amendment.

By Mr. STIVERS:

H.R. 5926.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution (Clauses 12, 13, 14, and 16), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; and to provide for organizing, arming, and disciplining the militia.

By Mr. TONKO:

H.R. 5927.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1,

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Mr. YOUNG of Alaska:

H.R. 5928.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 303: Mr. BISHOP of Utah.

H.R. 451: Mr. CALVERT and Mr. MCCOTTER.

H.R. 459: Mr. DIAZ-BALART, Mr. FLEMING, and Mr. JORDAN.

H.R. 640: Mr. SCHIFF and Mr. RYAN of Ohio.

H.R. 653: Mr. PRICE of North Carolina.

H.R. 719: Mr. GIBSON and Mr. HASTINGS of Washington.

H.R. 890: Mr. MICA.

H.R. 891: Mr. SCOTT of Virginia.

H.R. 965: Mr. MEEKS.

H.R. 997: Mrs. ELLMERS.

H.R. 1063: Ms. HERRERA BEUTLER.

H.R. 1236: Mr. WEST.

H.R. 1244: Ms. PINGREE of Maine.

H.R. 1283: Mr. BISHOP of Utah.

H.R. 1464: Mr. BURTON of Indiana and Ms. BORDALLO.

H.R. 1489: Mr. TONKO and Mr. MCGOVERN.

H.R. 1533: Mr. GIBBS.

H.R. 1581: Mr. STIVERS.

H.R. 1639: Mr. KING of New York and Mr. LANGEVIN.

H.R. 1675: Mr. LATTA, Mr. HUNTER, and Ms. DEGETTE.

H.R. 1755: Mr. CLAY and Mr. ISRAEL.

H.R. 1802: Mr. KING of Iowa.

H.R. 1878: Mr. AL GREEN of Texas.

H.R. 1955: Ms. CASTOR of Florida.

H.R. 1956: Mr. THORNBERRY.

H.R. 1971: Mr. DAVID SCOTT of Georgia.

H.R. 2012: Ms. JACKSON LEE of Texas.

H.R. 2022: Ms. JACKSON LEE of Texas.

H.R. 2108: Mr. PRICE of Georgia.

H.R. 2123: Mr. ROSS of Arkansas.

H.R. 2140: Mr. HOLT.

H.R. 2268: Mr. CONYERS, Ms. BORDALLO, and Mr. RIVERA.

H.R. 2599: Mr. MORAN.
H.R. 2655: Mr. HONDA.
H.R. 2705: Mr. COURTNEY.
H.R. 2751: Ms. CHU.
H.R. 2774: Mr. CARTER.
H.R. 2861: Ms. NORTON, Mr. RANGEL, and Mrs. MALONEY.
H.R. 2913: Mr. CICILLINE.
H.R. 2962: Mr. COURTNEY, Mr. LOBIONDO, and Mr. BLUMENAUER.
H.R. 2969: Mr. GRIMM.
H.R. 2978: Mr. DENHAM.
H.R. 3015: Mrs. MALONEY, Mr. MARKEY, Ms. JACKSON LEE of Texas, Mr. JACKSON of Illinois, Mr. BOSWELL, and Mr. LEWIS of Georgia.
H.R. 3036: Mr. OWENS and Mr. MCGOVERN.
H.R. 3086: Mr. PERLMUTTER and Mr. GUINTA.
H.R. 3109: Mr. THOMPSON of California.
H.R. 3187: Mr. JOHNSON of Ohio, Ms. WILSON of Florida, Mr. HEINRICH and Mr. CLEAVER.
H.R. 3238: Mr. HASTINGS of Florida, Ms. CHU and Mr. RYAN of Ohio.
H.R. 3264: Mr. FLAKE.
H.R. 3307: Mr. HASTINGS of Florida.
H.R. 3337: Mr. RANGEL, Mr. BACA, Mr. LUETKEMEYER and Ms. LEE of California.
H.R. 3352: Mr. LATOURETTE.
H.R. 3356: Mr. PAUL.
H.R. 3364: Mr. WALBERG.
H.R. 3399: Mr. STEARNS.
H.R. 3423: Mr. JOHNSON of Ohio.
H.R. 3429: Mr. HARPER.
H.R. 3461: Mr. LABRADOR, Mr. COOPER, Mr. POE of Texas, Mr. KINZINGER of Illinois, Mr. YOUNG of Alaska, Mr. AUSTRIA, Mr. REYES and Mr. SMITH of Texas.
H.R. 3474: Mr. ROSKAM.
H.R. 3486: Mr. AL GREEN of Texas.
H.R. 3510: Mr. THOMPSON of California and Mr. NUGENT.
H.R. 3591: Mr. ROSS of Arkansas, Mr. DOYLE, Mr. VISCLOSKY and Mr. ALTMIRE.
H.R. 3618: Mr. LARSEN of Washington and Mr. MEEKS.
H.R. 3619: Mr. MCGOVERN and Ms. WATERS.
H.R. 3643: Mr. FLAKE.
H.R. 3661: Mr. PAULSEN, Ms. LEE of California, Mr. LATOURETTE, Mr. DOLD, Mr. TURNER of Ohio, Mr. CLAY and Mr. WALZ of Minnesota.
H.R. 3679: Ms. HERRERA BEUTLER.
H.R. 3803: Mr. SHUSTER.
H.R. 3860: Ms. NORTON and Mr. CONYERS.
H.R. 3862: Mr. MILLER of Florida.
H.R. 3993: Mr. HEINRICH.
H.R. 4004: Mr. SCHRADER and Mr. ANDREWS.
H.R. 4078: Mr. MILLER of Florida.
H.R. 4115: Mrs. EMERSON.
H.R. 4152: Ms. RICHARDSON.
H.R. 4155: Mr. COURTNEY and Ms. CHU.
H.R. 4209: Mr. MORAN.
H.R. 4215: Mr. DAVID SCOTT of Georgia.
H.R. 4269: Mr. HUNTER and Mr. ROKITA.
H.R. 4287: Ms. LORETTA SANCHEZ of California, Mr. KIND, Mr. GARAMENDI, Ms. SUTTON, Mr. LEWIS of Georgia, Ms. BONAMICI, Mr. CARNAHAN, Ms. BASS of California, Mr. JOHNSON of Georgia, Mr. MICHAUD, Mr. WAXMAN, Mr. COURTNEY, Mr. AL GREEN of Texas, Ms. CHU and Mr. SCHILLING.
H.R. 4306: Mr. CLARKE of Michigan.
H.R. 4313: Mr. KING of Iowa, Mr. MCKINLEY and Mr. BOREN.
H.R. 4323: Ms. BASS of California.
H.R. 4325: Ms. CHU.
H.R. 4350: Mr. MCKINLEY and Mr. CUMMINGS.
H.R. 4362: Mr. COHEN, Mrs. LOWEY and Mr. COFFMAN of Colorado.
H.R. 4367: Mr. WALDEN, Mr. GARAMENDI, Mr. DONNELLY of Indiana, Mr. DENHAM, Mr. WATT, Mr. GINGREY of Georgia and Mr. BARROW.
H.R. 4381: Mr. MILLER of Florida and Mrs. CAPITO.
H.R. 4382: Mrs. CAPITO and Mr. CONAWAY.
H.R. 4402: Mr. SOUTHERLAND, Mr. LAMBORN, Mr. FLAKE and Mr. LUETKEMEYER.
H.R. 4470: Mr. ENGEL.
H.R. 4971: Mr. POE of Texas.
H.R. 4972: Mr. MCGOVERN and Mrs. MALONEY.
H.R. 5157: Mr. MILLER of North Carolina and Mr. DANIEL E. LUNGREN of California.
H.R. 5186: Mr. TIERNEY.
H.R. 5188: Mr. KUCINICH and Mr. SERRANO.
H.R. 5331: Ms. BASS of California.
H.R. 5542: Mr. HONDA.
H.R. 5646: Mrs. BLACK and Mr. LUETKEMEYER.
H.R. 5731: Mrs. ROBY, Mr. NUNNELEE and Mr. KLINE.
H.R. 5746: Mr. REED, Mr. SMITH of Nebraska and Mr. MARCHANT.
H.R. 5747: Mr. BUTTERFIELD and Mr. WALZ of Minnesota.
H.R. 5789: Mr. MCGOVERN.
H.R. 5796: Mr. COURTNEY and Mr. TOWNS.
H.R. 5822: Mrs. MYRICK.
H.R. 5825: Mr. MCGOVERN.
H.R. 5839: Mr. RIVERA.
H.R. 5864: Mr. LATOURETTE, Mr. HASTINGS of Florida and Mrs. CAPPS.
H.R. 5871: Mr. ANDREWS.
H.R. 5873: Mr. AUSTIN SCOTT of Georgia, Mr. HANNA, Mrs. ROBY, Mr. DEFAZIO, Mr. REHBERG and Mrs. HARTZLER.
H.J. Res. 110: Mr. ROKITA.
H. Con. Res. 119: Ms. HAHN, Mr. STARK and Mr. DAVIS of Illinois.
H. Res. 177: Ms. WILSON of Florida and Mr. ACKERMAN.
H. Res. 220: Mr. CRITZ.
H. Res. 289: Mrs. MALONEY and Ms. WOOLSEY.
H. Res. 298: Mr. LONG, Mr. ROKITA and Mr. BOSWELL.
H. Res. 506: Mr. ENGEL and Ms. ESHOO.
H. Res. 609: Mr. CAPUANO.
H. Res. 618: Mr. MCGOVERN, Mr. LARSEN of Washington, Ms. FUDGE and Ms. CHU.
H. Res. 623: Mr. BOREN, Mr. BARROW, Mr. COSTA, Mr. MICHAUD, Mr. PETERSON, and Mr. SCHRADER.
H. Res. 640: Ms. BORDALLO and Ms. LEE of California.
H. Res. 650: Mr. FRELINGHUYSEN.
H. Res. 651: Mr. CARSON of Indiana.
H. Res. 665: Ms. HIRONO.

## AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 5855

OFFERED BY: MR. CROWLEY

AMENDMENT NO. 17: At the end of the bill (before the short title), insert the following:

SEC. ____. It is the sense of Congress that the Department of Homeland Security should increase coordination with India on efforts to prevent terrorist attacks in the United States and India.

H.R. 5855

OFFERED BY: MR. BARLETTA

AMENDMENT NO. 18: At the end of the bill (before the short title) insert the following:

SEC. _____. None of the funds made available by this Act may be used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158 WASHINGTON, THURSDAY, JUNE 7, 2012 No. 85

# Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord, You reign in robust majesty, and we face our labors with joy in knowing that You are always with us. We rely on Your word and celebrate Your holiness, mercy, and love.

Use our Senators today to accomplish Your will on Earth. Help them to remember that You desire to use them to speak and live for You, so that others may find in them the way to You. Be their defender and the keeper of body and soul all the days of their lives. Imbue their minds with Your vision of what is best for our Nation and world.

We pray in Your faithful Name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL 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 bill clerk read the following letter.

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, June 7, 2012.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUYE,
*President pro tempore.*

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## AGRICULTURE REFORM, FOOD, AND JOBS ACT OF 2012—MOTION TO PROCEED—Resumed

Mr. REID. Mr. President, I move to proceed to Calendar No. 415, S. 3240.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The bill clerk read as follows:

Motion to proceed to Calendar No. 415, S. 3240, a bill to reauthorize the agricultural programs through 2017, and for other purposes.

SCHEDULE

Mr. REID. Mr. President, we are now on the motion to proceed to the farm bill.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. REID. Mr. President, the time until 10:30 a.m. will be equally divided between the two leaders or their designees. At 10:30 a.m. there will be a cloture vote on the motion to proceed to the farm bill. We hope we can reach agreements on the amendments today.

The hour following the cloture vote will be equally divided, with the Republicans controlling the first half and the majority controlling the final half.

Mr. President, here we are again on these endless, wasted weeks because the Republicans are preventing us from going to legislation. We should have been legislating on this bill. This is a bipartisan bill. It is managed by two very good Senators. One is a Democrat, DEBBIE STABENOW, chairman of that committee, and PAT ROBERTS from Kansas, who in the past has been chairman of the committee and is ranking member of the committee today. They have come up with a very good bill. It saves the country $23 billion. It gets rid of a lot of wasted subsidies. It is a fine piece of legislation.

We hear the hue and cry constantly from our Republican friends to do something about the debt. This bill does it. It saves the country $23 billion. We are going to have a cloture vote on the ability for us to proceed to the bill, and on the ability for us to start legislating.

I don't need to give a lecture to the Presiding Officer about how vexatious this is, that we have to do this every time. The Presiding Officer wanted to do something to change this process at the beginning of this Congress. I will bet, Mr. President, if we maintain our majority—and I feel quite confident we can do that and the President is reelected—there are going to be some changes. We can no longer go through this on every bill. There are filibusters on bills they agree with. It is a waste of time to prevent us from getting things done. So enough on that. It is such a terrible waste of our time.

MEASURES PLACED ON THE CALENDAR—S. 3268 AND S. 3269

Mr. REID. Mr. President, there are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The leader is correct. The clerk will read the titles of the bills for the second time.

The bill clerk read as follows:

A bill (S. 3268) to amend title 49, United States Code, to provide rights for pilots, and other purposes.

A bill (S. 3269) to provide that no United States assistance may be provided to Pakistan until Dr. Shakil Afridi is freed.

Mr. REID. Mr. President, I would object to any further proceedings with respect to these bills, en bloc.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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The ACTING PRESIDENT pro tempore. Objection having been heard, the bills will be placed on the calendar under rule XIV.

Mr. REID. Mr. President, would the Chair announce the business of the day.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved. Under the previous order, the time until 10:30 a.m. will be equally divided and controlled between the two leaders or their designees.

Mr. REID. Mr. President, I ask unanimous consent that the Chair start calling the roll, with the time equally divided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

STUDENT LOANS

Mr. MCCONNELL. Mr. President, it has been a week now since the Republican leadership in the Senate and the House sent several good-faith, bipartisan proposals to the White House in an effort to resolve the student loan issue. And what has the White House done? Absolutely nothing. The President has not yet responded. One can only surmise he is delaying a solution so he can fit in a few more campaign rallies with college students while pretending someone other than himself is actually delaying action.

Today the President is taking time out of his busy fundraising schedule to hold an event at UNLV, where, once again, he will use students as props in yet another speech calling on Congress to act. What the President won't tell these students is that the House has already acted and that Republicans in both Chambers are ready to work on solutions as soon as the President can take the time. All the President has to do is to pick up his mail, choose one of the bipartisan proposals we laid out in a letter to him last week—proposals he has already shown he supports, with pay-fors he has recommended—and then announce to the students that the problem has been solved.

Unfortunately, the President is apparently more interested in campaigning for the students at UNLV than actually working with Congress to find a solution.

Mr. President, I would suggest you open your mail. Just open your mail, and you will find a letter there from the Speaker and from the majority leader in the House and from Senator KYL and myself laying out a way to pay for the extension of the current tax rates for student loans for another year that you yourself previously recommended. The only people dragging their feet on the issue are over at the White House itself—dragging their feet to fit in yet another college visit.

Republicans here in Congress have been crystal clear on this issue for weeks. We are ready to resolve the issue. It is time the President showed some leadership and worked with Congress to provide the certainty young people and their parents need. I encourage the President, if he really wants to do something to help students, to join us in working to find a solution. This is really pretty easy. We all agree that we ought to extend the current student loan rates for a year.

We have recommended to you, Mr. President, the way to pay for it that you have already adopted. This isn't hard.

Every day he is silent on solutions is another day closer to the rapidly approaching deadline here at the end of the month.

TAX RATE EXTENSION

Mr. President, I stood with the Speaker of the House yesterday and his conference leadership and called for at least a 1-year extension of current tax rates to provide certainty to families and job creators around the country that their taxes will not be going up on January 1.

In the Obama economy, we are facing a looming fiscal crisis that some have called the most predictable in history. Millions are unemployed, millions more are underemployed, and the country is facing the largest tax hike in history at the end of this year.

This tax hike the President wants would hit hundreds of thousands of small businesses. To put that in perspective, this tax hike would hit job creators who employ up to 25 percent of our workforce, and we really can't allow that to happen. I think we all know we cannot allow that to happen. The economy is far too fragile right now.

Former President Bill Clinton said we are in an economic recession, and earlier this week, before the Obama campaign got to him, he was for temporarily extending current tax rates. Yesterday the Democratic Senate Budget Committee chairman came out and said he was for temporarily extending current tax rates. And I would remind everyone that it was the President himself in December of 2010 who said that you don't raise taxes in a down economy. Well, the economy is slower now than it was when he last agreed with us to extend current tax law back in December of 2010. In fact, the rate of growth in our economy is slower now than it was in December 2010 when the President agreed with us that at that point we ought to do a 2-year extension of the current tax rates. We are experiencing slower growth now than then. The same arguments apply now.

This is the time to prevent this uncertainty and the largest tax increase in American history—right in the middle of a very fragile economy. It really doesn't make any sense to do otherwise. Let's extend all the current tax relief right now—before the election. Let's show the American people we are actually listening to them. Let's send a message that in these challenging economic times, taxes won't be going up for anyone at the end of this year. And let's not stop there. Let's tackle fundamental, progrowth tax reform. This is something upon which there is bipartisan agreement. I think we all agree it has been over 25 years since we did comprehensive tax reform in this country. It is time to do that again. We all agree on that. The President thinks that and Republicans and Democrats in the Congress think that. The time to act is now. If the President is serious about turning the economy around, preventing taxes from going up at the end of the year is one bipartisan step he could take right now.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Ms. STABENOW. Mr. President, today the Senate will vote to move forward on the Agriculture Reform, Food, and Jobs Act, also known as the farm bill. I hope my colleagues will vote to join us and begin the debate officially on this important jobs bill because it is so important to 16 million people who get their jobs from agriculture.

Our economy has seen some tough times, as we all know. Certainly we know that in Michigan. But agriculture has been one of the really bright spots. It is an underpinning of our economic recovery, and we want to keep it that way. If we fail to pass a new farm bill before the current one expires in September, it would cause widespread uncertainty and result in job losses in a very important part of our economy that is critical to keeping our recovery going.

Agriculture is one of the only parts of the economy, if not the only part, that has a trade surplus—$42.5 billion in 2011—the highest annual surplus on record. We know that for every $1 billion in exports, 8,400 people are working. So this is a jobs bill.

Thanks to the farm bill, tonight American families will sit down around the kitchen table and enjoy the bounty of the world's safest, most abundant, and most affordable food supply. I think it is too easy for all of us to take that for granted. The men and women who work hard from sunrise to sunset every day to put that food on our tables deserve the economic certainty this bill provides.

The farm bill before us today makes major reforms. We are cutting subsidies. We are ending direct payments. We cut the deficit by over $23 billion. As my friend and ranking member has said, this is voluntary. This is a real cut, as my budget chairman would say, and it is more than double what was

recommended in the Simpson-Bowles Commission. So this is serious. This is real. And we in agriculture—the first authorizing committee to recommend real deficit reduction cuts—are serious about making sure we are doing our part and that the families and ranchers and people involved in agriculture are doing their part as well. They are willing to do that. We have to have economic certainty because we are talking about creating jobs all across America, in rural areas and in urban areas.

This farm bill gives farmers new export opportunities so they can find new global markets for their goods and create jobs. This farm bill helps family farmers sell locally. We are tripling support for farmers markets, which are growing all over this country, and new food hubs to connect farms with schools and other community-based organizations.

This farm bill provides training and mentoring and access to capital for new and beginning farmers to get their operations off the ground. The bill really is about the future of agriculture in our country. As I have said so many times, this is not your father's farm bill. This is about the future.

We had three young farmers visiting with Senator ROBERTS and me yesterday, and I can tell my colleagues they were so impressive—I feel very confident about the future—but they were saying loudly and clearly that we need to get this done now so they can plan for themselves and their families.

We are also for the first time offering new support and opportunities for our veterans who are coming home. The majority of those who have served us in such a brave and honorable way in Iraq and Afghanistan come from small towns all across America, and they are now coming home. Many of them want the opportunity to stay at home, to be able to go into farming, to be able to have their roots back in their communities. We are setting up new support in this farm bill to support our veterans coming home.

The farm bill supports America's growing biomanufacturing businesses, where companies use agricultural products instead of petroleum to manufacture products for consumers. I am so excited about this because in my State of Michigan, we make things and grow things, and biomanufacturing is about bringing that together. As we move through this bill, I look forward to talking more about that.

This bill moves beyond corn-based ethanol into the next generation of biofuels that use agricultural waste products and nonfood crops for energy. This bill provides a new, innovative way to support agricultural research—the men and women who every day fight back against pests and diseases that threaten our food supply—with a new public-private research foundation to stretch every dollar and get the most results.

We extend rural development with a new priority for those proposing to maximize Federal, State, local, and private investment so that smalltown mayors—such as those who came before our committee—across the country can actually understand and use the programs. We are simplifying it. We are going from 11 different definitions of ''rural'' down to 1 so that it is simple and clear and so that smalltown mayors and local officials have better tools to use to support their communities.

Finally, let me say one more time that this bill is a jobs bill. Sixteen million people work in this country because of agriculture. We are creating jobs. We are cutting subsidies. We are reducing our deficit by over $23 billion. I hope our colleagues will join with us this morning in a very strong vote to move forward on this bill.

Can the Chair announce the time remaining on both sides?

The ACTING PRESIDENT pro tempore. There is 18 minutes on the Republican side and 11½ minutes on the Democratic side.

Ms. STABENOW. Let me first yield, if I might—I know Senator NELSON also wishes to speak—7 minutes, if that is appropriate, to our distinguished budget leader.

In introducing the Senator from North Dakota, I wish to say that we would not have the thoughtful approach on the alternative in the commodity title that we have today—we know we are going to be working more to strengthen that as we move through the process, but we would not have the strong risk-based approach we have without the senior Senator from North Dakota, our budget chairman. We also would not have the energy title we have that creates jobs without his amendment and his hard work. Frankly, this is somebody whom I looked to on every page of the farm bill because of his wonderful expertise.

I have to say one more time that I am going to personally and, as a Senator and chair of the committee, greatly miss him when he leaves at the end of the year. I think I may be locking the door so he can't leave.

So I yield 7 minutes to the Senator from North Dakota.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I want to say that the Senator has provided brilliant leadership on this legislation. I am in my 26th year here. I have never seen a chairwoman so personally and directly engaged to make legislation happen in an extraordinarily difficult and challenging environment.

When the history of this legislation is written, Senator STABENOW, the chairwoman of our committee, will be in the front rank of those who made this happen. I want to express my gratitude to her on behalf of farm and ranch families all across America for the extraordinary leadership she has provided.

Farm policy has many critics, and they perpetuate a myth about the farm bill: that it only benefits a handful of wealthy farm and ranch families. The truth is much different. The critics, who often look down their noses at hard-working farm families who feed this country, do not seem to understand the competition farmers face in the international arena and what an extraordinary success this farm policy has been.

The simple fact is, our agricultural policy benefits every consumer in America. As a share of disposable income, Americans have the cheapest food in the history of the world. Americans spend less than 10 percent of their disposable income on food, which is far less than any other country. As the Senator, the chairwoman of the committee, Ms. STABENOW, says very clearly, this is not only good for consumers, this is a jobs bill. Sixteen million people in this country have jobs because of an agricultural policy that has been a stunning success.

It is also a bill that helps us compete around the rest of the world. The 2008 farm bill has been a tremendous success by any measure—record farm income, record exports, record job creation. That is the history of the 2008 bill. It has contributed to the strong economic performance of American agriculture. As you may recall, it passed with an overwhelming bipartisan majority and it was paid for. It was paid for. We actually reduced a little bit of the deficit with that legislation.

That strong safety net created by the 2008 bill has enabled American farmers to continue to produce food for our Nation, even while facing tremendous market and weather risks.

Critics of farm policy also imply that the farm bill is busting the budget. That is simply false. Farm bill spending is only a tiny sliver of the overall Federal budget. Total outlays for the new farm bill are about 2 percent of total Federal spending; and of the farm bill spending, only about 14 percent—14 percent—goes to commodity and crop insurance programs. The vast majority of the spending in this bill goes for nutrition. Mr. President, 79 percent of the spending in this bill goes for nutrition programs. Only 14 percent goes for what could traditionally be considered farm programs. The farm provisions constitute less than one-third of 1 percent of total Federal spending. That is a bargain for American consumers and taxpayers.

The truth is, our producers face stiff international competition. In 2010, our major competitors—the Europeans—outspent us almost 4 to 1 in providing support for their farmers and ranchers. And the EU is not the only culprit. Brazil, Argentina, China, and others are gaining unfair market advantages through hidden subsidies such as currency manipulation, market access restrictions, and input subsidies that the WTO is incapable of disciplining.

The reality is that farming is a risky business. Not only do farmers and ranchers have to deal with unfair global competition, they also have to face

natural disasters and unpredictable price fluctuations.

The Senate Agriculture Committee, working together in a bipartisan way, will contribute over $23 billion to deficit reduction. That is twice as much as the Simpson-Bowles fiscal commission recommended—twice the savings that the Simpson-Bowles commission recommended. In so doing, the committee has provided more than its fair share of fixing this country's deficit and debt problems. If the rest of the committees of Congress did what this committee has done under the leadership of Senator STABENOW, there would be no deficit and debt problem. That is a fact.

This is also a reform bill. This is the strongest reform bill that has gone through a committee of Congress in the history of farm legislation, and the chairwoman and ranking member can be incredibly proud of the leadership they have provided.

This legislation streamlines conservation programs, reducing the number of programs, and making them simpler to understand and administer. It reauthorizes important nutrition programs for 5 years, helping millions of Americans.

I also want to thank Senator LUGAR and Senator HARKIN and the eight other sponsors on the Ag Committee for joining me in an amendment to continue funding for key rural energy programs. We are spending almost $1 billion a day importing foreign energy. How much better off would we be as a Nation if that money stayed here in the United States, instead of looking to the Middle East, if we could look to the Midwest for our energy supplies? This legislation will help move us in that direction.

In addition, I want to thank Senator BAUCUS and Senator HOEVEN for working with me to pass an amendment that will improve the bill for farmers in our part of the country. I am also pleased the new farm bill will continue the livestock disaster programs that are so important to our ranchers when feed losses or livestock deaths occur due to disaster-related conditions.

This legislation is the product of countless hours of deliberation, and to reach this point was no easy task. However, I still have some concerns about this legislation.

I am concerned that the new Agriculture Risk Coverage, or ARC, program will not do enough if agriculture prices collapse again, as they have done so many times in the past.

For those of you who do not believe that crop prices can fall again, I will tell you that I have heard that argument before. In 1996, many said that we had reached a new plateau of high prices, so Congress put in place the freedom to farm legislation that removed price supports. Two years later, Congress had to pass the largest farm disaster program in history because prices had crashed and farmers were going under. I will continue to work to ensure that we improve these provisions before the final passage of this bill so that we do not find ourselves in that situation again.

It is vital that we pass a farm bill, and it is just as vital that we make sure these programs continue to work for American producers and consumers.

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

The PRESIDING OFFICER (Mr. MANCHIN). The Senator's time has expired.

Mr. CONRAD. I thank the chairwoman and I thank the Presiding Officer.

Mr. ROBERTS. Mr. President, how much time do we have on the Republican side?

The PRESIDING OFFICER. Eighteen minutes.

Mr. ROBERTS. Eighteen?

The PRESIDING OFFICER. Eighteen.

Mr. ROBERTS. I thank the Presiding Officer.

Mr. President, I yield myself 6 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. ROBERTS. Mr. President, I rise today in support of the cloture vote on the motion to proceed to the farm bill. Let me point out what the distinguished chairwoman and the distinguished Senator who has just spoken have already pointed out—and it bears repeating; I know it is somewhat repetitive if people have been paying attention to the remarks we have had here prior to this vote—but this is a reform bill at a time in which reforms are demanded. It saves $23.6 billion in mandatory spending. They are real cuts. They are real deficit savings. It accomplishes this by reforming, reducing, and streamlining programs.

We eliminate four commodity programs. These programs are very difficult to go through at the FSA office, the Farm Service Agency we have. So when farmers have come in to try to wade through the four commodity programs, they have always been terribly difficult and complex.

We streamline the 23 conservation programs into 13 and eliminate duplication. We tighten a major loophole in nutrition programs. We cut 16 rural development authorizations. We cut over 60 authorizations in the research title and streamline programs.

In whole, we cut and/or streamline over 100 programs. Show me another committee that has done that on a voluntary basis. There is not any in the House or the Senate.

We have had speech after speech after speech after speech—heartfelt speeches—why can't you work together back there in Washington and do what is right for the American people and quit spending money we do not have? We had a supercommittee that worked on this for a considerable amount of time. I do not question anybody's intent who had that tough job. At that time, we offered to the supercommittee a package that could have been done at that particular time. But we did it—''we'' meaning the chairwoman and myself and members of the committee, and staff as well, who worked extremely hard.

So there has not been anybody else who has come forward and said: Here is real deficit reduction. That is why we should support the motion to proceed. We have made the tough decisions because that is what you do in rural America—whether it is in Michigan, Kansas, the Dakotas, or Nebraska. Because that is what you do when budgets are tight and you need to get things done.

Those in rural America are also why we need to get this bill done. The current law expires September 30. How many things around here are in purgatory? Tax extenders, the tax bill, what we call the tax cliff that we are looking at over here if we do not get things done, the specter of a lameduck Congress—in 3 weeks trying to get things done like that. And you put folks in purgatory where they cannot make any decisions.

Well, it would be a disaster in rural America if we do not pass this law before we revert back to the permanent 1949 law. That law in no way reflects current production or domestic and international markets. And I would say, even if we extend the current law, it does not reflect what we need as of today. That law goes back to base acres of 25 years ago. We are talking about planted acres as of today. So basically it would be government-controlled agriculture on steroids, and it would also mean that virtually all programs in the current law would expire.

We cannot let that happen. We need certainty. Farmers need certainty. Ranchers need certainty. Bankers need certainty. Everybody up and down every Main Street in rural America needs certainty. Agribusiness needs certainty. We need it because our farmers and ranchers and their bankers need to know what the farm bill and the programs are going to look like.

In farming, you have to go to your banker every year to get an operating loan for the coming year. We raise winter wheat in Kansas. We are known for that. Kansas is known as the ''wheat State.'' It will be planted in September. That means farmers will be going to their bankers as early as late July—next month—or early August to get their operating notes for the coming year. Without certainty in the farm bill, it is more difficult to make any economic projection, and it is more difficult for farmers to obtain loans and for bankers and farm credit to provide that credit. That is why we need to get it done now in their behalf. Rural America needs to know the rules of the game.

Just as importantly, American taxpayers are demanding government reforms and reduced deficit spending. This bill delivers on both fronts. It is true reform.

Let's get this bill done. I urge my colleagues to vote for the motion to proceed.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, before turning to the distinguished Senator from Nebraska, I want, one more time, to say what a pleasure it has been—and continues to be—to work with the senior Senator from Kansas. This has been a partnership effort. It has been a strong bipartisan effort. And I look forward to continuing to have that be the case as we move to get this bill done.

Now I wish to yield up to 5 minutes to the Senator from Nebraska. And I thank Senator NELSON for his strong advocacy for rural development, for helping us make these true reforms. He has been a strong advocate for the reforms in the commodity title, moving us to a risk-based system. He has been a strong advocate for crop insurance and for conservation, EQIP—things that are important, I know, to Nebraska.

This is also someone whom we are going to dearly miss on the committee and in the Senate at the end of the year. I think I may put the Senator from Nebraska and the Senator from North Dakota in a room together, lock the door, and not let them leave, because they are both so invaluable.

I yield to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 5 minutes.

Mr. NELSON of Nebraska. I thank the Senator for her strong efforts in bringing together this very important reform bill. We are moving in the right direction now with farm policy, moving away from protectionism, moving away from outmoded programs to something that certainly is, in today's world, important; that is, a safety net but a safety net that involves risk management as opposed to direct farm payments.

This is particularly important to the State of Nebraska and all our producers. We are No. 1 in production of many commodities, from red meat to great northern beans; second in the Nation in the production of ethanol, pumping more than 2 billion gallons of this homegrown fuel into our energy supply every year.

Our productive farmers and ranchers in Nebraska make us fifth in the Nation in agricultural receipts. While nearly one-third of all Nebraska jobs are related to agriculture, it is our No. 1 industry. Given that importance to my State, I truly appreciate the work that has been done and the strong bipartisan support of 16 to 5 to get this bill out from the committee to the floor.

Truly it is about reform. It creates a market-oriented safety net. It eliminates direct farm subsidy payments. It streamlines and simplifies and consolidates programs and at the same time creates jobs, helping our economy grow.

I would like to emphasize one point again. This major reform moves us away from government controls on production and moves us toward the private market to help sustain American agriculture, going in the right direction. It does all that while also making, as it has been noted, a substantial contribution, more than $23 billion, to deficit reduction. That sets the example of how Washington can begin to get our fiscal house in order. Our bipartisan work in the agriculture bill is important. It demonstrates that we can work together, particularly when it comes to deficit reduction and finding new ways to do things in a different way.

Turning to the reforms, by ending duplication and consolidating programs, the bill eliminates more than 100 programs or authorizations. It contains strong payment limitation language. Funding programs for those who do not need them is nothing short of agricultural welfare. Producers in my State understand we cannot keep funding programs for those who do not need them, nor should we.

They understand we do need to fund programs for those who are in need, particularly given our national fiscal problems. We need to prioritize better. So the bill ends those outdated subsidies, ensuring that farmers will not be paid for crops they are not growing on land they are not planting, and ends direct farm payments, saving taxpayers $15 billion on that program alone. That is a lot of money, even in Washington terms.

As we end those subsidies, the farm bill establishes that crop insurance will be the focal point of risk management, as it should, by strengthening crop insurance and expanding access so farmers are not wiped out by a few days of bad weather. This allows farmers and ranchers on their own to select the best risk management for their production needs, rather than having to rely on the sometimes good will of the government to bail them out in periods of volatility.

At the same time, one of the greatest challenges farmers face is the risk that prices will decline or collapse over several years. When things are good, people never expect them to go bad. When they are bad, they are worried they will never go good. Insurance will not cover multiyear price plunges. This leaves farmers exposed to high costs and low prices, and that can put them out of business.

In the Agriculture Committee, we worked to address this risk by creating the Agricultural Risk Coverage Program, a program that provides producers with a very simple choice to determine how best to manage their operation's risk. It seeks to strike a better balance with this market-oriented approach. We want farmers to stay in farming, but we do not want them to farm Federal programs.

To conclude, this is a solid reform-minded start. In my mind, it strikes the right balance between the need to cut spending while maintaining a strong safety net to ensure a stable supply of food, feed, fuel, and fiber. It is my hope that we will act on this bill soon and that the House will follow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I suggest the absence of a quorum and ask unanimous consent that time be charged equally to both sides.

The PRESIDING OFFICER. Only the Republicans have time remaining.

Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERTS. 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. ROBERTS. Mr. President, I yield the remaining time to the distinguished chairwoman and thank her so much for this team effort that has brought this excellent farm bill to the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, as we bring this time to a close, I just once again wished to thank my ranking member and friend Senator ROBERTS. I wish to thank all the members of the committee. We had some tough negotiations. We had a strong bipartisan vote. As with any farm bill, there are still improvements we can make, and we are committed to doing that as we move forward.

But, overall, what we see before us is a true reform bill, cutting over $23 billion from the deficit, the first authorizing committee to do that, cutting or consolidating about 100 different authorizations or programs. That, frankly, is unheard of. We have done that while strengthening the farm safety net, moving to a risk-based system, strengthening conservation. I am very proud that we have 643 different conservation groups supporting this bill. All together, we are moving forward on a strong agriculture, reform, food and jobs bill.

I hope colleagues will join us in a very strong vote to proceed to this bill.

CLOTURE MOTION

The PRESIDING OFFICER. All time has expired. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 415, S. 3240, a bill to reauthorize agricultural programs through 2017, and for other purposes.

Harry Reid, Debbie Stabenow, Carl Levin, Kent Conrad, Jeff Bingaman, Herb Kohl, Patrick J. Leahy, Michael F. Bennet, Christopher A. Coons, Al

Franken, Max Baucus, Barbara A. Mikulski, Ben Nelson, Amy Klobuchar, Sherrod Brown, Jeff Merkley, Robert P. Casey, Jr.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 8, as follows:

[Rollcall Vote No. 117 Leg.]

YEAS—90

| | | |
|---|---|---|
| Akaka | Franken | Murkowski |
| Alexander | Gillibrand | Murray |
| Ayotte | Graham | Nelson (NE) |
| Barrasso | Grassley | Nelson (FL) |
| Baucus | Hagan | Paul |
| Begich | Harkin | Portman |
| Bennet | Hoeven | Pryor |
| Bingaman | Hutchison | Reed |
| Blumenthal | Inouye | Reid |
| Blunt | Isakson | Risch |
| Boozman | Johanns | Roberts |
| Boxer | Johnson (SD) | Rockefeller |
| Brown (MA) | Kerry | Rubio |
| Brown (OH) | Klobuchar | Sanders |
| Burr | Kohl | Schumer |
| Cantwell | Kyl | Sessions |
| Cardin | Landrieu | Shaheen |
| Carper | Lautenberg | Shelby |
| Casey | Leahy | Snowe |
| Chambliss | Levin | Stabenow |
| Coats | Lieberman | Tester |
| Cochran | Lugar | Thune |
| Collins | Manchin | Toomey |
| Conrad | McCain | Udall (CO) |
| Coons | McCaskill | Udall (NM) |
| Corker | McConnell | Warner |
| Crapo | Menendez | Webb |
| Durbin | Merkley | Whitehouse |
| Enzi | Mikulski | Wicker |
| Feinstein | Moran | Wyden |

NAYS—8

| | | |
|---|---|---|
| Coburn | Hatch | Johnson (WI) |
| Cornyn | Heller | Lee |
| DeMint | Inhofe | |

NOT VOTING—2

| | |
|---|---|
| Kirk | Vitter |

The PRESIDING OFFICER. On this vote, the yeas are 90; the nays are 8. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Under the previous order, there will be an hour of debate equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Iowa.

HEALTH CARE RULING

Mr. GRASSLEY. Mr. President, political leaders on the Democratic side of the aisle are now preemptively charging the Supreme Court with judicial activism if that Court would strike down President Obama's health care law as unconstitutional. I cannot remember when such a significant threat to judicial independence was made in attempting to affect the outcome of a pending case. It is an outrageous attack on the separation of powers.

Democrats claim unless the Court rules in accordance with the policy preferences of a particular speaker, the Court's decision would be illegitimate. This is dangerous and this is wrong.

President Obama wrongly argued it would be unprecedented for the Supreme Court to strike down a law that a large congressional majority passed. He was wrong on the size of the majority, and he was wrong about the Supreme Court's history in striking down laws they consider unconstitutional. The President of the United States knows better because he is a former constitutional law lecturer. He should know the Supreme Court has done just that on many occasions over more than two centuries, and it is just not the case, as Democrats claim, that the Supreme Court can strike down ObamaCare only by failing to follow established commerce clause jurisprudence.

When the Judiciary Committee held a hearing last year on the constitutionality of the law, I asked whether the Supreme Court would need to overturn any of its precedents to strike down the individual mandate part of the health care reform. None of the witnesses—and most of those witnesses were selected by the majority Democrats—could identify a single precedent that would have to be struck down. No matter how many times liberals repeat the statement, it is just not so—the Supreme Court would not be an activist court if it struck down health care reform.

What is unprecedented is health care reform's infringement on personal liberty. The Constitution establishes a very limited Federal Government. But when the Supreme Court asked him the obvious question of what limit to Federal power would exist if the individual mandate were upheld, the Solicitor General, arguing for the government and in support of the constitutionality, could not and did not provide an answer.

So the Obama administration believes the Federal Government can force Americans to purchase broccoli or gym memberships, and don't believe anyone who says otherwise once we start down that road of unprecedented power of the Federal Government under the commerce clause.

Critics contend that the whole body of law allowing Federal regulation of the economy would be threatened if the Supreme Court struck down the health care reform bill. They even say that such a ruling would harm the legitimacy of the Supreme Court. That is just plain nonsense. The Supreme Court has never addressed a law like this. Striking down ObamaCare would have no effect on any other existing law.

The real change in the law—and to the country as a whole—would be if the health care reform bill were upheld as constitutional. People understand this instinctively. A recent Gallup poll found that 72 percent of Americans—including even 56 percent of people who call themselves Democrats—believe the individual mandate is unconstitutional. So they clearly would accept the legitimacy of a ruling striking down the individual mandate.

There is a constitutional law professor I am familiar with who leans on the conservative side. He rarely discusses his work with his young children. But the health care case has generated such attention that his 8-year-old son asked him about it. The father explained that the case involved whether the government could make people buy health insurance. This is what his 8-year-old son said: ''They can't do that. This is a free country.'' So even 8-year-olds understand the overreach of health care reform.

Unlike the supporters of ObamaCare, who really never bothered to think through the law's constitutionality before passing it, most Americans understand that this law threatens our freedom unlike any previous law. And I expect that the Supreme Court will agree. They understand that the law is not compatible with the Constitution and must be struck down.

It is ridiculous to claim that striking down this law would be judicial activism. A ruling that ObamaCare is unconstitutional would recognize that the law departed from the text of the Constitution, the very structure of our federalism, and even against the history of our country.

As former Judge McConnell has written, judicial activism cannot be defined one way when the meaning of actual constitutional text is at issue and another way when the words of the Constitution are silent on questions such as same-sex marriage and abortion. This is what Judge McConnell wrote:

> [T]here cannot be one set of rules for liberal justices and another set for conservatives.

By threatening the Court in advance, the critics are showing that they now have real doubts that the health care reform bill is constitutional. Whether addressed to an individual Justice or to the Court as a whole, claims that only one possible result can be reached or the Court's ruling would be illegitimate are shockingly improper attempts to influence a pending case.

But all the Justices seem to have agreed to combat what they see as any threat to their judicial independence. I suspect that inappropriate attempts to influence the Court's decisions on pending cases will backfire. They will make the Justices more determined than ever to show that they are adhering to their oath to defend the Constitution without regard to popular opinion. They will never want their rulings to appear to have been the result of political browbeating. So let the

Justices undertake their proper responsibility in deciding the constitutionality of health care reform. Let them do it without threatening to pillory them in advance if we do not like the outcome. There is always time for reasoned criticism after any ruling and particularly this ruling.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN of Ohio). The Senator from Utah is recognized.

Mr. LEE. Mr. President, I stand today to respond to what I believe are irresponsible and dangerous attacks on the legitimacy of the Supreme Court of the United States.

Over a 3-day period, beginning on March 26 of this year, the Supreme Court held more than 6 hours of oral argument to address the constitutionality of the Affordable Care Act. I was privileged to attend each of those sessions, and I can say that as a lifelong student of the Constitution and as one who served as a law clerk at the Supreme Court of the United States, I was very interested to not only watch the arguments but also to read many of the briefs and follow each of the proceedings very closely.

Like so many others who watched or read those proceedings, I was most impressed by the quality of the questions, the quality of the advocacy, and the overall discussion that took place in the Supreme Court. Through their questions, the Justices showed keen interest in the nature of the arguments made in support of ObamaCare. For example, Justice Kennedy asked whether, under the administration's theory of the commerce clause, there could be any meaningful limitation on the Federal Government's power under the commerce clause. He asked specifically, ''Can you create commerce in order to regulate it?'' Such questions and hypotheticals are common and they are a useful way by which lawyers and judges tend to test the basic principled limits enshrined in our Constitution.

If the Federal Government may compel commerce so that it may regulate the resulting commercial activity, there would arguably be little, if any, limit to the scope of Federal power. There would be no aspect of our individual lives that the Federal Government could not dictate and control. Such an all-powerful authority is, of course, flatly inconsistent with the Constitution's doctrine of enumerated powers—this principle that is perhaps more well-settled than any other principle within our almost 225-year-old founding era document.

Based on the Justices' questions and oral argument, many commentators—myself included—have predicted that the Supreme Court may well choose to invalidate the individual mandate of the Affordable Care Act. Apparently anticipating this possible outcome, some of my colleagues, as well as President Obama, have made statements suggesting that it would somehow be improper for the Supreme Court to invalidate the Affordable Care Act. They have asserted that striking down an act of Congress such as this one would somehow amount to judicial activism and that that would otherwise be wildly inappropriate. They have criticized some of the questions asked by individual Justices, and they have even gone so far as to suggest that those Justices who might vote to invalidate the Affordable Care Act would do so for reasons representing bias or partisan political motivations. This reminds me of the old saying that you can often tell in a particular game which team is losing by which side happens to be yelling at the referee.

In response to these false and, frankly, reckless statements, I would like to make three points.

First, attempts to manipulate or to bully the Supreme Court, especially during deliberations in a particular proceeding, are irresponsible, and they tend to threaten the very fabric of our constitutional Republic. Each Justice has sworn an oath to support, defend, and bear true faith and allegiance to the Constitution and to discharge his or her duties faithfully and impartially.

From time to time, politicians and others may disagree with the Court as to important constitutional issues or even on the merits of a particular case. I certainly feel that way myself from time to time. But it is simply inappropriate for elected representatives—who themselves have sworn an oath to the Constitution—in a spirit of partisanship, to question the honesty and impartiality of our Nation's highest Court in what could be perceived as part of an effort on the part of those elected politicians to influence a case pending before the Supreme Court.

Second, criticisms of the well-established principle of judicial review grossly misrepresent how our constitutional Republic functions.

President Obama and some Members of this body have suggested that the judiciary—which they sometimes denigrate as a group of unelected people—should simply defer to Congress. But, of course, each branch of government, including the judiciary, has an essential duty under the Constitution to police its own actions, to make sure that its own actions comply with the text, the spirit, and the letter of the Constitution.

Congress and the executive branch should police themselves to make sure they don't transgress those limits. But when the political branches happen to overstep their own boundaries, their own legitimate limits—as I believe happened with the individual mandate—the Supreme Court can and indeed must enforce the Constitution.

In a recent appearance before the Judiciary Committee, Justice Breyer explained, ''We are the boundary patrol.'' The Constitution sets boundaries, of course. That is what is at issue here. This foundational principle applies to popular laws just as much as it applies to unpopular laws.

The vast majority of Americans—about 74 percent, according to one recent poll—oppose the ObamaCare individual mandate. The Supreme Court will not strike it down merely because it is unpopular, but the Court must do so if the mandate exceeds the authority granted to Congress under the Constitution. That is what is at issue.

Third and finally, it simply is not the case that a court can properly be described as activist just because it enforces the Constitution's structural limits on Federal power. In this context, it is not altogether helpful to focus the discussion of whether the Court is acting properly on the contours of the words ''activist'' or ''activism.'' We have to remember that, for the Supreme Court, not acting to invalidate an unconstitutional law is every bit as bad, is every bit as repugnant to the rule of law and to the Constitution as it is for the Court to act to invalidate a law that is entirely justified on a constitutional basis. Both represent, both are the product of a betrayal of the Supreme Court's duty to decide cases according to the laws and to the Constitution of the United States of America.

When the Supreme Court acts to enforce the Constitution's limits on Federal power—as I expect it may do in the Affordable Care Act case—it does so pursuant to specific textual provisions of the Constitution. Enforcing the law in this undeniably legitimate matter is not activist; rather, it is an essential function of the judiciary in preserving the liberties guaranteed by our Constitution. Among those liberties, of course, are those protected by perhaps the most important fundamental component of the Constitution, this notion that we are all protected when the power of Congress and the power of the Federal Government as a whole is restricted. This is why James Madison appropriately observed that it was with good reason that the Founding Fathers reserved to the States powers that he described as numerous and indefinite, while describing those powers that were vested in this body as few and defined. We are all safer, we are all more free, we are all more prosperous to the extent that we stand by this most important fundamental precept of the Constitution. That is what is at issue in this case.

I hope and I trust that, moving forward, President Obama and my colleagues in this body will refrain from attempting to bully the Supreme Court or seeking to misrepresent the Court's important work in fulfilling its constitutional duties. Let's stop yelling at the referees and let the Supreme Court do its job while we do ours.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I wish to speak to this same question. As everyone knows, a ruling on the constitutionality of ObamaCare is expected

later this month. I think it is important that it be done in the right context. A lot of our Democratic colleagues have made clear their view that if the ruling doesn't go the way they want it to, it is not because they passed an unconstitutional law but rather, in their view, because it is some kind of a partisan activity by judicial activists and a lot of attention has been specifically focused on Chief Justice Roberts. This should not stand.

The President himself actually started this, I think, when he said:

> I'm confident that the Supreme Court will not take what would be an unprecedented, extraordinary step of overturning a law that was passed by a strong majority of a democratically elected Congress.

Never mind it was not passed by a strong majority—and, by the way, the chairman of the Judiciary Committee said something very recently, basically issuing a warning to Chief Justice Roberts on the floor of the Senate, stating that a 5-to-4 decision to overturn the law would be controversial. ''I trust he will be a Chief Justice for all of us and that he has a strong institutional sense of the proper role of the judicial branch.'' In other words, the intimation here is if the decision doesn't go their way, the Court's reputation, and specifically the reputation of Chief Justice Roberts, is on the line.

The Wall Street Journal wrote about this, and others have, talking about threats by the President and certain other members of his party with warnings that:

> Mr. Roberts has a choice—either uphold ObamaCare, or be portrayed a radical who wants to repeal the New Deal and a century of precedent.

Let's clear up a few things. First of all, as I said, the law was not passed by a strong majority of Congress, it was passed exclusively by Democrats. Not a single Republican supported it. It was the first time in history that major domestic legislation was passed by one party.

That is not the key point in terms of the constitutionality of the law, however. The key point is that the Court's job is, as Chief Justice Roberts said at his confirmation hearing, to work as an umpire, calling the balls and strikes as the Court sees them. Nonlegal arguments, such as the Court's decisions have to be popular or unanimous—those are just unserious and frankly political rhetoric.

We all know that in 1803, in the Marbury v. Madison case, the U.S. Supreme Court established the review of congressional action under article III of the Constitution. Since then, courts have overturned hundreds of laws. It would hardly be, therefore, unprecedented or extraordinary for the Court to overturn a congressional enactment as the President has said. As the Supreme Court noted in that case, courts determining whether acts of the legislative branch are consistent with the Constitution is ''of the very essence of judicial duty.'' The Court further noted that ''the Constitution is superior to any ordinary act of the legislature.'' If the two conflict, ''the Constitution and not such ordinary act must govern the case to which they both apply.''

The actual substance of the case which Democrats seem eager to avoid talking about is that ObamaCare, if upheld, empowers the Federal Government to order its citizens to purchase particular goods and services that the government believes its citizens must have. That sort of all-powerful Federal Government is at odds with the concept of enumerated powers, as is creating commerce in order to regulate it, as Justice Kennedy intimated at the oral argument.

This is why a significant majority of Americans dislike the law. They know the Constitution is meant to place limits on the power of our Government in order to protect the freedom of the people.

I can't guess how the Court is going to rule. It may not agree with my views. But I suggest that political leaders in the executive and legislative branches need to cool their rhetoric, as my colleague said, stop yelling at the umpire and stop the thinly veiled threats and react to the ruling after it is rendered, rather than before.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, would the Chair advise me when 5 minutes have elapsed.

I wish to add a few more words to what has already been said by some of our most distinguished lawyers in the Senate; that is, it is not controversial that, since 1803, the doctrine of judicial review, as decided by the U.S. Supreme Court, has held in essence that it is the responsibility of the judiciary, the Supreme Court, to say what the law is. Congress has its role and the Court has its role and they are different. We can tell one reason they are different is because Congress is elected every 6 years in the Senate, every 2 years in the House. We are accountable to the people for our decisions, for the policies we vote for and against. That is why we are called the political branches of government, as is the executive branch. The President stands for election. In essence, every Presidential election, every congressional election is a referendum on the people and the policies they embrace.

The role of the Supreme Court and Federal courts is very different, as we all know. It is kind of remarkable to me that we are having this conversation, but it is necessitated by the fact that the President and the distinguished chairman of the Senate Judiciary Committee have—at different times and different places—questioned the legitimacy of the Supreme Court performing this function, which Chief Justice John Marshall wrote about in 1803 in Marbury v. Madison, that it is the role, the emphatic duty of the Court to say what the law is.

If it is Congress's responsibility to write the policies and to write legislation, how is it different from the judiciary? Sometimes the judiciary interprets that legislation, trying to figure out what Congress intended. But in the area of constitutional review, more fundamentally they want to make sure Congress has stayed within the limits imposed upon it by the American people when they ratified the U.S. Constitution. Of course, that is the big decision in the health care case.

It is almost unprecedented. We probably have to go back to the 19th century to find where the Supreme Court gave so much time for advocates to argue a Supreme Court case. Ordinarily, it is very strict time limits. But here the Court set 3 days' worth of arguments down because of the importance of the case and importance of the issues that the Court will be called upon to decide.

My colleagues have already talked about the fact that the individual mandate has been the focus of so much attention. It is not the only issue. There is another very important issue in terms of whether the Congress and the Federal Government can commandeer State resources through a huge expansion in Medicaid, which is then forced down on the States that they then have to accommodate within their State balanced budget requirements. But on the individual mandate, certainly we saw how the Solicitor General of the United States stumbled, not because he is inarticulate or incapable—he is very articulate, he is a very capable lawyer—but he simply did not have a good argument to make when he was asked what is the principle limitation on the Federal Government's authority under the commerce clause if the Federal Government can do this. Stated another way, what is it that the Congress cannot do, the Federal Government cannot do, if they can force us to buy a government-approved product and then fine us if we do not do that, which is the individual mandated argument.

I don't think it is a controversial topic, and I am surprised we even find ourselves here, responding to the Congress's remarks and the chairman of the Judiciary Committee's remarks questioning the authority that existed since 1810 in Marbury v. Madison, the doctrine of judicial review and the role of the judiciary to say what the fundamental law of the land allows and does not allow in terms of Federal power.

There is another argument being made; that is, that if the Supreme Court comes out and disagrees with Congress on the health care law, that somehow its legitimacy will be jeopardized. I do not think public opinion polls have or should have anything to do with the way the Supreme Court decides an issue because their focus should be on the Constitution and not on the policy arguments. In other words, they should not interfere with our role to make policy because, of course, we are then held accountable to the voters while they are given life tenure and they are given the protection

of no reduction in their salary during their service on the bench—exactly for the reason they need to be protected from public opinion because their role is to focus on the Constitution.

I close by saying, according to a recent poll, 74 percent of Americans want the Court to strike down the individual mandate. Were the Court to do that, it would hardly undermine the legitimacy of the Court if the Court happened to, by coincidence, render a decision that the majority of Americans would agree with.

I yield the floor.

The PRESIDING OFFICER. The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are on the motion to invoke cloture on the motion to proceed to the agriculture bill.

Mr. DURBIN. I ask consent to speaking as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. DURBIN. Mr. President, I listened carefully to the speech given on health care reform, and I would like to put in perspective what the challenge is that faces America. Absent health care reform, absent a change in the growing increase in the cost of medical care, not only families but businesses and governments will find it impossible to adequately fund the health care Americans need. If we do not come together, as we tried with our health care reform bill, and dedicate ourselves to reducing the increase in the growth of the cost of medical care and do it with an assurance of quality being protected, then the net result of all this, I am afraid, is going to end up with America with medical bills it cannot pay.

We find as we look at government programs—Medicare, Medicaid, veterans programs, for example—that if we do not change the projected rate of growth of cost in these programs, in just a short period of time, the Federal budget of America will be consumed by health care costs and interest on the national debt to the exclusion of everything else.

I just heard my friend, the Senator from Texas, speak against individual mandates. The word ''mandate,'' I am sure, rubs many people the wrong way. But let's take a look at what that individual mandate is. From my point of view, it is a question of individual responsibility, whether individuals in this country have a responsibility to have health insurance.

Some argue of course not; they do not. Yet the reality is that if we do not have some sort of individual responsibility, the people without health insurance will get sick, present themselves at the hospital, be taken care of, and their expenses will be shifted to all the rest of us, to everyone else. So to argue that people have no responsibility to have health insurance is an argument against individual responsibility and an argument that others should have to pay for the medical bills of those who have no insurance. That, to me, is unfair as well.

We had, within the Health Care Reform Act, protection against expensive premiums. We limited the amount an individual would have to pay for health insurance to 8 percent of their income. We provided special help to those in lower income categories. I think that in itself is an effort to strike the right balance.

I have been given a note by the staff that the Republican side has time left. I see my colleague, the Senator from Alabama, has come to the floor. I will yield to him at this point and resume after he has finished.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I know the Senator is the assistant leader. The majority has a lot of things to do. If he would like to finish now, I would be pleased to yield.

The American people are all worried about the direction of our country and for a good reason; they have witnessed a growing disregard for the Constitution and the limits that it places on the federal government. Our Government is a government of limited powers. In essence, I hear my friend and colleague and able advocate Senator DURBIN say the question is about medical care. The question is about, he thinks, that it is unfair that some people do not buy insurance and therefore we ought to make them buy insurance. He thinks that is unfair.

We had a nearly year-long debate in this Congress, and Senator DURBIN prevailed by a single vote, before Senator BROWN could be confirmed to kill the health care bill. They were able to pass it through with an interim Senator by a single vote and it passed. But that is not what I and Senator CORNYN and others are here to talk about today. The point today is, Should the Supreme Court of the United States decide this question as a matter of law and principle or should they divine what they think the people want—although the polls show the American people consistently oppose this legislation and never supported it, ever, but it was rammed through anyway. So they want to say: This is important. We think it is unfair—even though the polling data shows people don't want this law—and the Supreme Court should uphold the law and shouldn't worry about a little thing like the Constitution and limited powers.

So that is what I want to talk about today. I want to affirm the duty of the Supreme Court of the United States, and that duty is to fairly and objectively interpret the Constitution and to render justice, not based on polling data and not based on congressional desire.

Polling data shows that the American people overwhelmingly think the law is an impermissible, unconstitutional regulation, so it is difficult for me to say this is such a matter that the Supreme Court has to acknowledge a minority view and approve it even if the Constitution doesn't agree. I don't think that is an argument that can be sustained, in my view.

Since the oral arguments in the case, in my view—and a lot of my colleagues share this view—the President himself, Democrats in the House and the Senate, their friends in the media and liberal government, pro-health care advocates have stepped up undignified and unjustified attacks on the Court, which seems to me to be a pretty transparent effort to try to influence the decision of an independent branch of government. It also seems to me an attempt—since I have been a student of this for some time now—to lay the groundwork and to declare that the Supreme Court is somehow illegitimate if they don't render a verdict in line with one that my colleagues think should be rendered.

I will say parenthetically that 2 years ago when this passed 60 to 40, it took 60 votes to pass it. It wouldn't pass today. It wouldn't even come close to having 60 votes today because the American people spoke and sent home a lot of people who voted for this bill when they didn't want them voting for it. That was a big deal in the election, frankly, if you want to talk about that.

So this philosophy that we hear advocated is a dangerous philosophy of law and jurisprudence. It is results-oriented. It is political, not law, and it surely is contrary to the great heritage of law that this country has been so blessed with. It may be that my colleagues are concerned because when pressed by the Supreme Court Justices during oral argument, the Solicitor General of the United States seemed to be utterly incapable of identifying any limiting principle on government power. The Solicitor General proffered various reasons why health care is unique, but not one of them was effectively grounded on any constitutional text, principle, or theory—at least in my view.

People can disagree. The Justices will have the final word on it. The nonlegal argument that the Court should not overturn a popular law suggested by many is, of course, irrelevant, not only because this health care law is, in fact, unpopular, but because popularity does not translate into constitutionality. Of course, under the popularity theory, it would be wrong for the Court to strike down the Defense of Marriage Act, which the administration has decided is unconstitutional and refuses to defend in court, even though the law was so popular that it passed 342 to 67 in the House and 85 to 14 in the Senate. So making the popularity argument revealed the lack of legal argument. It condemns such advocates as advocates against law, not for law.

Supporters of the health care law have disdainfully and consistently dismissed the notion, and it was done during the debate, that the legislation raised serious constitutional questions. I remember the debate in the Senate. This disdain was no more starkly demonstrated than when a reporter asked then-Speaker of the House of Representatives NANCY PELOSI what the constitutional basis was for the statute, and she condescendingly replied: Are you serious?

Is our time up?

The PRESIDING OFFICER. The time has expired.

Mr. REID. How much time does the Senator need?

Mr. SESSIONS. Mr. President, how long might the majority leader expect to be, and if it is possible to have consent to speak an additional 5 minutes after the majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the Senator from Alabama be recognized for another 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alabama is recognized for 5 minutes.

Mr. SESSIONS. I know the majority leader is extremely busy, and I appreciate his courtesy and respect with the difficult duty he has here.

She said: Are you serious? Well, when the Solicitor General of the United States was being grilled by the Justices, I have to say it looked serious then. It is axiomatic that the Commerce clause—which is the provision in the Constitution that the law's supporters argue gives the government the power to take over health care—was never understood to grant unlimited power to the Federal Government. The Federal Government, without doubt, is a government of limited powers.

It certainly never meant that Congress could regulate noncommerce under the power to regulate commerce. We can't regulate noncommerce when the only power the Federal Government is given is the power to regulate commerce. Give me a break.

As distinguished Judge Roger Vinson stated in his opinion in this case when he struck this bill down:

> It would be a radical departure from existing law to hold that Congress can regulate inactivity under the Commerce clause. If it has the power to compel an otherwise passive individual into a commercial transaction with a third party merely by asserting—as it was done in the Act—that compelling the actual transaction is itself ''commercial and economic in nature, and substantially affects interstate commerce,'' it is not hyperbolizing to suggest that Congress could do almost anything it wanted . . . If Congress can penalize a passive individual for failing to engage in commerce, the enumeration of powers in the Constitution would have been in vain, for it would be ''difficult to perceive any limitation on federal power'' (Lopez), and we would have a Constitution in name only. Surely this is not what the Founding Fathers could have intended.

It is a serious question. The Supreme Court needs to decide it, and they don't need to have Congress trying to pressure them one way or the other.

The President of the United States, President Obama, might think that it is, in his words ''unprecedented'' or ''extraordinary'' for the Court to strike down a clearly unconstitutional statute, but it is not. The Supreme Court has a duty under the Constitution and under the powers of the judiciary to speak clearly if Congress passes a law that violates the Constitution, that assumes powers Congress does not have, and that attempts to act in ways on behalf of the Federal Government that the Constitution never gave the government the power to do. They have a duty to strike it down.

The Court's reputation would be damaged if it bows to political bullying, but it won't be damaged if it follows the Constitution. I think it is wrong to disparage and threaten the Court during the pendency of a case in order to influence the outcome. I don't have any problem with criticizing a decision if I disagree with it, but to try to politically pressure the Court I think is wrong for us to do.

These are important questions of law. I have an opinion, but the Court has a duty. That duty is to decide the case before them impartially, as a neutral umpire, and without regard to the crowd noise. I believe they will do their duty, and we all await the outcome.

I thank the Chair, and I thank the majority leader.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

PRODUCTIVITY OF CONGRESS

Mr. REID. Mr. President, the last Congress was the most productive in the history of the country. Some say not the most productive, but certainly no one disagrees that it is the most productive since Franklin Roosevelt was President during his first term. But since there is a new majority in the House, this Congress has been altogether different and that is an understatement.

Consistently this Congress has taken weeks or months to pass even simple, commonsense legislation and proposals that would have previously passed in minutes. The Senate has wasted literally months considering bipartisan bills only to have those bills smothered to death under nonrelevant Republican amendments.

Congressional Republicans have held even the most important jobs measures hostage to extract votes on unrelated ideological amendments—despite the minority leader's own call to ''stop all the showboats.'' Those were his words.

The Democrats and American people have endured this blatant obstruction all year—in fact, for 18 months. What is it we are talking about? Obstruction. If you look in the dictionary, it says it all. I did that this morning. The dictionary says that obstruction is a condition of being clogged or blocked. Doesn't that define what has happened here in this wonderful body we call the Senate? Republicans have clogged or blocked everything we have tried to do, even things they have agreed on.

Yesterday we read that we will have to endure it every day for the rest of the year—every day for the rest of this Congress. And this came from Congressman CANTOR, the No. 2 person in the Republican-dominated House of Representatives. House Republican leaders admit they have given up on actually running the country. Despite the work that remains to keep our country on the right track and continue 27 months of private sector job growth, they say they are done legislating for the year, and in spite of the fact the President is working to create 4.3 million private sector jobs.

But listen to this report from the political publication Politico yesterday, and I quote:

> Serious legislating is all but done until after the election . . . The rest of this year, Cantor said, will likely be about sending ''signals. . . .''

Let's try that again. Because it is hard to comprehend that someone who is supposedly running the other body would say such a thing, but he did.

> Serious legislation is all but done until after the election. The rest of this year, Cantor said, will likely be about sending ''signals. . . .''

So rather than work with Democrats to strengthen our economy and create jobs, congressional Republicans will put on a show designed to demonstrate the extreme ideological direction in which they would lead this country.

Majority Leader CANTOR's candor is frightening. He said out loud what practically every Republican on Capitol Hill has been thinking all along: They care more about winning elections than creating jobs. We just don't usually hear them say so in public when reporters are listening.

Just a short month ago, Speaker BOEHNER urged Congress ''to roll up your sleeves and get to work.'' To an audience of conservatives, the Speaker said, ''We can't wait until after the election to legislate.''

Less than a week after, he said Leader MCCONNELL urged us to ''stop the show votes that are designed to fail. Let's stop the blame game. Let's come together and do what the American people expect us to do.''

The statements of Speaker BOEHNER and Leader MCCONNELL are Orwellian. They do exactly the opposite of what they say.

Republican Senator OLYMPIA SNOWE, by all means a moderate Senator, who is retiring amid frustration of increasing partisanship in Washington, wrote to me in April to urge quick Senate action on many of the challenging issues facing us. It was a letter crying out for help—but not for help from us, not for help from Democrats. She was speaking to the Republicans. She knew they were holding up virtually everything we were trying to do. I am sure that is one reason this fine woman is leaving the Senate.

Leader CANTOR's remarks provide a window into the true Republican agenda. It seems when congressional Republicans forget the world is watching, they say what they really mean. They are more interested in putting on a partisan sideshow than in solving the real problems facing this Nation. In truth this comes as no surprise. It is just more of the same.

Republicans have launched a series of attacks on access to health care for women, even contraception, and have filibustered legislation to ensure American women get equal pay for equal work.

In my desk—I haven't used this in a while, but I knew it was here all the time. Filibuster, filibuster, filibuster, filibuster. That is what obstruction is all about. ''Filibuster,'' from the dictionary:

> One of a class of piratical adventurers who pillaged the Spanish colonies in the West Indies during the 17th century; one who engages in unauthorized and irregular warfare against foreign States; a pirate craft.

Now, it is also defined as:

> To obstruct progress in legislative assembly; to practice obstruction.

That is what they have done. They have filibustered legislation to ensure American women get equal pay for equal work. Who could be against that? The American people—if we take a poll, no one is against it. Republicans aren't against it, except Republicans in the Congress of the United States.

They have stopped us from restoring fairness to the Tax Code to ensure billionaires don't pay a lower tax than middle-class families. They put women at risk by holding the Violence Against Women Act in limbo. They blocked a bill to hire more teachers, cops, firefighters, and first responders. They have stalled important jobs measures such as the aviation bill. We had 22 short-term extensions of that.

Finally, they shut down the government on one occasion—the government as it relates to the Federal Aviation Administration—putting tens of thousands of people out of work. They have stalled for months and months work done on a bipartisan basis by two fine Senators: Senator BOXER, the chairman of that committee, and Senator INHOFE, the ranking member. It doesn't matter. They are stalling the highway bill. Millions of jobs. We can't get it done.

For months, congressional Republicans have actively worked against any piece of legislation that might create jobs or support economic growth. We don't need to take my word for it, just look at the record. Democrats have known all along that congressional Republicans' No. 1 goal isn't to improve the economy or to create jobs. It is to defeat President Obama.

People say: Oh, come on. You don't really mean that, do you? I mean every word of it. Here is why: The leader of the Republicans in the Senate said it. I didn't make it up. The minority leader, the senior Senator from Kentucky, said so plainly in another one of those moments of candor. Here is what he said:

> The single most important thing we want to achieve is for President Obama to be a one-term President.

He said that in October of 2010 when this country was mired in monumental challenges, rather than saying let's work together and do some things. How many jobs could we have created if we had some semblance of help from the Republicans in Congress? Not 4.3 million jobs. Remember, 8 million or 10 million were lost in the Bush administration. We have struggled to get some of them back. We could have created millions more jobs just with a little help, but here is where they are headed. They are headed toward doing everything they can, no matter what it takes, to try to make President Obama a one-term President.

We are fighting back from the greatest recession since the Great Depression. Yet Republicans' top priority hasn't been to create jobs; their top priority wasn't to help businesses to grow and to have people hire workers. It wasn't to train the next generation of skilled employees or to hire more cops and firefighters or to put construction crews back to work building those roads and bridges we need. We have 70,000—not 7,000—70,000 bridges that are in trouble in this country. They need help.

We have a bridge in Reno, NV, where they will not have the kids stay on the schoolbus. They take them out, drive the bus over the bridge, and have the kids walk across the bridge. That is not the only place; all over the country that is happening. But we are getting no help. No, that wasn't their top priority, to help create those construction jobs. It was to drag down the economy in the hopes of defeating President Obama. Thanks to Leader CANTOR's candor, today we know Republican priorities haven't changed one single bit.

The PRESIDING OFFICER. The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, I wish to thank the majority leader for that statement. He comes to the floor with the other members of the leadership team to call to the attention of the Nation a statement made yesterday by the majority leader of the House Republicans, ERIC CANTOR of Virginia.

Many people remember, I say to the majority leader, that it was ERIC CANTOR who was appointed to the deficit task force the President created, chaired by Vice President JOE BIDEN—a bipartisan effort to try to deal with the deficit—and people will remember there came a moment after several weeks when Mr. CANTOR stood up and said: I am leaving. He walked out, literally walked out of this highest level negotiation on deficit reduction. He said: I want no part of it.

Well, we have another walkaway. ERIC CANTOR, the majority leader in the House, has announced we are finished for business this year. There is nothing more we are going to do. We are going to politic and campaign and posture. To him, I guess, that is an important responsibility. To the rest of America it is an abdication of responsibility—an abdication of responsibility.

This morning, the Chairman of the Federal Reserve, Ben Bernanke, appeared before the Joint Economic Committee. They wanted to talk to him about what more could be done at the Federal Reserve on monetary policy dealing with interest rates to get the economy moving forward. It is a legitimate policy question. But if Mr. Bernanke could have turned the tables for a moment, he might have asked the Members of Congress: Well, what are you doing to get the economy moving forward? I think that is a reasonable question.

Let me suggest to Mr. CANTOR, who thinks we are finished for business this year, that there are many elements of outstanding business that can help create jobs in America. Let's start with the first one: the Transportation bill. The Transportation bill will create 2.8 million jobs in America. What kind of jobs? As the majority leader said, jobs to repair bridges and highways, to build our airports, to make sure America has a safe infrastructure upon which to build our economy.

Well, in the Senate, we came to an agreement. Senator BARBARA BOXER, the chairman of the Environment and Public Works Committee, and Senator JIM INHOFE from Oklahoma, the ranking Republican member, reached an agreement and brought a bill to the Senate floor. We went through the long process of amendments, and it passed. I think the final rollcall was 74 to 22. It was an overwhelming bipartisan vote that extended for 2 years highway construction in America and created 2.8 million jobs.

Well, obviously, that is something that is good for America. The question that should be asked is, Well, where was the House Transportation bill? The honest answer is they never produced one—never. They couldn't agree on a bill. The House Republicans failed to pass the Transportation bill. Ultimately, they passed a measure to extend the current highway trust fund and taxes that are collected to July 1, just a few weeks from now.

Then the majority leader appointed a conference committee, and I am honored to be on that committee with a number of my colleagues. I can't tell my colleagues how hard Senator BOXER and Senator INHOFE have worked on that committee. This bipartisan effort, Democrats and Republicans, has resulted in a compromised counteroffer which they personally hand-delivered to the Chairman of the Transportation and Infrastructure Committee JOHN MICA. They understand we have a July 1 deadline. They understand the urgency to take it up and move it to create and keep 2.8 million jobs in America.

What was the response of Speaker BOEHNER? Well, it was warming and

welcoming, but the fact is as of today, maybe tomorrow—the House is gone for a week. So in this critical period of time when we are up against a July 1 deadline, when millions of American jobs are on the line, the House Republicans are leaving and the Republican majority leader, ERIC CANTOR of Virginia, said it doesn't make any difference if they stayed because they are not going to do anything significant. They are just going to politic and posture.

How do we explain that to the families of all of these workers across America—workers who need a job at a time when the economy is tough? I guess people living paycheck to paycheck now have to accept this furlough that the majority leader has announced for the rest of the year.

There is important work to be done, and it isn't just the Transportation bill. The majority leader raised some questions and issues that are still pending between us. Let me also add another one to the list: cybersecurity.

I attended a meeting, I guess it was about 2 months ago, the likes of which I have never seen since I have been in the Senate. We had a request by the administration—in fact, it started with Senator MIKULSKI asking them for it—to ask all of the Senators, Democrats and Republicans, to go to a classified setting—a secret setting—for a briefing on cybersecurity. There was a large turnout, Democrats and Republicans, and they spelled out to us the threat to the United States of America from China, Russia, other countries, and individual actors who are trying to invade our information technology to steal the secrets not only of our government but also of major companies, to burrow into our systems such as the utilities of America and be prepared at a moments' notice to destroy the capacity of the U.S. economy or worse.

We went through the exercise, and it really spelled out for us what might happen; what might happen if there were a cybersecurity attack into the United States and it literally turned out the lights on the great city of New York. What would happen? Well, it would take days before we could restore service. In the process, people would die, the economy would be crippled, and we are at risk of that happening.

So the administration has produced a cybersecurity bill to keep America safe from that kind of attack. Well, unfortunately, it doesn't meet Mr. CANTOR's test. He has told us we can't do anything the rest of the year. All we can do is campaign, politic, and give speeches.

We have a responsibility as Members of the Senate and the House to accept the challenges facing this Nation; No. 1, to create jobs, invigorate the economy, and get this country moving forward; second, keeping America safe.

I might say to Mr. CANTOR from Virginia, take some time during your next recess—which is next week—and go over to the Central Intelligence Agency and sit down with them and talk about cybersecurity and the danger to the United States, and ask them if we can wait 6 months or a year to get back to this issue. I know what they are going to say. They are going to remind him he swore to defend and uphold this great United States of America. And if he is going to do it, he ought to roll up his sleeves and go to work instead of coming up with another excuse for political campaigning and delay.

This comes down to a basic question. ERIC CANTOR, House Republican majority leader, has all but predicted that 2012—this year—is substantively over. We are finished. No more heavy lifting. It reminds me of when I was a kid on the last day of school before summer vacation. Remember that? It is usually a half day. You could not wait to race out the front door, screaming and hollering and throwing things in every direction, jumping up and down with your buddies, saying: We are going to go swimming tomorrow. And get your bike out. We are going to go have some fun. It was 3 months, at least, of pure unadulterated joy, no responsibility.

Well, Majority Leader CANTOR has announced that school is out for the House Republicans. They are finished for the year. But America is not finished. Our agenda is still there.

I want to commend the Senate Republicans who have joined us in passing this transportation bill. And I want to say to Speaker BOEHNER: When you return from the next recess, next week, roll up your sleeves and get to work. Put 2.8 million Americans to work with this bipartisan transportation bill. Have the courage to bring it for a vote on the floor of the House of Representatives so we can put America to work and make certain they know we take our job seriously.

I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from New York.

Mr. SCHUMER. Madam President, I rise in support of the words of the majority leader and the majority whip. Many of us have been frustrated lately by the glacial pace of activity in the House of Representatives. The Senate is supposed to be the cooling saucer, but, these days, the House is where jobs bills and other important measures go to die.

They are dragging out negotiations on a highway bill that would put millions to work. They refuse to even allow a conference on a bipartisan Violence Against Women Act reauthorization, even though the Senate produced a bill with 68 votes. They have refused to act at all on a bipartisan bill that cracks down on China's unfair currency practices—something which their own party's nominee for President claims to support.

Why the stalling? Well, we got our answer in the pages of Politico 2 days ago.

ERIC CANTOR, who controls the floor schedule in the House, has decided to forgo legislating in favor of politicking full time.

Despite all the major challenges this Congress faces—despite the crisis of confidence that may hit our markets in the fall due to uncertainty over the looming fiscal cliff—ERIC CANTOR has declared a moratorium on any serious legislating until after the fall elections.

The House of Representatives is like a computer that has been turned on sleep mode, and it does not plan to be rebooted until after November.

This is a breathtaking admission by the No. 2 Republican in the House. I would not be surprised if Leader CANTOR wishes he could take his statement back. It contradicts the rhetoric from many on his own side.

Just last month, in a speech at the Peterson Institute, the Speaker of the House made a great show of calling on the administration and Congress to tackle tax cuts and the debt ceiling now—before the election. Here is what Speaker BOEHNER said:

> It's about time we roll up our sleeves and get to work.

Unfortunately, Leader CANTOR's comments seem to reflect House Republicans' true intentions more so than Speaker BOEHNER's quote. And that is a terrible shame. Leader CANTOR and the House Republicans are shrinking from a potentially historic moment.

I have a message for Leader CANTOR: You may have abandoned any intention to legislate this year, but we will not bow to election-year politics here in the Senate. The Nation needs us, and we have too much to do.

All around this Chamber, there are green shoots of bipartisan activity. In the last 2 months alone, we have overhauled the postal system, approved a multiyear transportation program, renewed the Violence Against Women Act, streamlined drug approval rules at the FDA, renewed the Export-Import Bank, and passed a bill to help business startups. We have confirmed 20 judges and put the Federal Reserve Board at full strength for the first time in 6 years. And just this morning, we moved to proceed to a farm bill—the first overhaul of agriculture in 5 years—by an overwhelming 90-to-8 vote.

Every one of the issues I mentioned had broad bipartisan support. Each would not have been accomplished without bipartisan support. These are items, certainly, that are not the same as the big challenges that await us on taxes and spending, but they are not trivial. They are not post office namings either. They are real accomplishments.

''The Senate is on something of a roll,'' the New York Times recently reported. These accomplishments could very well prove to be the building blocks for bipartisan compromise on the bigger issues that await our Nation. So the House may already have entered election mode, but, I daresay, the Senate may be starting to gel at just the right time.

In the Senate there is a hunger to legislate. Republicans and Democrats alike in this Chamber sense our Nation is at a crossroads, and their first instinct is not to pause to contemplate its political implications, but to get things done. For this, I must salute the growing number of my colleagues across the aisle who are seeking to work across the aisle.

Even as the loudest voices on the Republican side cite the President's defeat as their No. 1 goal, I believe there is a silent majority within the Republican Caucus that yearns to come together and address the Nation's problems, free of partisan politics.

Even after the extreme elements in their own party have claimed two of the most esteemed Members of this body—one by retirement; one in a contentious primary—a silent majority of brave Republicans still dares to believe that compromise is a virtue, not a vice.

My colleague from Tennessee, Senator ALEXANDER, is a Senator I admire. He has taken the lead in bringing Members together to tackle the big issues that await us at the end of this calendar year.

I was at a briefing this week organized by Senator ALEXANDER, a Republican, and Senator WARNER, a Democrat. Believe me, no one in that room thinks, as Leader CANTOR apparently does, that these issues should be put off till the election. The conversations were quite preliminary, for sure, but the motivations of all the Senators who attended were pure.

Senator COBURN is another brave Republican. I may disagree with TOM COBURN on most issues, and even on many of his tactics, but I admire the courage he displays on a daily basis by standing up to even the most powerful special interests in his party. He does not talk the talk about bucking his party's orthodoxy on revenues. He walks the walk. Just this morning, I watched him on one of the morning news programs making great sense about the need for both parties to show leadership in confronting the big issues. He also made a point of saying that, unlike Leader CANTOR, he does not believe these issues should wait till the election.

My colleague from South Carolina, Senator GRAHAM, is another such brave Republican. We have our differences on many issues, but he is a statesman, plain and simple. He has been quite vocal on his wish to overturn the defense cuts in the sequester. But while others in his party propose to replace these cuts on entirely their own terms, Senator GRAHAM has bravely signaled an openness to make the tradeoffs needed to help bridge the partisan divide. Asked by the New York Times recently about the potential for tapping revenues to replace some of the sequester cuts, Senator GRAHAM bravely bucked his party's orthodoxy. ''I have crossed the Rubicon on that [one],'' he said. Be assured, Senator GRAHAM is someone we can negotiate with.

Senators ALEXANDER, COBURN, and GRAHAM are not alone. There are others who realize the need to act in a bipartisan fashion.

Senator ALEXANDER's colleague from Tennessee, Senator CORKER, recently called out his own party for famously rejecting a deal, a hypothetical deficit deal with a 10-to-1 ratio of spending cuts to tax increases.

Senators ISAKSON and COLLINS said in the same Politico article that they, too, would be open to supporting a grand bargain that includes revenues as well as spending cuts.

And my colleague from Oklahoma, Senator INHOFE, is featured in the pages of Roll Call today for his Herculean efforts to get House Republicans to be reasonable on a long-term highway bill, along with his colleague and our friend Senator BOXER.

I suggest that the House majority leader reconsider his remarks to Politico and take a page from the book of these brave Republicans. The House may be in an all-politics mode, but the Senate is not done legislating—not by a long shot. And let's be honest: If a solution to these big issues is at all possible in the lameduck, or maybe even before the election, it is not going to come from the House. It is going to come out of the Senate.

So I suggest to Leader CANTOR, Washington does not need an election to bridge our differences. It needs the Senate.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I come today to talk—as my colleagues have discussed—about the fact that Republicans in the House of Representatives seem ready to pack it in for the year.

Led by their majority leader and by the ''my way or the highway'' philosophy they have stuck to all year, they have signaled that they have given up on the work of the American people.

From our yearly responsibility to pass appropriations bills, to legislation that would create thousands of good-paying construction jobs, to efforts to stop an impending student loan hike, to a bill that would protect vulnerable American women from violence, House Republicans have now indicated they would rather kick the can down the road.

It is unfortunate that this is their attitude—not just for our college students or construction workers looking for jobs or women at risk, but it is statements such as the one the House majority leader made that make every American shake their head. That is because as American families come together around their kitchen table to make tough decisions about their mortgage or how to make tuition payments or even about how they are going to afford groceries, they want to see us coming together to make similarly tough decisions.

But as Leader REID and my other colleagues have made clear: It is tough to legislate from only one side of Capitol Hill. It is tough to address the issues affecting everyday Americans when House Republicans are more interested in drawing dividing lines than coming to the middle. It is pretty tough to create jobs and help our economy rebound when House Republicans are more focused on next year than on the bills that are stuck in their Chamber today. And it is impossible to do anything about the looming fiscal cliff we face when House Republicans continue to show they do not get that it will take a balanced approach to fix.

The bottom line is we need a partner in legislating, and it appears from comments such as those that were made this week that hope is quickly fading.

What is particularly concerning about House Republicans wanting to shutter their Chamber for the year is the fact that bipartisan, commonsense Senate legislation is languishing there. Bills that have gotten support from overwhelming majorities, and that were carefully crafted over months of negotiations, are in limbo for no good reason.

In fact, what I would like to do today is highlight two important numbers to illustrate what I mean. The first number is 68. Madam President, 68—that is the number of Senators who voted to pass a bipartisan, inclusive bill to reauthorize the Violence Against Women Act. It is a total that includes 15 Republican Senators who, like the vast majority of Americans, agreed with us that we not only need to reaffirm our commitment to protect those at risk from domestic violence but that we also need to improve and expand protections. Those are 68 Senators who came together to say that our commitment to saving the lives of victims of domestic violence should be above politics; 68 Senators who said we cannot allow partisan considerations to decide which victims we help and which we ignore; 68 Senators who sent a strong bipartisan message to the House that we can come together to strengthen protections for all victims, regardless of where they live or their race or their religion or gender or sexual orientation. Unfortunately, it is a message that Republicans in the House have ignored. True to form, instead of taking up our bipartisan bill, Republicans have passed a bill that leaves out both the additional protections for vulnerable women and the delicate compromises we achieved.

Men and women across our country see the headlines that Leader REID pointed out earlier. They know their protections are at risk, and they are at risk not because the Senate cannot come together but because House Republicans refuse to join us.

The second number I wanted to highlight today is 74. That is the number of Senators who came together to send a bipartisan transportation jobs bill to the House; 74 Senators who voted for a bill that will create or save millions of jobs in the country today; 74 Senators

who said that politics should not get in the way of our economic recovery or the need to fix our crumbling infrastructure; 74 Senators who got behind a bill that was the product of intense and long negotiation between Senators we know often did not see eye to eye but who did come together to pass a bill that could truly be called a compromise.

Yet here we are, months after this bill was passed with overwhelming bipartisan support, and it, too, is now the subject of political games in the House. Another bill that should never be considered political has become part of their grandstanding routine. It does not have to be this way. If Republicans can set aside politics and stand up to their tea party base, we can protect victims of domestic violence. We can pass a transportation bill. We can stop those tuition hikes. We can pass our appropriations bills.

In fact, we can even come together on the big issues that House Republicans have indicated they believe can only be resolved after an election. If Republicans are ready to admit it will take a balanced and bipartisan deal to avoid that fiscal cliff, we can make a deal tomorrow. But on this issue, Republicans have not just refused to meet us in the middle. They will not even come out of their corner.

We all know a bipartisan deal is going to be required to include new revenue along with spending cuts. Unfortunately, Republicans are singularly focused on protecting the wealthiest Americans from paying a penny more in taxes. Democrats are ready. We are willing to compromise. We know it is difficult, but we have to have a partner to do that.

Republicans need to understand that the fiscal cliff is not simply going to disappear if they close their eyes and wish hard enough. We are going to have to act, and Republicans should not let politics stop them from working with us now on a balanced and bipartisan deal which middle-class families expect and deserve.

Statements such as the one made by the House majority leader only reaffirm what American families fear the most, that at a time when they deserve a government at their backs, they are being abandoned. In the Senate, we have shown we can come together around bipartisan solutions. But we cannot do it alone. House Republicans need to send the American people a clear message they are willing to be a partner in compromise.

It is time for them to take up our bipartisan legislation to protect women and put workers back on the job. It is time to work with us in the appropriations process and help our Nation too. It is time to realize that a solution to the impending fiscal cliff will require a balance. It is certainly not time to give up.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. I appreciate very much the wonderful statements by Senators DURBIN, SCHUMER, and MURRAY. We have a problem in this country based on what CANTOR said. Here are the headlines: ''Congress switches from policy to politicking.'' All we have said here today has been based on fact. That is too bad. It is too bad we have someone who is running the House of Representatives who is trying to kill these important pieces of legislation Senator SCHUMER outlined that we have passed over here. We have passed all these things, worked very hard to get them done.

Because of politicking, and not policy, the majority leader of the House of Representatives is killing all this legislation for reasons we all understand.

ORDER OF PROCEDURE

Madam President, cloture has been invoked on the motion to proceed to the farm bill by an overwhelming vote of 90 to 8. Senators STABENOW and ROBERTS are now, as we speak, working on an agreement to amendments to the bill. I am hopeful they can make significant progress over the weekend. There will be no more rollcall votes today. Monday at 5:30 we will have a vote on Andrew Hurwitz to be a Ninth Circuit judge.

I hope we can get the farm bill done next week and lock in an agreement on flood insurance, which is also vitally important to this country.

The PRESIDING OFFICER. The Senator from Oregon.

LEGISLATING

Mr. WYDEN. Madam President, I came to the floor to talk about legislating. I was struck, in fact, by the comments recently because what I am here to talk about is essentially the yeoman's bipartisanship we have seen with Senator STABENOW and Senator ROBERTS on the farm bill. I am going to talk about some specific ideas, each of which I believe could win bipartisan support and help strengthen the legislation as we go forward in the Senate.

I believe it is hard to overstate the importance of writing the best possible farm bill in the Senate. When America desperately needs more jobs, and 1 in every 12 American jobs is tied to agriculture, this bill is an opportunity for the private sector to grow more jobs. When obesity rates are driving the American health care challenge, this bill can promote healthier eating without extra cost to taxpayers. When we are concerned about the threat to our treasured lands and air and water, this bill is our primary conservation program. When our rural communities are especially hard hit, and the Presiding Officer knows about this because she has a lot of rural country in her State, these rural communities are walking on an economic tightrope, and this bill can be a lifeline.

I spent much of last week in rural Oregon. In my State, Oregonians do a lot of things well, but what we do best is grow things—lots of things. Oregon grows more than 250 different crops, including everything from alfalfa seed to mint and blueberries. Several weeks ago, the Oregon Extension Service reported that agricultural sales in my home State increased more than 19 percent in 2011.

Agriculture in Oregon is now more than a $5 billion industry annually, and much of this is driven by high prices for wheat and cattle and dairy products, fruits, vegetables, and other specialty crops. The fact is, agriculture is the lodestar to prosperity for many rural Oregon communities. Nationwide, there are many other towns in a similar position to the small communities I have the honor to represent in the Senate.

That is what is apropos about this talk and the need for bipartisanship. Senator SCHUMER listed a number of these bipartisan areas. I consulted with the chair of the Agriculture Committee, Senator STABENOW, and the ranking member, Senator ROBERTS, who I also served with in the other body. After getting their counsel, I selected 28 Oregonians, from every corner of my State and across all types of agriculture, to help serve as an advisory committee on ways to improve the economic opportunities for Oregon, specifically through this bill.

We have the good fortune to have the committee chaired by Mrs. Karla Chambers, who owns a farm in the Willamette Valley, Stahlbush Farms, and also Mike Thorne, a wheat farmer in eastern Oregon.

From the outset, this advisory committee did not talk at all about politics, did not talk about whether there was a Democratic way to write a farm bill or a Republican way to write a farm bill. What they did talk about was the importance of the issues I have just outlined: jobs, health care, conservation, rural communities. That is what they spent their time focused on and particularly the jobs issue was central to their discussion.

There are about 38,000 farms in my home State which roughly support 234,000 jobs. That is about 11 percent of our State's employment. As much as 80 percent of the agricultural goods produced in Oregon are sold out of State. Half of that is exported to foreign countries. That is especially important to me because I chair the trade subcommittee of the Senate Finance Committee. So what I have taken as the centerpiece of my approach to agriculture and to our country's economy is that we ought to do our very best to: grow things in the United States, to add value to them in the United States, and then ship them somewhere.

It is especially important for Oregon agriculture. As I just noted, 80 percent of the agricultural goods that are produced in our State are sold out of State.

Abroad, our producers are doing very well. Nationally, each $1 billion in agricultural exports is tied to approximately 8,400 American jobs. These growing overseas markets represent a

way to create and sustain good-paying jobs that rely on export sales. In fact, agriculture is one of the only sectors with a trade surplus, and in 2011, it boasted a surplus totaling $42.5 billion—the highest annual surplus on record.

That is why I was honored to have a chance—when Chairman BAUCUS was tied up in discussions with respect to the super committee—to manage a significant part of the debate on the three recently passed free-trade agreements, which again give us a chance, as I have indicated, to build on that proposition that I have outlined, where we grow things here, add value to them here, and then ship them somewhere else.

Nothing says that more than giving those opportunities to producers from Oregon to Florida. They sell their fruits and vegetables, their wheat, their beef, their nursery crops, and other high-value products at home and abroad. The farm bill continues those programs that American producers rely on to help market their goods in foreign markets. I think it is important again to stress the bipartisanship associated with making sure there are bountiful opportunities for American agriculture and particularly for Oregon agricultural goods.

The second area my agriculture advisory committee focused on was stressing the importance of healthy nutrition here at home. Of course, the USDA, our Department of Agriculture, has recommended eating five fresh fruits and vegetables daily.

What that means is that from Burns, OR, to Bangor, ME, farm programs need to make it easier for those with low incomes to be able to eat healthier. There never ought to be a tradeoff between health and affordable food. So I think we have to look at some fresh approaches to promote healthy nutrition in this country. I believe it is not just an economic threat to our economy, it is also a national security threat to our Nation because we have seen, regrettably, that many Americans who would like to wear the uniform of the United States, patriots, have not been able to pass the health standards necessary to serve in our military.

In the past three decades, obesity rates have quadrupled for children ages 6 to 11. More than 40 percent of Americans are expected to be obese by 2030. The Centers for Disease Control reports that in 2008 alone, the United States spent $147 billion on medical care related to obesity. Obesity is the top medical reason one in four young people cannot join the military, and it has been identified by the Department of Defense as a threat to national security. It doesn't have to be this way.

I wish to outline some specific ideas for changing that and to promote good health in our country without adding extra costs to taxpayers. One opportunity for change is through the Farm to School Program. Again, without costing taxpayers additional money, it ought to be easier for delicious pears, cherries, and other healthy produce, grown just a few miles down the road, to make it into our schools. This ought to be a national approach. Schools from Springfield, OR, to Savannah, GA, currently purchase their fruits and vegetables from USDA—the Department of Agriculture—warehouses, which may be hundreds of miles away. Many of our farmers and our producers would like to sell their goods to local schools, and many schools would like to source their produce locally. The farm bill ought to promote that.

When I was in Oregon last week, I had a chance to meet with the management of Harry & David. They are a major employer in my State, and an Oregon pear producer. They told me they want to sell their fruit to schools down the street, but instead a complex maze of Federal rules and regulations has created a hassle for them, and the process sounds like bureaucratic water torture. So I am going to offer an amendment that would make it less of a hassle for producers such as Harry & David and farmers to sell directly to local schools, all without spending additional Federal dollars.

A second opportunity to improve our Nation's health lies with the SNAP program, the Supplemental Nutrition Assistance Program, better known as food stamps. This program currently spends over $70 billion a year. This is the big expenditure in the farm bill, and there is no way to really determine whether it promotes good nutrition. Think of all of the possibilities for helping our country, all the possible benefits if the SNAP program did more to improve nutritional outcomes for those who use the program.

Let me make clear that I am not for cutting benefits. I understand the crucial lifeline this program provides for millions of our people. What I am interested in doing is seeing that, through that $70 billion, it is possible to improve nutritional outcomes, all while getting the best value out of that enormous expenditure.

One of the ways we could do it would be to allow States to obtain a waiver from the SNAP program when they bring their farmers, their retailers, their health specialists, and their beneficiaries together and say: We have a consensus for improving the nutritional outcomes in our State, for those on the Food Stamp Program, the SNAP program. They ought to be able to get a waiver in order to do that and help us produce more good health in America. That is not some kind of national nanny program. That is not telling people they can only eat this or that. It is just common sense to have farmers, retailers, those on the program, and health specialists look, for example, to try to create some voluntarily incentive to promote better nutrition with this enormous expenditure, and I intend to offer an amendment to do that.

A third opportunity for improvement is through what is known as gleaning. Historically, gleaners gathered leftover produce from the fields, but today gleaners play a crucial role in reducing the staggering amount of food that goes to waste each year. At a time when food waste is the single largest category of waste in our local landfills—more than 34 million tons of food—again, without spending extra taxpayer money, we can do more to ensure that this unwanted food is used to tackle hunger in America.

Led by the dedicated work of local food banks, many are striving to put America's food bounty to better use. In Portland, OR, Tracy Oseran runs a wonderful nonprofit organization known as Urban Gleaners. They are poised to collect surplus food—hundreds of thousands of pounds of food—from grocers, restaurants, parties, and all kinds of social organizations, and they redistribute those hundreds of thousands of pounds of food to organizations that serve the hungry. Urban Gleaners is doing great work, but they could be doing a lot more.

Without spending a dime of extra money, we can advocate for gleaners all across America by making it possible for them to receive loans through the Microloan Program. If someone is trying to set up a gleaning program in a small town and they have to borrow, say, $20,000 to start a refrigeration program to preserve the quality of the food, let's make it possible for the gleaners to do that.

I am not proposing—and I discussed this with the chair of the committee, Senator STABENOW, and Senator ROBERTS, the ranking minority member—to allocate one additional dime to the program. I think it is a fine program. I simply want to say that when we have gleaners in our country who are telling us about the enormous amount of food that is still wasted despite their tremendous efforts, let's not pass up an opportunity to, with this bill, make it possible to promote gleaning in our country.

To produce the healthy food needed to feed America, we need fertile agricultural land, and conservation plays a central role in that. Roughly 28 percent of Oregon's land mass is devoted to agricultural production. Maintaining this land is crucial for our long-term productivity. For more than half a century, the farm bill has supported infrastructure modernization and conservation projects. They give, once again, the opportunity for collaboration, and that is key to our natural resources.

I see my friend from Arizona, Senator MCCAIN, here. We talked about doing this in the forestry area years ago. We ought to be promoting collaborative projects to boost rural economies. It is the Oregon way, and we ought to build on that in this farm bill as well.

The time is also ripe to promote farmers markets and locally grown food, which will lead to greater awareness of local markets, roadside stands, and community-supported agriculture.

This farm bill expands those opportunities, and I think these types of local initiatives give us the opportunity to change the trajectory—the tragic and staggering trajectory—of obesity in this country, and to ensure the viability of these programs, the land required to produce nutritious foods must be addressed.

I plan to offer, as I have indicated in these comments, a number of amendments to the farm bill, each of which I have discussed with the chair of the committee, Senator STABENOW, and ranking member, Senator ROBERTS.

The farm-to-school amendment that I will offer would not spend additional taxpayer money, but it would make it easier for schools to purchase locally for the breakfast, lunches, and snacks they serve children.

My second amendment would allow States across this country to get a waiver under the SNAP program, so they can consult with their farmers, their retailers, their health specialists, and those who use it, and try to come up with a way to get more good health and nutrition out of the $70 billion that is spent on the program. States ought to have an opportunity to do that so that the SNAP program can be a launch pad for healthier eating rather than just a conveyor belt for calories. With a waiver, States with innovation and effective ideas could improve nutritional outcomes and put their good ideas into action.

Third, I intend to offer an amendment—again, it doesn't spend additional taxpayer money—to promote gleaning through the Microloan Program.

Finally, based on the recommendations of the Institute of Medicine, I will offer an amendment to make it possible to advance some of the recommendations of the Institute of Medicine to look at the relationship between agriculture policy, the diet of the average American, and how we can reduce childhood obesity. This amendment would give us a chance to advance the recommendations of the Institute of Medicine. They have made a number of thoughtful proposals that I think will give us a chance to reduce obesity and promote our national security, and we certainly should pursue them through this farm bill.

The last comment I will make is that I think Oregonians got it right, and I think we ought to be building on the work done by Senator STABENOW and Senator ROBERTS. At a crucial time in American history, this bill can help us grow more jobs, it can help us improve the health of the people of our country without spending additional money, and it is an opportunity to protect our treasured land and air and water. Finally, it is a lifeline for rural communities—these communities that I have described as walking on an economic tight rope.

I intend to work with my colleagues on a bipartisan basis. I have heard all this talk about how the legislating is over. We ought to build on the work that has been done already and get this important bill across the finish line because it will be good for our economy, for our national security, and it will be good for our health and for our environment.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. Madam President, I ask unanimous consent to address the Senate as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO FALLEN HEROES

Mr. MORAN. Madam President, last week on Memorial Day, Americans remembered our Nation's fallen troops who laid down their lives for our Nation. We are blessed to live in a country where individuals volunteer to defend our Nation and our freedoms—no matter the cost. Because of the sacrifices of our Nation's veterans, we have the opportunity to live in the strongest, freest, and greatest Nation on Earth.

Today at Arlington National Cemetery, 30 U.S. servicemembers will be honored for their service and sacrifice to our country. These men were killed last August when insurgents fired upon their helicopter as it was rushing to aid troops in a firefight in Wardak Province in Afghanistan. More than 20 U.S. special operations forces were killed when the helicopter crashed—the deadliest single loss of American forces in the war in Afghanistan.

Among those lost were brave soldiers who called Kansas home: CWO Bryan Nichols of Hays, SPC Spencer Duncan of Olathe, and SGT Alexander Bennett of Tacoma, WA, who was stationed in New Century, KS. These men will be given full honors during a special memorial service and laid to rest at Arlington National Cemetery.

We lost 30 American heroes on that tragic day—brave men who answered the call to defend our country. Our Nation is forever indebted to these young men for their service and sacrifice. Especially today, we think of their families and the loved ones they left behind. May God comfort them in their time of grief and be a source of strength for them.

Yesterday, in Kansas, another soldier's life was remembered. PFC Cale Miller of Olathe was killed just 2 weeks ago during a combat mission in Afghanistan when the vehicle he was driving was struck by an improvised explosive device.

It has been said that the ''American soldier does not fight because he hates who is in front of him, he fights because he loves those who are behind him.'' This passage was read during Cale's service in Olathe, and it is a fitting description of this young man's devotion to his country.

Cale was raised in Olathe and was a 2007 graduate of Olathe Northwest High School, where he was a member of the football and track teams and played trumpet in the marching and jazz bands. Three years after graduation, Cale joined the Army and was assigned to Ft. Lewis in Washington State.

Cale was known as a fierce warrior on the battlefield and was one of ''the best of the best.'' Among his buddies he had a reputation for being a hard worker, someone who would go above and beyond to accomplish the task at hand. Cale's battalion commander said he was known as ''everyone's protector'' and was ''hands down, the best Stryker driver he ever had seen.''

More importantly, his sergeant said Cale had the unique ability of knowing the right thing to say at the right moment. He was a source of strength that pulled his sergeant and his squad mates through many difficult days.

Cale loved the Army, but he was also devoted to his family. He loved to laugh and had a great sense of humor, which helped his family find the bright side of every situation. His stepfather Dave is known for giving sound and practical advice and served as a role model for Cale. In fact, Cale once told his mom he was turning into the ''Dave'' for his buddies since they often turned to him for advice or encouragement. Cale had a close relationship with his sister Courtney and loved his mother deeply. He spoke of her often to his buddies.

My heart goes out to the entire Miller family, and I ask that all Kansans, all Americans, join me in remembering them in our thoughts and prayers during this difficult time.

On Monday, Cale was given a hero's welcome upon his return to Kansas. Volunteers placed flags along 151st Street in Olathe and hundreds of people stood in silence waving those flags and signs that read ''Community 4 Cale'' to honor this young man and his service to our country. This demonstration of support comes naturally to Kansans who respect and honor those who volunteer to defend and serve our Nation.

Today we honor Cale Miller, Brian Nichols, Spencer Duncan, and Alexander Bennett, who laid down their lives for our country. We thank God for giving us these heroes, and we remain committed to preserving this Nation for the sake of the next generation so they, too, can pursue the American dream with freedom and liberty. We are indebted to our veterans to do nothing less.

May God bless our service men and women, our veterans, and the country we all love.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I would like to thank Senator MORAN of Kansas for a very moving tribute to those who have served and sacrificed. I know the people of Kansas join him in expressing their gratitude for their service and sacrifice, and I thank the Senator from Kansas for a very eloquent and moving statement. God bless.

Mr. MORAN. Madam President, I thank the Senator from Arizona for his tremendous service.

Mr. MCCAIN. Madam President, I ask unanimous consent that the Senator from Connecticut and I be permitted to join in a colloquy on the situation in Syria.

The PRESIDING OFFICER. Without objection, it is so ordered.

SYRIA

Mr. MCCAIN. Before entering into our colloquy, I would like to make some brief remarks.

It should come as no surprise to any of our colleagues—and it certainly comes as no surprise to me—that the civil war raging in Syria has only deteriorated further over the past 2 weeks. On Saturday, May 26, we read the horrific news of a massacre that Bashar al-Assad's forces committed in the Syrian town of Houla. At least 108 civilians—the majority of them women and children—are now believed to have been killed, some from repeated shelling by Assad's tanks and artillery, but most slaughtered in their homes and executed in the streets. Survivors describe a scene so gruesome that even after 16 months of bloodshed and more than 10,000 dead, it still manages to shock the conscience.

There are now reports of another massacre by Assad's forces with as many as 78 Syrians dead and that Syrian authorities are blocking access to the scene for the U.N. monitors on the ground. These massacres of civilians are sickening and evil, but it is only the latest and most appalling evidence there is no limit to the savagery of Assad and his forces. They will do anything, kill anyone, and stop at nothing to hold on to power.

What has been the response of the United States and the rest of the civilized world to this most recent atrocity in Syria? More empty words of scorn and condemnation. More hollow pledges that the killing must stop. More strained expressions of amazement at what has become so tragically commonplace.

Indeed, as Jeffrey Goldberg has noted, administration officials are now at risk of running out of superlative adjectives and adverbs with which to condemn this violence in Syria. They have called it ''heinous,'' ''outrageous,'' ''unforgivable,'' ''breathtaking,'' ''disgraceful,'' and many other synonyms for the same. I don't know what else they can call it. Yet the killing goes on.

The administration now appears to be so desperate they are returning to old ideas that have already been tried and failed. Let me quote from a New York Times article that appeared on May 27.

> In a new effort to halt more than a year of bloodshed in Syria, President Obama will push for the departure of President Bashar al-Assad under a proposal modeled on the transition in another strife-torn Arab country, Yemen. . . . The success of the plan hinges on Russia, one of Mr. Assad's staunchest allies, which has strongly opposed his removal.

This is a case of history repeating itself as farce. Trying to enlist Russia in a policy of regime change in Syria is exactly what the administration spent months doing earlier this year, and that approach was decisively rejected by Russia when it vetoed a toothless sanctions resolution in the U.N. Security Council in February.

How is this recycled policy working out? Well, last week, a human rights organization disclosed that on May 26, a Russian ship delivered the latest Russian supply of heavy weapons to the Assad regime in the Port of Tartus. Last Friday, the Russian Foreign Ministry issued a statement on the Houla massacre—and blamed it on the opposition. President Putin, after blowing off a trip to Washington in favor of a visit to Europe, suggested that foreign powers were also to blame for the Houla massacre. He went on to reject further sanctions on the Assad regime and to deny Russia is shipping any relevant weapons to Assad.

Not to be outdone, last week the Russian Foreign Minister also described the situation in Syria this way.

> It takes two to dance—although this seems less like a tango and more like a disco, where several dozens are taking part at once.

One might think this alone would be enough to disabuse the administration of its insistence, against all empirical evidence, that Russia is the key to ending the violence in Syria. One might think so, but one would be wrong. Asked last week whether he could envision some kind of military intervention in Syria without a U.N. Security Council resolution, which is subject to a Russian and Chinese veto, the Secretary of Defense said, no, he cannot envision it.

Similarly, the White House spokesman, Jay Carney, rejected the idea of providing weapons to the Syrian people to help them defend themselves, saying that would lead to—get this, get this: If we supplied weapons to the Syrian resistance, it would lead to ''chaos and carnage,'' and it would militarize the conflict. It would militarize the conflict. After more than 10,000 have been slaughtered by Bashar al-Assad with Russian weapons, Iranians on the ground, it would militarize the conflict.

It is difficult even to muster a response to statements and actions such as these. U.S. policy in Syria now seems to be subject to the approval of Russian leaders who are arming Assad's forces and who believe the slaughter of more than 10,000 people in Syria can be compared to a disco party. Meanwhile, the administration refuses even to provide weapons to Syrians who are struggling and dying in an unfair fight, all for fear of ''militarizing the conflict.'' If only the Russians and the Iranians and al-Qaida shared that lofty sentiment.

I pray that President Obama will finally realize what President Clinton came to understand during the Balkan wars. President Clinton, who took military action to stop ethnic cleansing in Bosnia and did so in Kosovo without the U.N. Security Council mandate, ultimately understood that when regimes are willing to commit any atrocity to stay in power, diplomacy cannot succeed until the military balance of power changes on the ground.

As long as Assad and his foreign supporters think they can win militarily, which they do, they will continue fighting and more Syrians will die. In short, military intervention of some kind is a prerequisite to the political resolution of the conflict we all want to achieve.

The question I would pose to my colleague from Connecticut and to the administration is this: How many more have to die? How many more have to die? How many more young women have to be raped? How many more young Syrians are going to be tortured and killed? How many more? How many more before we will act? How many more?

I would like to also ask, When will the President of the United States speak up in favor of these people who are fighting and dying for freedom?

I thank my colleague from Connecticut for his continued involvement. He has shared the same experiences I have in refugee camps, meeting people who have been driven out of their homes, family members killed, tortured, young women raped as a matter of policy and doctrine of Assad's brutal forces.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, it is an honor to join in this colloquy with my friend from Arizona, though I obviously take no pleasure in it because it is an outcry—a cri de coeur—an outcry of the heart about the slaughter going on in Syria now, once again, with a government killing its own people to maintain its own presence and power. It is an outcry because for more than a year now the rest of the world, including the United States, has offered these victims of the brutal violence of the Bashar al-Assad regime in Damascus essentially words—words of condemnation, words of sympathy. But those words—or the few cell phones we have given those Syrian freedom fighters—don't stand up against Assad's tanks, his guns, and the brutality of his forces.

So I would say the answer to the question my friend from Arizona posed—how many more people have to be killed?—obviously, too many people have already been killed. It is time for the United States to show some leadership.

Senator MCCAIN and I are not calling for American troops on the ground in Syria. We are not calling for the United States alone to take action. There is a coalition of the willing. If we continue to say we are not going to take action to help the victims of Assad's brutality until and unless we get authorization from the U.N. Security Council, there is never going to be any help to go to these victims in

Syria because the Russians and probably the Chinese will veto any U.N. resolution.

Every time we say we have to go to the U.N., we raise the power of Russia to protect its ally in Damascus. But there is a coalition of the willing ready throughout the Arab world, and I think some in Europe and elsewhere, which will not act until the United States shows some leadership.

I want to just briefly put this in a historical context. After the Nazi Holocaust of the last century, the world said, ''Never again.'' ''Never again.'' We have kept that pledge in some cases, such as Bosnia and Kosovo, although it took us too long—too many people were killed before the world acted—and in other places, such as Rwanda, we turned away from the slaughter of people there.

Once again, we are challenged to show the victims whether we are true to our words. I read something a few days ago in the Washington Post. An article was drawing parallels between the genocide in Bosnia during the 1990s and the killing that is taking place in Syria today. There was a 37-year-old survivor of the Srebrenica massacre in Bosnia that finally got the world to get involved, who said:

> It's bizarre how ''never again'' has come to mean ''again and again.'' It is obvious that we live in a world where Srebrenicas are still possible. What is happening in Syria today is almost identical to what happened in Bosnia two decades ago.

So what is the world waiting for? A Syrian Srebrenica when thousands are killed on a single day by their own government before we act? I hope not. And that is why we speak out today.

Just within the hour, a story was posted on Reuters news service out of Beirut:

> Six hours after tanks and militiamen pulled out of Mazraat al-Qubeir, a Syrian farmer said he returned to find only charred bodies among the smoldering homes of his once-tranquil hamlet.
>
> ''There was smoke rising from the buildings and a horrible smell of human flesh burning'' said a man who told how he watched Syrian troops and ''shabbiha'' gunmen attack his village as he hid in his family olive grove.
>
> ''It was like a ghost town'' he told Reuters, . . .''

Senator MCCAIN and I have been explicit for some period of time. We have been both to Turkey and Lebanon to talk to leaders of the opposition and people in the refugee camps, and they simply say to us: As Americans, you are our only hope. This is from a people whose government has been determined in its anti-American posture, the Assad government, and yet the people now turn to us—as people always do in a time of crisis around the world—and say, This is what America is about. America has a moral government that cares about people's right to life and liberty, and we will not be saved unless you get involved.

I hope the latest events move our government to go beyond words to actions. And immediately. Again, Senator MCCAIN and I have talked about actions we would support: arms to the opposition fighters, training of the opposition fighters, safe havens in Turkey, and perhaps other neighboring countries to Syria, where they can be trained and equipped; provision of intelligence that we have, which will help the opposition fight to defend themselves and their families.

Frankly, if it were up to us—and I know I can speak for Senator MCCAIN—I think if we wanted to help and turn the tide quickly without a lot of unnecessary loss of life, we would use allied air power, Americans and our allies, and we would hit some targets important to the Assad government. I think that would break their will, and it would increase the number of defections from Assad's army and from the very important business community, and would result in a much sooner end to this terrible waste of lives.

So that is our outcry, and that is my answer to the question of my friend from Arizona. I thought the Senator was particularly right in condemning the idea that if we get involved, it militarizes the conflict—the conflict is already militarized on one side. Russia and Iran are providing Assad with all the weapons he needs. In the meantime, the opposition is scrounging around, paying exorbitant prices just for bullets which they have been running out of.

I ask my friend from Arizona, people say that intervention in Syria will be much harder than it was in Libya. I wonder if he would respond to that argument against us getting involved.

Mr. MCCAIN. I thank my colleague. I also want to point out that traveling in the region and meeting with the leaders in these various countries, it cries out for American leadership, I think my colleague would agree, in a coordinated partnership with these countries. But they cry out for American leadership. And meanwhile, the President of the United States, as this slaughter goes on, is silent. His spokesman says they don't want to militarize the conflict. How in the world could you make a statement like that when 10,000 people have already been slaughtered? That, to me, is so bizarre. I am not sure I have ever seen anything quite like it.

There is always the comparison, I say to my friend from Connecticut, about Libya. There is an aspect of this issue. Libya was not in America's security interests. Libya was clearly a situation where we got rid of one of the most brutal dictators who was responsible for the bombing of Pan Am 103 and the deaths of Americans. But if Syria goes on the path to democracy, it is the greatest blow to Iran in 25 years. Hezbollah is broken off. Russia loses its last client state. Iran loses the most important ally it has in the region.

Finally, I would say to my friend we keep hearing over and over again that extremists will come in; Al Qaida will come in. We heard that in Tunisia, we heard that in Libya, we are hearing that in Egypt, and we are hearing that again—neglecting the fact that al Qaida and extremists are the exact antithesis of who these people are. These people believe in peaceful demonstrations to bring about change—they have been repressed through brutality—whereas al Qaida, as we know, believes in acts of terror.

I agree with my colleague, if we provided a sanctuary for these people in order to organize and care for the wounded, to have a shadow government set up as we saw in Libya, then I think it is pretty obvious that it would be a huge step forward.

Again, as my friend from Connecticut has often said so eloquently, probably the most immortal words ever written in English are: We hold these truths to be self-evident, that all of us are endowed—all—by our Creator with certain inalienable rights.

The people of Syria who are suffering under this brutal dictatorship and are being slaughtered as we speak I believe have those inalienable rights. The role of the United States has not been to go everywhere and fight every war, but it has been the role of the United States of America, when it can, to go to the assistance of people who are suffering under dictatorships such as this, one of the most brutal in history. And for us to now consign them to the good graces of Russia and whether they will veto a U.N. Security Council resolution as to whether we will act on behalf of these people is a great abdication of American authority and responsibility.

Finally, I wish to say that Senator LIEBERMAN and I have visited these places. We have seen these people. I wish all of our colleagues—I wish all Americans—could have gone to the refugee camp where there are 25,000 people who have been ejected from their homes, the young men who still had fresh wounds, the young women who had been gang raped, the families and mothers who had lost their sons and daughters. It is deeply moving. It is deeply, deeply moving. And, as my friend from Connecticut said, they cry out. They cry out for our help.

We should be speaking up every day on their behalf, all of us, and we should be contemplating actions that stop this unprecedented brutality.

Mr. LIEBERMAN. Madam President, I thank Senator MCCAIN. I think he spoke with real clarity and strength, and this is exactly what we need to continue to do.

I want to go to the point he made. Some people say we shouldn't get involved in Syria because we don't know who the opposition is; therefore, we should be cautious before helping them.

We have had the opportunity to meet the opposition and their leadership, both the political opposition and the military opposition. And I would tell you, to the best of my judgment—I believe it is our judgment—these aren't extremists. These are Syrian patriots.

As Senator MCCAIN said, this whole movement started peacefully. They went out into the squares in big cities in Syria. They were asking for more freedom. They actually weren't at the beginning asking for an overthrow of the Assad government. But what was Assad's response to them? He turned his guns on them and started to kill them wantonly. And when they decided there was no peaceful course—because he rejected every compromise alternative that intermediaries put in—they took up arms such as they could find.

The danger here is not that the people who are the leaders of the opposition are extremists or terrorists; the danger is that the extremists and terrorists will take over this movement if we and the rest of the civilized world don't get involved, and the Syrian opposition will be sorely tempted to take their support because they have no alternative. We simply can't let that happen.

I know there is a lot going on in our country. I know people are worried about the economy, as we are, of course. But America's strength and credibility in the world has actually always been not only what we are about by our founding documents and our history but what maintains our credibility and strength in the world, which is a foundation of our economic strength. The longer we give words but no action in response to the murder and rape of victims in Syria, the lower our credibility is. And we can't afford that.

Senator MCCAIN said, and I want to emphasize, the main reason to get involved here is humanitarian. It is what America is about. It is about the protection of life and liberty. But it happens to be that this makes a lot of strategic sense, too, because the No. 1 enemy we have in the world today is Iran. If Assad goes down, Iran will suffer a grievous blow.

Some people said, and some still say it—including high officials of our government—that it is not a question of whether Bashar al Assad will fall but when. I don't agree. Having been over there talking to the opposition, watching what is happening, this is a profoundly unfair fight. Assad has most of the guns and systems, and the freedom fighters have very little. He will keep doing this as long as he has to, and this war will go on a long time, with thousands and thousands and thousands of more innocent people killed as they were earlier today in the Mazraat al-Qubeir.

The facts cry out for us to take action. I hope and pray we will. Senator MCCAIN and I and others have. Senator RUBIO has an op-ed in the Wall Street Journal today that speaks to some of the points we have made, and others on both sides I hope will continue to speak out until finally there will be action to save the lives of innocents.

I ask unanimous consent to have printed in the RECORD a series of questions that opponents of our involvement raised, and the answers I would offer to those questions arguing for our involvement with a coalition of the willing.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Providing weapons to the opposition will only ''militarize'' the situation in Syria further and add to the chaos there.

Our policy must be based on the reality of the situation in Syria as it is, not as we might wish it to be—and the reality in Syria today is that the conflict has already militarized. It has militarized not because of the Syrian opposition—which began last year by holding peaceful protests—but because of Bashar al Assad himself, who responded to peaceful protests by unleashing tanks, artillery, militias and attack helicopters to slaughter the Syrian people, and will keep doing so until he is stopped.

Bashar's regime has been enabled and encouraged in its campaign of violence by Russia, by Iran, and by Hezbollah. They are providing and resupplying Assad with weapons. They are providing funding to sustain his killing machine. They are providing training and instruction to Assad's forces. There are even reports that Iranian operatives are on the ground in Syria. In fact, an IRGC Quds force commander acknowledged this last week.

That is why the situation has militarized in Syria. And right now, it is not a fair fight. While Assad is being armed and resupplied by Russia, Iran, and Hezbollah, the Free Syrian Army has only light weapons to defend itself. When Senator McCain and I traveled to southern Turkey in April to meet with Syrian refugees and opposition fighters, we were told that opposition fighters were running out of ammunition. Getting communications equipment to the opposition in Syria, as the United States has pledged to do, will be helpful. But radios alone will not protect the Syrian people against tanks and helicopters.

Providing weapons and intelligence and other lethal support to the Syrian opposition therefore won't militarize the situation in Syria. The conflict already has been militarized, because of Assad. What we can do is give the Syrian people the chance to defend themselves against Assad, by providing them with weapons. This will give the Syrian people a chance to fight back and change the military balance on the ground in Syria.

And let me add: it has been almost a year since President Obama said that Assad must go. And still he remains in power. We all agree that there will be no peace or stability in Syria as long as Assad is in charge. But there is absolutely no prospect that he will leave power until the military balance of power in Syria turns against him. As of now, Assad thinks that he is winning. The only way to change the military balance of power is to begin to provide the opposition with the means to turn the tide of this fight against him. Until that happens, Assad will stay, and the Syrian people will continue to die.

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Syria is not Libya. Intervention in Syria will be much harder and more complicated.

It is true that there are differences between Syria and Libya. Syria's air defenses are far more sophisticated. The population of Syria is larger and more diverse than the population of Libya. And the opposition in Syria does not have a safe zone—although it is worth remembering that the only reason the opposition in Libya had a safe zone was because of our intervention. Had we not stepped in when we did, Qaddafi's forces would have overrun Benghazi and slaughtered the people there—just as Bashar al Assad did after the opposition briefly took over Homs and Hama and other cities in Syria. Likewise, if we were to intervene as we did in Libya, we could create a safe zone for the Syrian opposition to organize.

But here is another difference between Libya and Syria that is even more important. The stakes in Syria are dramatically higher than they were in Libya.

First, let's remember: Bashar al Assad is Iran's most important ally in the Arab world. His regime is the critical linchpin that connects Iran and Hezbollah. As General Mattis told the Senate Armed Services Committee earlier this year, the fall of Assad would represent ''the biggest strategic defeat for Iran in 25 years.'' It would make it harder for Tehran to ship weapons to Hezbollah, including the tens of thousands of rockets that are pointed at our ally Israel. That is why the Iranians are doing everything in their power to help Assad crush the opposition and stay in power. The fight in Syria, therefore, is fundamentally about Iran. If Assad stays in power, it will be viewed by everyone in the Middle East as a huge victory for Iran, and a defeat for the United States.

Second, if things continue on their current path in Syria, it is increasingly clear that the country will descend into a sectarian civil war. The result could be a failed state in the heart of the Middle East, and the perfect environment for al Qaeda to establish a toehold. In addition, we are already seeing signs that chaos in Syria is spilling over and destabilizing Lebanon. This will likely get worse, threatening not only Lebanon but also Syria's other neighbors, including Jordan, Turkey, Iraq, and of course Israel. In short, if Syria collapses, it will be a threat to the entire Middle East, including some of our closest friends there. Add to this that the Syrian regime has one of the largest stockpiles of chemical weapons in the world.

For all of these reasons, the United States has vital national interests at stake in Syria—much more than we did in Libya. We cannot afford to let Iran prevail in Syria. We cannot afford to let Syria become a failed state with weapons of destruction that threaten its neighbors. We cannot afford to allow Syria to become a new base for al Qaeda. And yet, in the absence of our intervention, these are precisely the outcomes that are most likely to happen.

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Unlike in Libya, there is no international consensus for intervention in Syria.

Let's be absolutely clear. The United States should not act unilaterally in Syria. Nor do we need to put any boots on the ground there. On the contrary, our key partners in the Middle East have the money, resources, and territory that are needed for a full-scale effort to train, equip, arm, and organize the Syrian opposition against Assad—and they are ready to do so. What has been missing is leadership, organization and strategy, which only the United States can provide.

Senator McCain and I have personally traveled to the Middle East on several occasions this year. We have spoken to the leaders of our key partners in the region. They are ready to work with us to help the opposition. They have also said so publicly. Saudi Arabia and Qatar have called for providing weapons to the Syrian resistance. The Kuwaiti parliament has called on its government to do the same. The leader of Turkey has spoken openly about the need for establishing safe zones. Most importantly, Syrians themselves have for months been calling for international intervention, including military intervention.

Now it is true we cannot get a UN Security Council resolution authorizing military

intervention in Syria. That is because of Russia and China, whose governments made clear long ago that, for their own reasons, they will veto any meaningful resolution related to Syria. There is no sign that is going to change.

But let's also remember: NATO took military action in Kosovo in 1999 without UN authorization. Then, as now, a dictator was slaughtering innocent people. Then, as now, the dictator was a close ally of Moscow, which made clear it would not allow the UN to authorize the use of force. Thankfully, this did not stop President Clinton from rescuing Kosovo. At the time, he argued, correctly, that the UN Security Council was not the sole path to international legitimacy and instead worked through NATO to save Kosovo.

The same is true today. And there is no reason why the Arab League or the Gulf Cooperation Council (GCC) or perhaps the Friends of Syria Contact Group couldn't provide the legitimacy for military measures to save Syria, just as NATO did in 1999.

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Why not just let Syria's neighbors take the lead in helping the Syrian opposition? Why does America need to be involved?

It's true that many of our partners in the Middle East want to help the Syrian opposition by providing them with weapons. But they want and need America to work with them in this effort. They recognize that only the United States can provide the leadership, the organization, and the strategy to ensure that these efforts to support the Syrian opposition are successful.

That being said, I don't doubt that, in the absence of U.S. leadership, some countries in the region will try to supply the Syrians with weapons on their own. Likewise, the Syrian fighters themselves are trying to find weapons wherever they can—including through the black market and criminal networks. And can we blame them for doing so? They are in a fight for their very lives.

So the question is not whether weapons are going to flow to the opposition. The question is whether we the United States play a role in this process, or whether we take a hands-off approach and just let the chips fall where they may. The question is, which path is more likely to allow us to protect our interests and encourage a decent outcome in Syria? Which path is more likely to be successful?

If we stand back, it is much more likely that the people in Syria who will end up with weapons will not be the people we want to see empowered. It will not be the elements in the opposition who respect human rights and reject terrorism.

By contrast, if we get involved, we will be in a much stronger position to influence the conduct of the Syrian opposition, to empower the responsible elements inside the country and sideline those on the fringes who commit human rights abuses or who have ties to al Qaeda.

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The Russians can be persuaded to abandon Assad. We should focus on attention on diplomacy with Moscow, rather than aiding the opposition.

For months, the Obama Administration has told us that Russia is on the brink of changing its position and abandoning Assad. For months, we have been told that Moscow is coming around to seeing things our way. And as we've waited and waited for the Russians, thousands more Syrians have been killed, the situation inside Syria has deteriorated, and nothing has changed.

Mr. President, it is time to stop waiting for Putin. The Russians are not going to abandon Assad—especially as long as he seems to be winning on the battlefield. If there is any chance to get Moscow on board, it will only happen when the Russians realize that Assad is going to lose—and that it is therefore in their interest to work with us to hasten his departure in exchange for protecting their interests in post-Assad Syria.

Finally, let me add, even if Putin is somehow persuaded to abandon Assad, it is far from clear that he has the means to deliver. Last year, the Turkish government—which had previously been one of Assad's closest partners in the world—turned against him as the violence in Syria escalated. This had absolutely no effect on Assad, who continued his campaign of terror. The same very well could prove to be the case with Russia as well.

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We don't know who the opposition is, and we should therefore be cautious before helping them.

Mr. President, we hear again and again that we don't know who the Syrian opposition is. This astonishes me. It has been nearly a year and a half since this uprising began. If we don't know who the Syrian opposition is by now, it is only because of a willful refusal on the part of the Obama Administration to find out who they are.

The truth is, we do have a good idea of who these people are. Senator McCain and I have met with them—here in Washington, in Turkey, Lebanon and elsewhere in the region. We have met the leaders of the Syrian National Council and of the Free Syrian Army. We have met with young Syrian activists who have been going back and forth into Syria. We have met with the refugees who have fled the killing fields of Hama and Homs and Deraa into neighboring countries.

So there is no great mystery here. These people are not al Qaeda. They are Syrians who are desperately trying to free themselves from a terrible dictatorship.

Now it is unquestionably true that al Qaeda is trying to exploit the situation in Syria. They want to get a foothold there. But that is precisely why we must help the opposition. The fact is, the longer this conflict goes on, the more the Syrian people are going to be vulnerable to radicalization. And if responsible nations abandon the people of Syria, al Qaeda will stand a better chance of making inroads.

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The opposition is too divided, and therefore we can't effectively help them until they unify and get organized.

It is true that there are divisions in the Syrian opposition. But it is worth remembering that the Libyan opposition also was divided. It was our intervention that helped them to unite, not least because we ensured that they had the safe zone in which to do so.

People who therefore argue that we shouldn't help the Syrian opposition until they are united have it exactly backwards. It is precisely by helping the Syrian opposition that we can unite them.

A U.S.-coordinated train-and-equip mission would provide the leverage to better unify and broaden the opposition, incorporate all of the key stakeholders in Syrian society, and influence their conduct. The benefit for the United States in helping to lead this effort directly is that it would allow us to more effectively empower those Syrian groups that share our interests and our values.

Syrian fighters who want our help must reject al-Qaeda and terrorism; refrain from human rights abuses and revenge killings; place themselves under civilian-led opposition command-and-control; and secure any weapons stockpiles that fall into their hands.

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The American people are tired of war. We can't afford to get involved in another fight in the Middle East.

Mr. President, Senator McCain and I know that the American people are tired of war. But the fact is, the United States remains the leader of the world. We are the indispensable nation. And we have vital national interests in the world that we need to uphold, and we have values that we have to stand for. Everyone in the world knows that there is only one nation on earth that can stop the killing in Syria, if it chooses to do so, and that is us. And if we fail to do so, then the responsibility for that failure and that continued killing will also rest with us—just as it did with Rwanda.

Let me close, Mr. President, by asking a simple question: how many people must die before the United States puts an end to this slaughter? More than 10,000 have been killed. More than 1,000 have died just since the Annan plan was announced two months ago. How many more must be killed before we do something meaningful to hasten the end of the Assad regime?

A few days ago, the Washington Post ran a story about the parallels between the genocide in Bosnia during the 1990s, and the killing that is taking place in Syria today. The Post interviewed a 37-year old survivor of the Srebrenica massacre, who said: ''It's bizarre how 'never again' has come to mean 'again and again.' It's obvious that we live in a world where Srebrenicas are still possible. What's happening in Syria today is almost identical to what happened in Bosnia two decades ago.''

That is sadly true. Shame on us if we fail to stop history from repeating itself.

Mr. LIEBERMAN. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. MCCASKILL). The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. I ask permission to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

GASPEE DAY

Mr. WHITEHOUSE. Madam President, we are always wise in this Chamber to reflect with reverence and gratitude on those who risked their lives fighting to establish this great Republic. Today I would like to recognize and celebrate the 240th anniversary of one of the earliest acts of defiance against the British Crown in our American struggle for independence.

Most Americans remember the Boston Tea Party as one of the major events building up to the American Revolution. I see the pages in front of me nodding knowledgeably: Yes, I do know about the Boston Tea Party.

We learned that story of the spirited Bostonians—literally spirited Bostonians, I am told—clamoring onto the decks of the East India Company's ships and dumping those tea bags into Boston Harbor to protest British taxation without representation.

However, there is a milestone on the path to the Revolutionary War that is too often overlooked, and that is the story of 60 or so brave Rhode Islanders who challenged British rule more than

a year before the Tea Party in Boston. Today I rise to honor those little-known heroes who risked their lives in defiance of oppression on one dark night in Rhode Island 240 years ago.

In the year before the Revolutionary War, as tensions with the American Colonies grew, King George III stationed revenue cutters, armed customs patrol vessels, along the American coastline to prevent smuggling and force the payment of taxes and impose the authority of the Crown. One of the most notorious of these ships was stationed in Rhode Island's Narragansett Bay. The HMS *Gaspée* and her captain, Lt William Dudingston, were known for destroying fishing vessels, seizing cargo, and flagging down ships only to harass, humiliate, and interrogate the colonials.

Outraged by this egregious abuse of power, the merchants and shipmasters of Rhode Island flooded civil and military officials with complaints of the *Gaspée*, exhausting every diplomatic and legal means to stir the British Crown to regulate Dudingston's conduct. Not only did British officials ignore the Rhode Islanders' concerns, they responded with open hostility. The commander of the local British fleet, Adm John Montagu, warned that anyone who dared attempt acts of resistance or retaliation against the *Gaspée* would be taken into custody and hanged as a pirate, which brings us to June 9, 1772, 240 years ago this week.

Rhode Island ship captain Benjamin Lindsey was en route to Providence from Newport in his ship, the *Hannah*, when he was accosted and ordered to yield for inspection by the *Gaspée*. Captain Lindsey and his crew ignored that command and raced northward up Narragansett Bay—despite the warning shots fired by the *Gaspée*. As the *Gaspée* gave chase, Captain Lindsey knew that his ship was lighter and drew less water, so he sped north toward Pawtuxet Cove, toward the shallow waters off Namquid Point. The *Hannah* shot over the shallows, but the heavier *Gaspée* grounded and stuck firm.

The British ship and her crew were caught stranded in a falling tide and would need to wait many hours for a rising tide to free the hulking *Gaspée*. Spotting this irresistible opportunity, Captain Lindsey proceeded on his course to Providence and enlisted the help of John Brown, a respected merchant from one of the most prominent families in the city. The two men rallied a group of Rhode Island patriots at Sabin's Tavern in what is now the East Side of Providence. Together, the group resolved to put an end to the *Gaspée*'s reign over Rhode Island waters.

That night, the men, led by Captain Lindsey and Abraham Whipple, embarked in eight longboats quietly down Narragansett Bay. They encircled the *Gaspée* and called on Lieutenant Dudingston to surrender his ship. Dudingston refused and ordered his men to fire upon any who tried to board. Refusing to yield to Dudingston's threats, the Rhode Islanders forced their way onto the *Gaspée*'s deck, wounding Dudingston with a musket ball in the midst of the struggle. Right there in the waters of Warwick, RI, the very first blood in the conflict that was to become the American Revolution was drawn.

As the patriots commandeered the ship, Brown ordered one of his Rhode Islanders, a physician named John Mawney, to head immediately to the ship's cabin to tend to Dudingston's wound. In their moment of victory, Brown and his men showed mercy to a man loathed for his cruelty, a man who had threatened to open fire on them only moments before.

Allowing the *Gaspée*'s crew time to collect their belongings, Brown and Whipple took the captive Englishmen to the shore before returning to the despised *Gaspée* to rid Narragansett Bay of her presence once and for all. They set her afire. The blaze spread to the ship's powder magazine, setting off explosions like fireworks, the resulting blast echoing across the bay as airborne fragments of the ship splashed down into the water.

The site of this historic victory is now named Gaspée Point in honor of these audacious Rhode Islanders. So I come again to this Senate floor to share this story and to commemorate the night of June 9, 1772, and the names of Benjamin Lindsey, John Brown, and Abraham Whipple, a man who went on to serve as a naval commander in the Revolutionary War. I do know that these events and the patriots whose efforts allowed for their success are not forgotten in my home State. Over the years, I have enjoyed marching in the annual Gaspée Day Parade in Warwick, RI, as every year we recall the courage and zeal of these men who fired the first shots that drew the first blood in that great contest for the freedoms we enjoy today. They set a precedent for future patriots to follow—including those in Boston who more than a year later would have their Tea Party.

But don't forget, as my home State prepares once again to celebrate the anniversary of the Gaspée incident, that while Massachusetts colonists threw tea bags off the deck of their British ship, we blew ours up and shot its captain more than a year before. We are little in Rhode Island, but, as Lieutenant Dudingston discovered, we pack a punch.

I thank the Chair.

I yield the floor and note 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. The Senator from Indiana.

Mr. COATS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOBS

Mr. COATS. Madam President, I just returned from a week back home in Indiana where I had the opportunity to meet with Hoosiers from all parts of our State and on all kinds of different issues. One of the common themes that came out of my week back home was the sentiment that we just are not growing as fast as we need to as a nation in order to get people back to work.

We held a job fair in Lafayette, IN. About 2,200 people showed up at this job fair looking for work opportunities. While many walked away with job offers in hand, clearly there are not enough viable opportunities out there to get the people back to work who really want to get back to work.

As I talked to businesspeople across the State, particularly with small business owners, there was a common theme that came forward: they are very reluctant to hire. It is not that their businesses aren't improving. We have seen some significant improvement, particularly in Indiana, with some drop in the unemployment rate. But they say it is not specifically that they don't have the work, it is that they are afraid to hire. They are afraid to hire new people because there is so much uncertainty about what their taxes are going to be, what new regulations are going to come forward, what new items are going to be imposed upon them by the regulatory authorities in Washington, DC, and by the health care reform bill which puts some new mandate on them.

To hire new employees, they say, we have to factor in all of these various uncertainties in terms of our ability to continue this business on a profitable basis. So whether it is talking to farmers in southern Indiana who are upset about the various proposed regulations affecting their businesses or whether it is manufacturers in northwest Indiana or to small business people across the State, I am hearing this repetitive response—that Washington is trying to impose too much, and there is too much uncertainty about their ability to deal with the future and make decisions about hiring.

One of the latest things we have been hearing is that the EPA is imposing significant new regulations relative to the Clean Air Act on emissions that will affect Indiana utilities in a very significant way. Another thing our businesspeople mentioned is they don't know what their utility rates are going to be in the future because of these new regulations coming out, and the utilities are basically telling them they are going to have to pay more in the future because of these new regulations.

I stand here as someone who voted for the Clean Air Act and supports the Clean Air Act. We are all for clean air. However, there are those of us who are trying to propose reasonable ways of achieving that goal without negatively impacting our ability to hire people and the ability of consumers to pay their utility bills and the ability of corporations and businesses to have reasonable rates so they can compete

worldwide in producing products. They are not asking for a return to dirty skies. They are not asking for a return to dirty water. They are citizens of the United States. They breathe the same air we all breathe. What they are saying, however, is that they need a solution to the problem handled in a responsible, reasonable way, and an affordable way that gives them time to implement these regulations. There has been a lot of talk recently about two items the EPA has been imposing on the power industry, and after visiting with Indiana utilities it is clear the EPA timeline will result in more job loss and skyrocketing rates. So, again, while we all want to support clean air, doing so in a way that also keeps our people at work and keeps our utility rates at a reasonable level is not being considered by the EPA.

I joined with a Democrat, JOE MANCHIN of West Virginia, to bring forward legislation that meets the standards and meets the goals but does so in a way that gives those power-producing utilities the opportunity and time and cost opportunity to be able to accomplish that. All we have done is just extend, in the case of one of the regulations, for 2 years, and in the case of another, for 3 years to give those utilities time to comply because the immediate compliance requirements of the EPA on these utilities means they are going to have to shut down the plants.

Some of them are in retrofit as we speak; however, that retrofit may not meet the EPA deadline. Therefore, they are asking for the right to get a waiver for an extension. That is what Manchin-Coats—Coats-Manchin—does. It provides a reasonable way of achieving the goals of clean air, but doing so in a way that doesn't have a devastating impact on our States as these regulations would do.

One is the CSAPR Rule, which deals with sulfur and nitrogen oxide emissions, and the other is called Utility MACT, which reduces mercury emissions. In particular, there is a movement underway now to remove mercury from these emissions. But if we don't do it in a responsible way, the consequences of the EPA regulations coming down hard mean closing up to six powerplants in Indiana and a skyrocketing of utility rates.

There is a particular impact on small business. Small business, as we know, provides most of the hiring and those small businesspeople don't have the backroom support to comply with all the written and required regulations that are being imposed on them. I have talked to so many people who have said instead of being out on the showroom floor, being out front at the counter, they have to be back half the time in their business complying with regulations. A hospital administrator told me of the 12,000 people under their employ, 6,000 provide care and 6,000 fill out paperwork for compliance with regulations, compliance with reimbursement, administrative costs, many of which are imposed by legislation or regulation, in most cases, that comes out of Washington.

So as we look at opportunities in the Senate to responsibly address some of these issues, in this business it is always tempting to politicize the process so that if someone doesn't immediately step up and salute the latest EPA regulation, we are harming people here or denying people there; that there are safety concerns, and we are risking harm to people and so forth. All we are asking for is a reasonable way to go forward to meet reasonable health and safety standards. What we are saying is that the surge of regulations that is pouring out of Washington upon our people and upon our businesses within the last 2 or 3 years is staggering, and it is clearly holding down growth. It is clearly holding down economic recovery. It is clearly holding down the ability of businesses to hire and put more people back to work.

So whether it is the Inhofe resolution of disapproval, which I strongly support, or any of a number of other proposals, I am going to support those. The blank check that has been given to regulatory agencies, because it is not possible for this administration to pass it through Congress as they did in 2009 and 2010 with a total majority no longer exists. Therefore, the regulatory agencies appear to have been given a blank check, and they have just run amok with regulations. So as we look at these regulations, let's take a reasonable look in terms of what we need to accomplish and in terms of providing for the health and safety of our people and what the consequences are of trying to do it in a way that jeopardizes our economic recovery and getting people back to work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Madam President, I rise today to speak on S. 3240, the legislation to reauthorize the farm bill. As a former chairman and former ranking member of the Agriculture Committee in the Senate, I recognize how difficult it is to combine all of the diverse interests into legislation that meets the needs of all crops, regions, and rural and urban communities that the farm bill impacts. This bill before us is no exception. I am disappointed that at this time I am not able to support this bill because of its current form.

I wish to take a moment to commend the chairman and the ranking member for their efforts in putting a farm bill together in the very difficult budget time we are in. We all understand that agriculture has to pay its fair share of deficit reduction. Frankly, for what it is worth, it is going to be at the lead of the pack when it comes to participating in deficit reduction. We are one of the first agencies out of the box to make a commitment to do so.

That being said, it is my hope that at the end of the day, I will be able to support this bill as we complete the legislative process. However, as of today, the bill is filled with inequities and is unbalanced. Contrary to statements made on this floor over the last several days, the bill under consideration seeks to place a one-size-fits-all policy on every region of the country. It works for some regions, but it does not work for other regions. Because the distribution of benefits is skewed to one particular region, it fails the basic test of fairness that we all seek in legislation that moves through this Chamber.

I believe the farm bill needs to provide an effective safety net for farmers, ranchers, and rural communities in times of deep and sustained price decline. It should also responsibly provide nutrition assistance to those in need in all parts of the country, urban and rural alike.

The farm bill initially, and remains, focused on farmers and ranchers, helping them manage a combination of challenges, much out of their own individual control, such as unpredictable weather, variable input costs, and market volatility. All combined determine profit or loss in any given year. The 2008 farm bill continues today to provide a strong safety net for producers, and any follow-on legislation must adhere to and honor the same commitment we made to our farmers and ranchers across America 4 years ago.

At the same time, I believe the agriculture sector can contribute to deficit reduction, and the bill before us provides savings and mandatory spending programs. The key, though, is to do this in an equitable and fair manner throughout all titles and areas of the bill. The nutrition benefits in this bill, which are already inflated by the President's failed stimulus package, are reduced by only one-half of 1 percent, while the commodity title is cut by roughly 15 percent. By this account, it is clear that the Agriculture Committee carefully determined how best to contribute to deficit reduction to ensure an undue burden was not placed on those truly in need.

This farm bill will be my fourth as a Member of Congress, and each has had its own unique challenges and opportunities. Balancing the needs and interests of all agriculture requires patience and an open ear. It is very important that we recognize the unique differences between commodities as well as different parts of the country.

As agricultural markets become more complex, we must be mindful that a one-size-fits-all program no longer works for U.S. agriculture. Regions are much more diverse than they ever were, and we need to recognize this diversity by providing producers with different options that best match their cropping and growing decisions.

My greatest concern with this bill is that the commodity title redistributes resources from one region to another not based on market forces or cropping decisions, but based on how the underlying program—the Agriculture Risk Coverage Program—was designed.

After deducting a share for deficit reduction, certain commodities receive more resources than others, and crops such as peanuts and rice are left without any safety net whatsoever.

There are many reports illustrating the lopsidedness of this bill. Among the biggest losers in budget baseline are wheat, barley, grain, grain sorghum, rice, cotton, and peanuts. We should not convince ourselves that this is not going to have an enormous negative consequence for many regions of the country. Put simply, by making the bill too rich for a few at the expense of many it lacks balance.

Some will say planting shifts are responsible for much of the change in the budget baseline, and that is partly true. But it does not take away the injury that would be inflicted on regions of the country nor does it tell the whole story. By squeezing all crops into a program specially designed for one or two crops, this bill will force many growers to switch to those crops in order to have an effective safety net. This is the very planting distortion caused by farm policy that we seek to avoid in any farm bill.

But there is another very serious problem with this bill: It is not going to be there when farmers really need it. Whether offered on an on-farm or area-wide basis, offering farmers a narrow 10-percent band of revenue protection will not provide a safety net if crop prices collapse—and we know they will. Under this bill, a farmer has an 11-percent deductible, then the next 10 percent of losses is covered, but then farmers are left totally exposed to a plunge in crop prices all the way down to the loan rate. If that happens, Congress will be asked to pass ad hoc disaster programs again. We should seek to avoid such disaster packages, and farm bills give us the opportunity to do that, not create ad hoc disaster opportunities. Crop insurance can cover the production side of the risk if you can afford to buy higher coverage, but it does not cover year-on-year low prices. Even the 10-percent revenue band the bill does cover has problems. Because the revenue guarantee is based on the previous 5 years' price and production, the guarantee is only as good as those previous 5 years. If they were bad or they become bad, the guarantee is also bad. This is not an effective safety net.

Just last week, my staff and I traveled throughout south Georgia, and we witnessed crop damages and in some cases total losses of crops which were the result of a hailstorm that occurred across a 40-mile stretch of Georgia. It is estimated that well over 10,000 acres have been damaged or totally lost. I do not see how a small band of revenue protection, provided for in this bill, that is limited to $50,000, is helpful to some farmers who lost over $1 million in one field. The ARC proposal in this bill is simply not an effective safety net.

Members have come to the floor championing the commodity and crop insurance programs included in the bill, as well as stating that we were solving the problem with commodity programs by eliminating direct payments. I have seen quotes in the press criticizing southern commodities, stating we are too closely tied to direct payments.

Well, let me be very clear. I have never been a fan of direct payments, and back in 1996, as a Member of the House, I supported a much different proposal. Let me also state clearly that from my point of view, direct payments were always difficult to defend and we needed to find a different way to provide a safety net, while doing it in a fiscally responsible way. Southern growers have not asked for direct payments at any time during the current discussions. My criticism stems entirely from the fact that this farm bill shoehorns all producers into a one-size-fits-all policy. Producer choice based on a producer's inherent risk is the better course to follow.

The University of Georgia's National Center for Peanut Competitiveness evaluated the ARC Program, which is the fundamental safety net that is provided for in this farm bill, and they determined that it is of little utility to peanut producers. The center has a database of 22 representative farms spread throughout Oklahoma, New Mexico, Texas, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, and Virginia. Based on the analysis provided, this farm bill does not provide the same level of protection as for midwestern growers who will be growing corn and soybeans. That is a fact.

I want to work with the chair and ranking member with respect to trying to make the bill more balanced and more equitable, but, frankly, all of our offers to this point in time have been rejected. Peanut producers have offered no proposal that includes direct payments, yet they are labeled as ''unwilling to change from the status quo.'' The ARC Program is not new; it is a derivative of a program in the 2008 farm bill that experienced low participation. In fact, when producers had a choice, they chose something other than this type of program.

In spite of all this, I should point out that this bill includes a new program for cotton that complies with our international commitments and will show our trading partners that we will abide by our international agreements.

As chairman and ranking member of the Agriculture Committee, I committed to finding a solution to the WTO Brazil case. I authored legislation in 2005 and again in 2008 that made significant changes in the cotton and export programs to bring us into compliance with our international commitments. We eliminated the Step 2 program, we reformed the cotton marketing loan program, and reduced the cotton countercyclical program unilaterally and in good faith.

We find ourselves again reforming the cotton safety net with what is called the Stacked Income Protection Plan for users of upland cotton, or the STAX program. The program in this bill is a significant departure from what is available to other covered commodities and puts us down the path of resolving the WTO dispute with Brazil. My hope now is that our Brazilian friends engage in a real and meaningful way and we can put this issue behind us.

At the end of the day, let's remember, the reason we are here is to represent the hard-working men and women who work the land each day to provide the highest quality of agricultural products in the world. I believe we have the opportunity to pass a bill that can be equal to their commitment in providing food, feed, and fiber that allow us to continue to be the greatest producer on the Earth.

Right now, this bill lacks the commitment and strength of those it was designed to support. I do not intend to impede the movement of the farm bill that, if repaired through an open amendment process—of which we have been assured at this point—has the potential of providing for all of America.

Farm bills are complex. They always consume a lot of floor time. But the farm policy is also very important. I look forward to the forthcoming debate over the next several days and weeks and, at the end of the day, to hopefully having a true, meaningful, and balanced farm bill that will provide producers an equitable opportunity of a safety net and at the same time continue to provide the world with the safest, most productive, and highest quality agricultural products there are today.

With that, Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

MAJORITY CONTROL OF SENATE AGENDA

Mr. THUNE. Madam President, earlier today the majority leader and the majority whip came to the floor to decry and denounce, attack Republicans for what appeared to be literally everything bad that has happened in the world in the last several years, to the point you have to ask yourself, do they really believe what they are saying? They came down here to talk about how Republicans are blocking this, are blocking that.

I think it is important to point out that now for the past 6 years, the Democrats have been the majority party in the U.S. Senate. In fact, for 2 of those years, they had a filibuster-proof, 60-vote majority in the Senate. Filibuster proof—literally, they could do anything they wanted to in the Senate. They had a majority in the House of Representatives, and, of course, they got the Presidency.

If you look at the volume of the legislation that was produced at the time, most of the things that were accomplished with the 60-vote, filibuster-proof majority were things the American people disagreed with—I think as

evidenced now by what you see in terms of public opinion polling about the health care bill. Most people disagree with the individual mandate that was included in that legislation and disagree generally with many of the provisions in the bill.

But my point very simply is, for a period of time, the Democrats literally had the run of the tables here in Washington, DC, as we know it—a filibuster-proof, 60-vote majority in the Senate, a majority in the House of Representatives, and the Presidency—yet they come down and decry Republicans as being responsible for all the things that have or have not happened here in the Senate.

One of the things they point out is that there is this intent by Republicans to continue to filibuster legislation. I would argue that nothing could be further from the truth. In fact, everybody knows that in the Senate the majority leader is the person who is first to be recognized on the Senate floor, which allows him to use that power to offer a series of Democratic amendments to pending legislation in a way that prevents Republicans from offering their own ideas. It is called filling the tree—sort of a term of art that is used around here in the Senate. But filling the tree essentially is what the Democratic majority leader has the opportunity to do because he has the power of recognition and he can fill the amendment tree and prevent the Republican amendments from being offered and voted on.

Now, interestingly enough, Majority Leader REID once insisted that this practice ''runs against the basic nature of the Senate.'' Let me repeat that. Majority Leader REID once insisted that filling the amendment tree ''runs against the basic nature of the Senate.'' But by the way the Senate operates today, it is pretty clear that he has abandoned that assessment.

According to the Congressional Research Service, the CRS, Majority Leader REID has employed this tactic a record 59 times. He has used it to block minority input into legislation 50 percent more often than the past six majority leaders combined. I think that is worth repeating. This majority leader has used the filling-of-the-tree procedure 50 percent more often than the past six majority leaders combined. So the only option the minority is left with under that scenario is to basically try to get votes on amendments and to work with the majority, in which case the majority says: No, we are not going to give you any amendments; we have filled the tree. So a cloture motion is filed, and we end up having a vote on cloture.

What we have seen repeatedly now is the Senate sort of break down into this state of dysfunction simply because the majority does not want to make tough votes on amendments. We have seen this over and over and over again. As I say, it is historic and unprecedented in terms of the number of times it has occurred in the U.S Senate.

I would also suggest that the real reason, probably, that we do not have votes on amendments and that the filling of the tree is used repeatedly is because Members on the other side do not want to make the hard decisions, do not want to cast the tough votes. I think that is evidenced as well by the fact that for 3 years in a row now, we have not had a budget in the Senate.

If there was a real interest in solving problems, you would think the majority—again, which has the responsibility to put a budget on the floor—would bring a budget to the floor that would set a direction for the future of this country and ask the Members of the Senate to vote on it, to vote on amendments, to have an opportunity to say to the American people: This is how we would lead the country. That has not happened now for over 1,100 days, for the past 3 years.

Now, Republicans are ready and willing to work with the majority, as we have evidenced on many occasions. In fact, we are going to debate, this next week, farm bill legislation—something for which there is bipartisan support in the Senate.

I would argue that there are many things we would like to see done. We would love to have an opportunity to vote on extending the tax rates that are in effect today—which is something that even President Clinton in the last few days has come out in support of—because we know—everybody here knows—we are facing this fiscal cliff. It could be very dangerous to our economy if steps are not taken to prevent and avoid that. And we would be more than willing to work with the majority on extending the tax rates to give some certainty to our job creators and our small businesses.

We would also like to work with them on the sequester that is going to happen at the end of the year, in redistributing those cuts in a way that does not completely decimate our national security budget.

There are lots of things the Republicans are ready to work on with our colleagues on the other side when it comes to trying to grow the economy and create jobs. But, frankly, we believe it is important that we at least have an opportunity to get amendments debated and voted on. That simply has not happened, as I pointed out by the number of times the majority leader has filled the tree.

So I am not suggesting there is not plenty of blame to go around in Washington for the state of the situation we are in. All I am simply saying is that for the majority leader to come down here and suggest that somehow Republicans are responsible for gridlock here in the U.S. Senate is a complete denial of reality and a denial of the facts.

As I said before, they had a period here for a few years where they had the complete run of the place. They had a 60-vote, filibuster-proof majority in the Senate, a majority in the House of Representatives, and the Presidency, enabling you to do literally anything you wanted to do. They still have the majority in the U.S. Senate, the ability to control the agenda and to determine what does and does not come to the floor, what amendments are allowed, and the use of the filling of the tree in an unprecedented way. It is pretty clear to me that to suggest for a moment it is Republicans who are attempting to slow things down around here or keep the majority from working its will is completely contrary to the facts and the reality, as I think most Senators—all Senators, I think—know.

I know my colleague from Wyoming is someone who is somewhat new here, but he has been here long enough now to have seen many times where the majority has prevented the minority from actually offering amendments, getting votes on amendments on the floor of the Senate. I would just suggest to him and allow him to make some observations with regard to this subject as well because it strikes me, at least, that he and I both—and many of our colleagues—are very interested in working with the majority on things that would actually put people back to work, get our economy growing again.

We would love to have that opportunity.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I would just like to comment on that. Because it does not matter how long one is here, all we need do is pick up the newspaper or pick up the National Journal. I agree with my colleague from South Dakota.

At the beginning of this year, the National Journal, big article, picture of the majority leader, and the headline is: ''Reid's New Electoral Strategy.'' ''Forget passing bills'' is the subheadline. ''Forget passing bills. The Democrats just want to play the blame game in 2012.''

That is exactly what we saw this morning on the floor of the Senate. This is not some piece of fiction. This is something that actually the majority leader told 40 Democrats from the House about his goal, his intentions for the 2012 year in Congress. It goes on to say:

> Working with the White House, Senate Democrats are applauding a 2012 floor agenda driven by Obama's reelection campaign. . . .

It goes on.

> Senate floor action will be planned less to make law—

We have 8.2 percent unemployment, and this party admits—the leader admits in this piece the Senate action will be planned less to make law—

> than to buttress Obama's charge that Republicans are obstructing measures. . . .

That is what their goal is? That is a year's plan, as outlined to Democrats in the House from the majority leader.

It goes on to say:

> . . . Democrats will push legislation that polls well and dovetails with Obama's campaign. . . .

With 8.2 percent unemployment, that is not polling so well. With the New York Times reporting today that over two-thirds of Americans want to find that the health care law is unconstitutional—New York Times, two-thirds of Americans, unconstitutional health care law. That is what the people are saying.

Nothing this President and this administration and the Democrats are doing is polling very well. We ought to look back at the history of this great institution. The Senate is a unique legislative institution. No matter who the majority is, it is designed to guarantee the minority party, and therefore a large block of Americans whom it represents, that that party has a voice.

Traditionally, this body functions well when the majority party works to find consensus with the minority party on the process and the substance of legislation—consultation, compromise, and both parties working together. Historically, that has been the rule, not the exception, as we have seen in recent years.

I sit here and look at the seat, the empty seat a couple rows ahead of me and off to the other side of the aisle where Robert Byrd sat.

Senator Byrd understood the importance of allowing for a full debate and amendment process in order to preserve the Senate as a unique institution in our democracy—''the one place in the whole government where the minority is guaranteed a public airing of its views.'' The Senate, he taught, ''was intended to be a forum for open and free debate and for the protection of political minorities.'' Indeed, ''as long as the Senate retains the power to amend and the power of unlimited debate, the liberties of the people will remain secure.''

I would say allowing the minority to debate and amend legislation has given way to what we see now as Democrat's election-year political strategy of blaming Republicans as obstructionists. The minority and the majority need to work together. Majority Leader REID has done all these things in terms of the strategy and the blaming by preventing Republicans from amending pending legislation, ending debate before it starts, and bypassing the committee process.

He has made a habit of squelching the voice of the minority by curtailing its ability to amend legislation. The majority leader is always the first to be recognized on the Senate floor. He can use that power to offer a series of Democratic amendments to pending legislation in a way that prevents Republicans from offering any of their ideas. It is called filling the tree.

How often does it happen? Let's think first about the history. The majority leader once insisted that this practice of filling the tree, he said, ''runs against the basic nature of the Senate.'' By the way the Senate operates today, however, it is clear he has abandoned that previous assessment.

According to the Congressional Research Service, Majority Leader REID has employed this tactic a record 59 times. He has used it to block minority input in legislation 50 percent more often than the past five majority leaders combined. The minority's only option, under these circumstances, is to oppose ending debate on legislation known as invoking cloture in order to convince the majority to allow it to offer amendments to legislation and thereby represent the interests of their constituents.

This is a very bad practice. When one takes a look at Congress after Congress, whether it was George Mitchell, Bob Dole, Trent Lott, Tom Daschle, Bill Frist, combined, here we have Senator REID 50 percent more than all the others combined.

So here we are. We have come to the floor of the Senate to respond to what we heard from the majority leader this morning about obstructionism, and what do we see? It is just a page from the majority leader's playbook of the electoral strategy for 2012 from the leader of the majority. Forget passing bills, the Democrats just want to play the blame game in 2012. That is exactly what we saw today.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

THE HIGHWAY BILL

Mrs. SHAHEEN. Mr. President, actually, I am not here to play the blame game. I am here to talk about a place where we in the Senate have found real bipartisan consensus. It is an issue that is critical to us in the State of New Hampshire and to all the Senators because, in 23 days, our country's surface transportation programs are going to shut down unless Congress can come to an agreement on critical legislation.

Nearly 3 months ago, 74 Senators voted to pass a measure that would reauthorize these programs through the end of fiscal year 2013, providing much needed certainty to our States and to private industry. In this Chamber, Senators from vastly different ideologies were able to lay aside those differences and come up with bipartisan ways to pay for this bill, to streamline Federal programs, and to make our transportation investments more efficient, so we spend less on overhead, more on roads and bridges and other transportation projects.

This process was not easy, as everyone remembers. It required compromise from both sides to ensure that we could put together legislation that would bring America's transportation policies into the 21st century. But if JIM INHOFE from Oklahoma, the ranking member on the Environment and Public Works Committee, and BARBARA BOXER, the chair of that committee, can come together and figure out how to put together a transportation bill, there is no reason why our adjoining body over in the House cannot do the same thing.

I have been very disturbed by recent news that the House is less interested in finishing this bill than in approving a host of unrelated policies. There is a time and a place for us to consider whether some of the amendments that have been proposed on the Transportation bill in the House, such as whether coal ash should be regulated as a hazardous material, but the Transportation bill is not one of those places.

We need to focus on policies that will encourage the types of investment in our highways, in our railroads, in our bridges that put Americans back to work and spur economic growth. We just heard the unemployment rate went up slightly for the last month. We have legislation pending that came out of the Senate that would put people back to work.

Every billion dollars we spend in transportation funding puts 28,000 people to work, and we have the House fiddling while construction workers all over this country are out of work. The conference committee needs to focus on transportation policies that will reduce congestion, that will create jobs, and that unleash economic development.

We have a project similar to that in New Hampshire. It is one of our most important roads. It is the corridor that goes from our largest city of Manchester down to the border with Massachusetts. It has too much traffic on it today. It is a safety concern. We need to finish this road. We are being held up from doing that because of the failure of the House to be willing to go along with what the Senate did and reach agreement.

Our Department of Transportation in New Hampshire has said that work on just a single portion of this highway, Interstate 93, will put to work 369 people in the construction industry, which is still struggling. That is the industry in this country that still has the biggest impact from this recession. Last year in Nashua and Portsmouth, NH, construction employment declined by 7 percent. Job creation in that industry remains stagnant in New Hampshire and nationwide and we need this legislation to get these folks back to work.

It is not only construction jobs that depend on Federal investments in transportation; it is our economy as a whole. The deteriorating condition of America's infrastructure, its roads, its railroads, its bridges, costs businesses more than $100 billion a year in lost productivity, and this is a bill that a broad coalition of people are behind. Both the AFL–CIO and the U.S. Chamber of Commerce agree that we need transportation legislation.

Despite the importance of this spending to American workers and businesses today, the House plans to vote on a motion to cut Federal transportation investment by one-third. The Federal Highway Administration found that cutting funding so severely would put 2,000 people in New Hampshire alone out of work, one-half million people in the country out of work.

This is a time when we should be creating jobs, not destroying them. Cutting funding at this time would be so shortsighted. Brazil, China, and India are all spending about 9 percent of their GDP per year on infrastructure, roads, bridges, public transportation. What we are spending in the United States is roughly 2 percent. That is half of what we were spending in the 1960s when there was real bipartisan support for policies from both President Kennedy and President Dwight Eisenhower to invest in projects such as our Interstate Highway System.

Both Republicans and Democrats agree that investment in our Interstate Highway System was one of the best decisions in our Nation's history. Members of both parties need to come together as we have for decades and focus on reasonable bipartisan policies that will end the uncertainty that States and private industry are facing when it comes to our transportation legislation.

On June 30, it will have been 1,000 days since our last Federal Transportation bill expired. Congress needs to come together now and pass a transportation reauthorization bill before we get to the end of those 1,000 days.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I rise to speak in support of the farm bill which is now before the Senate. As a member of the Senate Agriculture Committee, I worked, together with my fellow committee members, on a bipartisan basis to put forward what we believe is a sound farm bill for this country. We passed the bill out of committee on a strong bipartisan vote, 16 to 5. So it comes to the Senate floor for deliberation. The bill is entitled ''The Agriculture, Reform, Food and Jobs Act of 2012.''

I would like to begin with just a simple question. Why is the farm bill so important? Why is the farm bill so important? I think the first chart I have sums it up. This is the most important point I will make today. I am going to begin and I am going to conclude my comments with it as well. U.S. farmers and ranchers provide the highest quality, lowest cost food supply in the world. Our farmers and ranchers today provide the highest quality, lowest cost food supply in the world.

Not only do they provide the highest quality, lowest cost food supply in the world, but in the history of the world. That is vitally important to every single American. So when we pass a farm policy that supports our network of farmers and ranchers throughout this great country, we are doing something that makes a fundamental difference every day for every American and for millions of people beyond our borders.

There are other aspects to the farm bill that are very important as well. For example, we have a tremendous number of jobs in farming and ranching across this country—every State in this country, throughout our heartland and beyond. There are not just direct jobs in farming and ranching but there are indirect jobs, from food processing to retail, to transportation, to marketing—you name it. We could say it is an incredible jobs bill, which it is. There is no question about it. When we provide a good, sound, solid farm program for our farmers and ranchers, we are also very much passing a jobs bill as well.

We can also talk about it in terms of a favorable balance of trade. The United States has a deficit in its trade balance, but agriculture has a positive balance of trade. We export millions in food products all over the world to feed hungry people, and it generates a positive return for this country in a big way.

We can talk about it in terms of national security. Think about how important good farm policy is for national security. We produce not only the food we need, but far more than the food we need for our citizens, we provide food for many citizens in other countries as well. Think about the national security implications if we had to depend on other countries for our food supply—maybe even countries that don't necessarily share our interests or values, which is currently the case with energy. We certainly don't want to be in that situation when it comes to feeding our people. So it is truly an issue of national security. We want to be in the position to make sure we have farmers and ranchers who will supply not only the food we need in this country but food that people consume in many countries throughout the world.

For all those reasons this is an incredibly important bill. It is not just incredibly important to farmers and ranchers, it is incredibly important for every single one of us—for all those reasons and more.

The second point I want to make is this farm bill is cost-effective. It is not only cost-effective, but we provide real savings to help to reduce the deficit and the debt. It provides strong support to our farmers and ranchers, but it does it the right way. It does it in a way where we provide savings that will go to reduce the deficit and debt. Our farmers and ranchers are stepping up and not only doing an amazing job for this country in terms of what they do in food supply and job creation, but they are helping meet the challenge of our deficit and debt as well.

The second chart is an example of what I am talking about in terms of the farm program being cost-effective. I will use this and several other charts to go into the actual numbers to show that the farm program—particularly this bill we have crafted—is not only cost-effective, but it provides real savings as well. At the same time, it provides enhanced support for our farmers and ranchers throughout the country.

Looking at the chart, if you think of the total Federal budget as this cornfield, the portion that goes to the farm bill would be similar to this ear of corn out of the cornfield. If you think of the total cornfield as the Federal budget, the farm bill would be about one ear of corn. The portion of the farm bill that goes to farmers and ranchers to support what they do would be one kernel of corn out of the entire cornfield. To put those numbers into perspective—and these are analyzed numbers—you are talking about Federal spending of about $3.7 trillion, in that range. You are talking about a farm bill that, on an annualized basis, is about $100 billion. So it is $100 billion out of $3.7 trillion. Then if you talk about the portion that actually goes to support farmers and ranchers and support that network, you are talking about less than $20 billion out of $3.7 trillion. That is why I use this frame of reference.

If we go to the next chart, we will go into some of the numbers and how that funding is broken out in the farm bill itself. This pie chart shows the CBO scoring. Of course with any legislation you need the CBO scoring that shows the actual cost. We try to do that in a consistent way across all of the legislation we pass. CBO uses a 10-year scoring period. On that basis, this entire pie, the farm program score, over a 10-year period is $960 billion. Of that, almost $800 billion is nutrition programs. Almost 80 percent goes to nutrition. I mean by that, primarily SNAP, nutritional assistance payments, or food stamps. So nutrition programs comprise 80 percent of the total cost in the farm bill.

Only about 20 percent actually goes for farming and ranching, for farm programs, and for conservation. So in the scoring, that is only about $200 billion. We know the bill is not a 10-year bill, it is a 5-year bill. So the actual cost is $480 billion, or half of the score. That means approximately $400 billion goes for nutrition programs, food stamps, and so forth; and less than $100 billion goes for farm programs and conservation programs. So we are talking about an annual cost of this farm program—a program that supports farmers and ranchers who feed this country and much of the world—of about $20 billion—actually less.

Let's go to the next chart on how the program actually provides savings, how farmers and ranchers are providing real savings for deficit reduction in this country. This bill saves more than $23 billion—$23.6 billion is the savings generated by this farm bill; $15 billion comes from the farm programs themselves; $6 billion comes from conservation programs; only about $4 billion comes out of nutrition programs. So 80 percent of the cost in the bill is nutrition programs, which is $400 billion over 5 years. Only $4 billion comes out of the nutrition programs; close to $20 billion comes out of the agriculture portion of the bill. Going back to my prior chart, if you go back to the crop insurance provisions and commodity,

which comprise the farm support network, that is about $150 billion in the CBO scoring. Remember, I said $15 billion comes out of that $150 billion. My point is that 10-percent reduction. So farmers and ranchers are stepping up in the farm bill and saying, OK, we are going to help meet the deficit and the debt challenge. They are, in essence, taking 10 percent less.

Think about that, if throughout all aspects of the Federal budget everybody stepped up the way farmers and ranchers are in this legislation and said, OK, here is a 10-percent reduction we are going to take to help get the deficit under control and the debt under control. My point is, very clearly, in this legislation we have real savings, and that savings is being provided by our farmers and ranchers.

At the same time—this is my third point, and it is very important—this farm bill provides the kinds of support our farmers and ranchers need by providing the risk management tools our farmers need. This farm bill provides strong support for our farmers and ranchers, and it does it the right way. It does it right, with sound risk management tools. What are those risk management tools? I have them here on the chart. It enhances crop insurance. Second, a new Agriculture Risk Coverage—or ARC—Program. It includes also reauthorization of the no-net-cost sugar program. It improves and extends the livestock disaster assistance program. These are the kinds of risk management tools our farmers and ranchers have asked for. They are cost-effective and a market-based approach. They provide the sound, solid safety net our farmers and producers need to continue to produce the food supply for this country.

I will go into more detail on the next chart on crop insurance. As I travel around the State, and as myself and others who are members of the Ag Committee travel the country, one thing our farmers and ranchers say to us over and over again is that they want enhancements to crop insurance. We worked on the safety net for our farmers, and as we worked on the tools for them, they said the heart of the farm bill needs to be enhanced crop insurance. That is exactly what we have done with this legislation. That is the heart of the bill.

Enhanced crop insurance involves a number of things. First, farmers can buy individual crop insurance, and do buy it, at whatever level they deem appropriate. They look at their farm operation and decide how much crop insurance they are going to buy to cover that farm operation. But as they insure at higher levels, the cost to buy that insurance gets more and more expensive. One of the things we tried to do in terms of enhancing crop insurance is figure out how we can help insure at a higher level at an affordable price. That is one of the new innovations. It is called the supplemental coverage option, or SCO. It enables farmers to insure or cover their farming operation at a higher level, but still at an affordable price.

The way it works is, the farmer buys his normal, individual, crop insurance that he would normally purchase. But then, in addition, on a countywide basis, he can buy supplemental coverage, with the supplemental coverage option, on top of his existing insurance. If he typically insures up to, say, 60, 65, or maybe a 70-percent level, he can buy additional insurance on top of his regular policy at a reasonable premium. His regular policy is an individual, farm-based policy, and this is a county-based policy that provides additional coverage at a reduced rate—again, management tools on a market-based approach to cover their farming operation.

The second innovation on the next chart is a program called Agriculture Risk Coverage, or ARC. Very often, farmers—obviously, one of the challenges they face is due to weather. When they face weather challenges, oftentimes we can get in a wet cycle or a dry cycle. So the problem they have with weather may not be limited to one year. You may have a number of years where they face real weather challenges.

In addition, what may happen is that it may trigger losses in their farming operation that are not severe enough to trigger their regular crop insurance, but still cause them losses. You can have repetitive or shallow losses. Over time, those can make an incredible difference in terms of farmers being able to continue in farming and continue their operation. We add shallow loss coverage, or the agriculture risk coverage, to help them protect against these repetitive losses, which they often face due to weather conditions. That is the agriculture risk coverage. It covers between 11 and 21 percent of historical revenue.

How do you calculate that percentage? That is a 5-year average—the last 5-year average—based on price and yield, the revenue they generate on their farming operation. You take out the high year and the low year, and you average the other three. The way it works is, when you have a year where the farmer's crop insurance may not trigger, they still have help when they have a loss, but a loss that may not trigger on their crop insurance. In other cases, it works with their crop insurance to make sure they are adequately covered so they can continue their farming operation. Again, an enhanced risk management tool, cost-effective, focused on a market-based approach to make sure our farmers and ranchers have the coverage they need to continue their operation.

One other point I want to make in wrapping up is that this bill also continues strong support for agricultural research. Agricultural research is making a tremendous difference for our farmers in terms of what they are doing to increase productivity. Obviously, we all know technology has done amazing things to help productivity. But at the same time, agricultural research has made an incredible difference in not only food production—productivity when it comes to food production—but energy production as well.

So that is it. That is how this legislation works. It provides strong support to our farmers and ranchers. It provides that support on a cost-effective basis. The bill emphasizes a market-based approach, focused on crop insurance, which is exactly what producers have told us they want. At the same time, this legislation provides real savings—$23.6 billion—to help reduce the Federal deficit and the debt. It is bipartisan, and it received strong committee support.

I know some of our southern friends are still looking for more help with price protection, and we are working with them. It is likely the House Agriculture Committee will seek to do more in that area as well. But this is legislation that we need to move forward. This is legislation that supports our farmers and our ranchers the right way as they continue to provide—and I am going to go back to my very first chart—support our farmers and ranchers as they provide the highest quality and the lowest cost food supply for every single American.

As I said, this is where I started my comments, and this is where I will conclude. When we are talking about a farm bill, we are talking about something that is important to every single American—every single American. We do it the right way here, and I ask all of my fellow Senators on both sides of the aisle—we worked together in a great bipartisan way in the committee—to work together in a great bipartisan way on the Senate floor and pass this bill.

Mr. President, I yield the floor, and 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. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE COST REDUCTION ACT OF 2012

Mr. HATCH. Mr. President, today the House of Representatives will vote on the Health Care Cost Reduction Act of 2012. I want to say a few words about that bill, which repeals two of the more counterproductive of the many components of the President's health care law.

Specifically, it repeals the restrictions on the use of FSAs and HSAs in the purchase of over-the-counter medications, as well as the medical device tax.

I want to thank my colleagues in the House for advancing this legislation. Repeal of the onerous OTC restrictions and the device tax are priorities of

mine as well. I have introduced legislation that specifically repeals the medical device tax, and my bill—the Family and Retirement Health Investment Act—includes the repeal of the limitations on the purchase of over-the-counter medication.

Others in the Senate, including my friend and colleague Senator HUTCHISON, have also been working to repeal the OTC restrictions. My friends from Massachusetts and Pennsylvania, Senators BROWN and TOOMEY, have been strong advocates for repeal of the medical device tax. I appreciate working with them and all Members who are committed to the repeal of the President's health care law.

I appreciate the hard work of Chairman CAMP and Speaker BOEHNER in moving the Health Care Cost Reduction Act through committee and onto the floor. I also want to thank, in particular, my friend Congressman ERIK PAULSEN of Minnesota for his hard work. We have partnered on both the OTC repeal and the medical device repeal, and he has been tireless in fighting not only for his constituents but for all Americans who are burdened by these misguided policies.

Despite some weak protestations to the contrary from the White House, neither of these provisions serve any health policy purpose. They exist for one reason: to bankroll the $2.6 trillion in new spending that is the real soul of ObamaCare. There is no good that can come of ObamaCare. The bad and ugly are plenty, however.

The restriction on the purchase of over-the-counter medications—what some have called a medicine cabinet tax—inconveniences patients and busy families, increases burdens on primary care providers, reduces patient choice, and may actually increase health care utilization and spending. So much for bending the cost curve down.

The medical device tax, in addition to harming patients, is a job killer at a time when our country needs all the good jobs it can get. Together, they are also clear violations of the President's pledge not to raise taxes on families making less than $250,000 a year.

With respect to the restrictions on the purchase of over-the-counter medications, ObamaCare now requires the holders of health savings accounts and flexible spending arrangements to obtain a physician's prescription before using those accounts to purchase over-the-counter medicine. In some respects, this policy, more than any other, represents the incredible arrogance and wrongheadedness of the President's signature domestic achievement.

When President Obama and his allies touted the virtues of this law, they mentioned increased access and lower costs. Yet to pay for the law's coverage expansions, they included this medicine cabinet tax, which will do nothing but burden medical providers, undermine access to health care, and increase costs for patients and businesses.

It is worth noting that in yesterday's Statement of Administration Policy announcing President Obama's opposition to the House bill, they did not even describe this provision in detail, much less defend it. It seems clear to me the administration is embarrassed by this tax on patients, and they should be.

A study from the Consumer Health Products Association determined that 10 percent of office visits are for minor ailments, and 40 million medical appointments are avoided annually through the self-care enabled by over-the-counter drugs.

According to a study by Booz & Company, the availability of these over-the-counter medications saves $102 billion annually in clinical and drug costs. Yet ObamaCare deliberately restricts their availability.

With respect to the medical device tax, we all know how bad this tax policy is. I am sure the President knows how bad this policy is as well, but he and his allies continue to defend it. Beginning next year, ObamaCare imposes a tax on the sales of medical device makers—not the profits, the sales.

With this excise tax, even unprofitable firms will be responsible for a 2.30-percent tax on sales of their devices. It is difficult to overstate the damage to patients and our economy this tax will wreak.

According to one analysis, this ObamaCare tax will kill between 14,000 and 47,000 jobs. We wonder why we are having trouble with unemployment. According to another analysis by Benjamin Zycher, it will reduce research and development by $2 billion a year. The resulting collapse in innovation will undermine care for not only the elderly but all patients. Zycher has determined that the effect of this tax will be 1 million life-years lost annually—one million life-years lost annually.

Between 1980 and 2000, new diagnostic and treatment tools, such as improved scanners, catheters and tools for minimally invasive surgery, helped increase life expectancy by more than 3 years. Medical devices helped to slash the death rate from heart disease by a stunning 50 percent and cut the death rate from stroke by 30 percent.

From 1980 to 2000 the medical device industry was responsible for a 4-percent increase in U.S. life expectancy, a 16-percent decrease in mortality rates, and an astounding 25-percent decline in elderly disability rates, according to a study by MEDTAP International.

Why on Earth would anyone vote for a targeted tax on an industry that provides such enormous value and security to patients?

For those who vote against repealing this tax today and stand against its repeal in the Senate, it is worth recalling last week's jobs report. In the month of May, our economy created only 69,000 new jobs. That is, frankly, pathetic. It is barely keeping up with population growth, much less digging us out of our jobs deficit.

I think there is little doubt the mere threat of this tax on medical devices is contributing to these paltry numbers. In other words, this tax is undercutting a key industry, creating deep uncertainty, and hindering job creation.

Since President Obama signed this tax into law, the dollar amount of venture capital invested has declined more than 70 percent. The $200 million raised last year is the lowest level of medical device startup activity since 1996.

This industry is one of the engines of our economy. According to the Lewin Group—a highly respected group—the medical technology industry contributes nearly $382 billion in economic output to the U.S. economy every year. In 2006, it shipped over $123 billion in goods, paid $21.5 billion in salaries to 400,000 American workers, and was responsible for a total of 2 million American jobs.

It pays its employees on average $84,156—that is 1.85 times the national average—and more than 80 percent of medical device companies are small businesses employing 50 people or less. Yet this is the industry President Obama decided to target? This is the industry every Senate Democrat voted to tax when Obamacare passed the Senate?

There are over 120 medical device companies in my home State of Utah alone. Let me tell you, they know what is going to happen if this tax goes into effect, and it is not going to be pretty. I think the President must know this. He and his advisers must know what a disaster the medicine cabinet tax and the medical device tax are as both fiscal and health policy. But yesterday they doubled down on it. Their Statement of Administration Policy threatened a veto of the House bill. It is clear to everyone that the USS Obamacare is a sinking ship, but the President seems committed to going down with it.

Obamacare needs to go. All of it. The law created a web of unconstitutional, misguided, unrealistic, and costly regulations, taxes, fees, and penalties. That web must be pulled down in its entirety, whether by the Supreme Court, or by a Republican Congress and President Romney.

There are few policies more emblematic of that law's failures than the medical device tax and restrictions on the purchase of over-the-counter medications, and I commend my friends in the House for repealing them today.

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.

Mr. COONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. COONS pertaining to the introduction of S. 3275 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRASSLEY. Mr. President, since we are talking about farm legislation as well as nutrition legislation, I think I should be very transparent when I talk about this and talk about my background and lifetime in farming. I don't want to say something about farm bills and then have people who don't know where I am coming from find out later that I am a farmer and might benefit from some of the farm programs. So in the vein of transparency and accountability, I will just say that since 1960, when my father died, I have been involved in farming. Since 1980, I have been involved with my son Robin renting my farmland, farming with what we call in Iowa 50–50 farming. Others might call it crop share. Basically, that means that he and I are partners, and I pay for half the expenses, and I get half of the crop to market, and he gets the land rent-free. When you are crop-sharing or when you are 50–50, that means I am not an absentee landowner collecting cash rent, that I have risks. With risks, you assume that maybe you might get a crop or not get a crop, and if you don't get a crop, you don't get your rent as a landlord. It is the same for my son. He has risks as well. If he doesn't get a crop, he won't have to pay rent, but he isn't going to have anything to live on if he doesn't have a crop. So that is kind of the situation I have been in since 1960 when I was farming on my own and then in partnership with my son.

In the last 7 or 8 years, we have had a grandson, Patrick Grassley, who is a member of the State legislature, join our farming operation, and what I found out, with having a grandson in the farming operation, they don't have a lot of work for a grandfather to do. So last year about all I did was fall tillage with what we call in Iowa chisel plowing.

With that background, I want to go to my statement.

Growing up on my family farm outside of New Hartford, IA, where I still live today, I grew to appreciate what it means to be a farmer. The dictionary defines a farmer as ''a person who cultivates land or crops or raises animals.'' But that definition doesn't come close to fully describing what a farmer is. Being a farmer means someone willing to help a cow deliver a calf in the middle of the night when it might be 5 degrees outside. A farmer is someone who is willing to put all of their earthly possessions at risk just to put a bunch of seed in the ground and hope the seed gets rain at just the right time. Farmers work hard cultivating their crops and get the satisfaction of seeing the result of their hard work at the end of each crop season. They take great pride in knowing they are feeding this Nation. A farmer in Iowa produces enough food to feed 160 other people. So obviously we export about one-third of our agricultural production.

Farmers tend to be people who relish the independence that comes with their chosen profession. They are people with dirt under their fingernails, and they also work very long hours. Often they are underappreciated for what they do to put food on America's dinner table, and they receive an ever-shrinking share of the food dollar.

At this point, I would speak about a fellow Senator. I won't name the fellow Senator, but he is from an urban State.

Throughout our years of service here, I like to say to him: Do you know that food grows on farms?

And he says: Oh, does it?

Well, the other night at the spouses' dinner we had, he came up to my wife and he said: I know food grows in supermarkets, but CHUCK thinks it grows on farms.

So that is the sort of camaraderie we have around here on agriculture, and I am very glad to have it.

I always say that agriculture is probably a little easier in the Senate because I believe every Senator, even in Alaska, Hawaii, and New Hampshire, represents agriculture to some degree—maybe not as much as in the Midwest, where I come from, or California or Texas, but every State has some agriculture, and there is an appreciation of it. In the other body, our House of Representatives, I don't know an exact figure, but I would imagine that there are probably only 50 districts that really are agriculture-oriented districts and the rest of them are very urban or suburban. So we have an understanding of agriculture and how important it is. When I talk about it, I don't mean to talk down to my colleagues, but I do think I understand agriculture. It is not to say that other Senators don't understand agriculture, but I think if you have been involved in it for a lifetime the way three or four of us here in the Senate have been, it means a little more.

Farmers have chosen a line of work that comes with risk. It is a risk that is inherent in farming and often out of their control. The risk inherent in farming is why we have farm programs.

If I may digress a little bit here, from memory, just to show how there are a lot of issues with agriculture that are beyond the control of farmers—I am not just talking about natural disasters such as hail or drought. In 1972 Nixon wanted to get reelected so bad that he froze the price of beef. It was only for a short period of time, maybe 3 or 4 months, because they found out it was not working the way he wanted. He didn't care about the farmers. Iowa was No. 1 in beef production up to that time. After that, everybody got squeezed out of the beef business because of the freeze. We went from No. 1 down to No. 13. Now I think we are about fifth or sixth in the production of beef.

Another example is when soybeans were being exported and they got up to $13 a bushel in 1973 or 1974—let's see. I am just trying to think. It was either when Nixon or Ford was President. At the time, one of them decided it was going to drive up the price of food in America, so they forbid the export of soybean. Soybean prices fell from $13 down to $3.

Another time, Carter decided that it was wrong for Russia to invade Afghanistan. At that time, we were selling them wheat, until the decision was made that we were not going to sell them any more wheat, so the price dropped.

I suppose I ought to think of things a lot more recent, but there are a lot of international politics that affect farming. Right now it is with Iran sanctions and oil. I am not sure to what extent that affects the price of energy, but agriculture is a big user of energy.

So what I am trying to say with just a few examples—and I ought to have more from memory—is that there are so many things that are beyond the control of farmers that if you ever wonder why we have a farm safety net, that is why.

Why do we have a farm safety net? For national security. As Napoleon said, an Army marches on its belly. We have to have food. Why do you think Japan and Germany protect their farmers so much today? Because they found in World War II that if they don't have food, they don't have very good national security. Or how long can a nuclear submarine stay underwater? Forever. Except if it runs out of food, it has to come up. Or what about the old adage of being nine meals away from a revolution? In other words, as a mother and dad, if you can't get food for your kids for 3 days, and they are crying, you might take any action to make sure they get food.

So I think having a secure supply of food is very essential to the social cohesion of our society.

We don't worry about that in America, do we? We go to the supermarket and the shelves are full, but there are a lot of places in the world where they don't have that. There are a lot of places in the world where they pay more than 50 percent of disposable income for food, and in America it is about 9, 10, or 11 percent.

So there are plenty of reasons to make sure we have a sound agricultural system in America, and we ought to make sure we take it seriously, both from a national security standpoint and for our social betterment.

If we want a stable food supply in this country, we need farmers who are able to produce it. When they are hit by floods, droughts, natural disasters, wild market swings, or unfair international barriers to their products, farmers need the support to make it through because so much is beyond the control of farmers. Most farmers I know wish there wasn't the need for a government safety net, but they appreciate that safety net when they do need it. For decade after decade, Congress has maintained farm programs because the American people understand the necessity of providing a safety net for those providing our food.

That is not to say that each and every farm program ever created needs to continue. In fact, there is a lot in this farm bill we have before us that brings reform, and some programs not reauthorized, that prove what I just said—that just because we have had some for 60 years doesn't mean we have to have them for the next 5 years in this farm program. Just as there are shifts in the market, sometimes public sentiment toward certain farm programs also shifts.

Take direct payments, for instance. There was a time and place for direct payments to help farmers through some lean years. But now times are OK in the agriculture industry, and the American people have rightly decided it is time for direct payments to end. With a $1.5 trillion deficit every year, it is also a reality that those payments can't continue from a budget point of view. So the Senate committee has responded, and we have proposed eliminating the direct payment program, and many farmers agree direct payments should go away as well.

There are other reforms the American taxpayers want to see. There is no reason the Federal Government should be subsidizing big farmers to get even bigger. I might repeat myself as I go through my statement, but I want to say that a farm safety net ought to protect the people who don't have the ability to get beyond these things that are beyond their control—whether it is domestic politics or whether it is a natural disaster or whether it is international politics or energy policies or all of the things that can happen.

There are some farmers who might not get over that hump because it is beyond their control—a problem that affects them financially. But there are some farmers who have that capability, and I think traditionally we have geared the farm program—not enough, from my point of view—but we have geared the farm program toward a safety net for small- and medium-sized farmers.

We have a situation where 10 percent of the farmers in recent years—the biggest farmers—are getting 70 percent of the benefits of the farm program. There is nothing wrong with getting bigger. I want to make that clear. In fact, in agriculture, with the equipment costs a farmer has to get bigger, but the Federal taxpayers should not be subsidizing farmers to get bigger. It isn't just a case of a principle not to do that; it is the economic impact. When we do that—provide the government subsidy to the big farmers—they go out and buy more land, which drives up the price of farmland or drives up the cash rent in a particular area. Consequently, it makes it very difficult for young people to get started farming.

We want to be able—we have to pass this on to the young farmers. Many farmers understand that in order for us to have a farm program that is defensible and justifiable, it needs to be a program designed to help these small- and medium-sized farmers who actually need the assistance to get through rough patches out of their control.

So what I have been trying to do for years, and it was finally put in this farm bill, is to put a hard cap on the amount of money one farming operation can get so, hopefully, we cut down that 10 percent of the largest farmers that gets 70 percent of farm payments, so it is more proportional to the benefit of small- and medium-sized farmers. That is in this bill at $50,000 per individual and $100,000 per married couple for the payments under the Agriculture Risk Coverage Program. It is in this bill. I know to a lot of people listening that $50,000 and $100,000 is too much, and it is even too much for most Iowans. But there are some sections of this country, such as the South and West, where we will find our fellow Senators—I don't know how open they are going to be about this, but behind the scenes they are raising Cain about this $50,000 cap. I just about had this put in the present farm bill in 2008, except I had 57 votes, and we know how things work around here. We have to have 60 votes to get something done if people want to push the point. So I didn't get 60 votes. Now it is in the farm bill. I don't know who is negotiating around here on amendments, but there is going to be somebody trying to take this out of here—somebody from the South, I would imagine—trying to take this $50,000 cap out.

I expect to have the same considerations to this not being taken out by a 60-vote margin as I was kept from putting it in 5 years ago because if it had been put in 5 years ago, we would have saved $1.3 billion over that period of time.

Taxpayers are tired of reading reports about how so many nonfarmers receive farm payments. I have been working to get reforms on the farm payment eligibility for years, and just as the tide has turned on the status quo for direct payments, the tide has turned on program eligibility. The bill contains crucial reforms to the ''actively engaged'' requirements. These reforms will ensure farm payments go to actual farmers. The American people are not going to stand idly by anymore and watch farm payments head out the door to people who don't farm. In other words, if they aren't out there working the land—if they are on Wall Street or something and have farmland in the Midwest—they shouldn't be collecting these farm payments.

There have been some people complaining about the payment limit reforms I have talked about. They complain it will detrimentally change the way some farm operations do things. Well, if they mean it will not allow nonfarmers to skirt around payment eligibilities and line their pockets with taxpayers' money meant for actual farmers, then the answer is, yes; that is what those reforms will do.

Let me make it perfectly clear. The reforms contained in this bill will not impact a farmer's ability to receive farm payments. Furthermore, the reforms will not affect the spouse rule. In other words, if the husband and wife are together in the farming operation, and some Senator comes around and says the spouse who is working beside the other spouse in this farming operation can't get the benefit of it, they are wrong.

These reforms reflect what we hear from the grassroots, which is Congress needs to be a better steward of the taxpayers' dollars. That is true if we are talking about farm programs or any other Federal program.

Those who are against these reforms are asking the American people to accept the status quo and to continue to watch as farm payments go to megafarms and nonfarmers. We cannot and will not accept the status quo. In other words, 10 percent of the biggest farmers getting 70 percent of the benefits of the farm program ought to end.

The Agriculture Committee should be proud of the improvements we are making to payment limitations in this bill. With these reforms we bring defensibility and integrity to this farm bill. In addition, it is probably the only bill that is going to pass this year that is going to cut any programs, and it is going to do that by $23 billion. In fact, without these reforms in the farm program, I wouldn't be able to support this bill.

I urge my colleagues to voice their support for these important payment limitation provisions and join with me in resisting any attempt to weaken these reforms, particularly from people in the Southern States who say somehow we ought to still continue to allow these megafarmers to get these millions of dollars of payments.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. SHAHEEN). The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I want to discuss today several amendments I have to the farm bill that is now before the Senate. What might surprise many people to learn is that the overwhelming majority of funds in the farm bill are not spent on anything to do with farmers or even agriculture production. For instance, crop insurance amounts to—which is a big part of the new bill and is progress, I think—the crop insurance provisions amount to just 8 percent of what we will be spending. Horticulture is less than 1 percent. But a full 80 percent of the farm bill spending goes to the Federal food stamp program. Yet only 17 percent of the small savings that are found in this proposal comes from food stamps. Out of the $23 billion in cuts, none of which

occurs next year, out of almost $1 trillion in spending over 10 years. So about $23 billion in cuts. Most of that is taken from the farm provisions, but only 20 percent of it goes to that. At the same time, food stamp spending is virtually untouched. I believe they propose $4 billion in savings after 80 percent of the cost of this bill is in the food stamp program. The other $17 billion comes out of the 20 percent—not the food stamps.

Overall, the legislation will spend $82 billion on food stamps next year—$82 billion, and an estimated $770 billion over the next 10 years. To put these figures in perspective—and they are so large it is difficult to comprehend—we will spend, next year, $40 billion on the Federal highway program, but $80 billion on the food stamp program.

Food stamp spending has more than quadrupled—four times. It has increased fourfold since the year 2001. It has increased 100 percent since President Obama took office, doubled in that amount of time. There are a number of reasons for this arresting trend. While the poor economy has undeniably increased the number of people who qualify for food stamps, this alone does not explain the extraordinary growth in the program.

For instance, between 2001 and 2006, food stamp spending doubled, but the unemployment rate remained around 5 percent. So from 2001 to 2006, we had a doubling of food stamps while unemployment is the same. When the food stamp program was first expanded nationwide, about 1 in 50 Americans received food stamp benefits. Today, nearly one in seven receive food stamp benefits.

We need to think about that. This is a very significant event. We need to ask ourselves, is this good policy? Is it good for America? Not only is it a question of, do we have the money, the second thing is, is it going to the right people? Is the money being expended wisely? Is it helping people become independent? Is it encouraging people to look for ways to be productive and be responsible themselves for their families? Or does it create dependency, part of a series of government programs that, in effect, are not beneficial to the people who actually benefit from them in the short term?

Three factors help explain this increase. First is that eligibility standards have been significantly loosened over time with a dramatic drop in eligibility standards in the last few years. Second, it has been the explicit policy goal of the Federal bureaucracy to increase the number of people on food stamps. Bonus pay is even offered to States that sign up more people. States administer this program.

And, third, the way the system is arranged with States administering the program but the Federal Government providing all of the money, all of it, they do not have—States do not match food stamps. States have an incentive, do you not see, to see their food stamp budget grow, not shrink, because it is more Federal money coming into the State which they pay no part of.

That means overlooking, I am afraid, I hate to say, dramatic amounts of fraud and abuse, because the enforcement and supervision is given over to the States. So I filed a modest package of food stamp reforms to the farm bill which will achieve several important goals: save taxpayer dollars, which is a good thing; reduce the deficit; achieve greater accountability in how the program is administered; confront widespread waste; direct food stamps to those who truly need them; and help more Americans achieve financial independence.

I guess I am the only person in the Senate who has ever dealt with fraud in the food stamp program. Shortly after law school, when I was a young Federal prosecutor, I prosecuted fraud in the food stamp program. Later I came back as a U.S. attorney, and we saw drug dealers selling food stamps, we saw various other manipulations of it. As attorney general of Alabama for a period, I was involved in enforcing integrity in the program. So I know the benefits food stamps play to people in desperate need. I know it is helpful. But I know, Americans know, they see it every day, that there are abuses in this program. It is the fastest growing entitlement program bar none. We need to look at it. I understand there are some who oppose even saving $4 billion over 10 years out of the food stamp program.

We are spending 80 a year. Four years ago, we were spending 40. We cannot do better than that?

Food stamps is the second largest Federal welfare program following Medicaid. If food stamp spending were returned next year to the 2007 funding level, and you agreed to increase it for 10 years at the rate of inflation, that would produce an astonishing $340 billion in savings for the U.S. Treasury. And we have to have some savings because we don't have the money to continue spending at the rate we are.

Food stamps are 1 of 17 Federal nutritional support programs and 1 of nearly 80 Federal welfare programs. So there is no confusion, these figures count only low-income support programs. They don't include Medicare, Social Security, or unemployment benefits.

Collectively, our Federal welfare programs constitute about $700 billion in Federal spending and $200 billion in State contributions to the same programs. That is about $900 billion on the Federal-State combined—most of it Federal—and $900 billion is about one-fourth of the entire Federal budget.

An individual on food stamps may receive as much as $25,000 in various forms of financial assistance for their household from the Federal Government—as much as $25,000—in addition to whatever salary they may earn in part- or full-time work, or any support they may receive from their families or communities. In other words, this is not normally the only source of income for the person.

Changes in eligibility have also eliminated the asset test for food stamp benefits, which brings me to the first of four amendments I have filed.

No. 1, let's restore the asset test for food stamps. This change has been quite significant. Through a system known as categorical eligibility, States can provide benefits to those whose assets exceed the statutory asset limit, as long as they receive some other Federal benefit. Why is that? I don't know; it makes no sense to me. If you qualify for another program, you automatically get food stamps. Categorically, you are eligible for them. One State went so far as to determine that individuals were food-stamp eligible solely because they received a brochure for another benefit program in the mail. Well, that meant there is more money from the Federal Government coming into their State, more benefits. I guess they see it as an economic benefit. It didn't cost them any money; the money came from Washington.

According to the CBO, the simple process of going back and restricting the categorical eligibility problem that is now springing up would produce $12 billion in savings for taxpayers over the next 10 years and should not eliminate a single person who qualifies for food stamps under the statutory restrictions for the program. All it would mean is that if you qualify for food stamps and fill out the proper form, you get it, like everybody else has to do.

Second, there is the heating subsidy loophole. Fifteen States are using a loophole in order to get more food stamp dollars from the Federal Government. They do this by mailing a very small check—get this—often less than a dollar a month—under the Low Income Home Energy Assistance Program, LIHEAP. Anyone who receives that check, which may be as little as a few dollars a year, becomes eligible to claim a lower income on the basis of home energy expenses—even if they don't pay those expenses.

This reform will require households that receive food stamps to provide proof of payment for their heating or cooling in order to qualify for the income deduction. If the government is paying for your heating, you should not say I need food stamps because I have a big heating bill. But this is a clever maneuver designed by States—frankly, deliberately—to extract more money from Washington—free money for their States, and it is not good policy for America. It is not right that some States get more under the food stamps program by using this technique than others who don't use this abusive practice. Closing this loophole will produce $14 billion in savings over the next 10 years. That is a lot of money.

No. 3, let's end the bonus payments going to States for increasing the number of people who sign up. We ought to

be giving bonuses to people who identify people who are abusing the problem and bringing those down, if anything.

States currently receive bonus payments for enrolling individuals in the food stamp program. Those bonus payments highlight the perverse incentive States have to expand food stamp registration rather than to reduce fraud and help more people achieve financial independence. We need to be focusing on helping people to get work and to be more productive and to bring in more money for their families than food stamps would bring in. That is what the focus of American vitality and growth should be.

No. 4, let's implement the SAVE Program for food stamp usage. This amendment would simply require the government to use a very simple SAVE Program, similar to the E-Verify Program, to ensure that adults receiving benefits are in fact lawfully in the country. This is a commonsense thing to do at a time when we have to borrow 40 cents out of every dollar we spend in this government. We spend $3,700 billion and we take in $2,400 billion. We borrow the rest every year. We cannot afford to be providing incentives, benefits, bonuses, and payments to reward people who have entered the country illegally. We just don't have the money.

Ultimately, beyond first steps, the best way to achieve integrity in the food stamp program is to block-grant it to the States. Send so much for the program, a fair percentage to each State, and let them distribute it. This will provide States with a strong incentive to make sure each dollar is being properly spent. They don't have that today. It does no damage to a State if somebody is getting the money improperly, or getting more than they are entitled to. If a State is administering the program and some people are getting too much and others are not getting enough, then the State has an incentive to make sure the abuses stop and the aid goes to the people who need it. That is the kind of program we need in America—one that works and has incentives built in to make the program have integrity.

The House budget adopts this reform. They like to complain about the House and say the House doesn't know what they are doing. This is a commonsense reform. I am proud of what the House did. They did exactly the right thing. Senate Democrats, of course, have not even written a budget in 3 years. It has become clear that if we had gone through a financial analysis, a budget debate in this Congress, we could save a lot of money by ending the abuses in the Food Stamp Program, and it would help us do other things the government needs to do. It would also become clear that we will run out of money to pay for this program if we don't make changes soon. We are in a financial situation that is so grave that every expert has told us we are on an unsustainable path and we have to get off of it. If we don't, we can have another financial catastrophe, like in 2007, and like they are having in Europe today. That is very possible. So we have to reduce our deficit and our abusive spending.

Reforming the way we deliver welfare is the compassionate course. It is not mean-spirited to say that people who are not entitled to the benefits don't need the benefits and should not get them. There is nothing wrong with that. There is nothing wrong with having incentives in your program, not to see how many people you can get on food stamps but to see how many we can get to work and be productive and take care of themselves.

The result of welfare reform in 1996, if you remember that—and many of you do—was less poverty, more growth, less teen pregnancy, more work, and more people successfully caring for themselves. We have slipped back, in my opinion. We moved back from some of the progress we made from the 1996 provision.

Unfortunately, since 1996, Members in both parties have failed to protect these gains. The welfare budget has swelled dramatically. Oversight has diminished. Standards have slipped. We now find ourselves in need of welfare reform for the 21st century. We do. That is the nature of any government, where once programs are established, they go beyond rationality and need to be reformed periodically.

It is time to re-engage the national discussion over how the receipt of welfare benefits can become damaging, not merely to the Treasury but also to the recipient.

Left unattended, the safety net can become a restraint, permanently removing people from the workforce. And Federal programs, unmonitored, can begin to replace family, church, and community as a source of aid and support.

We need to reestablish the moral principle that Federal welfare should be seen as temporary assistance, not permanent support. The goal should be to help people become independent and self-sufficient.

Such reforms, made sincerely and with concern for those in need, will improve America's social, fiscal, and economic health. Empowering the individual is more than sound policy; it remains the animating moral idea behind the American experience, our national exceptionalism. We believe in individual responsibility. We believe in helping people in need, but we don't believe in creating circumstances where decent, hard-working people, who work extra and save their money, who give up vacations and going out to eat so they can take care of their family, are also required to support people who are irresponsible. That is not a healthy situation for us to be in.

We need to strike the right balance. We can help those people in need and create a government and a social assistance program in America that benefits the people we seek to benefit and benefits the State treasuries at the same time.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

Mr. BROWN of Ohio. I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

STUDENT LOANS

Mr. BROWN of Ohio. Mr. President, I come to the floor fairly often to share letters I get from people in Ohio and especially when it is an issue that is on the tips of so many young people's tongues and on the minds of so many in our State.

I spent much of the last month visiting with students on college campuses at Wright State University in Dayton, at Hiram College in Portage County in northeast Ohio, at the Cuyahoga County Community College in Cleveland, at the University of Cincinnati, and Ohio State University. Just this last Monday, I was at Owens Community College in Toledo. I hear over and over and over about the debt that far too many of our young people bear when they get out of school.

Today is the last session day for our pages from the winter term, and I hope the burden of debt on them—they are still several years away from absorbing the debt from college and going on to the workplace. But I worry for them, as I worry for so many of my constituents from Cleveland to Cincinnati and Ashtabula to Middletown and Gallipolis to Wauseon because the average Ohio student who is graduating from a 4-year school and who has borrowed money owes $27,000. This is a small step, but it is one more piling on of debt. If we are not able to freeze interest rates on Stafford loans—which is what my legislation will do, with Senator REED of Rhode Island, Senator HARKIN of Iowa—to freeze interest rates for at least another year, these students will be faced with another $1,000, in addition to what they are already facing.

It has become a moral issue. If we turn things over to these young people when they come out of school and they face this kind of debt, it means they are less likely to buy a house, it means they are less likely to start a business, and it means they are less likely to start a family. Do we want to do that to this generation of smart, young, enthusiastic, talented people, instead of giving them a better launch for their lives in their twenties and thirties? That is why it is essential we do this.

Two years before the Presiding Officer came to the Senate, in 2007, we

passed this freeze; President Bush signed legislation that Senator Kennedy and I and others in the Health, Education, Labor, and Pensions Committee worked on to freeze interest rates for Stafford subsidized loans at 3.4 percent. There is a 5-year freeze. If we don't act by July 1, 2012, 5 years after we passed it, that will mean these loans are going to double.

I wish to share a couple letters I have gotten from people in Ohio. This doesn't just affect the students; there are some 380,000 college students in my State whom it affects. But it doesn't just affect these students; it affects their families. Their parents, sometimes their grandparents, send us letters about how serious this is for them. I will read two letters.

Jeff from Lorain—which happens to be my home county:

> I've been a lifelong resident of Lorain, OH. My daughter graduated top of her class from Southview in 2008. She just graduated from Hiram College with a bachelor in Mathematics and minor in Political Science Cum Laude. She maxed out her Stafford loans each year, and these help her to attend college. I've worked in factories all my life, the last 20 years at Avon Lake Ford so we are able to help some but the major work was done by our daughter with her focus and hard work. She is moving on to grad school but at some point she will have to start repaying these loans. Do we want to burden these young bright minds with loan payments that are so large they will weigh them down financially for a large portion of their young adult lives? Were these loans designed to help students who don't come from families with large disposable incomes? Or are they to be used as a way to make money off our young people trying to reach their potential?

One of the good things President Obama did about this was he helped people get into the Federal Direct Loan Program so they would no longer be borrowing from banks at much higher interest rates. College is too expensive. The States don't put enough money into colleges so that the colleges don't charge such high tuitions. Tuitions have gone up like this over the years. But at least we were able to make a big difference on interest. This is our chance to do it again, and we shouldn't let Jeff and his daughter down and others.

The other letter I will read is from Marcelline from Wilberforce.

> I am 60 years old. I went back to school to get a job that would not continue to destroy my physical health. My previous job for companies like BP and Wal-Mart were devastatingly hard on me all with little or no medical help. I also returned in hopes of obtaining employment that will position me to be gainfully employed for the next 15 to 20 years. I am supporting my two grandchildren both are aspergers and my son while he tries to gain a degree of his own. I see no possibility of retiring before I die. I also see no possibility of paying off my education before I die. When I started my education I could justify the cost, but I have seen it going up yearly to the point I see no way of paying for it now, especially if interest rates continue to climb. I cannot conceive how the young people will be able to repay their debts. I am very concerned for them. The burden this will place on them as they go forward is heartbreaking.

This is the story the Presiding Officer hears in Anchorage, in Fairbanks, in Nome. I hear it in Toledo. I hear it in Lima. I hear it in Mansfield. I hear it in Sandusky. It is incumbent upon us—it is a moral question—not to load more debt on these young people so they can develop their talents in a way that not only will help them individually, not only will help their families but will help our society prosper.

We know what the GI bill did in the 1940s and 1950s and 1960s. It not only helped millions of service men and women and their families, it also lifted the prosperity of the United States of America. We owe this generation no less than 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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MANCHIN). Without objection, it is so ordered.

## EXECUTIVE SESSION

### NOMINATION OF ANDREW DAVID HURWITZ, OF ARIZONA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT

Mr. REID. Mr. President, I ask unanimous consent to proceed to executive session to consider Calendar No. 607, the nomination of Andrew David Hurwitz, of the State of Arizona, to be United States Circuit Judge for the Ninth Circuit.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the nomination.

The legislative clerk read the nomination of Andrew David Hurwitz, of Arizona, to be United States Circuit Judge for the Ninth Circuit.

CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk with respect to that nomination.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Andrew David Hurwitz, of Arizona, to be United States Circuit Judge for the 9th Circuit.

Harry Reid, Patrick J. Leahy, Al Franken, Daniel K. Inouye, Bill Nelson, Amy Klobuchar, Jeff Bingaman, Michael F. Bennet, Herb Kohl, Patty Murray, Robert P. Casey, Jr., Tom Udall, Richard Blumenthal, Benjamin L. Cardin, Sheldon Whitehouse, Christopher A. Coons, Mark Begich.

Mr. REID. I ask unanimous consent that the mandatory quorum under rule XXII be waived; that at 4:30 p.m. on Monday, June 11, there be up to 60 minutes of debate on the motion to invoke cloture on the nomination, equally divided between the two leaders, or their designees; that upon the use or yielding back of time, the Senate vote on the motion to invoke cloture on the nomination; further, that if cloture is not invoked on the nomination, the Senate resume legislative session and the motion to proceed to S. 3240 be agreed to at 2:15 p.m., Tuesday, June 12; finally, if cloture is invoked, that upon disposition of the Hurwitz nomination, the Senate resume legislative session and the motion to proceed to S. 3240 be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

## LEGISLATIVE SESSION

Mr. REID. I ask unanimous consent that we now resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. REID. I ask unanimous consent that we 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 WARREN B. LEWIS III

Mr. BURR. Mr. President, I want to honor the life of Investigator Warren ''Sneak'' B. Lewis III of the Nash County Sheriff's Office. On June 9, 2011, Investigator Lewis' life was cut short when he was fatally wounded while attempting to apprehend a fugitive wanted for murder in Kinston, N.C. I want to take a moment to remember him as we near the anniversary of his death.

Investigator Lewis began his career in law enforcement in 2002, when he joined the Nash County Sheriff's Office as a deputy. Through his hard work and dedication, he was promoted to Investigator where he first served with the Narcotics Division and was later assigned to the U.S. Marshals Service's Eastern District of North Carolina Violent Fugitive Task Force. On this assignment, Investigator Lewis helped the Task Force with the difficult and important work of locating and arresting fugitives throughout eastern North Carolina.

Investigator Lewis was dedicated to protecting the people of North Carolina, and today we remember him as he gave his life in service to our State. I want his wife Shannon Lewis, daughters Lauren and Ashley Lewis, father Warren Lewis, and mother Ann Lewis to know that my thoughts and prayers are with them on this day. I know that Investigator Lewis will be forever missed, and his service and sacrifice will not be forgotten.

ADDITIONAL STATEMENTS

## REMEMBERING JOHN D. WRAY

• Mr. BENNET. Mr. President, today I wish to honor a former Tuskegee University professor whose efforts to support this country during the First World War, with the help of the hard-working young people he recruited for agricultural clubs, have gone largely unacknowledged until recently.

After the United States entered World War I in April of 1917, Professor John D. Wray left his position at Tuskegee University and relocated to North Carolina to aid in the war effort. As a professor specializing in agricultural science, Wray utilized his unique skills to help grow food for servicemembers fighting abroad. He partnered with Black county agents to organize and encourage African-American farmers' children to join agricultural clubs, which became known as the Saturday Service League. Wray even created a newspaper, the Rural Messenger, which was advertised as ''the only Negro farm journal in the world.''

In the first issue, Wray wrote that the children ''were told why they should engage in this work as a necessary defense for their country; that they could greatly assist by growing food to feed the boys who had gone to the trenches.'' In just 1 year's time, Wray had increased participation in North Carolina agricultural clubs tenfold, growing enrollment from 1,400 to more than 14,000. The Saturday Service League produced more than 17,000 chickens, 30,000 eggs, 23,000 pounds of pork, 700 bushels of wheat, 500 bushels of peas, 1,800 bushels of peanuts, 32 bales of cotton, 45,000 bushels of corn, and 700 bushels of potatoes in a single year.

Even after the war ended in 1919, many of the youth were inspired by Wray's patriotism and continued to work in the clubs to help feed the hungry and displaced peoples of Europe. By World War II, the clubs were nicknamed the ''Victory Volunteers.''

Born in 1889, Wray grew up on a tobacco farm near Durham and moved to Greensboro, NC, to attend the Agricultural and Technical College, where he received his degree in agricultural science. There he met his wife and developed a passion for community organizing. Utilizing the agricultural skills he learned at the college, Wray taught the youth he organized modern farming techniques that increased yields 10 times over, actively improving the utility of each farmer he encountered. In 1915, the North Carolina Agricultural Experiment Station offered him a job with a salary of $1,200 per year, making him the first African-American agent for the North Carolina Extension Service. He also became an advocate for young Black men who were mistreated while serving their country in military service.

While many wartime stories focused on the front lines of combat, it is equally important to recognize Americans who worked to support them. Professor John D. Wray knew exactly what he could do to maximize his support for the United States in one of our greatest times of need. I learned of Professor Wray through his granddaughter, Kathryn Green, who now resides in Denver, CO. She and her family take great pride in his contributions to our Nation's war effort during World War I. I join them and all Americans today in offering our gratitude and thanks to Professor Wray's outstanding commitment to country, community, and the agricultural sciences.•

## TRIBUTE TO CHUCK LANGE

• Mr. BOOZMAN. Mr. President, today I wish to honor Chuck Lange, who recently retired as the executive director of the Arkansas Sheriff's Association after more than two decades of service at the ASA and a lifetime of dedication to safety and law enforcement.

As executive director of ASA, Chuck worked for the sheriffs of Arkansas but he shared his expertise in law enforcement with many more people. Chuck's passion for law enforcement and the lessons he learned at the University of Arkansas, the Southwest Texas State's Crime Prevention Institution, and the FBI National Academy benefitted Arkansans during his 43 years in law enforcement and security-related services.

Chuck's professional achievements are far-reaching and his accomplishments continue far beyond the office. He passed along his decades of law enforcement knowledge to others. As a volunteer, Chuck conducts training sessions for rape victim advocates, earning him accolades from Rape Crisis, Inc. Having also taught women's self-defense classes, it is evident that Chuck has a true commitment to making sure Arkansans understand how to protect themselves and stay safe.

Chuck shares his strong commitment to law enforcement as a member of several boards and task forces including the Arkansas Law Enforcement Memorial Board; executive board at the Criminal Justice Institute; Arkansas Coalition Against Domestic Violence Board; Governor's Strategic Prevention Framework Advisory Board and Governor's Task Force on After School Programs.

I congratulate Chuck Lange for his outstanding achievements and success in law enforcement and I ask my colleagues to join me in honoring him on his retirement. I wish him continued success in his future endeavors. We are all grateful for his years of service and leadership to Arkansas.•

## REMEMBERING KATIE BECKETT

• Mr. WHITEHOUSE. Mr. President, I rise today to pay tribute to the courage of Katie Beckett, whose recent passing bids us pause to remember the challenges faced by families with children with long-term care needs, and the support we can provide to them.

Katie and her family will forever be known as heroes who fought for fair Medicaid benefits for every child. Before their advocacy work, Medicaid did not cover at-home treatment for children with disabilities or special health care needs. As a child suffering from viral encephalitis, Katie was forced to live in a hospital in order to receive treatment under Medicaid. Her mother went to work lobbying on behalf of Katie and other children in the same situation. As a result of her efforts, President Reagan passed a waiver that would allow children on Medicaid the option to receive medical care in their homes.

To this day, the waiver—which is referred to as the ''Katie Beckett Waiver''—enhances the quality of life of thousands of children across the Nation, including many in my home State of Rhode Island.

Caroline Friedman of Portsmouth, RI weighed 2 pounds, 15 ounces when she was born. In order to survive, Caroline must receive cardiac medicine through a central line in her heart. Because of the Katie Beckett Waiver, Caroline receives her life-sustaining treatment outside of the hospital. She is now 9 years old, and is living a full life attending school, joining Girl Scouts, and even taking karate classes.

Because of the Katie Beckett Waiver, Jacob Vandal of Little Compton, RI, who suffers from a rare genetic disorder, was able to receive home-based therapy services. Receiving this treatment at home made a huge difference to his developmental progress. Now, Jacob is a well-adjusted 27 year old who works in a supported employment program—something his parents say would not have been possible without the at-home care afforded to him by the Katie Beckett Waiver.

Katie Beckett and her family paved the way for Caroline, Jacob, and so many others like them to receive their treatment at home with their family, where they most wanted to be. I know these individuals and their families will be forever grateful for the difference the Beckett family has made to their lives. On behalf of all Rhode Islanders, I extend my heartfelt condolences to the Beckett family for their loss.•

## 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 withdrawals 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 10:32 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 292. An act to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act.

S. 363. An act to authorize the Secretary of Commerce to convey property of the National Oceanic and Atmospheric Administration to the City of Pascagoula, Mississippi, and for other purposes.

### ENROLLED BILLS SIGNED

At 4:12 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 292. An act to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act.

S. 363. An act to authorize the Secretary of Commerce to convey property of the National Oceanic and Atmospheric Administration to the City of Pascagoula, Mississippi, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUYE).

## MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 3268. A bill to amend title 49, United States Code, to provide rights for pilots, and for other purposes.

S. 3269. A bill to provide that no United States assistance may be provided to Pakistan until Dr. Shakil Afridi is freed.

## ENROLLED BILLS PRESENTED

The Secretary of the Senate announced that on today, June 7, 2012, she had presented to the President of the United States the following enrolled bills:

S. 292. An act to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act.

S. 363. An act to authorize the Secretary of Commerce to convey property of the National Oceanic and Atmospheric Administration to the City of Pascagoula, Mississippi, and for other purposes.

## 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–6383. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fenamidone; Pesticide Tolerance; Technical Amendment'' (FRL No. 9351–5) received during adjournment of the Senate in the Office of the President of the Senate on June 1, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6384. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Asian Longhorned Beetle; Quarantined Areas in Massachusetts, Ohio, and New York'' (Docket No. APHIS–2012–0003) received in the Office of the President of the Senate on June 5, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6385. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the National Defense Authorization Act for fiscal year 2012 (OSS Control No. 2012–0717); to the Committee on Armed Services.

EC–6386. A communication from the Chairman of the Joint Chiefs of Staff, transmitting, pursuant to law, a report relative to military construction requirements related to antiterrorism and force protection (DCN OSS No. 2012–0654); to the Committee on Armed Services.

EC–6387. A communication from the Secretary of the Air Force, transmitting, pursuant to law, a report entitled ''2011 Military Working Dog Disposition Report''; to the Committee on Armed Services.

EC–6388. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Ronald L. Burgess, Jr., United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–6389. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of five (5) officers authorized to wear the insignia of the grade of major general and brigadier general, respectively, in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–6390. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Title 41 Positive Law Codification—Further Implementation'' ((RIN0750–AH55) (DFARS Case 2011–D003)) received in the Office of the President of the Senate on June 4, 2012; to the Committee on Armed Services.

EC–6391. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Contractors Performing Private Security Functions'' ((RIN0750–AH28) (DFARS Case 2011–D023)) received in the Office of the President of the Senate on June 4, 2012; to the Committee on Armed Services.

EC–6392. A communication from the Acting Under Secretary of Defense (Acquisition, Technology, and Logistics), transmitting, pursuant to law, a Selected Acquisition Report (SAR) for the Evolved Expendable Launch Vehicle (EELV) program; to the Committee on Armed Services.

EC–6393. 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 May 30, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–6394. A communication from the Chief Counsel of the Fiscal Service, Bureau of Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''U.S. Treasury Securities—State and Local Government Series'' ((31 CFR Part 344) (Department of the Treasury Circular, Public Debt Series No. 3–72)) received in the Office of the President of the Senate on June 4, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–6395. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to North Korea that was declared in Executive Order 13466 of June 26, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6396. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–6397. A communication from the Secretary of Energy, transmitting, pursuant to law, a report concerning operations at the Naval Petroleum Reserves for fiscal year 2011; to the Committee on Energy and Natural Resources.

EC–6398. A communication from the Director of Congressional Affairs, Nuclear Reactor Regulation, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Risk-Informed Extension of the Reactor Vessel Nozzle Inservice Inspection Interval'' (WCAP–17236–NP, Revision 0) received during adjournment of the Senate in the Office of the President of the Senate on May 31, 2012; to the Committee on Environment and Public Works.

EC–6399. A communication from the Director of Congressional Affairs, Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Withdrawal of Regulatory Guide 8.33, 'Quality Management Program''' (Regulatory Guide 8.33) received in the Office of the President of the Senate on June 5, 2012; to the Committee on Environment and Public Works.

EC–6400. A communication from the Director of Congressional Affairs, Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Health Physics Surveys During Enriched Uranium-235 Processing and Fuel Fabrication'' (Regulatory Guide 8.24, Revision 2) received in the Office of the President of the Senate on June 5, 2012; to the Committee on Environment and Public Works.

EC–6401. A communication from the Director of Congressional Affairs, Nuclear Reactor Regulation, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Guidelines for Performing Verification Walkdowns of Plant Flood Protection Features'' (Endorsement of NEI 12–07) received in the Office of the President of the Senate on June 5, 2012; to the

Committee on Environment and Public Works.

EC–6402. A communication from the Director of Congressional Affairs, Nuclear Reactor Regulation, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Seismic Walkdown Guidance for Resolution of Fukushima Near-Term Task Force Recommendation 2.3: Seismic'' (Endorsement of EPRI 1025286) received in the Office of the President of the Senate on June 5, 2012; to the Committee on Environment and Public Works.

EC–6403. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the extension of waiver authority for Turkmenistan; to the Committee on Finance.

EC–6404. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the extension of waiver authority for Belarus; to the Committee on Finance.

EC–6405. 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 ''Implementation of Rev. Rul. 2006–57–Issues for Public Comment'' (Notice 2012–38) received in the Office of the President of the Senate on June 5, 2012; to the Committee on Finance.

EC–6406. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Customs Broker Recordkeeping Requirements Regarding Location and Method of Record Retention'' ((RIN1515–AD66) (formerly RIN1505–AC12)) received in the Office of the President of the Senate on June 5, 2012; to the Committee on Finance.

EC–6407. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to implementation of menu and vending machine labeling; to the Committee on Health, Education, Labor, and Pensions.

EC–6408. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Fiscal Year 2011 Medical Device User Fee and Modernization Act (MDUFMA) Financial Report''; to the Committee on Health, Education, Labor, and Pensions.

EC–6409. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Implementation of Section 3507 of the Patient Protection and Affordable Care Act of 2010''; to the Committee on Health, Education, Labor, and Pensions.

EC–6410. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a financial report relative to the Animal Generic Drug User Fee Act for fiscal year 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–6411. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a financial report relative to the Animal Drug User Fee Act for fiscal year 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–6412. A joint communication from the Secretary of Agriculture and the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to Thefts, Losses, or Releases of Select Agents and Toxins for Calendar Year 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–6413. A communication from the Executive Analyst, Office of the Secretary, Department of Health and Human Services, transmitting, pursuant to law, a report relative to a vacancy in the position of General Counsel, Department of Health and Human Services, Office of General Counsel; to the Committee on Health, Education, Labor, and Pensions.

EC–6414. A communication from the Deputy Director for Policy, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' (29 CFR Part 4022) received during adjournment of the Senate in the Office of the President of the Senate on June 1, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–6415. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Amendments to Sterility Test Requirements for Biological Products; Correction'' ((RIN0910–AG16) (Docket No. FDA–2011–N–0080)) received during adjournment of the Senate in the Office of the President of the Senate on May 31, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–6416. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled, ''2010 Impact and Effectiveness of Administration for Native Americans (ANA) Projects Report''; to the Committee on Indian Affairs.

EC–6417. A communication from the Director of the Regulation Policy and Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Servicemembers' Group Life Insurance Traumatic Injury Protection Program—Genitourinary Losses'' (RIN2900–AO20) received during adjournment of the Senate in the Office of the President of the Senate on May 31, 2012; to the Committee on Veterans' Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. FEINSTEIN, from the Select Committee on Intelligence, without amendment:

S. 3276. An original bill to extend certain amendments made by the FISA Amendments Act of 2008, and for other purposes (Rept. No. 112–174).

## EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Robert E. Bacharach, of Oklahoma, to be United States Circuit Judge for the Tenth Circuit.

Paul William Grimm, of Maryland, to be United States District Judge for the District of Maryland.

Mark E. Walker, of Florida, to be United States District Judge for the Northern District of Florida.

John E. Dowdell, of Oklahoma, to be United States District Judge for the Northern District of Oklahoma.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KERRY:

S. 3271. A bill to provide all Medicare beneficiaries with the right to guaranteed issue of a Medicare supplemental policy; to the Committee on Finance.

By Mr. SANDERS:

S. 3272. A bill to improve access to oral health care for vulnerable and underserved populations; to the Committee on Finance.

By Mr. BROWN of Massachusetts:

S. 3273. A bill to establish a youth summer employment program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself, Mr. CORKER, Mr. BROWN of Ohio, Mr. CHAMBLISS, Mr. SESSIONS, and Mr. BROWN of Massachusetts):

S. 3274. A bill to direct the Secretary of Commerce, in coordination with the heads of other relevant Federal departments and agencies, to produce a report on enhancing the competitiveness of the United States in attracting foreign direct investment, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. COONS (for himself, Mr. MORAN, Mr. TESTER, Mr. FRANKEN, Ms. KLOBUCHAR, Mr. WHITEHOUSE, and Mrs. SHAHEEN):

S. 3275. A bill to amend the Internal Revenue Code of 1986 to extend the publicly traded partnership ownership structure to energy power generation projects and transportation fuels, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 3276. An original bill to extend certain amendments made by the FISA Amendments Act of 2008, and for other purposes; from the Select Committee on Intelligence; placed on the calendar.

By Ms. LANDRIEU (for herself and Mrs. SHAHEEN):

S. 3277. A bill to encourage exporting by small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. BEGICH:

S. 3278. A bill to amend the Consolidated Farm and Rural Development Act to provide and improve housing in rural areas for educators, public safety officers, and medical providers, and their households, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CORNYN (for himself and Mrs. HUTCHISON):

S. 3279. A bill to provide for alternative financing arrangements for the provision of certain services and the construction and maintenance of infrastructure at land border ports of entry, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. JOHANNS (for himself, Mr. ALEXANDER, Mr. BOOZMAN, Mr. COBURN, Mr. CORKER, Mr. CORNYN, Mr. ENZI, Mr. ISAKSON, Mr. PORTMAN, Mr. RUBIO, Ms. SNOWE, Mr. CHAMBLISS, and Mr. BURR):

S. 3280. A bill to preserve the companionship services exemption for minimum wage and overtime pay under the Fair Labor Standards Act of 1938; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself, Mr. KERRY, and Mr. COBURN):

S. 3281. A bill to terminate the Federal authorization of the National Veterans Business Development Corporation; to the Committee on Small Business and Entrepreneurship.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LIEBERMAN (for himself, Mr. MCCAIN, Mrs. SHAHEEN, and Mr. RUBIO):

S. Res. 486. A resolution condemning the PKK and expressing solidarity with Turkey; to the Committee on Foreign Relations.

By Mr. BEGICH (for himself, Mr. BENNET, Mr. BOOZMAN, and Mr. ISAKSON):

S. Res. 487. A resolution expressing the sense of the Senate that the ambush marketing adversely affects Team USA and the Olympic and Paralympic Movements and should not be condoned; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself, Mrs. SHAHEEN, Mr. BLUMENTHAL, Mr. LIEBERMAN, Mr. KERRY, Mr. BROWN of Massachusetts, Ms. COLLINS, and Ms. AYOTTE):

S. Res. 488. A resolution commending the efforts of the firefighters and emergency response personnel of Maine, New Hampshire, Massachusetts, and Connecticut, who came together to extinguish the May 23, 2012, fire at Portsmouth Naval Shipyard in Kittery, Maine; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 67

At the request of Mr. INOUYE, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 67, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 722

At the request of Mr. WYDEN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 722, a bill to strengthen and protect Medicare hospice programs.

S. 996

At the request of Mr. ROCKEFELLER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 996, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2016, and for other purposes.

S. 1244

At the request of Mr. INOUYE, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 1244, a bill to provide for preferential duty treatment to certain apparel articles of the Philippines.

S. 1301

At the request of Ms. AYOTTE, her name was added as a cosponsor of S. 1301, a bill to authorize appropriations for fiscal years 2012 through 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

S. 1421

At the request of Mr. PORTMAN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1421, a bill to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

S. 1613

At the request of Mr. REED, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1613, a bill to improve and enhance research and programs on childhood cancer survivorship, and for other purposes.

S. 1947

At the request of Mr. BLUMENTHAL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1947, a bill to prohibit attendance of an animal fighting venture, and for other purposes.

S. 1989

At the request of Ms. CANTWELL, the names of the Senator from New York (Mr. SCHUMER) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1989, a bill to amend the Internal Revenue Code of 1986 to make permanent the minimum low-income housing tax credit rate for unsubsidized buildings and to provide a minimum 4 percent credit rate for existing buildings.

S. 2004

At the request of Mr. UDALL of New Mexico, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2004, a bill to grant the Congressional Gold Medal to the troops who defended Bataan during World War II.

S. 2036

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 2036, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the National Baseball Hall of Fame.

S. 2060

At the request of Mr. KOHL, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2060, a bill to provide for the payment of a benefit to members eligible for participation in the Post-Deployment/Mobilization Respite Absence program for days of nonparticipation due to Government error.

S. 2134

At the request of Mr. BLUMENTHAL, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2134, a bill to amend title 10, United States Code, to provide for certain requirements relating to the retirement, adoption, care, and recognition of military working dogs, and for other purposes.

S. 2148

At the request of Mr. INHOFE, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 2148, a bill to amend the Toxic Substance Control Act relating to lead-based paint renovation and remodeling activities.

S. 2165

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2165, a bill to enhance strategic cooperation between the United States and Israel, and for other purposes.

S. 2205

At the request of Mr. MORAN, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors 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. 2234

At the request of Ms. AYOTTE, her name was added as a cosponsor of S. 2234, a bill to prevent human trafficking in government contracting.

S. 2242

At the request of Mr. THUNE, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 2242, a bill to amend the Internal Revenue Code of 1986 to repeal the estate and generation-skipping transfer taxes, and for other purposes.

S. 2282

At the request of Mr. INHOFE, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 2282, a bill to extend the authorization of appropriations to carry out approved wetlands conservation projects under the North American Wetlands Conservation Act through fiscal year 2017.

S. 2364

At the request of Ms. SNOWE, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 2364, a bill to extend the availability of low-interest refinancing under the local development business loan program of the Small Business Administration.

S. 2371

At the request of Mr. RUBIO, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 2371, a bill to amend the National Labor Relations Act to permit employers to pay higher wages to their employees.

S. 3078

At the request of Mr. PORTMAN, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Tennessee (Mr. CORKER), the Senator from North Dakota (Mr. HOEVEN), the Senator from Mississippi (Mr. COCHRAN), the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 3078, a bill to direct the Secretary of the Interior to install in the area of the World War II Memorial in the District

of Columbia a suitable plaque or an inscription with the words that President Franklin D. Roosevelt prayed with the United States on June 6, 1944, the morning of D-Day.

At the request of Mr. JOHANNS, his name was added as a cosponsor of S. 3078, supra.

S. 3203

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 3203, a bill to amend title 10, United States Code, to limit increases in the certain costs of health care services under the health care programs of the Department of Defense, and for other purposes.

S. 3204

At the request of Mr. JOHANNS, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3204, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, and for other purposes.

S. 3221

At the request of Mr. RUBIO, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 3221, a bill to amend the National Labor Relations Act to permit employers to pay higher wages to their employees.

S. 3237

At the request of Mr. WHITEHOUSE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3237, a bill to provide for the establishment of a Commission to Accelerate the End of Breast Cancer.

S. 3248

At the request of Mr. ENZI, the names of the Senator from Ohio (Mr. PORTMAN) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 3248, a bill to designate the North American bison as the national mammal of the United States.

S. 3270

At the request of Mr. WYDEN, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Nevada (Mr. HELLER) were added as cosponsors of S. 3270, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to consider the resources of individuals applying for pension that were recently disposed of by the individuals for less than fair market value when determining the eligibility of such individuals for such pension, and for other purposes.

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 3270, supra.

S. CON. RES. 46

At the request of Mr. WEBB, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. Con. Res. 46, a concurrent resolution expressing the sense of Congress that an appropriate site at the former Navy Dive School at the Washington Navy Yard should be provided for the Man in the Sea Memorial Monument to honor the members of the Armed Forces who have served as divers and whose service in defense of the United States has been carried out beneath the waters of the world.

S. RES. 402

At the request of Mr. COONS, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. Res. 402, a resolution condemning Joseph Kony and the Lord's Resistance Army for committing crimes against humanity and mass atrocities, and supporting ongoing efforts by the United States Government and governments in central Africa to remove Joseph Kony and Lord's Resistance Army commanders from the battlefield.

AMENDMENT NO. 2156

At the request of Mrs. GILLIBRAND, the names of the Senator from Massachusetts (Mr. BROWN), the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of amendment No. 2156 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2163

At the request of Mr. MCCAIN, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of amendment No. 2163 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2165

At the request of Mr. JOHANNS, his name was added as a cosponsor of amendment No. 2165 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

At the request of Mr. BARRASSO, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of amendment No. 2165 intended to be proposed to S. 3240, supra.

AMENDMENT NO. 2187

At the request of Mr. KERRY, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Massachusetts (Mr. BROWN) were added as cosponsors of amendment No. 2187 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2188

At the request of Mr. KERRY, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Massachusetts (Mr. BROWN) were added as cosponsors of amendment No. 2188 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY:

S. 3271. A bill to provide all Medicare beneficiaries with the right to guaranteed issue of a Medicare supplemental policy; to the Committee on Finance.

Mr. KERRY. Mr. President, approximately one in five Medicare beneficiaries—or 9 million people—purchase a Medigap supplemental insurance policy to protect against high out-of-pocket costs and to make health care costs more predictable. Current law includes a 'guaranteed issue right' to Medigap for beneficiaries age 65 or older, which means they cannot be denied Medigap coverage or charged a higher Medigap premium because of their medical condition.

Unfortunately, current law discriminates against Medicare beneficiaries with disabilities who are under age 65, as well as beneficiaries with kidney failure, End Stage Renal Disease or ''ESRD'' by denying them the same right that seniors have to guaranteed issuance of Medigap policies. This exposes individuals with disabilities and kidney failure to substantial out-of-pocket costs and poses a significant barrier to health care services. In the absence of equal opportunity and access to Medigap policies at the Federal level, 29 States have enacted guaranteed issue rights to disabled and ESRD beneficiaries.

Individuals with kidney failure are subject to an additional discriminatory provision in federal law that prohibits Medicare ESRD beneficiaries from joining Medicare Advantage plans. They are the only group of Medicare beneficiaries currently denied the same Medicare choices as other Medicare beneficiaries.

Today I am introducing the Equal Access to Medicare Options Act, a bill that improves coverage options to Medicare beneficiaries. My legislation would eliminate discriminatory treatment in the supplemental insurance market, bring more financial stability to Medicare beneficiaries with disabilities and ESRD with high out-of-pocket health care costs, and reduce reliance on Medicaid as the payer of last resort. Specifically, it would extend guaranteed issue of Medigap policies to all Medicare beneficiaries, including beneficiaries with disabilities and ESRD. It would ensure equal access to supplemental insurance for all Medicare beneficiaries, regardless of age, disability or ESRD status.

Additionally, my legislation recognizes that Medicare beneficiaries need flexibility to adjust their coverage as changes to their plans are made. It would give guaranteed issue rights to Medicare Advantage enrollees if they decide to switch to traditional Medicare during an enrollment period. Today, if a Medicare Advantage enrollee learns of premium increases or benefit reduction in their plan, they have the option of returning to traditional Medicare but they have no assurance they can buy Medigap coverage if they do so.

The Equal Access to Medicare Options Act would provide guaranteed

issue to dual-eligibles who lose their Medicaid coverage and find themselves in traditional Medicare without the cost protections of Medicaid and without supplemental coverage options. Finally, this legislation would—for the first time—give beneficiaries with end-stage renal disease the option of enrolling in Medicare Advantage plans.

I would like to thank the nearly 50 organizations who have been integral to the development of the Equal Access to Medicare Options Act and who have endorsed it today, including the California Health Advocates, Center for Medicare Advocacy, Dialysis Patient Citizens, Fresenius Medical Care, Medicare Rights Center, and the National Kidney Foundation.

The Affordable Care Act prohibits discrimination based on health status in the private health insurance market, beginning in 2014. It is inconsistent and unconscionable for federal law to allow insurers to discriminate based on health status in the Medigap market. All individuals, regardless of their health status, deserve the same access to comprehensive and affordable coverage options.

The reforms included in this legislation would finally end discriminatory Medicare policies in Federal law and would ensure that all Medicare beneficiaries regardless of their disability or age have equal opportunity and access to affordable Medicare options. I look forward to working with my colleagues in the Senate to achieve these goals in the context of health care reform.

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By Mr. COONS (for himself, Mr. MORAN, Mr. TESTER, Mr. FRANKEN, Ms. KLOBUCHAR, Mr. WHITEHOUSE, and Mrs. SHAHEEN):

S. 3275. A bill to amend the Internal Revenue Code of 1986 to extend the publicly traded partnership ownership structure to energy power generation projects and transportation fuels, and for other purposes; to the Committee on Finance.

Mr. COONS. Mr. President, when it comes to America's energy policy, Republicans and Democrats alike have made it clear they support an all-of-the-above energy strategy.

As the Presiding Officer knows, serving on the Energy Committee along with me, there is broad agreement on the need for a comprehensive approach that will develop secure, homegrown, efficient energy sources for our next generation.

I believe an across-the-board policy that accepts the likely reality of our current dependence on our fossil-based fuels going forward, as well as the vital need to develop and deploy new, promising, clean energy fuels of the future, is essential. Such a policy will provide certainty to our markets, opportunities to our families and companies and communities, and ensure that we are not—as some would say—picking winners and losers in the energy space.

Yet there is today an obstacle standing in the way of a truly comprehensive strategy that at least both parties say they want. It is a provision in our Federal Tax Code that has its metaphoric thumb on the scale, tipping the balance in favor of traditional fossil fuels. That is why I am so glad I have been able to work with my colleague and friend Senator MORAN of Kansas to today introduce bipartisan legislation that will level the playing field and bring parity to one piece of Federal tax policy relating to energy.

Investors in oil, natural gas, coal, and pipelines have for nearly 30 years been able to form publicly traded entities called master limited partnerships, or MLPs. These partnerships include a passthrough tax structure that avoids double taxation and leaves more cash available to distribute to investors. They have for investors the liquidity and the return that is commonly associated with equity and the tax advantage that is associated with partnerships, and they have been able to aggregate and deploy a significant amount of private capital in the traditional fossil fuel marketplace, roughly $350 billion today across 100 MLPs. They have access to private capital at a lower cost, something that capital-intensive alternative energy projects in the United States badly need now more than ever.

As a result, MLPs should be a great source for raising private capital for clean energy projects as well as they have been for fossil fuel projects. The only problem is, under current law, only fossil fuel-based energy projects can attract this type of private energy investment. That is right—we are currently in our tax policies working against our broadly stated commitment as a country to an all-of-the-above energy policy with a statute that explicitly excludes clean energy projects from forming these MLPs. This inequity is starving a growing portion of America's domestic energy sector of the very capital it needs to build and grow and compete. So Senator MORAN and I, along with other colleagues, decided to fix it. We came together and said it was time to level the playing field.

Sometimes when I have the opportunity, I have gone for a run here in Washington or, even better, in my home State in Delaware. Something any runner can tell you is that going up and down hills is what saps your strength. When a surface is flat, you can go farther, you can go faster, and it is the same with our Federal Tax Code. When it comes to evening things out, we have two choices. We can either lower everything to a common level by eliminating MLPs—by saying this tax advantage shouldn't be given to its traditional beneficiaries in gas and oil and coal, or we can raise the level of opportunity and attract greater investment by broadening the fields that can take advantage of MLPs to include wind and solar, biomass, geothermal, cellulosic, biodiesel.

In my view, the better strategy, the better approach is the bipartisan one that takes our colleagues at their word and says we intend to stop picking winners and losers and, instead, embrace an all-of-the-above energy strategy. Senator MORAN and I have chosen this option and believe that rather than eliminating MLPs, bringing everything together and making renewables on the same level playing field with fossil fuels has a better promise for the future of the American energy economy.

This is a relatively straightforward proposal. Our bill, the Master Limited Partnerships Parity Act, will bring new fairness to the Tax Code in this specific area. It recognizes revenue from projects that sell electricity or fuels produced from clean energy sources as qualifying MLPs.

This change will encourage investment in domestic energy resources, and could bring substantial new private capital off the sidelines to finance renewable projects ranging from wind and solar to geothermal and cellulosic ethanol, just at a time when we so badly need it.

Harnessing the power of the private market is essential if alternative energy projects are to grow and create jobs all across America. Two experts in energy finance, Felix Mormann and Dan Reicher from Stanford's Steyer-Taylor Center for Energy Policy and Finance, wrote an op-ed this past week in the New York Times endorsing this legislation.

They said:

> If renewable energy is going to become fully competitive and a significant source of energy in the United States, then further technological innovation must be accompanied by financial innovation so that clean energy sources gain access to the same low-cost capital that traditional energy sources like coal and oil and natural gas enjoy.

In the search for common ground on energy policy, this kind of simple fairness is the sort of thing I hope we can all agree on. That is why the MLP Parity Act carries the strong support of a wide range of business groups, financial experts, and energy organizations.

David Crane is the CEO of Fortune 300 company NRG Energy. NRG has generating assets across a wide range of traditional fuel sources and clean and alternative energy sources. Mr. Crane said:

> The MLP Parity Act is a phenomenal idea. It's a fairly arcane part of the tax law, but it's worked well and has been extremely beneficial to the private investment in the oil and gas space. The fact that it doesn't currently apply to renewables is just a silly inequity in our current law.

We are also grateful for the support of national organizations such as the American Wind Energy Association, the Solar Energy Industries Association, the American Council on Renewable Energy, and many others, and thank them for their hard work in promoting this commonsense energy future for our country.

I also wish to specifically thank Dr. Chris Avery and Franz Wuerfmanns-

dobler who worked in my office so well in preparing this and moving this forward as public policy. And I wish to thank Josh Freed of Third Way for bringing this to our attention and producing one of the first policy papers on how master limited partnerships can be a great financing vehicle for clean energy.

I have no doubt there is significant growing opportunity worldwide in alternative fuels. There is a clean energy future coming. The only question is whether American workers, American communities, and American companies will benefit from this, or will simply be bystanders and watch our competitors pass us by. I think if we are going to lead, we have to work together. The private sector can and will provide the financing and the researchers to develop critical innovations and deploy them, but the Federal Government—the Congress in particular—must set a realistic and positive policy pathway to sustain these innovations and let the market work to its fullest potential. The Master Limited Partnerships Parity Act moves us toward that goal. By leveling the playing field for fair competition, this market-driven solution could provide vital and needed support for the kind of comprehensive energy strategy we need to power our country for generations to come.

Some of us who will support this bill also support things such as the ITC, the PTC, and other clean energy financing vehicles. Others may not. On the specific question of master limited partnerships, the bill we introduced today simply allows us to come together in a bipartisan way to open it up to all energy sources, and to build a sustainable energy financing future on this planet.

Once again, I want to thank my cosponsor, Senator MORAN. I look forward to working with all of my colleagues, on the Energy Committee and throughout the Senate and the House, to move forward this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3275

*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 ''Master Limited Partnerships Parity Act''.

**SEC. 2. EXTENSION OF PUBLICLY TRADED PARTNERSHIP OWNERSHIP STRUCTURE TO ENERGY POWER GENERATION PROJECTS AND TRANSPORTATION FUELS.**

(a) IN GENERAL.—Subparagraph (E) of section 7704(d)(1) of the Internal Revenue Code of 1986 is amended by striking '', industrial source carbon dioxide,'' and all that follows and inserting ''or of any industrial source carbon dioxide; or the generation, storage, or transmission to the electrical grid of electric power exclusively utilizing any resource described in section 45(c)(1) or energy property described in section 48, or the accepting or processing of such resource or property for such utilization; or the generation or storage of thermal power exclusively utilizing any such resource or property; or the transportation or storage of any fuel described in subsection (b), (c), (d), or (e) of section 6426; or the production for sale by the taxpayer, the transportation, or the storage of any renewable fuel described in section 211(o)(1)(J) of the Clean Air Act (42 U.S.C. 7545(o)(1)(J)),''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act, in taxable years ending after such date.

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By Ms. SNOWE (for herself, Mr. KERRY, and Mr. COBURN):

S. 3281. A bill to terminate the Federal authorization of the National Veterans Business Development Corporation; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today to introduce legislation to cease federal involvement in the National Veterans Business Development Corporation.

This bipartisan bill would cease, once and for all, Federal involvement in the National Veterans Business Development Corporation, also known as The Veterans Corporation or simply TVC. Let me begin by thanking the bill's cosponsors, former Small Business Committee Chair KERRY and Senator COBURN. Senator COBURN, as most in this body will recognize, is a true leader in efforts to streamline the Federal Government. Recently he spoke with us about ideas for Federal entities or programs that could be eliminated and we readily provided TVC as an example of an entity that we had already identified that the Federal Government should sever its ties with.

I want to say at the outset that an amendment, with identical text as our legislation, passed the Senate by a vote of 99–0 in May of 2011, but the bill it was attached to did not pass. We are introducing this repeal as a standalone bill because TVC has been ineffective and controversial since its inception as part of the Veterans Entrepreneurship and Small Business Development Act, P.L. 106–50 in 1999. In December of 2008, former Small Business Committee Chairman KERRY and I investigated TVC, and issued a report detailing the organization's blatant mismanagement and wasting of taxpayers' dollars.

The report found, among other things, that TVC failed to support Veteran Business Resource Centers; had wasteful programs; lacked outcomes-based measurements; provided its employees with unacceptably high executive compensation; engaged in dubious expenditures, and failed to properly fundraise.

For instance, our report concluded that TVC had spent only 15 percent of the Federal funding that it had received on veterans business resource centers, which TVC was required to establish and maintain under law. In fiscal year 2008, the percentage dropped to about 9 percent. We also found that TVC's executives received unacceptably high levels of compensation given the organization's limited resources and reach. While an average of 15 percent of TVC's federally appropriated funds went to the Centers, 22 percent of TVC's fiscal year 2007 Federal appropriation dollars were spent on its top two executives' compensation packages alone. Moreover, the organization miserably failed to fundraise—which was required by law in order for it to become self-sufficient—and during fiscal years 2005 through 2007, TVC leaders spent $2.50 for every $1.00 they raised through the organization's fundraising efforts—almost entirely at the taxpayers' expense. Additionally, through broad decision-making powers granted to TVC's executive committee under the organization's bylaws, the committee approved a number of measures without proper approval or ratification from the full Board, including $40,000 in employee bonuses in 1 year alone.

Since the issuing of the Small Business Committee's report, Congress has appropriated no further funding for TVC, and the Small Business Administration, SBA, has incorporated the Veteran Business Resource Centers, VBRCs, that TVC previously funded into its existing network of Veteran Business Outreach Centers, VBOCs. These moves were publically supported by a variety of veteran service organizations, including the American Legion and the Veterans of Foreign Wars, VFW. For instance, in August of 2008, the American Legion passed a resolution at its national convention, Resolution No. 223, stating that the Legion ''. . . no longer support[s] the continuing initiatives or existence of the national Veterans Business Development Corporation.''

At present, TVC is still federally chartered. At the same time, it receives no Federal funds, has no Department or Agency oversight. In light of everything I have discussed, it is my belief that the Federal government must take the next step and fully sever all ties with the organization. I ask my colleagues to support this bipartisan bill.

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. 3281

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

**SECTION 1. NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION.**

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by striking section 33 (15 U.S.C. 657c).

(b) CORPORATION.—On and after the date of enactment of this Act, the National Veterans Business Development Corporation and any successor thereto may not represent that the corporation is federally chartered or in any other manner authorized by the Federal Government.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SMALL BUSINESS ACT.—The Small Business Act (15 U.S.C. 631 et seq.), as amended by this section, is amended—

(A) by redesignating sections 34 through 45 as sections 33 through 44, respectively;

(B) in section 9(k)(1)(D) (15 U.S.C. 638(k)(1)(D)), by striking ''section 34(d)'' and inserting ''section 33(d)'';

(C) in section 33 (15 U.S.C. 657d), as so redesignated—

(i) by striking ''section 35'' each place it appears and inserting ''section 34'';

(ii) in subsection (a)—

(I) in paragraph (2), by striking ''section 35(c)(2)(B)'' and inserting ''section 34(c)(2)(B)'';

(II) in paragraph (4), by striking ''section 35(c)(2)'' and inserting ''section 34(c)(2)''; and

(III) in paragraph (5), by striking ''section 35(c)'' and inserting ''section 34(c)''; and

(iii) in subsection (h)(2), by striking ''section 35(d)'' and inserting ''section 34(d)'';

(D) in section 34 (15 U.S.C. 657e), as so redesignated—

(i) by striking ''section 34'' each place it appears and inserting ''section 33''; and

(ii) in subsection (c)(1), by striking section ''34(c)(1)(E)(ii)'' and inserting section ''33(c)(1)(E)(ii)'';

(E) in section 36(d) (15 U.S.C. 657i(d)), as so redesignated, by striking ''section 43'' and inserting ''section 42'';

(F) in section 39(d) (15 U.S.C. 657l(d)), as so redesignated, by striking ''section 43'' and inserting ''section 42''; and

(G) in section 40(b) (15 U.S.C. 657m(b)), as so redesignated, by striking ''section 43'' and inserting ''section 42''.

(2) TITLE 10.—Section 1142(b)(13) of title 10, United States Code, is amended by striking ''and the National Veterans Business Development Corporation''.

(3) TITLE 38.—Section 3452(h) of title 38, United States Code, is amended by striking ''any of the'' and all that follows and inserting ''any small business development center described in section 21 of the Small Business Act (15 U.S.C. 648), insofar as such center offers, sponsors, or cosponsors an entrepreneurship course, as that term is defined in section 3675(c)(2).''.

(4) FOOD, CONSERVATION, AND ENERGY ACT OF 2008.—Section 12072(c)(2) of the Food, Conservation, and Energy Act of 2008 (15 U.S.C. 636g(c)(2)) is amended by striking ''section 43 of the Small Business Act, as added by this Act'' and inserting ''section 42 of the Small Business Act (15 U.S.C. 657o)''.

(5) VETERANS ENTREPRENEURSHIP AND SMALL BUSINESS DEVELOPMENT ACT OF 1999.—Section 203(c)(5) of the Veterans Entrepreneurship and Small Business Development Act of 1999 (15 U.S.C. 657b note) is amended by striking ''In cooperation with the National Veterans Business Development Corporation, develop'' and inserting ''Develop''.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 486—CONDEMNING THE PKK AND EXPRESSING SOLIDARITY WITH TURKEY

Mr. LIEBERMAN (for himself, Mr. MCCAIN, Mrs. SHAHEEN, and Mr. RUBIO) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 486

Whereas, since 1984, the Kurdistan Workers' Party (PKK), also known as the Kongra-Gel, has waged a campaign of violence and terrorism against the people and Government of Turkey;

Whereas it is estimated that at least 30,000 people have been killed in PKK-associated violence since 1984;

Whereas the United States Government designated the PKK as a Foreign Terrorist Organization in 1997, as a Specially Designated Global Terrorist in 2001, and a Significant Foreign Narcotics Trafficker in 2008;

Whereas, in 2010 and 2011, the Department of the Treasury designated the top leaders of the PKK/Kongra-Gel as Significant Foreign Narcotics Traffickers, including the head of the PKK/Kongra-Gel Murat Karayilan and senior leaders Ali Riza Altun and Zubayir Aydar;

Whereas, in 2004, the Council of the European Union added the PKK to its list of terrorist organizations;

Whereas President George W. Bush in October 2007 characterized the PKK as a ''common enemy'' of the United States and Turkey, saying of the PKK, ''It's an enemy to Turkey, it's an enemy to Iraq, it's an enemy to people who want to live in peace.'';

Whereas President Barack Obama in April 2009 stated that, ''Iraq, Turkey, and the United States face a common threat from terrorism. . . And that includes the PKK'';

Whereas the Government of Turkey, under Prime Minister Recep Tayyip Erdogan, has begun to take historic steps to resolve sources of grievance among Kurds in Turkey that are exploited by the PKK;

Whereas the PKK has a safe haven in the Qandil Mountains of northern Iraq where many PKK fighters are currently based;

Whereas the Government of Turkey has been developing and deepening diplomatic, economic, and strategic ties with the Kurdistan Regional Government in northern Iraq;

Whereas Prime Minister Erdogan on April 20, 2012, stated, ''The stance of the Turkish state is clear: once [the PKK] lay down their arms, it is [our stance] to completely stop military operations'';

Whereas Masoud Barzani, President of the Kurdistan Regional Government in northern Iraq, stated on April 20, 2012, ''The PKK should lay down its arms. . . If the PKK goes ahead with weapons, it will bear the consequences.'';

Whereas the PKK has support networks in countries in Europe, which engage in illicit and deceptive activities to facilitate PKK recruitment, financing, logistical support, training, and propaganda, including satellite television broadcasting and print media that support the PKK's violent terrorist agenda;

Whereas, according to the 2011 EU Terrorism Situation and Trend Report, published by the European Police Office (EUPOL), the PKK is ''actively involved in money laundering, illicit drugs and human trafficking, as well as illegal immigration inside and outside the EU,'' and fundraises in the EU ''using labels like 'donations' and 'membership fees', but are in fact extortion and illegal taxation'';

Whereas the Europe-based satellite television channel, Roj TV, was banned from broadcasting in Germany by the German Interior Ministry in 2008 and, in January 2012, convicted by a court in Denmark for ''promoting terrorism'' as an undeclared propaganda arm of the PKK;

Whereas PKK-affiliated television channels continue to operate in European countries, including Sweden, Norway, and Denmark;

Whereas Turkey since 1952 has been a member of the North Atlantic Treaty Organization (NATO);

Whereas the armed forces of Turkey and the United States have served together as allies during the Korean War, in Kosovo, in Afghanistan, and in the 2011 NATO intervention in Libya, Operation Unified Protector;

Whereas President George W. Bush said of Turkey, ''[Turkey's] success is vital to a future of progress and peace in Europe and in the broader Middle East—and the Republic of Turkey can depend on the support and friendship of the United States''; and

Whereas President Obama said of Turkey, ''Turkey is a critical ally. Turkey is an important part of Europe. And Turkey and the United States must stand together, and work together, to overcome the challenges of our time'': Now, therefore, be it

*Resolved*, That the Senate—

(1) condemns the continued campaign of terrorism by the Kurdistan Workers' Party (PKK) and expresses solidarity with the victims of PKK violence;

(2) reaffirms that the PKK is a common enemy of the United States and Turkey, and all responsible countries and governments in the world;

(3) urges the PKK to lay down its arms, renounce violence, and pursue peaceful dialogue with the Government of Turkey;

(4) commends the historic steps taken by the Government of Turkey to address the sources of grievance and alienation that have been exploited by the PKK to justify acts of terrorism;

(5) welcomes efforts by the United States Government to support the Government of Turkey in developing and implementing a comprehensive strategy to eliminate the threat posed by the PKK;

(6) encourages the United States Government to make available diplomatic, military, and intelligence support to the Government of Turkey so that it can apprehend or eliminate irreconcilable violent elements of the PKK;

(7) applauds the deepening economic and political ties between the Government of Turkey and the Kurdistan Regional Government in Iraq;

(8) supports greater cooperation between and among the relevant authorities in Turkey, the United States, the Iraqi Kurdistan Region, and Iraq to end the PKK sanctuary in the Qandil Mountains of northern Iraq;

(9) urges increased intelligence and counterterrorism cooperation among the governments of the United States, Turkey, Germany, and other countries in Europe to disrupt and eliminate PKK support networks based in Europe, including PKK financing and fundraising; and

(10) urges the European Union and governments in Europe—

(A) to take measures to ensure the PKK cannot use their territories for fundraising, recruitment, financing, logistical support, training, and propaganda; and

(B) to ban and prevent from operating on their territory any media, including satellite broadcasting stations, that is financed, controlled, or coordinated by the PKK or that promotes the PKK's violent terrorist agenda.

### SENATE RESOLUTION 487—EXPRESSING THE SENSE OF THE SENATE THAT THE AMBUSH MARKETING ADVERSELY AFFECTS TEAM USA AND THE OLYMPIC AND PARALYMPIC MOVEMENTS AND SHOULD NOT BE CONDONED

Mr. BEGICH (for himself, Mr. BENNET, Mr. BOOZMAN, and Mr. ISAKSON) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 487

Whereas the London 2012 Olympic and Paralympic Games will occur on July 27

through August 12 and August 29 through September 9, respectively;

Whereas more than 10,500 athletes from 204 nations will compete in 26 Olympic sports, while 4,200 Paralympic athletes will compete in 20 sports;

Whereas Team USA athletes have spent countless days, months, and years training in hopes of earning a spot on the United States Olympic or Paralympic teams;

Whereas the Ted Stevens Olympic and Amateur Sports Act (36 U.S.C. 220501 et seq.)—

(1) made the United States Olympic Committee the coordinating body for all Olympic-related and Paralympic-related athletic activity in the United States; and

(2) gave the United States Olympic Committee the exclusive right in the United States to name, seals, emblems, and badges;

Whereas Congress also authorized the Committee to allow companies to use any trademark, symbol, insignia, or emblem of the International Olympic Committee, International Paralympic Committee, the Pan American Sports Organization, or the United States Olympic Committee in furtherance of the United States Olympic efforts;

Whereas Team USA is significantly funded by 35 sponsors who assure that the United States has the best team competing for the nation;

Whereas in recent years, a number of entities have engaged in ambush marketing as a marketing strategy, affiliating themselves with the Olympic and Paralympic Games without becoming sponsors of Team USA;

Whereas ambush marketing harms the Olympic and Paralympic Movements, undermines sponsorship activities, and allows competing companies an unfair and unethical advantage over companies who are officially sponsoring Team USA and providing funding for the elite athletes of the United States; and

Whereas efforts to prevent ambush marketing have enjoyed limited success as the strategies ambush marketers use continue to multiply: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) ambush marketing should not be condoned, especially those marketing efforts that adversely affect the ability of Team USA to attract and retain the necessary sponsorships to be successful at the 2012 Olympic and Paralympic Games in London, England; and

(2) corporations in the United States should be encouraged to cease all ambush marketing efforts, particularly related to the Olympic and Paralympic Movements.

## SENATE RESOLUTION 488—COMMENDING THE EFFORTS OF THE FIREFIGHTERS AND EMERGENCY RESPONSE PERSONNEL OF MAINE, NEW HAMPSHIRE, MASSACHUSETTS, AND CONNECTICUT, WHO CAME TOGETHER TO EXTINGUISH THE MAY 23, 2012, FIRE AT PORTSMOUTH NAVAL SHIPYARD IN KITTERY, MAINE

Ms. SNOWE (for herself, Mrs. SHAHEEN, Mr. BLUMENTHAL, Mr. LIEBERMAN, Mr. KERRY, Mr. BROWN of Massachusetts, Ms. COLLINS, and Ms. AYOTTE) submitted the following resolution; which was considered and agreed to:

S. RES. 488

Whereas the USS Miami (SSN-755), a Los Angeles-class nuclear attack submarine with a crew of 13 officers and 120 enlisted personnel, arrived at Portsmouth Naval Shipyard on March 1, 2012, for 20 months of scheduled maintenance;

Whereas at 5:41 p.m. EDT on May 23, 2012, a 4-alarm fire occurred in the forward compartment of the USS Miami;

Whereas emergency response personnel, led by the firefighters of Portsmouth Naval Shipyard, worked for nearly 10 hours in tight, obstructed quarters filled with noxious smoke and searing heat—

(1) to prevent any loss of life;

(2) to bring the fire under control; and

(3) to successfully prevent the flames from reaching any nuclear material and allow the nuclear reactor to remain unaffected and stable throughout;

Whereas 23 fire departments and emergency response teams from the States of Maine, New Hampshire, Massachusetts, and Connecticut provided mutual aid support during the fire, including—

(1) Pease Air Force Base, New Hampshire;

(2) York County Hazardous Materials Response Team, Maine;

(3) Massachusetts Port Authority Logan Airport Crash Team;

(4) South Portland Fire Department, Maine;

(5) Eliot Fire Department, Maine;

(6) Lee Fire Department, New Hampshire;

(7) Dover Ambulance, New Hampshire;

(8) Portsmouth Fire Department, New Hampshire;

(9) Hampton Fire Department, New Hampshire;

(10) Kittery Fire Department, Maine;

(11) Newcastle Fire Department, New Hampshire;

(12) American Medical Response Ambulance, New Hampshire;

(13) Hanscom Air Force Base, Massachusetts;

(14) Naval Submarine Base New London, Connecticut;

(15) Rye Fire Department, New Hampshire;

(16) Greenland Fire Department, New Hampshire;

(17) York Fire Department, Maine;

(18) Newington Fire Department, Connecticut;

(19) Somersworth Fire Department, New Hampshire;

(20) Rollinsford Fire Department, New Hampshire;

(21) South Berwick Fire Department, Maine;

(22) York Ambulance, Maine; and

(23) York Beach Fire Department, Maine; and

Whereas the heroic actions of those firefighters, emergency response personnel, and the USS Miami crew and shipyard firefighters, 7 of whom suffered minor injuries during the fire, directly prevented catastrophe, and greatly limited the severity of the fire even in the most challenging of environments: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the exemplary and courageous service of all the firefighters and emergency response personnel who came together to successfully contain the fire, minimizing damage to a critical national security asset and ensuring no loss of life; and

(2) expresses support for the Navy and the exceptionally skilled workforce at Portsmouth Naval Shipyard in Kittery, Maine.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 2190. Ms. SNOWE (for herself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table.

SA 2191. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2192. Ms. AYOTTE (for herself and Mr. COBURN) submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2193. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2194. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2195. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2196. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2197. Mr. MCCAIN (for himself and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2198. Mr. MCCAIN (for himself, Mr. PAUL, and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2199. Mr. MCCAIN (for himself, Mr. KERRY, Mr. COBURN, Mrs. SHAHEEN, Mr. CRAPO, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2200. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2201. Mrs. SHAHEEN (for herself and Mr. TOOMEY) submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2202. Mr. BENNET (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2203. Mr. BENNET (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2204. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2205. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2206. Ms. MURKOWSKI (for herself, Mr. KERRY, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2207. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2208. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2209. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2210. Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2211. Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2212. Mr. JOHANNS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2213. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2214. Mr. COBURN (for himself, Mr. UDALL of Colorado, Mr. BURR, Mr. MCCAIN, Ms. AYOTTE, and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2215. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2216. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2217. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2218. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2219. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2220. Mr. WYDEN (for himself and Mr. PAUL) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2221. Mr. WYDEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2222. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2223. Mrs. MCCASKILL (for herself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2224. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2225. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2226. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2227. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2228. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2229. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2230. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2231. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2232. Mr. TESTER (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2233. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2234. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2235. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2236. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2237. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2238. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2239. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2240. Mr. THUNE (for himself, Mr. GRAHAM, Mr. RUBIO, and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2241. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2242. Mr. NELSON of Nebraska (for himself, Mr. JOHANNS, Mr. JOHNSON of South Dakota, and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2243. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2244. Mr. FRANKEN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2245. Mr. HARKIN (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 2190.** Ms. SNOWE (for herself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 115, strikes lines 12 and 13 and insert the following:

### PART IV—FEDERAL MILK MARKETING ORDER REFORM

**SEC. 1481. REQUIRED AMENDMENTS TO FEDERAL MILK MARKETING ORDERS.**

(a) AMENDMENTS REQUIRED.—

(1) IN GENERAL.—The Secretary shall amend each Federal milk marketing order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937 (in this part referred to as a ''milk marketing order''), as required by this section.

(2) RELATION TO OTHER LAWS.—Except as provided in section 1482, the Secretary shall execute the amendments required by this section without regard to any provision of section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, as in effect on the day before the date of enactment of this Act.

(b) USE OF END-PRODUCT PRICE FORMULAS.—The Secretary shall eliminate the use of end-product price formulas for setting prices for Class III milk.

(c) ADMINISTRATIVE AUTHORITY.—In addition to and notwithstanding the authority provided under section 8d of the Agricultural Adjustment Act (7 U.S.C. 608d), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, the Secretary may—

(1) require handlers to report, maintain, and make available all information and records that the Secretary considers necessary for the administration of any milk marketing order; and

(2) adopt only such conforming amendments to milk marketing orders as the Secretary determines to be necessary to implement the amendments required by this section.

**SEC. 1482. AMENDMENT PROCESS.**

(a) PROCESS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments to milk marketing orders required to be made by section 1481 shall be subject to subsections (17) and (19) of section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

(2) NOTICE OF FINAL DECISION ON PROPOSED AMENDMENTS.—Not later than 270 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register notice of a final decision on the proposed amendments to be made to milk marketing orders in order to comply with section 1481.

(3) PRODUCER REFERENDUM.—

(A) REFERENDUM REQUIRED.—As soon as practicable after publication of the final decision on the proposed amendments under paragraph (2), the Secretary shall conduct a producer referendum regarding the final decision on the proposed amendments.

(B) TERMS OF REFERENDUM.—

(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), the producer referendum shall be conducted in the manner provided by section 8c(19) of the Agricultural Adjustment Act (7 U.S.C. 608c(19)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

(ii) SINGLE REFERENDUM.—The referendum shall be a single referendum upon which approval or failure of the proposed amendments to all milk marketing orders shall depend.

(iii) APPROVAL REQUIREMENTS.—The proposed amendments shall require approval by ½ of participating producers or by volume of production (rather than ⅔) in order for the referendum to pass and the proposed amendments to take effect.

(C) EFFECT OF FAILURE.—If the referendum fails, the milk marketing orders shall remain in force as in effect before the proposed amendments were published.

(b) EFFECT OF COURT ORDER.—If the Secretary is enjoined or otherwise restrained by a court order from executing the amendments to milk marketing orders required by section 1481, the length of time for which that injunction or other restraining order is effective shall be added to any time limitation in effect under paragraph (2) or (3) of subsection (a), so as to extend those time limitations by a period of time equal to the

period of time for which the injunction or other restraining order is in effect.

(c) RELATION TO OTHER AMENDMENT AUTHORITY.—Nothing in this part affects the authority of the Secretary to subsequently amend milk marketing orders, or the ability of producers or other persons to seek such amendments, in accordance with the rulemaking process provided by section 8c(17) of the Agricultural Adjustment Act (7 U.S.C. 608c(17)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

**PART V—EFFECTIVE DATE**

**SEC. 1491. EFFECTIVE DATE.**

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**SA 2191.** Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 596, between lines 12 and 13, insert the following:

''(12) OTHER FEDERAL BENEFITS.—Notwithstanding any other provision of law, any cooperative organization or other entity that receives a loan or loan guarantee under this subsection for a wind energy project shall be ineligible for any other Federal benefit, assistance, or incentive for the project under any other provision of law.

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**SA 2192.** Ms. AYOTTE (for herself and Mr. COBURN) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 568, strike line 6 and all that follows through page 574, line 11, and insert the following:

''(b) VALUE-ADDED AGRICULTURAL PRODUCER GRANTS.—

''(1) DEFINITIONS.—In this subsection:

''(A) MID-TIER VALUE CHAIN.—The term 'mid-tier value chain' means a local and regional supply network that links independent producers with businesses and cooperatives that market value-added agricultural products in a manner that—

''(i) targets and strengthens the profitability and competitiveness of small- and medium-sized farms that are structured as family farms; and

''(ii) obtains agreement from an eligible agricultural producer group, farmer cooperative, or majority-controlled producer-based business venture that is engaged in the value chain on a marketing strategy.

''(B) PRODUCER.—The term 'producer' means a farmer.

''(C) VALUE-ADDED AGRICULTURAL PRODUCT.—The term 'value-added agricultural product' means any agricultural commodity or product—

''(i) that—

''(I) has undergone a change in physical state;

''(II) was produced in a manner that enhances the value of the agricultural commodity or product, as demonstrated through a business plan that shows the enhanced value, as determined by the Secretary;

''(III) is physically segregated in a manner that results in the enhancement of the value of the agricultural commodity or product; or

''(IV) is aggregated and marketed as a locally produced agricultural food product; and

''(ii) for which, as a result of the change in physical state or the manner in which the agricultural commodity or product was produced, marketed, or segregated—

''(I) the customer base for the agricultural commodity or product is expanded; and

''(II) a greater portion of the revenue derived from the marketing, processing, or physical segregation of the agricultural commodity or product is available to the producer of the commodity or product.

''(2) GRANTS.—

''(A) IN GENERAL.—The Secretary may make grants under this subsection to—

''(i) independent producers of value-added agricultural products; and

''(ii) an agricultural producer group, farmer cooperative, or majority-controlled producer-based business venture, as determined by the Secretary.

''(B) GRANTS TO A PRODUCER.—A grantee under subparagraph (A)(i) shall use the grant—

''(i) to develop a business plan or perform a feasibility study to establish a viable marketing opportunity (including through mid-tier value chains) for value-added agricultural products; or

''(ii) to provide capital to establish alliances or business ventures that allow the producer to better compete in domestic or international markets.

''(C) GRANTS TO AN AGRICULTURAL PRODUCER GROUP, COOPERATIVE OR PRODUCER-BASED BUSINESS VENTURE.—A grantee under subparagraph (A)(ii) shall use the grant—

''(i) to develop a business plan for viable marketing opportunities in emerging markets for a value-added agricultural product; or

''(ii) to develop strategies that are intended to create marketing opportunities in emerging markets for the value-added agricultural product.

''(D) AWARD SELECTION.—

''(i) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to projects—

''(I) carried out by an applicant that has not previously received a grant under this subsection;

''(II) carried out by an applicant that has not received any Federal assistance for the prior fiscal year;

''(III) that contribute to increasing opportunities for operators of small- and medium-sized farms that are structured as family farms; or

''(IV) at least ¼ of the recipients of which are beginning farmers or socially disadvantaged farmers.

''(ii) RANKING.—In evaluating and ranking proposals under this subsection, the Secretary shall provide substantial weight to the priorities described in clause (i).

''(E) AMOUNT OF GRANT.—

''(i) IN GENERAL.—The total amount provided to a grant recipient under this subsection shall not exceed $150,000.

''(ii) MAJORITY-CONTROLLED, PRODUCER-BASED BUSINESS VENTURES.—The total amount of all grants provided to majority-controlled, producer-based business ventures under this subsection for a fiscal year shall not exceed 10 percent of the amount of funds used to make all grants for the fiscal year under this subsection.

''(F) TERM.—The term of a grant under this paragraph shall not exceed 3 years.

''(G) SIMPLIFIED APPLICATION.—The Secretary shall offer a simplified application form and process for project proposals requesting less than $50,000 under this subsection.

''(H) APPLICATION REQUIREMENTS.—As a condition of the receipt of a grant under this subsection, an applicant shall disclose or provide to the Secretary in the application for the grant—

''(i) the average adjusted gross income (as defined in section 1001D(a) of the Food Security Act of 1985 (7 U.S.C. 1308–3a(a))) of the applicant;

''(ii) an estimate of the number of jobs and increased revenue expected to be created if a grant is awarded and implemented;

''(iii) all other Federal assistance received by the applicant for the previous fiscal year;

''(iv) all previous grants received by the applicant under this subsection; and

''(v) all previous loans, loan guarantees, and grants received by the applicant from the Secretary.

''(I) RECIPIENT REQUIREMENTS.—As a condition of the receipt of a grant under this subsection, a recipient shall disclose to the Secretary the adjusted gross income of the recipient for the previous year (as determined by the Secretary)—

''(i) on the completion of a grant agreement, in the final report of the recipient for the grant agreement; and

''(ii) on the date that is 3 years after the date of the submission of the final report described in clause (i).

''(J) LIMITATIONS.—

''(i) IN GENERAL.—The Secretary shall not provide a grant under this subsection to any producer that, during the 3-year period preceding the date of receipt of the application of the producer, has submitted a final grant report for another value-added agricultural producer grant.

''(ii) NO GRANTS TO PRODUCERS OF ALCOHOLIC BEVERAGES.—The Secretary shall not provide a grant under this subsection to any producer of an alcoholic beverage.

''(3) RETENTION OF RECORDS.—In carrying out the program under this subsection, the Secretary shall—

''(A) retain all records associated with the program under this subsection until the date on which the Office of the Inspector General of the Department determines which records need to be retained so as to conduct an audit of the program for the prior 10 years; and

''(B) after that date, continue to retain all records so determined by the Office of the Inspector General to be necessary for the audit.

''(4) AUDIT REQUIREMENTS.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012, the Office of the Inspector General of the Department and the Comptroller General of the United States shall initiate audits of the program under this subsection.

''(B) REQUIREMENT.—Audits under this paragraph shall include a determination of the percentage of entities continuing in operation 3 years after the date on which the projects of the entities under this subsection were completed, beginning with grants awarded in fiscal year 2006.

''(C) PROHIBITION ON USE OF FUNDS.—

''(i) IN GENERAL.—None of the funds made available to carry out this subsection may be used to initiate or carry out any application or review process for any fiscal year under this subsection prior to the completion and publication of audits conducted by the Office of the Inspector General of the Department and the Comptroller General of the United States in accordance with this paragraph.

''(ii) LACK OF PROGRAM SUCCESS.—None of the funds made available to carry out this subsection may be used to initiate or carry out any application or review process for any fiscal year under this subsection if a determination is made under subparagraph (B) that less than 60 percent of grant recipients are continuing in operation 3 years after date on which the projects of the grant recipients were completed.

''(5) WEBSITE.—Notwithstanding any other provision of law, for each fiscal year for which grants are awarded under this subsection, the Secretary shall publish in an electronically searchable format and clearly

identify on the rural development website of the Department—

''(A) the total number of grants awarded;

''(B) the total dollar amount of grants awarded;

''(C) the amount awarded to each grantee;

''(D) the name of each grant recipient;

''(E) a description of each grant; and

''(F) beginning on the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012—

''(i) an anonymous list of the average adjusted gross income (as defined in section 1001D(a) of the Food Security Act of 1985 (7 U.S.C. 1308-3a(a)) of each grant recipient;

''(ii) an anonymous list of each grant recipient who filed final reports under paragraph (2)(I)(i), including—

''(I) the average adjusted gross income disclosed on the grant application of the grant recipient; and

''(II) the average adjusted gross income disclosed on the final report submitted by the grant recipient;

''(iii) an anonymous list of each grant recipient who reported average adjusted gross income 3 years after the date of the submission of a final report under paragraph (2)(I)(ii), including—

''(I) the average adjusted gross income disclosed on the grant application of the grant recipient;

''(II) the average adjusted gross income disclosed on the final report submitted by the grant recipient; and

''(III) the average adjusted gross income disclosed 3 years after the date of the submission of the final report; and

''(iv) the percentage of grant recipients in operation 3 years after the date on which the grant recipients submitted final reports, as determined using the average adjusted gross income information submitted under paragraph (2)(I)(ii).

''(6) ADJUSTED GROSS INCOME LIMITATION.—Notwithstanding any other provision of law, a person or legal entity shall not be eligible to receive a grant under this subsection if the average adjusted gross income of the person or legal entity exceeds $1,000,000, as those terms are defined in sections 1001(a) and 1001D(a) of the Food Security Act of 1985 (7 U.S.C. 1308(a), 1308-3a(a)).

''(7) FUNDING.—

''(A) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $20,000,000 for each of fiscal years 2013 through 2017.

''(B) RESERVATION OF FUNDS FOR PROJECTS TO BENEFIT BEGINNING FARMERS, SOCIALLY DISADVANTAGED FARMERS, AND MID-TIER VALUE CHAINS.—

''(i) IN GENERAL.—The Secretary shall reserve 10 percent of the amounts made available for each fiscal year under this subsection to fund projects that benefit beginning farmers or socially disadvantaged farmers.

''(ii) MID-TIER VALUE CHAINS.—The Secretary shall reserve 10 percent of the amounts made available for each fiscal year under this subsection to fund applications of eligible entities described in paragraph (2) that propose to develop mid-tier value chains.

''(iii) UNOBLIGATED AMOUNTS.—Any amounts in the reserves for a fiscal year established under clauses (i) and (ii) that are not obligated by June 30 of the fiscal year shall be available to the Secretary to make grants under this subsection to eligible entities in any State, as determined by the Secretary.

''(8) SENSE OF SENATE.—It is the sense of the Senate that—

''(A) the free flow of information from Federal agencies is critical to enable Congress to perform its constitutionally required oversight obligations; and

''(B) the Department of Agriculture should endeavor to achieve transparency, cooperation, and expediency in interactions with Members of Congress.

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**SA 2193.** Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. LIMITATIONS ON BONUS AUTHORITY; REPORTS ON TRAVEL EXPENSES.**

(a) LIMITATIONS ON BONUS AUTHORITY FOR EMPLOYEES UNDER INVESTIGATION.—

(1) IN GENERAL.—Chapter 45 of title 5, United States Code, is amended by adding at the end the following:

''SUBCHAPTER IV—LIMITATIONS ON BONUS AUTHORITY

**''§ 4531. Employees under investigation**

''(a) DEFINITIONS.—In this section—

''(1) the term 'adverse finding' relating to an employee of an agency means a determination that the conduct of the employee—

''(A) violated a policy of the agency; and

''(B) subjects the employee to removal;

''(2) the term 'agency' means—

''(A) an Executive department, as that term is defined under section 101; and

''(B) an independent establishment, as that term is defined under section 104; and

''(3) the term 'bonus' means any bonus or cash award, including—

''(A) an award under this chapter;

''(B) an award under section 5384; and

''(C) a retention bonus under section 5754.

''(b) ONGOING INVESTIGATIONS.—

''(1) IN GENERAL.—If an employee of an agency is the subject of an ongoing investigation by the Inspector General of the agency that may result in the removal of the employee, the head of the agency may determine to award a bonus to the employee, but may not pay a bonus to the employee.

''(2) CONCLUSION OF INVESTIGATION.—At the conclusion of an investigation described in paragraph (1) relating to an employee of an agency to whom the head of the agency determined during the period the investigation was ongoing to award a bonus—

''(A) if the Inspector General does not make an adverse finding relating to the employee, the head of the agency may pay the bonus to the employee; and

''(B) if the Inspector General makes an adverse finding relating to the employee—

''(i) that results in the removal of the employee, the head of the agency may not pay the bonus to the employee; and

''(ii) that results in an adverse action against the employee that is less severe than removal, the head of the agency may not pay the bonus, or award any bonus, to the employee during the 2-year period beginning on the date on which the Inspector General makes the adverse finding.

''(3) NOTICE.—The Inspector General of an agency shall notify the head of the agency if the Inspector General is conducting an investigation of an employee of the agency that may result in the removal of the employee.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 45 of title 5, United States Code, is amended by adding at the end the following:

''SUBCHAPTER IV—LIMITATIONS ON BONUS AUTHORITY

''4531. Employees under investigation.''.

(b) REPORTS ON TRAVEL EXPENSES.—Section 6506 of title 5, United States Code, is amended by adding at the end the following:

''(e) REPORTS ON TRAVEL EXPENSES OF TELEWORKERS.—

''(1) DEFINITION.—In this subsection, the term 'agency' means—

''(A) an Executive department, as that term is defined under section 101; and

''(B) an independent establishment, as that term is defined under section 104.

''(2) REPORTS TO COMPTROLLER GENERAL.—Not later than December 31, 2012, and each year thereafter, the head of each agency, and the head of each part of an agency, shall submit to the Comptroller General a report that certifies that all travel expenses that the agency (or part thereof) paid for teleworking employees during the most recent full fiscal year accurately reflect the actual travel expenses incurred by the employees while teleworking.''.

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**SA 2194.** Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add the following:

**SEC. 12207. FIDUCIARY EXCLUSION UNDER ERISA.**

Section 3(21)(A) of the Employee Retirement Income and Security Act of 1974 (29 U.S.C. 1002(21)(A)) is amended by inserting ''and except to the extent a person is providing an appraisal or fairness opinion with respect to qualifying employer securities (as defined in section 407(d)(5)) included in an employee stock ownership plan (as defined in section 407(d)(6)),'' after ''subparagraph (B),''.

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**SA 2195.** Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. GAO CROP INSURANCE FRAUD REPORT.**

Section 515(d) of the Federal Crop Insurance Act (7 U.S.C. 1515(d)) is amended by adding at the end the following:

''(6) GAO CROP INSURANCE FRAUD REPORT.—As soon as practicable after the date of enactment of this paragraph, the Comptroller General of the United States shall conduct, and submit to Congress a report describing the results of, a study regarding fraudulent claims filed, and benefits provided, under this subtitle.''.

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**SA 2196.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, strike line 13.

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**SA 2197.** Mr. MCCAIN (for himself and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 14, strike lines 3 through 9.

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**SA 2198.** Mr. MCCAIN (for himself, Mr. PAUL, and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017,

and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 68, strike line 16 and all that follows through page 69, line 18, and insert the following:

**Subtitle C—Sugar Program Repeal**

**SEC. 1301. REPEAL OF SUGAR PROGRAM.**

Section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) is repealed.

**SEC. 1302. ELIMINATION OF SUGAR PRICE SUPPORT AND PRODUCTION ADJUSTMENT PROGRAMS.**

(a) IN GENERAL.—Notwithstanding any other provision of law—

(1) a processor of any of the 2013 or subsequent crops of sugarcane or sugar beets shall not be eligible for a loan under any provision of law with respect to the crop; and

(2) the Secretary of Agriculture may not make price support available, whether in the form of a loan, payment, purchase, or other operation, for any of the 2013 and subsequent crops of sugar beets and sugarcane by using the funds of the Commodity Credit Corporation or other funds available to the Secretary.

(b) TERMINATION OF MARKETING QUOTAS AND ALLOTMENTS.—

(1) IN GENERAL.—Part VII of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa et seq.) is repealed.

(2) CONFORMING AMENDMENT.—Section 344(f)(2) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1344(f)(2)) is amended by striking ''sugar cane for sugar, sugar beets for sugar,''.

(c) GENERAL POWERS.—

(1) SECTION 32 ACTIVITIES.—Section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), is amended in the second sentence of the first paragraph—

(A) in paragraph (1), by inserting ''(other than sugar beets and sugarcane)'' after ''commodities''; and

(B) in paragraph (3), by inserting ''(other than sugar beets and sugarcane)'' after ''commodity''.

(2) POWERS OF COMMODITY CREDIT CORPORATION.—Section 5(a) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(a)) is amended by inserting '', sugar beets, and sugarcane'' after ''tobacco''.

(3) PRICE SUPPORT FOR NONBASIC AGRICULTURAL COMMODITIES.—Section 201(a) of the Agricultural Act of 1949 (7 U.S.C. 1446(a)) is amended by striking ''milk, sugar beets, and sugarcane'' and inserting '', and milk''.

(4) COMMODITY CREDIT CORPORATION STORAGE PAYMENTS.—Section 167 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7287) is repealed.

(5) SUSPENSION AND REPEAL OF PERMANENT PRICE SUPPORT AUTHORITY.—Section 171(a)(1) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7301(a)(1)) is amended—

(A) by striking subparagraph (E); and

(B) by redesignating subparagraphs (F) through (I) as subparagraphs (E) through (H), respectively.

(6) STORAGE FACILITY LOANS.—Section 1402(c) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7971) is repealed.

(d) TRANSITION PROVISIONS.—This section and the amendments made by this section shall not affect the liability of any person under any provision of law as in effect before the application of this section and the amendments made by this section.

**SEC. 1303. ELIMINATION OF SUGAR TARIFF AND OVER-QUOTA TARIFF RATE.**

(a) ELIMINATION OF TARIFF ON RAW CANE SUGAR.—Chapter 17 of the Harmonized Tariff Schedule of the United States is amended by striking subheadings 1701.13 through 1701.14.50 and inserting in numerical sequence the following new subheading, with the article description for such subheading having the same degree of indentation as the article description for subheading 1701.13, as in effect on the day before the date of the enactment of this section:

| | | | | | | |
|---|---|---|---|---|---|---|
| '' | 1701.13.00 | Cane sugar specified in subheading note 2 to this chapter | Free | | 39.85¢/kg | |
| | 1701.14.00 | Other cane sugar | Free | | 39.85¢/kg | ''. |

(b) ELIMINATION OF TARIFF ON BEET SUGAR.—Chapter 17 of the Harmonized Tariff Schedule of the United States is amended by striking subheadings 1701.12 through 1701.12.50 and inserting in numerical sequence the following new subheading, with the article description for such subheading having the same degree of indentation as the article description for subheading 1701.12, as in effect on the day before the date of the enactment of this section:

| | | | | | | |
|---|---|---|---|---|---|---|
| '' | 1701.12.00 | Beet sugar | Free | | 42.05¢/kg | ''. |

(c) ELIMINATION OF TARIFF ON CERTAIN REFINED SUGAR.—Chapter 17 of the Harmonized Tariff Schedule of the United States is amended—

(1) by striking the superior text immediately preceding subheading 1701.91.05 and by striking subheadings 1701.91.05 through 1701.91.30 and inserting in numerical sequence the following new subheading, with the article description for such subheading having the same degree of indentation as the article description for subheading 1701.12.05, as in effect on the day before the date of the enactment of this section:

| | | | | | | |
|---|---|---|---|---|---|---|
| '' | 1701.91.02 | Containing added coloring but not containing added flavoring matter | Free | | 42.05¢/kg | ''; |

(2) by striking subheadings 1701.99 through 1701.99.50 and inserting in numerical sequence the following new subheading, with the article description for such subheading having the same degree of indentation as the article description for subheading 1701.99, as in effect on the day before the date of the enactment of this section:

| | | | | | | |
|---|---|---|---|---|---|---|
| '' | 1701.99.00 | Other | Free | | 42.05¢/kg | ''; |

(3) by striking the superior text immediately preceding subheading 1702.90.05 and by striking subheadings 1702.90.05 through 1702.90.20 and inserting in numerical sequence the following new subheading, with the article description for such subheading having the same degree of indentation as the article description for subheading 1702.60.22:

| | | | | | | |
|---|---|---|---|---|---|---|
| '' | 1702.90.02 | Containing soluble non-sugar solids (excluding any foreign substances, including but not limited to molasses, that may have been added to or developed in the product) equal to 6 percent or less by weight of the total soluble solids | Free | | 42.05¢/kg | ''; |

and

(4) by striking the superior text immediately preceding subheading 2106.90.42 and by striking subheadings 2106.90.42 through 2106.90.46 and inserting in numerical sequence the following new subheading, with the article description for such subheading having the same degree of indentation as the article description for subheading 2106.90.39:

| | | | | | | |
|---|---|---|---|---|---|---|
| '' | 2106.90.40 | Syrups derived from cane or beet sugar, containing added coloring but not added flavoring matter | Free | | 42.50¢/kg | ''. |

(d) CONFORMING AMENDMENT.—Chapter 17 of the Harmonized Tariff Schedule of the United States is amended by striking additional U.S. note 5.

(e) ADMINISTRATION OF TARIFF-RATE QUOTAS.—Section 404(d)(1) of the Uruguay Round Agreements Act (19 U.S.C. 3601(d)(1)) is amended—

(1) by inserting ''or'' at the end of subparagraph (B);

(2) by striking ''; or'' at the end of subparagraph (C) and inserting a period; and

(3) by striking subparagraph (D).

(f) EFFECTIVE DATE.—The amendments made by this section apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

**SEC. 1304. APPLICATION.**

Except as otherwise provided in this subtitle, this subtitle and the amendments made by this subtitle shall apply beginning with the 2013 crop of sugar beets and sugarcane.

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**SA 2199.** Mr. MCCAIN (for himself, Mr. KERRY, Mr. COBURN, Mrs. SHAHEEN, Mr. CRAPO, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 12207. REPEAL OF DUPLICATIVE PROGRAM.**

(a) IN GENERAL.—Effective on the date of enactment of the Food, Conservation, and Energy Act (7 U.S.C. 8701 et seq.), section 11016 of that Act (Public Law 110–246; 122

Stat. 2130) and the amendments made by that section are repealed.

(b) APPLICATION.—The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) and the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) shall be applied and administered as if section 11016 of the Food, Conservation, and Energy Act (Public Law 110–246; 122 Stat. 2130) and the amendments made by that section had not been enacted.

**SA 2200.** Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 338, between lines 6 and 7 insert the following:

(c) STATE OPTION FOR CASH EQUIVALENTS FOR PURCHASE OF LOCALLY PRODUCED COMMODITIES.—Section 203B(a) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7505(a)) is amended—

(1) by designating the first and second sentences as paragraphs (1) and (2), respectively; and

(2) by adding at the end the following:

''(3) STATE OPTION FOR CASH EQUIVALENTS FOR PURCHASE OF LOCALLY PRODUCED COMMODITIES.—The Secretary shall allow a State the option of receiving a cash payment that is equal to 15 percent of the value of the commodities that the State would otherwise receive for a fiscal year under this Act, in lieu of receiving the commodities, to purchase locally produced commodities for use in accordance with this Act.''.

**SA 2201.** Mrs. SHAHEEN (for herself and Mr. TOOMEY) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 944, after line 23, add the following:

**SEC. 11005. LIMITATION ON PAYMENT OF PORTION OF PREMIUM BY CORPORATION.**

Section 508(e) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)) is amended by adding at the end the following:

''(8) LIMITATION.—

''(A) IN GENERAL.—Notwithstanding any other provision of this title, the total amount of premium paid by the Corporation on behalf of a person or legal entity, directly or indirectly, with respect to all policies issued to the person or legal entity under this title for a crop year shall be limited to a maximum of $40,000.

''(B) RELATIONSHIP TO OTHER LAW.—To the maximum extent practicable, the Corporation shall carry out this paragraph in accordance with section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308).''.

**SA 2202.** Mr. BENNET (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 205, line 4, insert ''by eligible entities'' after ''purchase''.

On page 207, lines 10 and 11, strike ''contiguous acres'' and insert ''areas''.

On page 208, line 24, insert ''if terms of the easement are not enforced by the holder of the easement'' before the semicolon at the end.

**SA 2203.** Mr. BENNET (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 206, line 17, strike ''50 percent'' and insert ''⅓''.

On page 206, line 19, strike ''In the case of'' and insert the following:

''(i) COST SHARE.—In the case of''.

On page 206, between lines 23 and 24 insert the following:

''(ii) SOURCE OF CONTRIBUTION.—The Secretary may enter into an agreement with an eligible entity that waives the requirements of subparagraph (B)(ii) for a project of special environmental significance.''.

**SA 2204.** Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 652, between lines 12 and 13, insert the following:

**''SEC. 3707. STATE RURAL DEVELOPMENT PARTNERSHIP.**

''(a) DEFINITIONS.—In this section:

''(1) AGENCY WITH RURAL RESPONSIBILITIES.—The term 'agency with rural responsibilities' means any executive agency (as defined in section 105 of title 5, United States Code) that implements a Federal law, or administers a program, targeted at or having a significant impact on rural areas.

''(2) PARTNERSHIP.—The term 'Partnership' means the State Rural Development Partnership continued by subsection (b).

''(3) STATE RURAL DEVELOPMENT COUNCIL.—The term 'State rural development council' means a State rural development council that meets the requirements of subsection (c).

''(b) PARTNERSHIP.—

''(1) IN GENERAL.—The Secretary shall support the State Rural Development Partnership comprised of State rural development councils.

''(2) PURPOSES.—The purposes of the Partnership are to empower and build the capacity of States, regions, and rural communities to design flexible and innovative responses to their rural development needs in a manner that maximizes collaborative public- and private-sector cooperation and minimizes regulatory redundancy.

''(3) COORDINATING PANEL.—A panel consisting of representatives of State rural development councils shall be established—

''(A) to lead and coordinate the strategic operation and policies of the Partnership; and

''(B) to facilitate effective communication among the members of the Partnership, including the sharing of best practices.

''(4) ROLE OF FEDERAL GOVERNMENT.—The role of the Federal Government in the Partnership may be that of a partner and facilitator, with Federal agencies authorized—

''(A) to cooperate with States to implement the Partnership;

''(B) to provide States with the technical and administrative support necessary to plan and implement tailored rural development strategies to meet local needs;

''(C) to ensure that the head of each agency with rural responsibilities directs appropriate field staff to participate fully with the State rural development council within the jurisdiction of the field staff; and

''(D) to enter into cooperative agreements with, and to provide grants and other assistance to, State rural development councils.

''(c) STATE RURAL DEVELOPMENT COUNCILS.—

''(1) ESTABLISHMENT.—Notwithstanding chapter 63 of title 31, United States Code, each State may elect to participate in the Partnership by entering into an agreement with the Secretary to recognize a State rural development council.

''(2) COMPOSITION.—A State rural development council shall—

''(A) be composed of representatives of Federal, State, local, and tribal governments, nonprofit organizations, regional organizations, the private sector, and other entities committed to rural advancement; and

''(B) have a nonpartisan and nondiscriminatory membership that—

''(i) is broad and representative of the economic, social, and political diversity of the State; and

''(ii) shall be responsible for the governance and operations of the State rural development council.

''(3) DUTIES.—A State rural development council shall—

''(A) facilitate collaboration among Federal, State, local, and tribal governments and the private and nonprofit sectors in the planning and implementation of programs and policies that have an impact on rural areas of the State;

''(B) monitor, report, and comment on policies and programs that address, or fail to address, the needs of the rural areas of the State;

''(C) as part of the Partnership, facilitate the development of strategies to reduce or eliminate conflicting or duplicative administrative or regulatory requirements of Federal, State, local, and tribal governments; and

''(D)(i) provide to the Secretary an annual plan with goals and performance measures; and

''(ii) submit to the Secretary an annual report on the progress of the State rural development council in meeting the goals and measures.

''(4) FEDERAL PARTICIPATION IN STATE RURAL DEVELOPMENT COUNCILS.—

''(A) IN GENERAL.—A State Director for Rural Development of the Department of Agriculture, other employees of the Department, and employees of other Federal agencies with rural responsibilities shall fully participate as voting members in the governance and operations of State rural development councils (including activities related to grants, contracts, and other agreements in accordance with this section) on an equal basis with other members of the State rural development councils.

''(B) CONFLICTS.—Participation by a Federal employee in a State rural development council in accordance with this paragraph shall not constitute a violation of section 205 or 208 of title 18, United States Code.

''(d) ADMINISTRATIVE SUPPORT OF THE PARTNERSHIP.—

''(1) DETAIL OF EMPLOYEES.—

''(A) IN GENERAL.—In order to provide experience in intergovernmental collaboration, the head of an agency with rural responsibilities that elects to participate in the Partnership may, and is encouraged to, detail to the Secretary for the support of the Partnership 1 or more employees of the agency with rural responsibilities without reimbursement for a period of up to 1 year.

''(B) CIVIL SERVICE STATUS.—The detail shall be without interruption or loss of civil service status or privilege.

''(2) ADDITIONAL SUPPORT.—The Secretary may provide for any additional support staff to the Partnership as the Secretary determines to be necessary to carry out the duties of the Partnership.

''(3) INTERMEDIARIES.—The Secretary may enter into a contract with a qualified intermediary under which the intermediary shall

be responsible for providing administrative and technical assistance to a State rural development council, including administering the financial assistance available to the State rural development council.

''(e) MATCHING REQUIREMENTS FOR STATE RURAL DEVELOPMENT COUNCILS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a State rural development council shall provide matching funds, or in-kind goods or services, to support the activities of the State rural development council in an amount that is not less than 33 percent of the amount of Federal funds received from a Federal agency under subsection (f)(2).

''(2) EXCEPTIONS TO MATCHING REQUIREMENT FOR CERTAIN FEDERAL FUNDS.—Paragraph (1) shall not apply to funds, grants, funds provided under contracts or cooperative agreements, gifts, contributions, or technical assistance received by a State rural development council from a Federal agency that are used—

''(A) to support 1 or more specific program or project activities; or

''(B) to reimburse the State rural development council for services provided to the Federal agency providing the funds, grants, funds provided under contracts or cooperative agreements, gifts, contributions, or technical assistance.

''(3) DEPARTMENT'S SHARE.—The Secretary shall develop a plan to decrease, over time, the share of the Department of Agriculture of the cost of the core operations of State rural development councils.

''(f) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2013 through 2017.

''(2) FEDERAL AGENCIES.—

''(A) IN GENERAL.—Notwithstanding any other provision of law limiting the ability of an agency, along with other agencies, to provide funds to a State rural development council in order to carry out the purposes of this section, a Federal agency may make grants, gifts, or contributions to, provide technical assistance to, or enter into contracts or cooperative agreements with, a State rural development council.

''(B) ASSISTANCE.—Federal agencies are encouraged to use funds made available for programs that have an impact on rural areas to provide assistance to, and enter into contracts with, a State rural development council, as described in subparagraph (A).

''(3) CONTRIBUTIONS.—A State rural development council may accept private contributions.

''(g) TERMINATION.—The authority provided under this section shall terminate on September 30, 2017.''.

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**SA 2205.** Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 548, strike line 5 and all that follows through page 553, line 11 and insert the following:

''(B) LOANS AND GRANTS TO PERSONS OTHER THAN INDIVIDUALS.—

''(i) IN GENERAL.—The Secretary shall make or guarantee loans and make grants to provide for the conservation, development, use, and control of water (including the extension or improvement of existing water supply systems) and the installation or improvement of drainage or waste disposal facilities and essential community facilities, including necessary related equipment, training, and technical assistance to—

''(I) rural water supply corporations, cooperatives, or similar entities;

''(II) Indian tribes on Federal or State reservations and other federally recognized Indian tribes;

''(III) rural or native villages in the State of Alaska;

''(IV) native tribal health consortiums;

''(V) public agencies; and

''(VI) Native Hawaiian Home Lands.

''(ii) ELIGIBLE PROJECTS.—Loans and grants described in clause (i) shall be available only to provide the described water and waste facilities and services to communities whose residents face significant health risks, as determined by the Secretary, due to the fact that a significant proportion of the residents of the community do not have access to, or are not served by, adequate affordable—

''(I) water supply systems; or

''(II) waste disposal facilities.

''(iii) MATCHING REQUIREMENTS.—For entities described under subclauses (III), (IV), or (V) of clause (i) to be eligible to receive a grant for water supply systems or waste disposal facilities, the State in which the project will occur shall provide 25 percent in matching funds from non-Federal sources.

''(iv) CERTAIN AREAS TARGETED.—

''(I) IN GENERAL.—Loans and grants under clause (i) shall be made only if the loan or grant funds will be used primarily to provide water or waste services, or both, to residents of a county or census area—

''(aa) the per capita income of the residents of which is not more than 70 percent of the national average per capita income, as determined by the Department of Commerce; and

''(bb) the unemployment rate of the residents of which is not less than 125 percent of the national average unemployment rate, as determined by the Bureau of Labor Statistics.

''(II) EXCEPTIONS.—Notwithstanding subclause (I), loans and grants under clause (i) may also be made if the loan or grant funds will be used primarily to provide water or waste services, or both, to residents of—

''(aa) a rural area that was recognized as a colonia as of October 1, 1989; or

''(bb) areas described under subclauses (III) and (VI) of clause (i).

''(C) LOANS AND GRANTS TO INDIVIDUALS.—

''(i) IN GENERAL.—The Secretary shall make or guarantee loans and make grants to individuals who reside in a community described in subparagraph (B)(i) for the purpose of extending water supply and waste disposal systems, connecting the systems to the residences of the individuals, or installing plumbing and fixtures within the residences of the individuals to facilitate the use of the water supply and waste disposal systems.

''(ii) INTEREST.—Loans described in clause (i) shall be at a rate of interest no greater than the Federal Financing Bank rate on loans of a similar term at the time the loans are made.

''(iii) AMORTIZATION.—The repayment of loans described in clause (i) shall be amortized over the expected life of the water supply or waste disposal system to which the residence of the borrower will be connected.

''(iv) MANNER IN WHICH LOANS AND GRANTS ARE TO BE MADE.—Loans and grants to individuals under clause (i) shall be made—

''(I) directly to the individuals by the Secretary; or

''(II) to the individuals through the rural water supply corporation, cooperative, or similar entity, or public agency, providing the water supply or waste disposal services, pursuant to regulations issued by the Secretary.

''(D) PREFERENCE.—The Secretary shall give preference in the awarding of loans and grants under subparagraphs (B) and (C) to entities described in clause (i) of subparagraph (B) that propose to provide water supply or waste disposal services to the residents of Indian reservations, rural or native villages in the State of Alaska, Native Hawaiian Home Lands, and those rural subdivisions commonly referred to as colonias, that are characterized by substandard housing, inadequate roads and drainage, and a lack of adequate water or waste facilities.

''(E) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

''(i) for grants under this paragraph, $60,000,000 for each fiscal year;

''(ii) for loans under this paragraph, $60,000,000 for each fiscal year; and

''(iii) in addition to grants provided under clause (i), for grants under this section to benefit Indian tribes, $20,000,000 for each fiscal year.

''(F) RELATIONSHIP TO OTHER AUTHORITY.—Notwithstanding any other provision of law, the Secretary or any other Federal agency may enter into interagency agreements with Federal, State, tribal, and other entities to share resources, including transferring and accepting funds, equipment, or other supplies, to carry out the activities described in this section.

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**SA 2206.** Ms. MURKOWSKI (for herself, Mr. KERRY, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 522, strike line 15 and all that follows through page 523, line 2, and insert the following:

(12) FARM.—The term ''farm'' means an operation involved in—

''(A) the production of an agricultural commodity;

''(B) ranching;

''(C) aquaculture; or

''(D) in the case of chapter 2 of subtitle A, commercial fishing.

''(13) FARMER.—The term 'farmer' means an individual or entity engaged primarily and directly in—

''(A) the production of an agricultural commodity;

''(B) ranching;

''(C) aquaculture; or

''(D) in the case of chapter 2 of subtitle A, commercial fishing.

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**SA 2207.** Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add the following:

**SEC. 12____. REAUTHORIZATION OF DENALI COMMISSION.**

Subsection (a) of the first section 310 of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–277) (relating to authorization of appropriations) is amended—

(1) by striking ''section 4 under this Act'' and inserting ''section 304''; and

(2) by striking ''for fiscal years 2000, 2001, 2002, and 2008'' and inserting ''for each of fiscal years 2012 through 2017.''.

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**SA 2208.** Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017,

and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI, add the following:

**SEC. 6203. LOANS UNDER SECTION 502 OF THE HOUSING ACT OF 1949 FOR DWELLINGS WITH WATER CATCHMENT OR CISTERN SYSTEMS.**

Section 502(a) of the Housing Act of 1949 (42 U.S.C. 1472(a)) is amended by adding at the end the following:

''(4) The Secretary may not deny an application for a loan under this section solely on the basis that the application relates to a dwelling with a water catchment or cistern system.''.

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**SA 2209.** Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 548, strike line 5 and all that follows through page 553, line 11 and insert the following:

''(B) LOANS AND GRANTS TO PERSONS OTHER THAN INDIVIDUALS.—

''(i) IN GENERAL.—The Secretary shall make or guarantee loans and make grants to provide for the conservation, development, use, and control of water (including the extension or improvement of existing water supply systems) and the installation or improvement of drainage or waste disposal facilities and essential community facilities, including necessary related equipment, training, and technical assistance to—

''(I) rural water supply corporations, cooperatives, or similar entities;

''(II) Indian tribes on Federal or State reservations and other federally recognized Indian tribes;

''(III) rural or native villages in the State of Alaska;

''(IV) native tribal health consortiums;

''(V) public agencies; and

''(VI) Native Hawaiian Home Lands.

''(ii) ELIGIBLE PROJECTS.—Loans and grants described in clause (i) shall be available only to provide the described water and waste facilities and services to communities whose residents face significant health risks, as determined by the Secretary, due to the fact that a significant proportion of the residents of the community do not have access to, or are not served by, adequate affordable—

''(I) water supply systems; or

''(II) waste disposal facilities.

''(iii) MATCHING REQUIREMENTS.—For entities described under subclauses (III), (IV), or (V) of clause (i) to be eligible to receive a grant for water supply systems or waste disposal facilities, the State in which the project will occur shall provide 25 percent in matching funds from non-Federal sources.

''(iv) CERTAIN AREAS TARGETED.—

''(I) IN GENERAL.—Loans and grants under clause (i) shall be made only if the loan or grant funds will be used primarily to provide water or waste services, or both, to residents of a county or census area—

''(aa) the per capita income of the residents of which is not more than 70 percent of the national average per capita income, as determined by the Department of Commerce; and

''(bb) the unemployment rate of the residents of which is not less than 125 percent of the national average unemployment rate, as determined by the Bureau of Labor Statistics.

''(II) EXCEPTIONS.—Notwithstanding subclause (I), loans and grants under clause (i) may also be made if the loan or grant funds will be used primarily to provide water or waste services, or both, to residents of—

''(aa) a rural area that was recognized as a colonia as of October 1, 1989; or

''(bb) areas described under subclauses (II), (III), and (VI) of clause (i).

''(C) LOANS AND GRANTS TO INDIVIDUALS.—

''(i) IN GENERAL.—The Secretary shall make or guarantee loans and make grants to individuals who reside in a community described in subparagraph (B)(i) for the purpose of extending water supply and waste disposal systems, connecting the systems to the residences of the individuals, or installing plumbing and fixtures within the residences of the individuals to facilitate the use of the water supply and waste disposal systems.

''(ii) INTEREST.—Loans described in clause (i) shall be at a rate of interest no greater than the Federal Financing Bank rate on loans of a similar term at the time the loans are made.

''(iii) AMORTIZATION.—The repayment of loans described in clause (i) shall be amortized over the expected life of the water supply or waste disposal system to which the residence of the borrower will be connected.

''(iv) MANNER IN WHICH LOANS AND GRANTS ARE TO BE MADE.—Loans and grants to individuals under clause (i) shall be made—

''(I) directly to the individuals by the Secretary; or

''(II) to the individuals through the rural water supply corporation, cooperative, or similar entity, or public agency, providing the water supply or waste disposal services, pursuant to regulations issued by the Secretary.

''(D) PREFERENCE.—The Secretary shall give preference in the awarding of loans and grants under subparagraphs (B) and (C) to entities described in clause (i) of subparagraph (B) that propose to provide water supply or waste disposal services to the residents of Indian reservations, rural or native villages in the State of Alaska, Native Hawaiian Home Lands, and those rural subdivisions commonly referred to as colonias, that are characterized by substandard housing, inadequate roads and drainage, and a lack of adequate water or waste facilities.

''(E) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

''(i) for grants under this paragraph, $60,000,000 for each fiscal year;

''(ii) for loans under this paragraph, $60,000,000 for each fiscal year; and

''(iii) in addition to grants provided under clause (i), for grants under this section to benefit Indian tribes, $20,000,000 for each fiscal year.

''(F) RELATIONSHIP TO OTHER AUTHORITY.—Notwithstanding any other provision of law, the Secretary or any other Federal agency may enter into interagency agreements with Federal, State, tribal, and other entities to share resources, including transferring and accepting funds, equipment, or other supplies, to carry out the activities described in this section.

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**SA 2210.** Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add insert the following:

**SEC. 122____. USE AND DISCHARGE OF PESTICIDES.**

(a) SHORT TITLE.—This section may be cited as the ''Reducing Regulatory Burdens Act of 2012''.

(b) USE OF AUTHORIZED PESTICIDES.—Section 3(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(f)) is amended by adding at the end the following:

''(5) USE OF AUTHORIZED PESTICIDES.—Except as provided in section 402(s) of the Federal Water Pollution Control Act (33 U.S.C. 1342(s)), the Administrator or a State may not require a permit under that Act for a discharge from a point source into navigable waters of—

''(A) a pesticide authorized for sale, distribution, or use under this Act; or

''(B) the residue of such a pesticide that results from the application of the pesticide.''.

(c) DISCHARGES OF PESTICIDES.—Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

''(s) DISCHARGES OF PESTICIDES.—

''(1) NO PERMIT REQUIREMENT.—Except as provided in paragraph (2), a permit shall not be required by the Administrator or a State under this Act for a discharge from a point source into navigable waters of—

''(A) a pesticide authorized for sale, distribution, or use under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.); or

''(B) the residue of such a pesticide that results from the application of the pesticide.

''(2) EXCEPTIONS.—Paragraph (1) shall not apply to the following discharges of a pesticide or pesticide residue:

''(A) A discharge resulting from the application of a pesticide in violation of a provision of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.) that is relevant to protecting water quality, if—

''(i) the discharge would not have occurred but for the violation; or

''(ii) the amount of pesticide or pesticide residue in the discharge is greater than would have occurred without the violation.

''(B) Stormwater discharges subject to regulation under subsection (p).

''(C) Manufacturing or industrial effluent.

''(D) Treatment works effluent.

''(E) Discharges incidental to the normal operation of a vessel, including a discharge resulting from ballasting operations or vessel biofouling prevention.''.

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**SA 2211.** Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 334, after line 22, insert the following:

**SEC. 4010. EMPLOYMENT AND TRAINING.**

(a) ADMINISTRATIVE COSTS.—Section 16(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(a)) is amended in the matter preceding paragraph (1), by inserting ''(other than a program carried out under section 6(d)(4) or 20)'' after ''supplemental nutrition assistance program'' the first place it appears.

(b) FUNDING OF EMPLOYMENT AND TRAINING PROGRAMS.—

(1) IN GENERAL.—Section 16(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(h)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''$90,000,000'' and inserting ''$187,000,000''; and

(ii) in subparagraph (E)(i), by striking ''$20,000,000'' and inserting ''$30,000,000'';

(B) by striking paragraphs (2) and (3); and

(C) by redesignating paragraphs (4) and (5) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—

(A) Section 17(b)(1)(B)(iv)(III)(hh) of the Food and Nutrition Act of 2008 (7 U.S.C. 2026(b)(1)(B)(iv)(III)(hh)) is amended by striking '', (g), (h)(2), or (h)(3)'' and inserting ''or (g)''.

(B) Section 22(d)(1)(B)(ii) of the Food and Nutrition Act of 2008 (7 U.S.C. 2031(d)(1)(B)(ii)) is amended by striking ''(g), (h)(2), and (h)(3)'' and inserting ''and (g)''.

(c) WORKFARE.—Section 20 of the Food and Nutrition Act of 2008 (7 U.S.C. 2029) is amended by striking subsection (g).

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**SA 2212.** Mr. JOHANNS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add the following:

**SEC. 122_____. FARM DUST REGULATION PREVENTION.**

(a) SHORT TITLE.—This section may be cited as the ''Farm Dust Regulation Prevention Act of 2012''.

(b) NUISANCE DUST.—Part A of title I of the Clean Air Act (42 U.S.C. 7401 et seq.) is amended by adding at the end the following:

**''SEC. 132. REGULATION OF NUISANCE DUST PRIMARILY BY STATE, TRIBAL, AND LOCAL GOVERNMENTS.**

''(a) DEFINITION OF NUISANCE DUST.—

''(1) IN GENERAL.—In this section, the term 'nuisance dust' means particulate matter that—

''(A) is generated primarily from natural sources, unpaved roads, agricultural activities, earth moving, or other activities typically conducted in rural areas;

''(B) consists primarily of soil, other natural or biological materials, or any combination of soil or other natural or biological materials;

''(C) is not emitted directly into the ambient air from combustion, such as exhaust from combustion engines and emissions from stationary combustion processes; and

''(D) is not comprised of residuals from the combustion of coal.

''(2) EXCLUSIONS.—The term 'nuisance dust' does not include radioactive particulate matter produced from uranium mining or processing.

''(b) APPLICABILITY.—Except as provided in subsection (c), any reference in this Act to particulate matter dos not include nuisance dust.

''(c) EXCEPTION.—Subsection (b) does not apply to any geographical area in which nuisance dust is not regulated under State, tribal, or local law if the Administrator, in consultation with the Secretary of Agriculture, finds that—

''(1) nuisance dust (or any subcategory of nuisance dust) causes substantial adverse public health and welfare effects at ambient concentrations; and

''(2) the benefits of applying standards and other requirements of this Act to nuisance dust (or any subcategory of nuisance dust) outweigh the costs (including local and regional economic and employment impacts) of applying those standards and other requirements to nuisance dust (or any subcategory of nuisance dust).''.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the Administrator of the Environmental Protection Agency should implement an approach to excluding exceptional events, or events that are not reasonably controllable or preventable, from determinations of whether an area is in compliance with any national ambient air quality standard applicable to coarse particulate matter that—

(1) maximizes transparency and predictability for States, tribes, and local governments; and

(2) minimizes the regulatory and cost burdens States, tribes, and local governments bear in excluding exceptional events.

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**SA 2213.** Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ____. PROHIBITION OF PARTICIPATION BY MEMBERS OF CONGRESS IN AGRICULTURAL PROGRAMS.**

No Member of Congress, spouse of a Member of Congress, or immediate family member of a Member of Congress shall participate in a program authorized under this Act or an amendment made by this Act.

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**SA 2214.** Mr. COBURN (for himself, Mr. UDALL of Colorado, Mr. BURR, Mr. MCCAIN, Ms. AYOTTE, and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. PROHIBITING USE OF PRESIDENTIAL ELECTION CAMPAIGN FUNDS FOR PARTY CONVENTIONS.**

(a) IN GENERAL.—

(1) IN GENERAL.—Chapter 95 of the Internal Revenue Code of 1986 is amended by striking section 9008.

(2) CLERICAL AMENDMENT.—The table of sections of chapter 95 of such Code is amended by striking the item relating to section 9008.

(b) CONFORMING AMENDMENTS.—

(1) AVAILABILITY OF PAYMENTS TO CANDIDATES.—The third sentence of section 9006(c) of the Internal Revenue Code of 1986 is amended by striking '', section 9008(b)(3),''.

(2) REPORTS BY FEDERAL ELECTION COMMISSION.—Section 9009(a) of such Code is amended—

(A) by adding ''and'' at the end of paragraph (2);

(B) by striking the semicolon at the end of paragraph (3) and inserting a period; and

(C) by striking paragraphs (4), (5), and (6).

(3) PENALTIES.—Section 9012 of such Code is amended—

(A) in subsection (a)(1), by striking the second sentence; and

(B) in subsection (c), by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(4) AVAILABILITY OF PAYMENTS FROM PRESIDENTIAL PRIMARY MATCHING PAYMENT ACCOUNT.—The second sentence of section 9037(a) of such Code is amended by striking ''and for payments under section 9008(b)(3)''.

(c) RETURN OF PREVIOUSLY SUBMITTED MONEY FOR DEFICIT REDUCTION.—Any amount which is returned by the national committee of a major party or a minor party to the general fund of the Treasury from an account established under section 9008 of the Internal Revenue Code of 1986 after the date of the enactment of this Act shall be dedicated to the sole purpose of deficit reduction.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections occurring after December 31, 2012.

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**SA 2215.** Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 915, strike line 10, and all that follows through page 919, line 6.

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**SA 2216.** Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 969, strike line 1, and all that follows through page 970, line 5.

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**SA 2217.** Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 980, strike line 13, and all that follows through page 983, line 20.

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**SA 2218.** Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 736, strike line 6, and all that follows through page 738, line 18.

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**SA 2219.** Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 271, between lines 4 and 5, insert the following:

**SEC. 2609. HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION FOR CROP INSURANCE.**

(a) HIGHLY ERODIBLE LAND PROGRAM INELIGIBILITY.—

(1) IN GENERAL.—Section 1211(a)(1) of the Food Security Act of 1985 (16 U.S.C. 3811(a)(1)) is amended—

(A) in subparagraph (C), by striking ''or'' at the end;

(B) in subparagraph (D), by adding ''or'' at the end; and

(C) by adding at the end the following:

''(E) any portion of premium paid by the Federal Crop Insurance Corporation for a plan or policy of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.);''.

(2) EXEMPTIONS.—Section 1212(a)(2) of the Food Security Act of 1985 (16 U.S.C. 3812(a)(2)) is amended—

(A) in the first sentence, by striking ''(2) If,'' and inserting the following:

''(2) ELIGIBILITY BASED ON COMPLIANCE WITH CONSERVATION PLAN.—

''(A) IN GENERAL.—If,'';

(B) in the second sentence, by striking ''In carrying'' and inserting the following:

''(B) MINIMIZATION OF DOCUMENTATION.—In carrying''; and

(C) by adding at the end the following:

''(C) CROP INSURANCE.—In the case of payments that are subject to section 1211 for the first time due to the amendment made by section 2609(a) of the Agriculture Reform, Food, and Jobs Act of 2012, any person who produces an agricultural commodity on the land that is the basis of the payments shall have until January 1 of the fifth year after the date on which the payments became subject to section 1211 to develop and comply with an approved conservation plan.''.

(b) WETLAND CONSERVATION PROGRAM INELIGIBILITY.—Section 1221(b) of the Food Security Act of 1985 (16 U.S.C. 3821) is amended by adding at the end the following:

''(4) Any portion of premium paid by the Federal Crop Insurance Corporation for a plan or policy of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).''.

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**SA 2220.** Mr. WYDEN (for himself and Mr. PAUL) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, insert the following:

**SEC. 12207. INDUSTRIAL HEMP.**

(a) EXCLUSION OF INDUSTRIAL HEMP FROM DEFINITION OF MARIHUANA.—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (16)—

(A) by striking ''(16) The'' and inserting ''(16)(A) The''; and

(B) by adding at the end the following:

''(B) The term 'marihuana' does not include industrial hemp.''; and

(2) by adding at the end the following:

''(57) The term 'industrial hemp' means the plant Cannabis sativa L. and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.''.

(b) INDUSTRIAL HEMP DETERMINATION.—Section 201 of the Controlled Substances Act (21 U.S.C. 811) is amended by adding at the end the following:

''(i) INDUSTRIAL HEMP DETERMINATION.—If a person grows or processes Cannabis sativa L. for purposes of making industrial hemp in accordance with State law, the Cannabis sativa L. shall be deemed to meet the concentration limitation under section 102(57).''.

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**SA 2221.** Mr. WYDEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 361, between lines 8 and 9, insert the following:

**SEC. 42___. TASK FORCE TO PROMOTE NATIONAL SECURITY BY REDUCING CHILDHOOD OBESITY.**

(a) FINDINGS.—Congress finds that, as of the date of enactment of this Act—

(1) the obesity epidemic has reached a crisis point that threatens the national security of the United States;

(2) in the past 3 decades, obesity rates have quadrupled for children ages 6 to 11;

(3)(A) Department of Defense data indicates that an alarming 75 percent of all young people in the United States ages 17 to 24 are unable to join the military; and

(B) obesity is the leading medical reason why applicants fail to qualify for military service;

(4) in April 2010, more than 100 of the top retired generals, admirals, and senior military leaders in the United States released a report entitled ''Too Fat to Fight'', which urgently called on Congress to pass new child nutrition legislation that would—

(A) get junk food out of schools; and

(B) support increased funding to improve nutritional standards and the quality of meals served in schools;

(5) in May 2012, the Institute of Medicine released a report entitled ''Accelerating Progress in Obesity Prevention: Solving the Weight of the Nation'', which called for the establishment of a task force to examine evidence on the relationship between agricultural policy, the diet of the average American, and childhood obesity;

(6) a cooperative national effort by experts in agriculture, security, and health in the form of a scientifically rigorous task force is needed;

(7)(A) properly managed, the school environment can be instrumental in fostering healthful eating habits that will last a lifetime;

(B) unfortunately, some of the agricultural food and nutrition policies of the United States contribute to the obesity epidemic;

(C) Federal food and nutrition programs are woven into the fabric of the lives of children in the United States;

(D) every day, millions of children buy breakfast, lunch, and snacks in school; and

(E) funding for the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) accounts for nearly 75 percent of the total cost of this Act;

(8) since the enactment of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8701 et seq.), there has been a sea change of interest and focus on the obesity epidemic in the United States;

(9) Congress should have the very best information when making policy decisions; and

(10) establishment of a task force will help to focus on the relationship between agricultural policies and obesity.

(b) PURPOSES.—The purposes of the Task Force established under this section are—

(1) to facilitate the next round of fact-based solutions to the obesity epidemic; and

(2) to build the foundation for evaluating and considering the very best available scientific evidence on the relationship between agriculture policies, the diet of the average American, childhood nutrition, and childhood obesity.

(c) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a task force to be known as the ''Task Force to Promote National Security by Reducing Childhood Obesity'' (referred to in this section as the ''Task Force'').

(2) MEMBERSHIP.—

(A) ELIGIBILITY.—Members of the Task Force shall—

(i) have specialized training or significant experience in matters under the jurisdiction of the Task Force; and

(ii) represent, at a minimum—

(I) national security interests;

(II) national agricultural interests; and

(III) national health interests.

(B) COMPOSITION.—

(i) IN GENERAL.—The Task Force shall be composed of 15 members, in a manner that ensures fair and balanced representation of the national security, agriculture, and health sectors of the United States.

(ii) APPOINTMENT.—As soon as practicable after the date on which funds are first made available to carry out this section, members shall be appointed to the Task Force in accordance with the following requirements:

(I) 1 member shall be—

(aa) appointed by the Secretary to represent the Department of Agriculture; and

(bb) an expert in the field of agricultural policy as that field relates to childhood nutrition and childhood obesity.

(II) 1 member shall be—

(aa) appointed by the Secretary; and

(bb) an expert in the field of nutrition as that field relates to agricultural policy, childhood nutrition, and childhood obesity.

(III) 1 member shall be—

(aa) appointed by the Secretary to represent the Economic Research Service of the Department of Agriculture; and

(bb) an expert in the field of economics as that field relates to agricultural policy, childhood nutrition, and childhood obesity.

(IV) 3 members shall be appointed by the Secretary to represent the private agriculture industry, of whom—

(aa) all shall be experts in the respective fields of the members as those fields relate to agricultural policy, childhood nutrition, and childhood obesity;

(bb) 1 shall be a representative of the fruit and vegetable industry;

(cc) 1 shall be a representative of the grain-growing industry; and

(dd) 1 shall be a representative of the animal food products industry.

(V) 3 members shall be appointed by the Secretary of Defense to represent the Department of Defense, of whom—

(aa) all shall be experts in national security as that field relates to childhood nutrition and childhood obesity; and

(bb) 1 shall be a current or former senior noncommissioned officer with at least 2 years of experience in the physical training and conditioning of new recruits.

(VI) 2 members shall be appointed by the Secretary of Defense on the nomination of Mission: Readiness (or a successor entity).

(VII) 1 member shall be—

(aa) appointed by the Secretary of Health and Human Services on the nomination of the Institute of Medicine of the National Academy of Sciences; and

(bb) an expert in the field of public health as that field relates to childhood nutrition and childhood obesity.

(VIII) 1 member shall be—

(aa) appointed by the Secretary of Health and Human Services on the nomination of the American Academy of Pediatrics; and

(bb) an expert in the field of pediatric public health as that field relates to childhood nutrition and childhood obesity.

(IX) 1 member shall be—

(aa) appointed by the Secretary of Health and Human Services on the nomination of the American College of Occupational and Environmental Medicine; and

(bb) an expert in the field of adult public health (as that field relates to childhood nutrition and childhood obesity) that has expertise in leveraging employer resources to improve the health of the children of the employees.

(X) 1 member shall be—

(aa) appointed by the Secretary of Health and Human Services on the nomination of the American College of Preventive Medicine; and

(bb) an expert in the field of preventative medicine as that field relates to childhood nutrition and childhood obesity.

(C) CHAIRPERSON.—The Secretary shall appoint 1 member of the Task Force to serve as chairperson for the duration of the proceedings of the Task Force.

(D) VICE CHAIRPERSON.—The Secretary of Defense shall appoint 1 member of the Task Force to serve as vice chairperson for the duration of the proceedings of the Task Force.

(3) DATE OF APPOINTMENTS.—The appointment of a member of the Task Force shall be made not later than 90 days after the date of enactment of this Act.

(4) TERM; VACANCIES.—

(A) TERM.—A member shall be appointed for the life of the Task Force.

(B) VACANCIES.—A vacancy on the Task Force—

(i) shall not affect the powers of the Task Force; and

(ii) shall be filled in the same manner as the original appointment was made.

(5) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Task Force have been appointed, the Task Force shall hold the initial meeting of the Task Force.

(6) MEETINGS.—The Task Force shall meet at the call of the Chairperson.

(7) QUORUM.—A majority of the members of the Task Force shall constitute a quorum, but a lesser number of members may hold hearings.

(d) DUTIES.—

(1) IN GENERAL.—The Task Force shall evaluate—

(A) the implications of agricultural policies on the diet of the average American and childhood obesity; and

(B) how agricultural policy can be used to reduce childhood obesity to promote national security.

(2) REQUIREMENTS.—The Task Force shall—

(A) evaluate the evidence on the relationship between agricultural policies of the United States (including agricultural subsidies and the management of commodities) and the diet of the people of the United States, specifically the relationship between agricultural policies and childhood obesity;

(B) consider the current understanding and degree of implementation of using an optimal mix of crops and agricultural production methods so as to meet the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341);

(C) develop recommendations for future policy options and policy-related research to address agricultural policies that are identified as potential contributors to childhood obesity;

(D) develop recommendations on how agricultural policy can be used to reduce childhood obesity to promote national security; and

(E) develop recommendations for establishing a formal process by which Federal food, agriculture, national security, and health officials would review and report on the possible implications of agricultural policies of the United States for obesity prevention, to ensure that this issue is fully taken into account each and every time that policymakers consider the Farm Bill reauthorization and other legislation affecting agricultural and nutrition policies.

(3) REPORT.—Not later than 1 year after the date on which all members of the Task Force are appointed, the Task Force shall submit to the Secretaries of Agriculture, Defense, and Health and Human Services, and to the appropriate committees of Congress, a report that contains—

(A) a detailed statement of the findings and conclusions of the Task Force; and

(B) the recommendations of the Task Force for such legislation and administrative actions as the Task Force considers appropriate.

(e) POWERS.—

(1) HEARINGS.—The Task Force may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Task Force considers advisable to carry out this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Task Force may secure directly from a Federal agency such information (other than classified or confidential information) as the Task Force considers necessary to carry out this section.

(B) PROVISION OF INFORMATION.—On request of the Chairperson of the Task Force, the head of the agency shall provide the information to the Task Force.

(3) POSTAL SERVICES.—The Task Force may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(f) TASK FORCE PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—

(A) NON-FEDERAL EMPLOYEES.—A member of the Task Force who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Task Force.

(B) FEDERAL EMPLOYEES.—A member of the Task Force who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(2) TRAVEL EXPENSES.—A member of the Task Force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Task Force.

(3) STAFF.—

(A) IN GENERAL.—The Chairperson of the Task Force may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Task Force to perform the duties of the Task Force.

(B) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Task Force.

(C) COMPENSATION.—

(i) IN GENERAL.—Except as provided in clause (ii), the Chairperson of the Task Force may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(ii) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(4) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(A) IN GENERAL.—An employee of the Federal Government may be detailed to the Task Force without reimbursement.

(B) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Task Force may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(2) LIMITATION.—No payment may be made under subsection (f) except to the extent provided for in advance in an appropriations Act.

(h) TERMINATION OF TASK FORCE.—The Task Force shall terminate 90 days after the date on which the Task Force submits the report of the Task Force under subsection (d)(3).

**SA 2222.** Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 769, strike lines 12 through 16 and insert the following:

''section;

''(D) may establish additional reporting and information requirements for any recipient of any assistance under this section so as to ensure compliance with this section; and

''(E) with respect to an application for assistance under this section, shall—

''(i) promptly post on the website of the Rural Utilities Service—

''(I) an announcement that identifies—

''(aa) each applicant; and

''(bb) the amount and type of support requested by each applicant; and

''(II) a list of the census block groups or tracts that the applicant proposes to serve; and

''(ii) provide not less than 15 days for broadband service providers to voluntarily submit information about the broadband services that the providers offer in the groups or tracts listed under clause (i)(II) so that the Secretary may assess whether the applications submitted meet the eligibility requirements under this section; and

''(iii) if no broadband service provider submits information under clause (ii), consider the number of providers in the group or tract to be established by reference to—

''(I) the most current National Broadband Map of the National Telecommunications and Information Administration; or

''(II) any other data regarding the availability of broadband service that the Secretary may collect or obtain through reasonable efforts.''.

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**SA 2223.** Mrs. MCCASKILL (for herself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add the following:

**SEC. 12207. DRIVING DISTANCE FOR PURPOSES OF PROHIBITION ON CLOSURE OR RELOCATION OF COUNTY OFFICES FOR THE FARM SERVICE AGENCY.**

Section 14212(b)(1) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 6932a(b)(1)) is amended by inserting ''driving'' after ''20'' each place it appears.

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**SA 2224.** Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ____. RULE RELATING TO CHILD LABOR.**

Notwithstanding any other provision of law, the Secretary of Labor shall not promulgate any regulation, including under the authority provided to enforce section 12 of the Fair Labor Standards Act of 1938 (29 U.S.C. 212), that addresses child labor as it relates to agriculture, without first consulting with and obtaining the approval of the Chairman and Ranking Member of Committee on Agriculture of the House of Representatives, the Chairman and Ranking Member of the Committee on Agriculture of the Senate, and the Secretary of Agriculture.

**SA 2225.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. PROHIBITION ON FEDERAL FINANCIAL ASSISTANCE BY PERSONS HAVING SERIOUSLY DELINQUENT TAX DEBTS.**

(a) DEFINITION OF SERIOUSLY DELINQUENT TAX DEBT.—In this section:

(1) IN GENERAL.—The term ''seriously delinquent tax debt'' means an outstanding debt under the Internal Revenue Code of 1986 for which a notice of lien has been filed in public records pursuant to section 6323 of that Code.

(2) EXCLUSIONS.—The term ''seriously delinquent tax debt'' does not include—

(A) a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or 7122 of Internal Revenue Code of 1986; and

(B) a debt with respect to which a collection due process hearing under section 6330 of that Code, or relief under subsection (a), (b), or (f) of section 6015 of that Code, is requested or pending.

(b) PROHIBITION.—Notwithstanding any other provision of this Act or an amendment made by this Act, an individual or entity who has a seriously delinquent tax debt shall be ineligible to receive financial assistance (including any payment, loan, grant, contract, or subsidy) under this Act or an amendment made by this Act during the pendency of such seriously delinquent tax debt.

(c) REGULATIONS.—The Secretary of Agriculture, in conjunction with the Secretary of the Treasury, shall issue such regulations as the Secretary considers necessary to carry out this section.

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**SA 2226.** Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 888, strike line 5, and all that follows through page 890, line 21.

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**SA 2227.** Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 361, between lines 8 and 9, insert the following:

**SEC. 4208. STUDY ON SUGAR-SWEETENED BEVERAGES.**

Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes—

(1) the impact of sugar-sweetened beverages on obesity and human health in the United States; and

(2) the impact on obesity and human health of public health proposals that affect the cost and size of sugar-sweetened beverages.

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**SA 2228.** Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 361, between lines 8 and 9, insert the following:

**SEC. 4208. PULSE CROP PRODUCTS.**

(a) PURPOSE.—The purpose of this section is to encourage greater awareness and interest in the number and variety of pulse crop products available to schoolchildren, as recommended by the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341).

(b) DEFINITIONS.—In this section:

(1) ELIGIBLE PULSE CROP.—The term ''eligible pulse crop'' means dry beans, dry peas, lentils, and chickpeas.

(2) PULSE CROP PRODUCT.—The term ''pulse crop product'' means a food product derived in whole or in part from an eligible pulse crop.

(c) PURCHASE OF PULSE CROPS AND PULSE CROP PRODUCTS.—In addition to the commodities delivered under section 6 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755), the Secretary shall purchase eligible pulse crops and pulse crop products for use in—

(1) the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); and

(2) the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

(d) EVALUATION.—Not later than September 30, 2016, the Secretary shall conduct an evaluation of the activities conducted under subsection (c), including—

(1) an evaluation of whether children participating in the school lunch and breakfast programs described in subsection (c) increased overall consumption of eligible pulse crops as a result of the activities;

(2) an evaluation of which eligible pulse crops and pulse crop products are most acceptable for use in the school lunch and breakfast programs;

(3) any recommendations of the Secretary regarding the integration of the use of pulse crop products in carrying out the school lunch and breakfast programs;

(4) an evaluation of any change in the nutrient composition in the school lunch and breakfast programs due to the activities; and

(5) an evaluation of any other outcomes determined to be appropriate by the Secretary.

(e) REPORT.—As soon as practicable after the completion of the evaluation under subsection (d), the Secretary shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Education and the Workforce of the House of Representative a report describing the results of the evaluation.

(f) FUNDING.—

(1) IN GENERAL.—On October 1, 2012, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section $5,000,000.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

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**SA 2229.** Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VII, add the following:

**SEC. 7409. AGRICULTURAL RESEARCH SERVICE FACILITIES.**

(a) IN GENERAL.—Subtitle F of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971 et seq.) is amended by adding at the end the following:

**''SEC. 253. AGRICULTURAL RESEARCH SERVICE FACILITIES.**

''The Agricultural Research Service shall operate at least 1 facility in each State.''.

(b) CONFORMING AMENDMENT.—Section 296(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7014(b)) (as amended by sections 4206(b) and 12201(b)) is amended—

(1) in paragraph (9), by striking ''or'' at the end;

(2) in paragraph (10), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(11) the authority of the Secretary to operate facilities under section 253.''.

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**SA 2230.** Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 564, between lines 10 and 11, insert the following:

''(h) GRANTS AND LOAN GUARANTEES TO PROVIDE HOUSING FOR EDUCATORS, PUBLIC SAFETY OFFICERS, AND MEDICAL PROVIDERS.—

''(1) DEFINITIONS.—In this subsection:

''(A) EDUCATOR.—The term 'educator' means an individual who—

''(i) is employed full-time as a teacher, principal, or administrator by—

''(I) a public elementary school or secondary school that provides direct services to students in grades prekindergarten through grade 12, or a Head Start program; and

''(II) meets the appropriate teaching certification or licensure requirements of the State for the position in which the individual is employed; or

''(ii) is employed full-time as a librarian, a career guidance or counseling provider, an education aide, or in another instructional or administrative position for a public elementary school or secondary school.

''(B) MEDICAL PROVIDER.—The term 'medical provider' means—

''(i) a licensed doctor of medicine or osteopathy;

''(ii) an American Indian, Alaska Native, or Native Hawaiian recognized as a traditional healing practitioner;

''(iii) a health care provider that—

''(I) is licensed or certified under Federal or State law, as applicable; and

''(II) is providing services that are eligible for coverage under a plan under the Federal Employees Health Benefits Program under chapter 89 of title 5, United States Code;

''(iv) a provider authorized under section 119 of the Indian Health Care Improvement Act (25 U.S.C. 1616*l*); or

''(v) any other individual that the Secretary determines is capable of providing health care services.

''(C) PUBLIC SAFETY OFFICER.—The term 'public safety officer' means an individual who is employed full-time—

''(i) as a law enforcement officer by a law enforcement agency of the Federal Government, a State, a unit of general local government, or an Indian tribe; or

''(ii) as a firefighter by a fire department of the Federal Government, a State, a unit of general local government, or an Indian tribe.

''(D) QUALIFIED COMMUNITY.—The term 'qualified community' means any open country, or any place, town, village, or city—

''(i) that is not part of or associated with an urban area; and

''(ii) that—

''(I) has a population of not more than 2,500; or

''(II)(aa) has a population of not more than 10,000; and

''(bb) is not accessible by a motor vehicle, as defined in section 30102 of title 49, United States Code.

''(E) QUALIFIED HOUSING.—The term 'qualified housing' means housing for educators, public safety officers, or medical providers that is located in a qualified community.

''(F) QUALIFIED PROJECT.—The term 'qualified project' means—

''(i) the construction, modernization, renovation, or repair of qualified housing;

''(ii) the payment of interest on bonds or other financing instruments (excluding instruments used for refinancing) that are issued for the construction, modernization, renovation, or repair of qualified housing;

''(iii) the repayment of a loan used—

''(I) for the construction, modernization, renovation, or repair of qualified housing; or

''(II) to purchase real property on which qualified housing will be constructed;

''(iv) purchasing or leasing real property on which qualified housing will be constructed, renovated, modernized, or repaired; or

''(v) any other activity normally associated with the construction, modernization, renovation, or repair of qualified housing, as determined by the Secretary.

''(G) EDUCATIONAL SERVICE AGENCY, ELEMENTARY SCHOOL, LOCAL EDUCATIONAL AGENCY, SECONDARY SCHOOL, STATE EDUCATIONAL AGENCY.—The terms 'educational service agency', 'elementary school', 'local educational agency', 'secondary school', and 'State educational agency' have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(2) GRANTS.—The Secretary may make a grant to an applicant to carry out a qualified project.

''(3) LOAN GUARANTEES.—The Secretary may guarantee a loan made to an applicant for the construction, modernization, renovation, or repair of qualified housing.

''(4) FINANCING MECHANISMS.—The Secretary may make payments of interest on bonds, loans, or other financial instruments (other than financial instruments used for refinancing) that are issued to an applicant for a qualified project.

''(5) APPLICATION.—An applicant that desires a grant, loan guarantee, or payment of interest under this subsection shall submit to the Secretary an application that—

''(A) indicates whether the qualified housing for which the grant, loan guarantee, or payment of interest is sought is located in a qualified community;

''(B) identifies the applicant;

''(C) indicates whether the applicant prefers to receive a grant, loan guarantee, or payment of interest under this subsection;

''(D) describes how the applicant would ensure the adequate maintenance of qualified housing assisted under this subsection;

''(E) demonstrates a need for qualified housing in a qualified community, which may include a deficiency of affordable housing, a deficiency of habitable housing, or the need to modernize, renovate, or repair housing;

''(F) describes the expected impact of the grant, loan guarantee, or payment of interest on—

''(i) educators, public safety officers, and medical providers in a qualified community, including the impact on recruitment and retention of educators, public safety officers, and medical providers; and

''(ii) the economy of a qualified community, including—

''(I) any plans to use small business concerns for the construction, modernization, renovation, or repair of qualified housing; and

''(II) the short- and long-term impact on the rate of employment in the qualified community; and

''(G) describes how the applicant would ensure that qualified housing assisted under this subsection is used for educators, public safety officers, and medical providers.

''(6) INPUT FROM STATE DIRECTOR OF RURAL DEVELOPMENT.—The State Director of Rural Development for a State may submit to the Secretary an evaluation of any application for a qualified project in the State for which an application for assistance under this subsection is submitted and the Secretary shall take into consideration the evaluation in determining whether to provide assistance.

''(7) PRIORITY.—In awarding grants and making loan guarantees and payments of interest under this subsection, the Secretary shall give priority to an applicant that is—

''(A) a State educational agency or local educational agency;

''(B) an educational service agency;

''(C) a State or local housing authority;

''(D) an Indian tribe or tribal organization, as those terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b);

''(E) a tribally designated housing entity;

''(F) a local government; or

''(G) a consortium of any of the entities described in subparagraphs (A) through (F).

''(8) LIMITATION.—The Secretary may provide assistance to the same applicant under only 1 of paragraphs (2), (3), and (4).

''(9) REQUIREMENT.—As a condition of eligibility for a grant, loan guarantee, or payment of interest under this subsection, at least 1 named applicant shall be required to maintain ownership of the qualified housing that is the subject of the grant, loan guarantee, or payment of interest during the greater of—

''(A) 15 years; or

''(B) the period of the loan for which a loan guarantee or payment of interest is made under this subsection.

''(10) REPORTING.—

''(A) BY APPLICANTS.—Not later than 2 years after the date on which an applicant receives a grant, loan guarantee, or payment of interest under this subsection, the applicant shall submit to the Secretary a report that—

''(i) describes how the grant, loan guarantee, or payment of interest was used; and

''(ii) contains an estimate of the number of jobs created or maintained by use of the grant, loan guarantee, or payment of interest .

''(B) BY GAO.—Not later than 2 years after the date of enactment of this subsection, the Comptroller General of the United States shall submit to Congress a report evaluating the program under this subsection.

''(11) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out this subsection$50,000,0000 for fiscal year 2012, and each fiscal year thereafter.

''(B) AVAILABILITY.—Any amounts appropriated to carry out this subsection shall remain available for obligation by the Secretary during the 3-year period beginning on the date of the appropriation.

''(C) USE OF FUNDS.—Of any amounts appropriated for a fiscal year to carry out this subsection, the Secretary shall use—

''(i) not less than 50 percent to make grants under this subsection;

''(ii) not more than 5 percent to carry out national activities under this subsection, including providing technical assistance and conducting outreach to qualified communities; and

''(iii) any amounts not expended in accordance with clauses (i) and (ii) to make loan guarantees and payments of interest under this subsection.

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**SA 2231.** Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 764, strike lines 9 through 15 and insert the following:

''(A) IN GENERAL.—In making grants, loans, or loan guarantees under paragraph (1), the Secretary shall—

''(i) establish not less than 2, and not more than 4, evaluation periods for each fiscal year to compare grant, loan, and loan guarantee applications and to prioritize grants, loans, and loan guarantees to all or part of rural communities that do not have residential broadband service that meets the minimum acceptable level of broadband service established under subsection (e);

''(ii) give the highest priority to applicants that offer to provide broadband service to the greatest proportion of unserved rural households or rural households that do not have residential broadband service that meets the minimum acceptable level of broadband service established under subsection (e), as—

''(I) certified by the affected community, city, county, or designee; or

''(II) demonstrated on—

''(aa) the broadband map of the affected State if the map contains address-level data; or

''(bb) the National Broadband Map if address-level data is unavailable; and

''(iii) give a higher priority to applicants that have not previously received grants, loans, or loan guarantees under paragraph (1) and that are seeking to build out unserved areas or to upgrade rural households to the minimum acceptable level of broadband service established under subsection (e).

On page 765, line 22, strike ''and'' after the semicolon at the end.

On page 766, line 7, strike the period at the end and insert ''; and''.

On page 766, between lines 7 and 8, insert the following:

''(v) targeted funding to provide the minimum acceptable level of broadband service established under subsection (e) in all or part of an unserved community that is below that minimum acceptable level of broadband service.

On page 766, between lines 21 and 22, insert the following:

(i) by striking clause (i) and inserting the following:

''(i) demonstrate the ability to furnish, improve in order to meet the minimum acceptable level of broadband service established under subsection (e), or extend broadband service to all or part of an unserved rural area or an area below the minimum acceptable level of broadband service established under subsection (e);'';

On page 766, line 22, strike ''(ii)'' the first place it appears and insert ''(iii)''.

On page 766, line 25, strike ''(iii)'' the first place it appears and insert ''(iv)''.

On page 767, strike lines 8 through 18 and insert the following:

(B) in paragraph (2)—

(i) in subparagraph (A)—

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

(aa) by striking ''the proceeds of a loan made or guaranteed'' and inserting ''assistance''; and

(bb) by striking ''for the loan or loan guarantee'' and inserting ''of the eligible entity'';

(II) in clause (i), by striking ''is offered broadband service by not more than 1 incumbent service provider'' and inserting ''are

unserved or have service levels below the minimum acceptable level of broadband service established under subsection (e)''; and

(III) in clause (ii), by striking ''3'' and inserting ''2'';

(ii) by striking subparagraph (B);

(iii) by redesignating subparagraph (C) as subparagraph (B); and

(iv) in subparagraph (B) (as so redesignated)—

(I) in the subparagraph heading, by striking ''3'' and inserting ''2''; and

(II) in clause (i), by inserting ''the minimum acceptable level of broadband service established under subsection (e) in'' after ''service to'';

(C) in paragraph (3)—

(i) in subparagraph (A), by striking ''loan or'' and inserting ''grant, loan, or''; and

(ii) in subparagraph (B), by adding at the end the following:

''(iii) INFORMATION.—Information submitted under this subparagraph shall be—

''(I) certified by the affected community, city, county, or designee; and

''(II) demonstrated on—

''(aa) the broadband map of the affected State if the map contains address-level data; or

''(bb) the National Broadband Map if address-level data is unavailable.'';

(D) in paragraph (4)—

(i) by striking ''Subject to paragraph (1),'' and inserting the following:

''(A) IN GENERAL.—Subject to paragraph (1) and subparagraph (B),'';

(ii) by striking ''loan or'' and inserting ''grant, loan, or''; and

(iii) by adding at the end the following:

''(B) PILOT PROGRAMS.—The Secretary may carry out pilot programs in conjunction with interested entities described in subparagraph (A) (which may be in partnership with other entities, as determined appropriate by the Secretary) to address areas that are unserved or have service levels below the minimum acceptable level of broadband service established under subsection (e).'';

(E) in paragraph (5)—

(i) in the matter preceding subparagraph (A), by striking ''loan or'' and inserting ''grant, loan, or''; and

(ii) in subparagraph (C), by inserting '', and proportion relative to the service territory,'' after ''estimated number'';

(F) in paragraph (6), by striking ''loan or'' and inserting ''grant, loan, or'';

On page 767, line 19, strike ''(D)'' and insert ''(G)''.

On page 767, line 22, strike ''(E)'' and insert ''(H)''.

On page 768, line 6, before the semicolon, insert the following: '', including new equipment and capacity enhancements that support high-speed broadband access for educational institutions, health care providers, and public safety service providers (including the estimated number of end users who are currently using or forecasted to use the new or upgraded infrastructure)''.

On page 768, line 9, before the semicolon, insert the following: '', including—

''(I) the number and location of residences and businesses that will receive new broadband service, existing network service improvements, and facility upgrades resulting from the Federal assistance;

''(II) the speed of broadband service;

''(III) the price of broadband service;

''(IV) any changes in broadband service adoption rates, including new subscribers generated from demand-side projects; and

''(V) any other metrics the Secretary determines to be appropriate

On page 769, strike lines 5 through 12 and insert the following:

''(C) shall, in addition to other authority under applicable law, establish written procedures for all broadband programs administered by the Secretary that, to the maximum extent practicable—

''(i) recover funds from loan defaults;

''(ii)(I) deobligate awards to grantees that demonstrate an insufficient level of performance (including failure to meet build-out requirements, service quality issues, or other metrics determined by the Secretary) or wasteful or fraudulent spending; and

''(II) award those funds, on a competitive basis, to new or existing applicants consistent with this section; and

''(iii) consolidate and minimize overlap among the programs; and''.

On page 769, between lines 16 and 17, insert the following:

(5) in subsection (e)—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—Subject to paragraph (2), for purposes of this section, the minimum acceptable level of broadband service for a rural area shall be at least—

''(A) a 4-Mbps downstream transmission capacity; and

''(B) a 1-Mbps upstream transmission capacity.

''(2) ADJUSTMENTS.—At least once every 2 years, the Secretary shall adjust the minimum acceptable level of broadband service established under paragraph (1) to ensure that high quality, cost-effective broadband service is provided to rural areas over time.'';

On page 769, line 17, strike ''(5)'' and insert ''(6)''.

On page 769, between lines 19 and 20, insert the following:

(7) in subsection (g), by striking paragraph (2) and inserting the following:

''(2) TERMS.—In determining the term and conditions of a loan or loan guarantee, the Secretary may—

''(A) consider whether the recipient would be serving an area that is unserved; and

''(B) if the Secretary makes a determination in the affirmative under subparagraph (A), establish a limited initial deferral period or comparable terms necessary to achieve the financial feasibility and long-term sustainability of the project.'';

On page 769, line 20, strike ''(6)'' and insert ''(8)''.

On page 769, strike lines 23 and 24 and insert the following:

(B) in paragraph (1)—

(i) by inserting ''grants and'' after ''number of''; and

(ii) by inserting '', including any loan terms or conditions for which the Secretary provided additional assistance to unserved areas'' before the semicolon at the end;

On page 770, line 5, strike ''and''

On page 770, between lines 6 and 7, insert the following:

(E) in paragraph (5), by striking ''and'' at the end;

(F) in paragraph (6), by striking the period at the end and inserting ''; and'';

(G) by adding at the end the following:

''(7) the overall progress towards fulfilling the goal of improving the quality of rural life by expanding rural broadband access, as demonstrated by metrics, including—

''(A) the number of residences and businesses receiving new broadband services;

''(B) network improvements, including facility upgrades and equipment purchases;

''(C) average broadband speeds and prices on a local and statewide basis;

''(D) any changes in broadband adoption rates; and

''(E) any specific activities that increased high speed broadband access for educational institutions, health care providers. and public safety service providers.''; and

On page 770, strike line 7 and insert the following:

(9) by redesignating subsections (k) and (l) as subsections (l) and (m), respectively;

(10) by inserting after subsection (j) the following:

''(k) BROADBAND BUILDOUT DATA.—

''(1) IN GENERAL.—As a condition of receiving a grant, loan, or loan guarantee under this section, a recipient of assistance shall provide to the Secretary address-level broadband buildout data that indicates the location of new broadband service that is being provided or upgraded within the service territory supported by the grant, loan, or loan guarantee—

''(A) for purposes of inclusion in the semi-annual updates to the National Broadband Map that is managed by the National Telecommunications and Information Administration (referred to in this subsection as the 'Administration'); and

''(B) not later than 30 days after the earlier of—

''(i) the date of completion of any project milestone established by the Secretary; or

''(ii) the date of completion of the project.

''(2) ADDRESS-LEVEL DATA.—Effective beginning on the date the Administration receives data described in paragraph (1), the Administration shall use only address-level broadband buildout data for the National Broadband Map.

''(3) CORRECTIONS.—

''(A) IN GENERAL.—The Secretary shall submit to the Administration any correction to the National Broadband Map that is based on the actual level of broadband coverage within the rural area, including any requests for a correction from an elected or economic development official.

''(B) INCORPORATION.—Not later than 30 days after the date on which the Administration receives a correction submitted under subparagraph (A), the Administration shall incorporate the correction into the National Broadband Map.

''(C) USE.—If the Secretary has submitted a correction to the Administration under subparagraph (A), but the National Broadband Map has not been updated to reflect the correct by the date on which the Secretary is making a grant or loan award decision under this section, the Secretary may use the correction submitted under that subparagraph for purposes of make the grant or loan award decision.'';

(11) in paragraph (1) of subsection (*l*) (as redesignated by paragraph (9))—

On page 770, strike line 12 and insert the following:

(12) in subsection (m) (as redesignated by paragraph (9))—

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**SA 2232.** Mr. TESTER (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

**TITLE XIII—RECREATIONAL HUNTING, FISHING, AND SHOOTING**

**SEC. 13001. SHORT TITLE.**

This title may be cited as the ''Sportsmen's Act of 2012''.

**Subtitle A—Hunting, Fishing, and Recreational Shooting**

**PART I—HUNTING AND RECREATIONAL SHOOTING**

**SEC. 13101. MAKING PUBLIC LAND PUBLIC.**

(a) IN GENERAL.—Section 3 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6) is amended to read as follows:

**"SEC. 3. AVAILABILITY OF FUNDS FOR CERTAIN PROJECTS.**

''(a) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary of the Interior and the Secretary of Agriculture shall ensure that, of the amounts requested for the fund for each fiscal year, not less than 1.5 percent of the amounts shall be made available for projects identified on the priority list developed under subsection (b).

''(b) PRIORITY LIST.—The Secretary of the Interior and the Secretary of Agriculture, in consultation with the head of each affected Federal agency, shall annually develop a priority list for the sites under the jurisdiction of the applicable Secretary.

''(c) CRITERIA.—Projects identified on the priority list developed under subsection (b) shall secure recreational public access to Federal public land in existence as of the date of enactment of this section that has significantly restricted access for hunting, fishing, and other recreational purposes through rights-of-way or acquisition of land (or any interest in land) from willing sellers.''.

(b) CONFORMING AMENDMENTS.—

(1) LAND AND WATER CONSERVATION FUND ACT.—The Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.) is amended—

(A) in the proviso at the end of section 2(c)(2) (16 U.S.C. 460*l*–5(c)(2)), by striking ''notwithstanding the provisions of section 3 of this Act'';

(B) in the first sentence of section 9 (16 U.S.C. 460*l*–10a), by striking ''by section 3 of this Act''; and

(C) in the third sentence of section 10 (16 U.S.C. 460*l*–10b), by striking ''by section 3 of this Act''.

(2) FEDERAL LAND TRANSACTION FACILITATION ACT.—Section 206(f)(2) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(f)(2)) is amended by striking ''section 3 of the Land and Water Conservation Fund Act (16 U.S.C. 460*l*–6)'' and inserting ''the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.)''.

**SEC. 13102. PERMITS FOR IMPORTATION OF POLAR BEAR TROPHIES TAKEN IN SPORT HUNTS IN CANADA.**

Section 104(c)(5) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(c)(5)) is amended by striking subparagraph (D) and inserting the following:

''(D)(i) The Secretary of the Interior shall, expeditiously after the expiration of the applicable 30-day period under subsection (d)(2), issue a permit for the importation of any polar bear part (other than an internal organ) from a polar bear taken in a sport hunt in Canada to any person who submits, with the permit application, proof that the polar bear—

''(I) was legally harvested by the person before February 18, 1997; or

''(II) was legally harvested by the person before May 15, 2008, from a polar bear population from which a sport-hunted trophy could be imported before that date in accordance with section 18.30(i) of title 50, Code of Federal Regulations (or a successor regulation).

''(ii) The Secretary shall issue permits under clause (i)(I) without regard to subparagraphs (A) and (C)(ii) of this paragraph, subsection (d)(3), and sections 101 and 102.

''(iii) The Secretary shall issue permits under clause (i)(II) without regard to subparagraph (C)(ii) of this paragraph, subsection (d)(3), and sections 101 and 102.''.

**SEC. 13103. PROTECTING THE RIGHT OF INDIVIDUALS TO BEAR ARMS AT WATER RESOURCES DEVELOPMENT PROJECTS.**

The Secretary of the Army shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm, including an assembled or functional firearm, at a water resources development project covered under part 327 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act), if—

(1) the individual is not otherwise prohibited by law from possessing the firearm; and

(2) the possession of the firearm is in compliance with the law of the State in which the water resources development project is located.

**SEC. 13104. TRANSPORTING BOWS THROUGH NATIONAL PARKS.**

(a) FINDINGS.—Congress finds that—

(1) bowhunters are known worldwide as among the most skilled, ethical, and conservation-minded of all hunters;

(2) bowhunting organizations at the Federal, State, and local level contribute significant financial and human resources to wildlife conservation and youth education programs throughout the United States; and

(3) bowhunting contributes $38,000,000,000 each year to the economy of the United States.

(b) POSSESSION OF BOWS IN UNITS OF NATIONAL PARK SYSTEM OR NATIONAL WILDLIFE REFUGE SYSTEM.—Section 512(b) of the Credit CARD Act of 2009 (16 U.S.C. 1a–7b(b)) is amended—

(1) in the matter preceding paragraph (1), by striking ''firearm including an assembled or functional firearm'' and inserting ''firearm (including an assembled or functional firearm) or bow''; and

(2) in paragraphs (1) and (2), by inserting ''or bow or crossbow'' after ''firearm'' each place it appears.

## PART II—TARGET PRACTICE AND MARKSMANSHIP TRAINING SUPPORT

**SEC. 13201. TARGET PRACTICE AND MARKSMANSHIP TRAINING.**

This part may be cited as the ''Target Practice and Marksmanship Training Support Act''.

**SEC. 13202. FINDINGS; PURPOSE.**

(a) FINDINGS.—Congress finds that—

(1) the use of firearms and archery equipment for target practice and marksmanship training activities on Federal land is allowed, except to the extent specific portions of that land have been closed to those activities;

(2) in recent years preceding the date of enactment of this Act, portions of Federal land have been closed to target practice and marksmanship training for many reasons;

(3) the availability of public target ranges on non-Federal land has been declining for a variety of reasons, including continued population growth and development near former ranges;

(4) providing opportunities for target practice and marksmanship training at public target ranges on Federal and non-Federal land can help—

(A) to promote enjoyment of shooting, recreational, and hunting activities; and

(B) to ensure safe and convenient locations for those activities;

(5) Federal law in effect on the date of enactment of this Act, including the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.), provides Federal support for construction and expansion of public target ranges by making available to States amounts that may be used for construction, operation, and maintenance of public target ranges; and

(6) it is in the public interest to provide increased Federal support to facilitate the construction or expansion of public target ranges.

(b) PURPOSE.—The purpose of this part is to facilitate the construction and expansion of public target ranges, including ranges on Federal land managed by the Forest Service and the Bureau of Land Management.

**SEC. 13203. DEFINITION OF PUBLIC TARGET RANGE.**

In this part, the term ''public target range'' means a specific location that—

(1) is identified by a governmental agency for recreational shooting;

(2) is open to the public;

(3) may be supervised; and

(4) may accommodate archery or rifle, pistol, or shotgun shooting.

**SEC. 13204. AMENDMENTS TO PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.**

(a) DEFINITIONS.—Section 2 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a) is amended—

(1) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively; and

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

''(2) the term 'public target range' means a specific location that—

''(A) is identified by a governmental agency for recreational shooting;

''(B) is open to the public;

''(C) may be supervised; and

''(D) may accommodate archery or rifle, pistol, or shotgun shooting;''.

(b) EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.—Section 8(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g(b)) is amended—

(1) by striking ''(b) Each State'' and inserting the following:

''(b) EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), each State'';

(2) in paragraph (1) (as so designated), by striking ''construction, operation,'' and inserting ''operation'';

(3) in the second sentence, by striking ''The non-Federal share'' and inserting the following:

''(3) NON-FEDERAL SHARE.—The non-Federal share'';

(4) in the third sentence, by striking ''The Secretary'' and inserting the following:

''(4) REGULATIONS.—The Secretary''; and

(5) by inserting after paragraph (1) (as designated by paragraph (1) of this subsection) the following:

''(2) EXCEPTION.—Notwithstanding the limitation described in paragraph (1), a State may pay up to 90 percent of the cost of acquiring land for, expanding, or constructing a public target range.''.

(c) FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.—Section 10 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h–1) is amended—

(1) in subsection (a), by adding at the end the following:

''(3) ALLOCATION OF ADDITIONAL AMOUNTS.—Of the amount apportioned to a State for any fiscal year under section 4(b), the State may elect to allocate not more than 10 percent, to be combined with the amount apportioned to the State under paragraph (1) for that fiscal year, for acquiring land for, expanding, or constructing a public target range.'';

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

''(b) COST SHARING.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the cost of any activity carried out using a grant under this section shall not exceed 75 percent of the total cost of the activity.

''(2) PUBLIC TARGET RANGE CONSTRUCTION OR EXPANSION.—The Federal share of the cost of acquiring land for, expanding, or constructing a public target range in a State on Federal or non-Federal land pursuant to this section or section 8(b) shall not exceed 90 percent of the cost of the activity.''; and

(3) in subsection (c)(1)—

(A) by striking ''Amounts made'' and inserting the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), amounts made''; and

(B) by adding at the end the following:

''(B) EXCEPTION.—Amounts provided for acquiring land for, constructing, or expanding a public target range shall remain available for expenditure and obligation during the 5-fiscal-year period beginning on October 1 of the first fiscal year for which the amounts are made available.''.

**SEC. 13205. SENSE OF CONGRESS REGARDING COOPERATION.**

It is the sense of Congress that, consistent with applicable laws (including regulations), the Chief of the Forest Service and the Director of the Bureau of Land Management should cooperate with State and local authorities and other entities to implement best practices for waste management and removal and carry out other related activities on any Federal land used as a public target range to encourage continued use of that land for target practice or marksmanship training.

## PART III—FISHING

**SEC. 13301. MODIFICATION OF DEFINITION OF TOXIC SUBSTANCE TO EXCLUDE SPORT FISHING EQUIPMENT.**

(a) IN GENERAL.—Section 3(2)(B) of the Toxic Substances Control Act (15 U.S.C. 2602(2)(B)) is amended—

(1) in clause (v), by striking '', and'' and inserting '', or any component of any such article including, without limitation, shot, bullets and other projectiles, propellants, and primers,'';

(2) in clause (vi) by striking the period at the end and inserting '', and''; and

(3) by inserting after clause (vi) the following:

''(vii) any sport fishing equipment (as such term is defined in section 4162(a) of the Internal Revenue Code of 1986, without regard to paragraphs (6) through (9) thereof) the sale of which is subject to the tax imposed by section 4161(a) of such Code (determined without regard to any exemptions from such tax as provided by section 4162 or 4221 or any other provision of such Code), and sport fishing equipment components.''.

(b) RELATIONSHIP TO OTHER LAW.—Nothing in this section or any amendment made by this section affects or limits the application of or obligation to comply with any other Federal, State or local law.

**SEC. 13302. PROHIBITION ON SALE OF BILLFISH.**

(a) PROHIBITION.—No person shall offer for sale, sell, or have custody, control, or possession of for purposes of offering for sale or selling billfish or products containing billfish.

(b) PENALTY.—For purposes of section 308(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1858(a)), a violation of this section shall be treated as an act prohibited by section 307 of that Act (16 U.S.C. 1857).

(c) EXEMPTION FOR TRADITIONAL FISHERIES AND MARKETS.—Subsection (a) does not apply to the State of Hawaii and Pacific Insular Area as defined in section 3(35) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802(35)), except that billfish may be sold under this exemption only in the United States and the Pacific Insular Area.

(d) BILLFISH DEFINED.—In this section, the term ''billfish''—

(1) means any fish of the species—

(A) Makaira nigricans (blue marlin);

(B) Kajikia audax (striped marlin);

(C) Istiompax indica (black marlin);

(D) Istiophorus platypterus (sailfish);

(E) Tetrapturus angustirostris (shortbill spearfish);

(F) Kajikia albida (white marlin);

(G) Tetrapturus georgii (roundscale spearfish);

(H) Tetrapturus belone (Mediterranean spearfish); and

(I) Tetrapturus pfluegeri (longbill spearfish); and

(2) does not include the species Xiphias gladius (swordfish).

**SEC. 13303. REPORT ON ARTIFICIAL REEFS IN THE GULF OF MEXICO.**

(a) INITIAL REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Interior, in coordination with the Secretary of Commerce and the heads of other Federal and State agencies, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a plan to assess how best to integrate the goals of the National Fishing Enhancement Act of 1984 (33 U.S.C. 2101 et seq.) and the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

(b) CONTENTS OF PLAN.—The plan required under subsection (a) shall include—

(1) an assessment of the capability of the Department of the Interior to identify and issue a public notice of platforms and related structures scheduled to be removed in 2012 and 2013 pursuant to sections 250.1700 through 250.1754 of title 30, Code of Federal Regulations (as in effect on the date of enactment of this Act), and the timeframe set out in the notice to lessees on the decommissioning for platforms and related structures in the Gulf of Mexico OCS Region (NTL No. 2010–G05) of the Department of the Interior;

(2) strategies for coordination with relevant Federal and State agencies and accredited marine research institutes and university marine biology departments to assess the biodiversity and critical habitat present at platforms and related structures subject to removal pursuant to sections 250.1700 through 250.1754 of title 30, Code of Federal Regulations (as in effect on the date of enactment of this Act), and the timeframe set out in NTL No. 2010–G05;

(3) an assessment of the potential impacts of the removal of the platforms and related structures pursuant to sections 250.1700 through 250.1754 of title 30, Code of Federal Regulations (as in effect on the date of enactment of this Act), and the timeframe set out in NTL No. 2010–G05 on the Gulf of Mexico ecosystem and marine habitat;

(4) an assessment of the potential impacts of not removing the platforms and related structures pursuant to sections 250.1700 through 250.1754 of title 30, Code of Federal Regulations (as in effect on the date of enactment of this Act), and the timeframe set out in NTL NO. 2010–G05, including potential damage as a result of hurricanes and other incidents; and

(5) an assessment of the potential impacts of the removal of platforms and related structures on the rebuilding plans for Gulf reef fish and habitat, as developed by the National Marine Fisheries Service of the Department of Commerce.

(c) FINAL REPORT.—Not later than 18 months after the date of submission of the plan developed under subsection (a), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a final report that includes—

(1) a description of public comments from regional stakeholders, including recreational anglers, divers, offshore oil and gas companies, marine biologists, and commercial fisherman; and

(2) findings relative to comments developed under this subsection, including options to mitigate potential adverse impacts on marine habitat associated with the removal of platforms and related structures pursuant to sections 250.1700 through 250.1754 of title 30, Code of Federal Regulations (as in effect on the date of enactment of this Act), and the timeframe set out in NTL No. 2010–G05.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Interior to carry out this section such sums as are necessary.

## Subtitle B—National Fish Habitat

## PART I—NATIONAL FISH HABITAT

**SEC. 13401. DEFINITIONS.**

In this part:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) AQUATIC HABITAT.—

(A) IN GENERAL.—The term ''aquatic habitat'' means any area on which an aquatic organism depends, directly or indirectly, to carry out the life processes of the organism, including an area used by the organism for spawning, incubation, nursery, rearing, growth to maturity, food supply, or migration.

(B) INCLUSIONS.—The term ''aquatic habitat'' includes an area adjacent to an aquatic environment, if the adjacent area—

(i) contributes an element, such as the input of detrital material or the promotion of a planktonic or insect population providing food, that makes fish life possible;

(ii) protects the quality and quantity of water sources;

(iii) provides public access for the use of fishery resources; or

(iv) serves as a buffer protecting the aquatic environment.

(3) ASSISTANT ADMINISTRATOR.—The term ''Assistant Administrator'' means the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration.

(4) BOARD.—The term ''Board'' means the National Fish Habitat Board established by section 13402(a)(1).

(5) CONSERVATION; CONSERVE; MANAGE; MANAGEMENT.—The terms ''conservation'', ''conserve'', ''manage'', and ''management'' mean to protect, sustain, and, where appropriate, restore and enhance, using methods and procedures associated with modern scientific resource programs (including protection, research, census, law enforcement, habitat management, propagation, live trapping and transplantation, and regulated taking)—

(A) a healthy population of fish, wildlife, or plant life;

(B) a habitat required to sustain fish, wildlife, or plant life; or

(C) a habitat required to sustain fish, wildlife, or plant life productivity.

(6) DIRECTOR.—The term ''Director'' means the Director of the United States Fish and Wildlife Service.

(7) FISH.—

(A) IN GENERAL.—The term ''fish'' means any freshwater, diadromous, estuarine, or marine finfish or shellfish.

(B) INCLUSIONS.—The term ''fish'' includes the egg, spawn, spat, larval, and other juvenile stages of an organism described in subparagraph (A).

(8) FISH HABITAT CONSERVATION PROJECT.—

(A) IN GENERAL.—The term ''fish habitat conservation project'' means a project that—

(i) is submitted to the Board by a Partnership and approved by the Secretary under section 13404; and

(ii) provides for the conservation or management of an aquatic habitat.

(B) INCLUSIONS.—The term ''fish habitat conservation project'' includes—

(i) the provision of technical assistance to a State, Indian tribe, or local community by the National Fish Habitat Conservation Partnership Office or any other agency to facilitate the development of strategies and priorities for the conservation of aquatic habitats; or

(ii) the obtaining of a real property interest in land or water, including water rights, in accordance with terms and conditions that ensure that the real property will be administered for the long-term conservation of—

(I) the land or water; and

(II) the fish dependent on the land or water.

(9) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(10) NATIONAL FISH HABITAT ACTION PLAN.—The term ''National Fish Habitat Action Plan'' means the National Fish Habitat Action Plan dated April 24, 2006, and any subsequent revisions or amendments to that plan.

(11) PARTNERSHIP.—The term ''Partnership'' means an entity designated by the Board as a Fish Habitat Conservation Partnership pursuant to section 13403(a).

(12) REAL PROPERTY INTEREST.—The term ''real property interest'' means an ownership interest in—

(A) land;

(B) water (including water rights); or

(C) a building or object that is permanently affixed to land.

(13) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(14) STATE AGENCY.—The term ''State agency'' means—

(A) the fish and wildlife agency of a State;

(B) any department or division of a department or agency of a State that manages in the public trust the inland or marine fishery resources or the habitat for those fishery resources of the State pursuant to State law or the constitution of the State; or

(C) the fish and wildlife agency of the Commonwealth of Puerto Rico, Guam, the Virgin Islands, or any other territory or possession of the United States.

**SEC. 13402. NATIONAL FISH HABITAT BOARD.**

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a board, to be known as the ''National Fish Habitat Board''—

(A) to promote, oversee, and coordinate the implementation of this part and the National Fish Habitat Action Plan;

(B) to establish national goals and priorities for aquatic habitat conservation;

(C) to designate Partnerships; and

(D) to review and make recommendations regarding fish habitat conservation projects.

(2) MEMBERSHIP.—The Board shall be composed of 27 members, of whom—

(A) 1 shall be the Director;

(B) 1 shall be the Assistant Administrator;

(C) 1 shall be the Chief of the Natural Resources Conservation Service;

(D) 1 shall be the Chief of the Forest Service;

(E) 1 shall be the Assistant Administrator for Water of the Environmental Protection Agency;

(F) 1 shall be the President of the Association of Fish and Wildlife Agencies;

(G) 1 shall be the Secretary of the Board of Directors of the National Fish and Wildlife Foundation appointed pursuant to section 3(g)(2)(B) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702(g)(2)(B));

(H) 4 shall be representatives of State agencies, 1 of whom shall be nominated by a regional association of fish and wildlife agencies from each of the Northeast, Southeast, Midwest, and Western regions of the United States;

(I) 1 shall be a representative of the American Fisheries Society;

(J) 2 shall be representatives of Indian tribes, of whom—

(i) 1 shall represent Indian tribes from the State of Alaska; and

(ii) 1 shall represent Indian tribes from the other States;

(K) 1 shall be a representative of the Regional Fishery Management Councils established under section 302 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852);

(L) 1 shall be a representative of the Marine Fisheries Commissions, which is composed of—

(i) the Atlantic States Marine Fisheries Commission;

(ii) the Gulf States Marine Fisheries Commission; and

(iii) the Pacific States Marine Fisheries Commission;

(M) 1 shall be a representative of the Sportfishing and Boating Partnership Council; and

(N) 10 shall be representatives selected from each of the following groups:

(i) The recreational sportfishing industry.

(ii) The commercial fishing industry.

(iii) Marine recreational anglers.

(iv) Freshwater recreational anglers.

(v) Terrestrial resource conservation organizations.

(vi) Aquatic resource conservation organizations.

(vii) The livestock and poultry production industry.

(viii) The land development industry.

(ix) The row crop industry.

(x) Natural resource commodity interests, such as petroleum or mineral extraction.

(3) COMPENSATION.—A member of the Board shall serve without compensation.

(4) TRAVEL EXPENSES.—A member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(b) APPOINTMENT AND TERMS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, a member of the Board described in any of subparagraphs (H) through (N) of subsection (a)(2) shall serve for a term of 3 years.

(2) INITIAL BOARD MEMBERSHIP.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the representatives of the board established by the National Fish Habitat Action Plan shall appoint the initial members of the Board described in subparagraphs (H) through (I) and (K) through (N) of subsection (a)(2).

(B) TRIBAL REPRESENTATIVES.—Not later than 180 days after the enactment of this Act, the Secretary shall provide to the board established by the National Fish Habitat Action Plan a recommendation of not less than 4 tribal representatives, from which that board shall appoint 2 representatives pursuant to subparagraph (J) of subsection (a)(2).

(3) TRANSITIONAL TERMS.—Of the members described in subsection (a)(2)(N) initially appointed to the Board—

(A) 4 shall be appointed for a term of 1 year;

(B) 4 shall be appointed for a term of 2 years; and

(C) 3 shall be appointed for a term of 3 years.

(4) VACANCIES.—

(A) IN GENERAL.—A vacancy of a member of the Board described in any of subparagraphs (H) through (I) or (K) through (N) of subsection (a)(2) shall be filled by an appointment made by the remaining members of the Board.

(B) TRIBAL REPRESENTATIVES.—Following a vacancy of a member of the Board described in subparagraph (J) of subsection (a)(2), the Secretary shall recommend to the Board not less than 4 tribal representatives, from which the remaining members of the Board shall appoint a representative to fill the vacancy.

(5) CONTINUATION OF SERVICE.—An individual whose term of service as a member of the Board expires may continue to serve on the Board until a successor is appointed.

(6) REMOVAL.—If a member of the Board described in any of subparagraphs (H) through (N) of subsection (a)(2) misses 3 consecutive regularly scheduled Board meetings, the members of the Board may—

(A) vote to remove that member; and

(B) appoint another individual in accordance with paragraph (4).

(c) CHAIRPERSON.—

(1) IN GENERAL.—The Board shall elect a member of the Board to serve as Chairperson of the Board.

(2) TERM.—The Chairperson of the Board shall serve for a term of 3 years.

(d) MEETINGS.—

(1) IN GENERAL.—The Board shall meet—

(A) at the call of the Chairperson; but

(B) not less frequently than twice each calendar year.

(2) PUBLIC ACCESS.—All meetings of the Board shall be open to the public.

(e) PROCEDURES.—

(1) IN GENERAL.—The Board shall establish procedures to carry out the business of the Board, including—

(A) a requirement that a quorum of the members of the Board be present to transact business;

(B) a requirement that no recommendations may be adopted by the Board, except by the vote of ⅔ of all members present and voting;

(C) procedures for establishing national goals and priorities for aquatic habitat conservation for the purposes of this part;

(D) procedures for designating Partnerships under section 13403; and

(E) procedures for reviewing, evaluating, and making recommendations regarding fish habitat conservation projects.

(2) QUORUM.—A majority of the members of the Board shall constitute a quorum.

**SEC. 13403. FISH HABITAT PARTNERSHIPS.**

(a) AUTHORITY TO DESIGNATE.—The Board may designate Fish Habitat Partnerships in accordance with this section.

(b) PURPOSES.—The purposes of a Partnership shall be—

(1) to coordinate the implementation of the National Fish Habitat Action Plan at a regional level;

(2) to identify strategic priorities for fish habitat conservation;

(3) to recommend to the Board fish habitat conservation projects that address a strategic priority of the Board; and

(4) to develop and carry out fish habitat conservation projects.

(c) APPLICATIONS.—An entity seeking to be designated as a Partnership shall submit to the Board an application at such time, in such manner, and containing such information as the Board may reasonably require.

(d) APPROVAL.—The Board may approve an application for a Partnership submitted under subsection (c) if the Board determines that the applicant—

(1) includes representatives of a diverse group of public and private partners, including Federal, State, or local governments, nonprofit entities, Indian tribes, and private individuals, that are focused on conservation of aquatic habitats to achieve results across jurisdictional boundaries on public and private land;

(2) is organized to promote the health of important aquatic habitats and distinct geographical areas, keystone fish species, or system types, including reservoirs, natural lakes, coastal and marine environments, and estuaries;

(3) identifies strategic fish and aquatic habitat priorities for the Partnership area in the form of geographical focus areas or key stressors or impairments to facilitate strategic planning and decisionmaking;

(4) is able to address issues and priorities on a nationally significant scale;

(5) includes a governance structure that—

(A) reflects the range of all partners; and

(B) promotes joint strategic planning and decisionmaking by the applicant;

(6) demonstrates completion of, or significant progress toward the development of, a strategic plan to address the causes of system decline in fish populations, rather than simply treating symptoms in accordance with the National Fish Habitat Action Plan; and

(7) ensures collaboration in developing a strategic vision and implementation program that is scientifically sound and achievable.

**SEC. 13404. FISH HABITAT CONSERVATION PROJECTS.**

(a) SUBMISSION TO BOARD.—Not later than March 31 of each calendar year, each Partnership shall submit to the Board a list of fish habitat conservation projects recommended by the Partnership for annual funding under this part.

(b) RECOMMENDATIONS BY BOARD.—Not later than July 1 of each calendar year, the Board shall submit to the Secretary a description, including estimated costs, of each fish habitat conservation project that the Board recommends that the Secretary approve and fund under this part, in order of priority, for the following fiscal year.

(c) CONSIDERATIONS.—The Board shall select each fish habitat conservation project to be recommended to the Secretary under subsection (b)—

(1) based on a recommendation of the Partnership that is, or will be, participating actively in carrying out the fish habitat conservation project; and

(2) after taking into consideration—

(A) the extent to which the fish habitat conservation project fulfills a purpose of this part or a goal of the National Fish Habitat Action Plan;

(B) the extent to which the fish habitat conservation project addresses the national priorities established by the Board;

(C) the availability of sufficient non-Federal funds to match Federal contributions for the fish habitat conservation project, as required by subsection (e);

(D) the extent to which the fish habitat conservation project—

(i) increases fishing opportunities for the public;

(ii) will be carried out through a cooperative agreement among Federal, State, and local governments, Indian tribes, and private entities;

(iii) increases public access to land or water;

(iv) advances the conservation of fish and wildlife species that are listed, or are candidates to be listed, as threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(v) where appropriate, advances the conservation of fish and fish habitats under the Magnuson-Stevens Act (16 U.S.C. 1801 et seq.) and other relevant Federal law and State wildlife action plans; and

(vi) promotes resilience such that desired biological communities are able to persist and adapt to environmental stressors such as climate change; and

(E) the substantiality of the character and design of the fish habitat conservation project.

(d) LIMITATIONS.—

(1) REQUIREMENTS FOR EVALUATION.—No fish habitat conservation project may be recommended by the Board under subsection (b) or provided financial assistance under this part unless the fish habitat conservation project includes an evaluation plan designed—

(A) to appropriately assess the biological, ecological, or other results of the habitat protection, restoration, or enhancement activities carried out using the assistance;

(B) to reflect appropriate changes to the fish habitat conservation project if the assessment substantiates that the fish habitat conservation project objectives are not being met; and

(C) to require the submission to the Board of a report describing the findings of the assessment.

(2) ACQUISITION OF REAL PROPERTY INTERESTS.—

(A) IN GENERAL.—No fish habitat conservation project that will result in the acquisition by the State, local government, or other non-Federal entity, in whole or in part, of any real property interest may be recommended by the Board under subsection (b) or provided financial assistance under this part unless the project meets the requirements of subparagraph (B).

(B) REQUIREMENTS.—

(i) IN GENERAL.—A real property interest may not be acquired pursuant to a fish habitat conservation project by a State, public agency, or other non-Federal entity unless the State, agency, or other non-Federal entity is obligated to undertake the management of the property being acquired in accordance with the purposes of this part.

(ii) ADDITIONAL CONDITIONS.—Any real property interest acquired by a State, local government, or other non-Federal entity pursuant to a fish habitat conservation project shall be subject to terms and conditions that ensure that the interest will be administered for the long-term conservation and management of the aquatic ecosystem and the fish and wildlife dependent on that ecosystem.

(e) NON-FEDERAL CONTRIBUTIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), no fish habitat conservation project may be recommended by the Board under subsection (b) or provided financial assistance under this part unless at least 50 percent of the cost of the fish habitat conservation project will be funded with non-Federal funds.

(2) PROJECTS ON FEDERAL LAND OR WATER.—Notwithstanding paragraph (1), Federal funds may be used for payment of 100 percent of the costs of a fish habitat conservation project located on Federal land or water.

(3) NON-FEDERAL SHARE.—The non-Federal share of the cost of a fish habitat conservation project—

(A) may not be derived from a Federal grant program; but

(B) may include in-kind contributions and cash.

(4) SPECIAL RULE FOR INDIAN TRIBES.—Notwithstanding paragraph (1) or any other provision of law, any funds made available to an Indian tribe pursuant to this part may be considered to be non-Federal funds for the purpose of paragraph (1).

(f) APPROVAL.—

(1) IN GENERAL.—Not later than 180 days after the date of receipt of the recommendations of the Board for fish habitat conservation projects under subsection (b), and based, to the maximum extent practicable, on the criteria described in subsection (c)—

(A) the Secretary shall approve, reject, or reorder the priority of any fish habitat conservation project recommended by the Board that is not within a marine or estuarine habitat; and

(B) the Secretary and the Secretary of Commerce shall jointly approve, reject, or reorder the priority of any fish habitat conservation project recommended by the Board that is within a marine or estuarine habitat.

(2) FUNDING.—If the Secretary, or the Secretary and the Secretary of Commerce jointly, approves a fish habitat conservation project under paragraph (1), the Secretary, or the Secretary and the Secretary of Commerce jointly, shall use amounts made available to carry out this part to provide funds to carry out the fish habitat conservation project.

(3) NOTIFICATION.—If the Secretary, or the Secretary and the Secretary of Commerce jointly, rejects or reorders the priority of any fish habitat conservation project recommended by the Board under subsection (b), the Secretary, or the Secretary and the Secretary of Commerce jointly, shall provide to the Board and the appropriate Partnership a written statement of the reasons that the Secretary, or the Secretary and the Secretary of Commerce jointly, rejected or modified the priority of the fish habitat conservation project.

(4) LIMITATION.—If the Secretary, or the Secretary and the Secretary of Commerce jointly, has not approved, rejected, or reordered the priority of the recommendations of the Board for fish habitat conservation projects by the date that is 180 days after the date of receipt of the recommendations, the recommendations shall be considered to be approved.

**SEC. 13405. NATIONAL FISH HABITAT CONSERVATION PARTNERSHIP OFFICE.**

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Director shall establish an office, to be known as the ''National Fish Habitat Conservation Partnership Office'', within the United States Fish and Wildlife Service.

(b) FUNCTIONS.—The National Fish Habitat Conservation Partnership Office shall—

(1) provide funding for the operational needs of the Partnerships, including funding for activities such as planning, project development and implementation, coordination, monitoring, evaluation, communication, and outreach;

(2) provide funding to support the detail of State and tribal fish and wildlife staff to the Office;

(3) facilitate the cooperative development and approval of Partnerships;

(4) assist the Secretary and the Board in carrying out this part;

(5) assist the Secretary in carrying out the requirements of sections 13406 and 13408;

(6) facilitate communication, cohesiveness, and efficient operations for the benefit of Partnerships and the Board;

(7) facilitate, with assistance from the Director, the Assistant Administrator, and the President of the Association of Fish and Wildlife Agencies, the consideration of fish habitat conservation projects by the Board;

(8) provide support to the Director regarding the development and implementation of the interagency operational plan under subsection (c);

(9) coordinate technical and scientific reporting as required by section 13409;

(10) facilitate the efficient use of resources and activities of Federal departments and agencies to carry out this part in an efficient manner; and

(11) provide support to the Board for national communication and outreach efforts that promote public awareness of fish habitat conservation.

(c) INTERAGENCY OPERATIONAL PLAN.—Not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, the Director, in cooperation with the Assistant Administrator and the heads of other appropriate Federal departments and agencies, shall develop an interagency operational plan for the National Fish Habitat Conservation Partnership Office that describes—

(1) the functional, operational, technical, scientific, and general staff, administrative, and material needs of the Office; and

(2) any interagency agreements between or among Federal departments and agencies to address those needs.

(d) STAFF AND SUPPORT.—

(1) DEPARTMENTS OF INTERIOR AND COMMERCE.—The Director and the Assistant Administrator shall each provide appropriate staff to support the National Fish Habitat Conservation Partnership Office, subject to the availability of funds under section 13413.

(2) STATES AND INDIAN TRIBES.—Each State and Indian tribe is encouraged to provide staff to support the National Fish Habitat Conservation Partnership Office.

(3) DETAILEES AND CONTRACTORS.—The National Fish Habitat Conservation Partnership Office may accept staff or other administrative support from other entities—

(A) through interagency details; or

(B) as contractors.

(4) QUALIFICATIONS.—The staff of the National Fish Habitat Conservation Partnership Office shall include members with education and experience relating to the principles of fish, wildlife, and aquatic habitat conservation.

(5) WAIVER OF REQUIREMENT.—The Secretary may waive all or part of the non-Federal contribution requirement under section 13404(e)(1) if the Secretary determines that—

(A) no reasonable means are available through which the affected applicant can meet the requirement; and

(B) the probable benefit of the relevant fish habitat conservation project outweighs the public interest in meeting the requirement.

(e) REPORTS.—Not less frequently than once each year, the Director shall provide to the Board a report describing the activities of the National Fish Habitat Conservation Partnership Office.

**SEC. 13406. TECHNICAL AND SCIENTIFIC ASSISTANCE.**

(a) IN GENERAL.—The Director, the Assistant Administrator, and the Director of the United States Geological Survey, in coordination with the Forest Service and other appropriate Federal departments and agencies, shall provide scientific and technical assistance to the Partnerships, participants in fish habitat conservation projects, and the Board.

(b) INCLUSIONS.—Scientific and technical assistance provided pursuant to subsection (a) may include—

(1) providing technical and scientific assistance to States, Indian tribes, regions, local communities, and nongovernmental organizations in the development and implementation of Partnerships;

(2) providing technical and scientific assistance to Partnerships for habitat assessment, strategic planning, and prioritization;

(3) supporting the development and implementation of fish habitat conservation projects that are identified as high priorities by Partnerships and the Board;

(4) supporting and providing recommendations regarding the development of science-based monitoring and assessment approaches for implementation through Partnerships;

(5) supporting and providing recommendations for a national fish habitat assessment; and

(6) ensuring the availability of experts to conduct scientifically based evaluation and reporting of the results of fish habitat conservation projects.

**SEC. 13407. CONSERVATION OF AQUATIC HABITAT FOR FISH AND OTHER AQUATIC ORGANISMS ON FEDERAL LAND.**

To the extent consistent with the mission and authority of the applicable department or agency, the head of each Federal department and agency responsible for acquiring, managing, or disposing of Federal land or water shall cooperate with the Assistant Administrator and the Director to conserve the aquatic habitats for fish and other aquatic organisms within the land and water of the department or agency.

**SEC. 13408. COORDINATION WITH STATES AND INDIAN TRIBES.**

The Secretary shall provide a notice to, and coordinate with, the appropriate State agency or tribal agency, as applicable, of each State and Indian tribe within the boundaries of which an activity is planned to be carried out pursuant to this part by not later than 30 days before the date on which the activity is implemented.

**SEC. 13409. ACCOUNTABILITY AND REPORTING.**

(a) IMPLEMENTATION REPORTS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Board shall submit to the appropriate congressional committees a report describing the implementation of—

(A) this part; and

(B) the National Fish Habitat Action Plan.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) an estimate of the number of acres, stream miles, or acre-feet (or other suitable measure) of aquatic habitat that was protected, restored, or enhanced under the National Fish Habitat Action Plan by Federal, State, or local governments, Indian tribes, or other entities in the United States during the 2-year period ending on the date of submission of the report;

(B) a description of the public access to aquatic habitats protected, restored, or established under the National Fish Habitat Action Plan during that 2-year period;

(C) a description of the opportunities for public fishing established under the National Fish Habitat Action Plan during that period; and

(D) an assessment of the status of fish habitat conservation projects carried out with funds provided under this part during that period, disaggregated by year, including—

(i) a description of the fish habitat conservation projects recommended by the Board under section 13404(b);

(ii) a description of each fish habitat conservation project approved by the Secretary under section 13404(f), in order of priority for funding;

(iii) a justification for—

(I) the approval of each fish habitat conservation project; and

(II) the order of priority for funding of each fish habitat conservation project;

(iv) a justification for any rejection or reordering of the priority of each fish habitat conservation project recommended by the Board under section 13404(b) that was based on a factor other than the criteria described in section 13404(c); and

(v) an accounting of expenditures by Federal, State, or local governments, Indian tribes, or other entities to carry out fish habitat conservation projects.

(b) STATUS AND TRENDS REPORT.—Not later than December 31, 2012, and every 5 years thereafter, the Board shall submit to the appropriate congressional committees a report describing the status of aquatic habitats in the United States.

(c) REVISIONS.—Not later than December 31, 2013, and every 5 years thereafter, the Board shall revise the goals and other elements of the National Fish Habitat Action Plan, after consideration of each report required by subsection (b).

**SEC. 13410. REGULATIONS.**

The Secretary may promulgate such regulations as the Secretary determines to be necessary to carry out this part.

**SEC. 13411. EFFECT OF PART.**

(a) WATER RIGHTS.—Nothing in this part—

(1) establishes any express or implied reserved water right in the United States for any purpose;

(2) affects any water right in existence on the date of enactment of this Act;

(3) preempts or affects any State water law or interstate compact governing water; or

(4) affects any Federal or State law in existence on the date of enactment of the Act regarding water quality or water quantity.

(b) STATE AUTHORITY.—Nothing in this part—

(1) affects the authority, jurisdiction, or responsibility of a State to manage, control, or regulate fish and wildlife under the laws and regulations of the State; or

(2) authorizes the Secretary to control or regulate within a State the fishing or hunting of fish and wildlife.

(c) EFFECT ON INDIAN TRIBES.—Nothing in this part abrogates, abridges, affects, modifies, supersedes, or alters any right of an Indian tribe recognized by treaty or any other means, including—

(1) an agreement between the Indian tribe and the United States;

(2) Federal law (including regulations);

(3) an Executive order; or

(4) a judicial decree.

(d) ADJUDICATION OF WATER RIGHTS.—Nothing in this part diminishes or affects the ability of the Secretary to join an adjudication of rights to the use of water pursuant to subsection (a), (b), or (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666).

(e) EFFECT ON OTHER AUTHORITIES.—

(1) ACQUISITION OF LAND AND WATER.—Nothing in this part alters or otherwise affects the authorities, responsibilities, obligations, or powers of the Secretary to acquire land, water, or an interest in land or water under any other provision of law.

(2) PRIVATE PROPERTY PROTECTION.—Nothing in this part permits the use of funds made available to carry out this part to acquire real property or a real property interest without the written consent of each owner of the real property or real property interest.

(3) MITIGATION.—Nothing in this part permits the use of funds made available to carry out this part for fish and wildlife mitigation purposes under—

(A) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(B) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(C) the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4082); or

(D) any other Federal law or court settlement.

**SEC. 13412. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.**

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to—

(1) the Board; or

(2) any Partnership.

**SEC. 13413. FUNDING.**

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) FISH HABITAT CONSERVATION PROJECTS.—There is authorized to be appropriated to the Secretary $7,200,000 for each of fiscal years 2012 through 2016 to provide funds for fish habitat conservation projects approved under section 13404(f), of which 5 percent shall be made available for each fiscal year for projects carried out by Indian tribes.

(2) NATIONAL FISH HABITAT CONSERVATION PARTNERSHIP OFFICE.—

(A) IN GENERAL.—There is authorized to be appropriated to the Secretary for each of fiscal years 2012 through 2016 for the National Fish Habitat Conservation Partnership Office, and to carry out section 13409, an amount equal to 5 percent of the amount appropriated for the applicable fiscal year pursuant to paragraph (1).

(B) REQUIRED TRANSFERS.—The Secretary shall annually transfer to other Federal departments and agencies such percentage of the amounts made available pursuant to subparagraph (A) as is required to support participation by those departments and agencies in the National Fish Habitat Conservation Partnership Office pursuant to the interagency operational plan under section 13405(c).

(3) TECHNICAL AND SCIENTIFIC ASSISTANCE.—There are authorized to be appropriated for each of fiscal years 2012 through 2016 to carry out, and provide technical and scientific assistance under, section 13406—

(A) $500,000 to the Secretary for use by the United States Fish and Wildlife Service;

(B) $500,000 to the Assistant Administrator for use by the National Oceanic and Atmospheric Administration; and

(C) $500,000 to the Secretary for use by the United States Geological Survey.

(4) PLANNING AND ADMINISTRATIVE EXPENSES.—There is authorized to be appropriated to the Secretary for each of fiscal years 2012 through 2016 for use by the Board, the Director, and the Assistant Administrator for planning and administrative expenses an amount equal to 3 percent of the amount appropriated for the applicable fiscal year pursuant to paragraph (1).

(b) AGREEMENTS AND GRANTS.—The Secretary may—

(1) on the recommendation of the Board, and notwithstanding sections 6304 and 6305 of title 31, United States Code, and the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note; Public Law 106–107), enter into a grant agreement, cooperative agreement, or contract with a Partnership or other entity for a fish habitat conservation project or restoration or enhancement project;

(2) apply for, accept, and use a grant from any individual or entity to carry out the purposes of this part; and

(3) make funds available to any Federal department or agency for use by that department or agency to provide grants for any fish habitat protection project, restoration project, or enhancement project that the Secretary determines to be consistent with this part.

(c) DONATIONS.—

(1) IN GENERAL.—The Secretary may—

(A) enter into an agreement with any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code to solicit private donations to carry out the purposes of this part; and

(B) accept donations of funds, property, and services to carry out the purposes of this part.

(2) TREATMENT.—A donation accepted under this section—

(A) shall be considered to be a gift or bequest to, or otherwise for the use of, the United States; and

(B) may be—

(i) used directly by the Secretary; or

(ii) provided to another Federal department or agency through an interagency agreement.

## PART II—DUCK STAMPS

**SEC. 13501. FINDINGS.**

Congress finds that—

(1) Federal Migratory Bird Hunting and Conservation Stamps (commonly known as ''duck stamps'') were created in 1934 as Federal licenses required for hunting migratory waterfowl;

(2)(A) duck stamps are a vital tool for wetland conservation;

(B) 98 percent of the receipts from duck stamp sales are used to acquire important migratory bird breeding, migration, and wintering habitat, which are added to the National Wildlife Refuge System; and

(C) those benefits extend to all wildlife, not just ducks;

(3) since inception, the Federal duck stamp program—

(A) has generated more than $750,000,000;

(B) has preserved more than 5,000,000 acres of wetland and wildlife habitat; and

(C) is considered among the most successful conservation programs ever initiated;

(4)(A) since 1934, when duck stamps cost $1, the price has been increased 7 times to the price in effect on the date of enactment of this Act of $15, which took effect in 1991; and

(B) the price of the duck stamp has not increased since 1991, the longest single period without an increase in program history; and

(5) with the price unchanged during the 20-year period ending on the date of enactment of this Act, duck stamps have lost 40 percent of the value of the duck stamps based on the consumer price index, while the United States Fish and Wildlife Service reports the price of land in targeted wetland areas has tripled from an average of $306 to $1,091 per acre.

**SEC. 13502. COST OF STAMPS.**

Section 2 of the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718b) is amended by striking subsection (b) and inserting the following:

''(b) COST OF STAMPS.—

''(1) IN GENERAL.—For the 3-calendar-year period beginning with calendar year 2013, and for each 3-calendar-year period thereafter, the Secretary, in consultation with the Migratory Bird Conservation Commission, shall establish the amount to be collected under paragraph (2) for each stamp sold under this section.

''(2) COLLECTION OF AMOUNTS.—The United States Postal Service, the Department of the Interior, or any other agent approved by the Department of the Interior shall collect the amount established under paragraph (1) for each stamp sold under this section for a hunting year if the Secretary determines, at any time before February 1 of the calendar year during which the hunting year begins, that all amounts described in paragraph (3) have been obligated for expenditure.

''(3) AMOUNTS.—The amounts described in this paragraph are amounts in the Migratory Bird Conservation Fund that are available for obligation and attributable to—

''(A) amounts appropriated pursuant to this Act for the fiscal year ending in the immediately preceding calendar year; and

''(B) the sale of stamps under this section during that fiscal year.''.

**SEC. 13503. WAIVERS.**

Section 1(a) of the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718a(a)) is amended—

(1) in paragraph (1), by inserting ''and subsection (d)'' after ''paragraph (2)''; and

(2) by adding at the end the following:

''(d) WAIVERS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Migratory Bird Conservation Commission, may waive requirements under this section for such individuals as the Secretary, in consultation with the Migratory Bird Conservation Commission, determines to be appropriate.

''(2) LIMITATION.—In making the determination described in paragraph (1), the Secretary shall grant only those waivers the Secretary determines will have a minimal adverse effect on funds to be deposited in the Migratory Bird Conservation Fund established under section 4(a)(3).''.

**SEC. 13504. PERMANENT ELECTRONIC DUCK STAMPS.**

(a) DEFINITIONS.—In this section:

(1) ACTUAL STAMP.—The term ''actual stamp'' means a Federal migratory-bird hunting and conservation stamp required under the Act of March 16, 1934 (16 U.S.C. 718a et seq.) (popularly known as the ''Duck Stamp Act''), that is printed on paper and sold through the means established by the authority of the Secretary immediately before the date of enactment of this Act.

(2) AUTOMATED LICENSING SYSTEM.—

(A) IN GENERAL.—The term ''automated licensing system'' means an electronic, computerized licensing system used by a State fish and wildlife agency to issue hunting, fishing, and other associated licenses and products.

(B) INCLUSION.—The term ''automated licensing system'' includes a point-of-sale, Internet, telephonic system, or other electronic applications used for a purpose described in subparagraph (A).

(3) ELECTRONIC STAMP.—The term ''electronic stamp'' means an electronic version of an actual stamp that—

(A) is a unique identifier for the individual to whom it is issued;

(B) can be printed on paper or produced through an electronic application with the same indicators as the State endorsement provides;

(C) is issued through a State automated licensing system that is authorized, under State law and by the Secretary under this section, to issue electronic stamps;

(D) is compatible with the hunting licensing system of the State that issues the electronic stamp; and

(E) is described in the State application approved by the Secretary under subsection (c).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) AUTHORITY TO ISSUE ELECTRONIC DUCK STAMPS.—

(1) IN GENERAL.—The Secretary may authorize any State to issue electronic stamps in accordance with this section.

(2) CONSULTATION.—The Secretary shall implement this subsection in consultation with State management agencies.

(c) STATE APPLICATION.—

(1) APPROVAL OF APPLICATION REQUIRED.—The Secretary may not authorize a State to issue electronic stamps under this section unless the Secretary has received and approved an application submitted by the State in accordance with this subsection.

(2) NUMBER OF NEW STATES.—The Secretary may determine the number of new States per year to participate in the electronic stamp program.

(3) CONTENTS OF APPLICATION.—The Secretary may not approve a State application unless the application contains—

(A) a description of the format of the electronic stamp that the State will issue under this section, including identifying features

of the licensee that will be specified on the stamp;

(B) a description of any fee the State will charge for issuance of an electronic stamp;

(C) a description of the process the State will use to account for and transfer to the Secretary the amounts collected by the State that are required to be transferred to the Secretary under the program;

(D) the manner by which the State will transmit electronic stamp customer data to the Secretary;

(E) the manner by which actual stamps will be delivered;

(F) the policies and procedures under which the State will issue duplicate electronic stamps; and

(G) such other policies, procedures, and information as may be reasonably required by the Secretary.

(d) PUBLICATION OF DEADLINES, ELIGIBILITY REQUIREMENTS, AND SELECTION CRITERIA.—Not later than 30 days before the date on which the Secretary begins accepting applications under this section, the Secretary shall publish—

(1) deadlines for submission of applications;

(2) eligibility requirements for submitting applications; and

(3) criteria for approving applications.

(e) STATE OBLIGATIONS AND AUTHORITIES.—

(1) DELIVERY OF ACTUAL STAMP.—The Secretary shall require that each individual to whom a State sells an electronic stamp under this section shall receive an actual stamp—

(A) by not later than the date on which the electronic stamp expires under subsection (f)(3); and

(B) in a manner agreed on by the State and Secretary.

(2) COLLECTION AND TRANSFER OF ELECTRONIC STAMP REVENUE AND CUSTOMER INFORMATION.—

(A) REQUIREMENT TO TRANSMIT.—The Secretary shall require each State authorized to issue electronic stamps to collect and submit to the Secretary in accordance with this subsection—

(i) the first name, last name, and complete mailing address of each individual that purchases an electronic stamp from the State;

(ii) the face value amount of each electronic stamp sold by the State; and

(iii) the amount of the Federal portion of any fee required by the agreement for each stamp sold.

(B) TIME OF TRANSMITTAL.—The Secretary shall require the submission under subparagraph (A) to be made with respect to sales of electronic stamps by a State according to the written agreement between the Secretary and the State agency.

(C) ADDITIONAL FEES NOT AFFECTED.—This subsection shall not apply to the State portion of any fee collected by a State under paragraph (3).

(3) ELECTRONIC STAMP ISSUANCE FEE.—A State authorized to issue electronic stamps may charge a reasonable fee to cover costs incurred by the State and the Department of the Interior in issuing electronic stamps under this section, including costs of delivery of actual stamps.

(4) DUPLICATE ELECTRONIC STAMPS.—A State authorized to issue electronic stamps may issue a duplicate electronic stamp to replace an electronic stamp issued by the State that is lost or damaged.

(5) LIMITATION ON AUTHORITY TO REQUIRE PURCHASE OF STATE LICENSE.—A State may not require that an individual purchase a State hunting license as a condition of issuing an electronic stamp under this section.

(f) ELECTRONIC STAMP REQUIREMENTS; RECOGNITION OF ELECTRONIC STAMP.—

(1) STAMP REQUIREMENTS.—The Secretary shall require an electronic stamp issued by a State under this section—

(A) to have the same format as any other license, validation, or privilege the State issues under the automated licensing system of the State; and

(B) to specify identifying features of the licensee that are adequate to enable Federal, State, and other law enforcement officers to identify the holder.

(2) RECOGNITION OF ELECTRONIC STAMP.—Any electronic stamp issued by a State under this section shall, during the effective period of the electronic stamp—

(A) bestow on the licensee the same privileges as are bestowed by an actual stamp;

(B) be recognized nationally as a valid Federal migratory bird hunting and conservation stamp; and

(C) authorize the licensee to hunt migratory waterfowl in any other State, in accordance with the laws of the other State governing that hunting.

(3) DURATION.—An electronic stamp issued by a State shall be valid for a period agreed to by the State and the Secretary, which shall not exceed 45 days.

(g) TERMINATION OF STATE PARTICIPATION.—The authority of a State to issue electronic stamps under this section may be terminated—

(1) by the Secretary, if the Secretary—

(A) finds that the State has violated any of the terms of the application of the State approved by the Secretary under subsection (c); and

(B) provides to the State written notice of the termination by not later than the date that is 30 days before the date of termination; or

(2) by the State, by providing written notice to the Secretary by not later than the date that is 30 days before the termination date.

## PART III—JOINT VENTURES TO PROTECT MIGRATORY BIRD POPULATIONS

### SEC. 13601. PURPOSES.

The purpose of this part is to authorize the Secretary of the Interior, acting through the Director, to carry out a partnership program called the ''Joint Ventures Program'', in coordination with other Federal agencies with management authority over fish and wildlife resources and the States, to develop, implement, and support innovative, voluntary, cooperative, and effective conservation strategies and conservation actions—

(1) to promote, primarily, sustainable populations of migratory birds, and, secondarily, the fish and wildlife species associated with their habitats;

(2) to encourage stakeholder and government partnerships consistent with the goals of protecting, improving, and restoring habitat;

(3) to establish, implement, and improve science-based migratory bird conservation plans and promote and facilitate broader landscape-level conservation of fish and wildlife habitat; and

(4) to support the goals and objectives of the North American Waterfowl Management Plan and other relevant national and regional, multipartner conservation initiatives, treaties, conventions, agreements, or strategies entered into by the United States, and implemented by the Secretary, that promote the conservation of migratory birds and the habitats of migratory birds.

### SEC. 13602. DEFINITIONS.

In this part:

(1) CONSERVATION ACTION.—The term ''conservation action'' means activities that—

(A) support the protection, restoration, adaptive management, conservation, or enhancement of migratory bird populations, their terrestrial, wetland, marine, or other habitats, and other wildlife species supported by those habitats, including—

(i) biological and geospatial planning;

(ii) landscape and conservation design;

(iii) habitat protection, enhancement, and restoration;

(iv) monitoring and tracking;

(v) applied research; and

(vi) public outreach and education; and

(B) incorporate adaptive management and science-based monitoring, where applicable, to improve outcomes and ensure efficient and effective use of Federal funds.

(2) DIRECTOR.—The term ''Director'' means the Director of the United States Fish and Wildlife Service.

(3) IMPLEMENTATION PLAN.—The term ''Implementation Plan'' means an Implementation Plan approved by the Director under section 13602.

(4) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(5) JOINT VENTURE.—The term ''Joint Venture'' means a self-directed, voluntary partnership, established and conducted for the purposes described in section 13601 and in accordance with section 13603.

(6) MANAGEMENT BOARD.—The term ''Management Board'' means a Joint Venture Management Board established in accordance with section 13603.

(7) MIGRATORY BIRDS.—The term ''migratory birds'' means those species included in the list of migratory birds that appears in section 10.13 of title 50, Code of Federal Regulations, under the authority of the Migratory Bird Treaty Act.

(8) PROGRAM.—The term ''Program'' means the Joint Ventures Program conducted in accordance with this part.

(9) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(10) SERVICE.—The term ''Service'' means the United States Fish and Wildlife Service.

(11) STATE.—The term ''State'' means—

(A) any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands; and

(B) one or more agencies of a State government responsible under State law for managing fish or wildlife resources.

### SEC. 13603. JOINT VENTURES PROGRAM.

(a) IN GENERAL.—The Secretary, acting through the Director, shall carry out a Joint Ventures Program that—

(1) provides financial and technical assistance to support regional migratory bird conservation partnerships;

(2) develops and implements plans to protect and enhance migratory bird populations throughout their range, that are focused on regional landscapes and habitats that support those populations; and

(3) complements and supports activities by the Secretary and the Director to fulfill obligations under—

(A) the Migratory Bird Treaty Act (16 U.S.C. 701 et seq.);

(B) the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.);

(C) the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6101 et seq.);

(D) the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.);

(E) the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901 et seq.); and

(F) the Partners for Fish and Wildlife Act (16 U.S.C. 3771 et seq.).

(b) COORDINATION WITH STATES.—In the administration of the program authorized under this section, the Director shall coordinate and cooperate with the States to fulfill the purposes of this part.

**SEC. 13604. ADMINISTRATION.**

(a) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—The Director may enter into an agreement with eligible partners to achieve the purposes described in section 13601.

(2) ELIGIBLE PARTNERS.—The eligible partners referred to in paragraph (1) are the following:

(A) Federal and State agencies and Indian tribes.

(B) Affected regional and local governments, private landowners, land managers, and other private stakeholders.

(C) Nongovernmental organizations with expertise in bird conservation or fish and wildlife conservation or natural resource and landscape management generally.

(D) Other relevant stakeholders, as determined by the Director.

(b) MANAGEMENT BOARD.—

(1) IN GENERAL.—A partnership agreement for a Joint Venture under this section shall establish a Management Board in accordance with this subsection.

(2) MEMBERSHIP.—The Management Board shall include a diversity of members representing stakeholder interests from the appropriate geographic region, including, as appropriate, representatives from the Service and other Federal agencies that have management authority over fish and wildlife resources on public lands or in the marine environment, or that implement programs that affect migratory bird habitats, and representatives from the States, Indian tribes, and other relevant stakeholders, and may include—

(A) regional governments and Indian tribes;

(B) academia or the scientific community;

(C) nongovernmental landowners or land managers;

(D) nonprofit conservation or other relevant organizations with expertise in migratory bird conservation, or in fish and wildlife conservation generally; and

(E) private organizations with a dedicated interest in conserving migratory birds and their habitats.

(3) FUNCTIONS AND RESPONSIBILITIES.—Subject to applicable Federal and State law, the Management Board shall—

(A) appoint a coordinator for the Joint Venture in consultation with the Director;

(B) identify other full- or part-time administrative and technical non-Federal employees necessary to perform the functions of the Joint Venture and meet objectives specified in the Implementation Plan; and

(C) establish committees or other organizational entities necessary to implement the Implementation Plan in accordance with subsection (c).

(4) USE OF SERVICE AND FEDERAL AGENCY EMPLOYEES.—Subject to the availability of appropriations and upon the request from a Management Board, and after consultation with and approval of the Director, the head of any Federal agency may detail to the Management Board, on a reimbursable or nonreimbursable basis, any agency personnel to assist the Joint Venture in performing its functions under this part.

(c) IMPLEMENTATION PLAN.—

(1) IN GENERAL.—Each Joint Venture Management Board shall develop and maintain an Implementation Plan that shall contain, at a minimum, the following elements:

(A) A strategic framework for migratory bird conservation.

(B) Provisions for effective communication among member participants within the Joint Venture.

(C) A long-term strategy to conduct public outreach and education regarding the purposes and activities of the Joint Venture and activities to regularly communicate to the general public information generated by the Joint Venture.

(D) Coordination with laws and conservation plans that are relevant to migratory birds, and other relevant regional, national, or international initiatives identified by the Director to conserve migratory birds, their habitats, ecological functions, and associated populations of fish and wildlife.

(E) An organizational plan that—

(i) identifies the representative membership of the Management Board and includes procedures for updating the membership of the Management Board as appropriate;

(ii) describes the organizational structure of the Joint Venture, including proposed committees and subcommittees, and procedures for revising and updating the structure, as necessary; and

(iii) provides a strategy to increase stakeholder participation or membership in the Joint Venture.

(F) Procedures to coordinate the development, implementation, oversight, monitoring, tracking, and reporting of conservation actions approved by the Management Board and an evaluation process to determine overall effectiveness of activities undertaken by the Joint Venture.

(2) REVIEW.—A Joint Venture Implementation Plan shall be submitted to the Director for approval.

(3) APPROVAL.—The Director shall approve an Implementation Plan submitted by the Management Board for a Joint Venture if the Director finds that—

(A) implementation of the plan would promote the purposes of this part described in section 13601;

(B) the members of the Joint Venture have demonstrated the capacity to implement conservation actions identified in the Implementation Plan; and

(C) the plan includes coordination with other relevant and active conservation plans or programs within the geographic scope of the Joint Venture.

**SEC. 13605. GRANTS AND OTHER ASSISTANCE.**

(a) IN GENERAL.—Except as provided in subsection (b), and subject to the availability of appropriations, the Director may award financial assistance to implement a Joint Venture through—

(1) support of the activities of the Management Board of the Joint Venture and to pay for necessary administrative costs and services, personnel, and meetings, travel, and other business activities; and

(2) support for specific conservation actions and other activities necessary to carry out the Implementation Plan.

(b) LIMITATION.—A Joint Venture is not eligible for assistance or support authorized in this section unless the Joint Venture is operating under an Implementation Plan approved by the Director under section 13604.

(c) TECHNICAL ASSISTANCE.—The Secretary, through the Director, may provide technical and administrative assistance for implementation of Joint Ventures and the expenditure of financial assistance under this subsection.

(d) ACCEPTANCE AND USE OF DONATIONS.—The Secretary, through the Director, may accept and use donations of funds, gifts, and in-kind contributions to provide assistance under this section.

**SEC. 13606. REPORTING.**

(a) ANNUAL REPORTS BY MANAGEMENT BOARDS.—The Secretary, acting through the Director, shall—

(1) require each Management Board to submit annual reports for all approved Joint Ventures of the Management Board; and

(2) establish guidance for Joint Venture annual reports, including contents and any necessary processes or procedures.

(b) JOINT VENTURE PROGRAM 5-YEAR REVIEWS.—

(1) IN GENERAL.—The Secretary, acting through the Director, shall at 5 years after the date of enactment of this Act and at 5-year intervals thereafter, complete an objective and comprehensive review and evaluation of the Program.

(2) REVIEW CONTENTS.—Each review under this subsection shall include—

(A) an evaluation of the effectiveness of the Program in meeting the purpose of this part specified in section 13601;

(B) an evaluation of all approved Implementation Plans, especially the effectiveness of existing conservation strategies, priorities, and methods to meet the objectives of such plans and fulfill the purpose of this part; and

(C) recommendations to revise the Program or to amend or otherwise revise Implementation Plans to ensure that activities undertaken pursuant to this part address the effects of climate change on migratory bird populations and their habitats, and fish and wildlife habitats, in general.

(3) CONSULTATION.—The Secretary, acting through the Director, in the implementation of this subsection—

(A) shall consult with other appropriate Federal agencies with responsibility for the conservation or management of fish and wildlife habitat and appropriate State agencies; and

(B) may consult with appropriate, Indian tribes, Flyway Councils, or regional conservation organizations, public and private landowners, members of academia and the scientific community, and other nonprofit conservation or private stakeholders.

(4) PUBLIC COMMENT.—The Secretary, through the Director, shall provide for adequate opportunities for general public review and comment of the Program as part of the 5-year evaluations conducted pursuant to this subsection.

**SEC. 13607. RELATIONSHIP TO OTHER AUTHORITIES.**

(a) AUTHORITIES, ETC. OF SECRETARY.—Nothing in this part affects authorities, responsibilities, obligations, or powers of the Secretary under any other Act.

(b) STATE AUTHORITY.—Nothing in this part preempts any provision or enforcement of a State statute or regulation relating to the management of fish and wildlife resources within such State.

**SEC. 13608. FEDERAL ADVISORY COMMITTEE ACT.**

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any boards, committees, or other groups established under this part.

## PART IV—REAUTHORIZATIONS

**SEC. 13701. NORTH AMERICAN WETLANDS CONSERVATION ACT.**

Section 7(c)(5) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)(5)) is amended by striking ''2012'' and inserting ''2017''.

**SEC. 13702. PARTNERS FOR FISH AND WILDLIFE ACT.**

Section 5 of the Partners for Fish and Wildlife Act (16 U.S.C. 3774) is amended by striking ''2011'' and inserting ''2017''.

**SEC. 13703. NATIONAL FISH AND WILDLIFE FOUNDATION REAUTHORIZATION.**

(a) BOARD OF DIRECTORS OF THE FOUNDATION.—

(1) IN GENERAL.—Section 3 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702) is amended—

(A) in subsection (b)—

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

''(2) IN GENERAL.—After consulting with the Secretary of Commerce and considering the recommendations submitted by the Board, the Secretary of the Interior shall appoint 28 Directors who, to the maximum extent practicable, shall—

''(A) be knowledgeable and experienced in matters relating to conservation of fish, wildlife, or other natural resources; and

''(B) represent a balance of expertise in ocean, coastal, freshwater, and terrestrial resource conservation.''; and

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

''(3) TERMS.—Each Director (other than a Director described in paragraph (1)) shall be appointed for a term of 6 years.''; and

(B) in subsection (g)(2)—

(i) in subparagraph (A), by striking ''(A) Officers and employees may not be appointed until the Foundation has sufficient funds to pay them for their service. Officers'' and inserting the following:

''(A) IN GENERAL.—Officers''; and

(ii) by striking subparagraph (B) and inserting the following:

''(B) EXECUTIVE DIRECTOR.—The Foundation shall have an Executive Director who shall be—

''(i) appointed by, and serve at the direction of, the Board as the chief executive officer of the Foundation; and

''(ii) knowledgeable and experienced in matters relating to fish and wildlife conservation.''.

(2) CONFORMING AMENDMENT.—Section 4(a)(1)(B) of the North American Wetlands Conservation Act (16 U.S.C. 4403(a)(1)(B)) is amended by striking ''Secretary of the Board'' and inserting ''Executive Director of the Board''.

(b) RIGHTS AND OBLIGATIONS OF THE FOUNDATION.—Section 4 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703) is amended—

(1) in subsection (c)—

(A) by striking ''(c) POWERS.—To carry out its purposes under'' and inserting the following:

''(c) POWERS.—

''(1) IN GENERAL.—To carry out the purposes described in'';

(B) by redesignating paragraphs (1) through (11) as subparagraphs (A) through (K), respectively, and indenting appropriately;

(C) in subparagraph (D) (as redesignated by subparagraph (B)), by striking ''that are insured by an agency or instrumentality of the United States'' and inserting ''at 1 or more financial institutions that are members of the Federal Deposit Insurance Corporation or the Securities Investment Protection Corporation'';

(D) in subparagraph (E) (as redesignated by subparagraph (B)), by striking ''paragraph (3) or (4)'' and inserting ''subparagraph (C) or (D)'';

(E) in subparagraph (J) (as redesignated by subparagraph (B)), by striking ''; and'' and inserting a semicolon;

(F) by striking subparagraph (K) (as redesignated by subparagraph (B)) and inserting the following:

''(K) to receive and administer restitution and community service payments, amounts for mitigation of impacts to natural resources, and other amounts arising from legal, regulatory, or administrative proceedings, subject to the condition that the amounts are received or administered for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources; and

''(L) to do any and all acts necessary and proper to carry out the purposes of the Foundation.''; and

(G) by striking the undesignated matter at the end and inserting the following:

''(2) TREATMENT OF REAL PROPERTY.—

''(A) IN GENERAL.—For purposes of this Act, an interest in real property shall be treated as including easements or other rights for preservation, conservation, protection, or enhancement by and for the public of natural, scenic, historic, scientific, educational, inspirational, or recreational resources.

''(B) ENCUMBERED REAL PROPERTY.—A gift, devise, or bequest may be accepted by the Foundation even though the gift, devise, or bequest is encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest in the gift, devise, or bequest is for the benefit of the Foundation.

''(3) SAVINGS CLAUSE.—The acceptance and administration of amounts by the Foundation under paragraph (1)(K) does not alter, supersede, or limit any regulatory or statutory requirement associated with those amounts.'';

(2) by striking subsections (f) and (g); and

(3) by redesignating subsections (h) and (i) as subsections (f) and (g), respectively.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 10 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3709) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this Act for each of fiscal years 2012 through 2017—

''(A) $20,000,000 to the Secretary of the Interior;

''(B) $5,000,000 to the Secretary of Agriculture; and

''(C) $5,000,000 to the Secretary of Commerce.'';

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

''(1) AMOUNTS FROM FEDERAL AGENCIES.—

''(A) IN GENERAL.—In addition to the amounts authorized to be appropriated under subsection (a), Federal departments, agencies, or instrumentalities may provide funds to the Foundation, subject to the condition that the amounts are used for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources in accordance with this Act.

''(B) ADVANCES.—Federal departments, agencies, or instrumentalities may advance amounts described in subparagraph (A) to the Foundation in a lump sum without regard to when the expenses for which the amounts are used are incurred.

''(C) MANAGEMENT FEES.—The Foundation may assess and collect fees for the management of amounts received under this paragraph.'';

(B) in paragraph (2)—

(i) in the paragraph heading, by striking ''FUNDS'' and inserting ''AMOUNTS'';

(ii) by striking ''shall be used'' and inserting ''may be used''; and

(iii) by striking ''and State and local government agencies'' and inserting '', State and local government agencies, and other entities''; and

(C) by adding at the end the following:

''(3) ADMINISTRATION OF AMOUNTS.—

''(A) IN GENERAL.—In entering into contracts, agreements, or other partnerships pursuant to this Act, a Federal department, agency, or instrumentality shall have discretion to waive any competitive process of that department, agency, or instrumentality for entering into contracts, agreements, or partnerships with the Foundation if the purpose of the waiver is—

''(i) to address an environmental emergency resulting from a natural or other disaster; or

''(ii) as determined by the head of the applicable Federal department, agency, or instrumentality, to reduce administrative expenses and expedite the conservation and management of fish, wildlife, plants, and other natural resources.

''(B) REPORTS.—The Foundation shall include in the annual report submitted under section 7(b) a description of any use of the authority under subparagraph (A) by a Federal department, agency, or instrumentality in that fiscal year.''; and

(3) by adding at the end the following:

''(d) USE OF GIFTS, DEVISES, OR BEQUESTS OF MONEY OR OTHER PROPERTY.—Any gifts, devises, or bequests of amounts or other property, or any other amounts or other property, transferred to, deposited with, or otherwise in the possession of the Foundation pursuant to this Act, may be made available by the Foundation to Federal departments, agencies, or instrumentalities and may be accepted and expended (or the disposition of the amounts or property directed), without further appropriation, by those Federal departments, agencies, or instrumentalities, subject to the condition that the amounts or property be used for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources.''.

(d) LIMITATION ON AUTHORITY.—Section 11 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3710) is amended by inserting ''exclusive'' before ''authority''.

**SEC. 13704. MULTINATIONAL SPECIES CONSERVATION FUNDS SEMIPOSTAL STAMP.**

Section 2(c) of the Multinational Species Conservation Funds Semipostal Stamp Act of 2010 (Public Law 111–241; 39 U.S.C. 416 note) is amended—

(1) in paragraph (2), by striking ''2 years'' and inserting ''6 years''; and

(2) by adding at the end the following:

''(5) STAMP DEPICTIONS.—Members of the public shall be offered a choice of 5 stamps under this Act, depicting an African elephant or an Asian elephant, a rhinoceros, a tiger, a marine turtle, and a great ape, respectively.''.

**SEC. 13705. MULTINATIONAL SPECIES CONSERVATION FUNDS REAUTHORIZATIONS.**

(a) AFRICAN ELEPHANTS.—Section 2306(a) of the African Elephant Conservation Act (16 U.S.C. 4245(a)) is amended by striking ''2007 through 2012'' and inserting ''2012 through 2017''.

(b) ASIAN ELEPHANTS.—Section 8(a) of the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4266(a)) is amended by striking ''2007 through 2012'' and inserting ''2012 through 2017''.

(c) RHINOCEROS AND TIGERS.—Section 10(a) of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5306(a)) is amended by striking ''2007 through 2012'' and inserting ''2012 through 2017''.

(d) GREAT APES.—Section 6 of the Great Ape Conservation Act of 2000 (16 U.S.C. 6305) is amended by striking ''2006 through 2010'' and inserting ''2012 through 2017''.

(e) MARINE TURTLES.—Section 7 of the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6606) is amended by striking ''2005 through 2009'' and inserting ''2012 through 2017''.

**SEC. 13706. NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT.**

Section 10 of the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6109) is amended to read as follows:

**''SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

''(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $6,500,000 for each of fiscal years 2012 through 2017.

''(b) USE OF FUNDS.—Of the amounts made available under subsection (a) for each fiscal year, not less than 75 percent shall be expended for projects carried out at a location outside of the United States.''.

**SEC. 13707. FEDERAL LAND TRANSACTION FACILITATION ACT.**

The Federal Land Transaction Facilitation Act is amended—

(1) in section 203(2) (43 U.S.C. 2302(2)), by striking ''on the date of enactment of this Act was'' and inserting ''is'';

(2) in section 205 (43 U.S.C. 2304)—

(A) in subsection (a), by striking ''this Act'' and inserting ''the Sportsmen's Act of 2012''; and

(B) in subsection (d), by striking ''11'' and inserting ''21'';

(3) in section 206 (43 U.S.C. 2305), by striking subsection (f); and

(4) in section 207(b) (43 U.S.C. 2306(b))—

(A) in paragraph (1)—

(i) by striking ''96–568'' and inserting ''96–586''; and

(ii) by striking ''; or'' and inserting a semicolon;

(B) in paragraph (2)—

(i) by inserting ''Public Law 105–263;'' before ''112 Stat.''; and

(ii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(3) the White Pine County Conservation, Recreation, and Development Act of 2006 (Public Law 109–432; 120 Stat. 3028);

''(4) the Lincoln County Conservation, Recreation, and Development Act of 2004 (Public Law 108–424; 118 Stat. 2403);

''(5) subtitle F of title I of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 1132 note; Public Law 111–11);

''(6) subtitle O of title I of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 460www note, 1132 note; Public Law 111–11);

''(7) section 2601 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1108); or

''(8) section 2606 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1121).''.

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**SA 2233.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 953, strike line 8 and insert the following:

cy.

''(G) REFERENCE PRICES.—Beginning with the 2014 reinsurance year, the Corporation shall, through the Standard Reinsurance Agreement, calculate the reimbursement of administrative and operating costs using reference prices for covered commodities (as defined in section 1104 of the Agriculture Reform, Food, and Jobs Act of 2012) based on the average prices for the 1999 through 2008 crop years, as determined by the Corporation, in a manner that is budget neutral.''.

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**SA 2234.** Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 829, strike lines 16 through 18 and insert the following:

(1) in subsection (a), by adding at the end the following:

''(3) DEFINITIONS.—In this section:

''(A) CONVENTIONAL BREEDING.—The term 'conventional breeding' means the development of new varieties of an organism through controlled mating and selection without the use of transgenic methods.

''(B) PUBLIC BREED.—The term 'public breed' means a breed that is the commercially available uniform end product of a publicly funded breeding program that—

''(i) has been sufficiently tested to demonstrate improved characteristics and stable performance; and

''(ii) remains in the public domain for research purposes.

''(C) PUBLIC CULTIVAR.—The term 'public cultivar' means a cultivar that is the commercially available uniform end product of a publicly funded breeding program that—

''(i) has been sufficiently tested to demonstrate improved characteristics and stable performance; and

''(ii) remains in the public domain for research purposes.'';

(2) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A)(iii), by striking ''conventional breeding, including cultivar and breed development,'' and inserting ''public cultivar development through conventional breeding with no requirement or preference for the use of marker-assisted or genomic selection methods, including''; and

(ii) in subparagraph (B)(iv), by striking ''conventional breeding, including breed development,'' and inserting ''public breed development through conventional breeding with no requirement or preference for the use of marker-assisted or genomic selection methods, including''; and

(B) in paragraph (11)(A)—

(i) in the matter preceding clause (i), by striking ''2012'' and inserting ''2017'';

(ii) in clause (i), by striking ''and'' at the end;

(iii) in clause (ii), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(iii) not less than 5 percent shall be made available to make grants for research on conventional plant and animal breeding as described in paragraph (2).''; and

On page 829, line 19, strike ''(2)'' and insert ''(3)''.

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**SA 2235.** Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 335, between lines 8 and 9, insert the following:

**SEC. 4011. IMPROVING NUTRITION PILOT PROJECTS.**

Section 17(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2026(b)) is amended by adding at the end the following:

''(4) IMPROVING NUTRITION PILOT PROJECTS.—

''(A) IN GENERAL.—As soon as practicable after the date of enactment of this paragraph, after providing notice but without regard to subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the 'Administrative Procedure Act'), the Secretary shall carry out on a trial basis in 5 or more States pilot projects to test program changes designed—

''(i) to improve the nutrition of supplemental nutrition assistance program beneficiaries; or

''(ii) to assist the beneficiaries in meeting Federal nutrition guidelines.

''(B) PROJECT APPROVAL REQUIREMENTS.—In selecting pilot projects under this paragraph, the Secretary shall give priority to projects—

''(i) that provide a reasonable expectation that—

''(I) under the project, the nutritional value of food purchased with supplemental nutritional assistance program benefits will increase; or

''(II) the project will assist supplemental nutritional assistance program beneficiaries in meeting Federal nutrition guidelines;

''(ii) that will be developed using a public process that shall include—

''(I) representatives of agricultural producers, program beneficiaries, anti-hunger advocates, and public health groups; and

''(II) solicitation of substantial public input for a period of not less than 90 days; and

''(iii) for which the responsible State or local authority guarantees that the State or local authority will maintain cost neutrality for the duration of the project.

''(C) DURATION.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), a pilot project under this paragraph shall be authorized for not more than 5 years.

''(ii) REPORT.—As soon as practicable after the end of the 3-calendar-year period beginning on the date of implementation of a pilot project under this paragraph, the Secretary shall issue a comprehensive report that assesses whether or not the pilot project has met or will meet the stated goals of the project.

''(iii) POSITIVE DETERMINATION.—Only if the Secretary makes a positive determination in the report described in clause (ii) shall the pilot program continue for the remainder of the 5-year authorization.

''(D) WAIVER.—

''(i) IN GENERAL.—Except as provided in clause (ii), the Secretary may waive any requirement of this Act to the extent necessary to carry out a project under this paragraph.

''(ii) LIMITATION.—A waiver granted under clause (i) shall not reduce the eligibility for, or amount of, benefits available to recipients under this Act.

''(iii) REQUIREMENT.—The Secretary shall approve or deny any waiver request made by a State for a project under this paragraph not later than 60 days after the date on which the Secretary receives the request.''.

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**SA 2236.** Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI, add the following:

**SEC. 6203. LOANS UNDER SECTION 502 OF THE HOUSING ACT OF 1949 FOR DWELLINGS WITH WATER CATCHMENT OR CISTERN SYSTEMS.**

Section 502(a) of the Housing Act of 1949 (42 U.S.C. 1472(a)) is amended by adding at the end the following:

''(4) The Secretary may not deny an application for a loan under this section solely on the basis that the application relates to a dwelling with a holding tank, water catchment or cistern system.''.

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**SA 2237.** Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 387, strike lines 4 through 6 and insert the following:

''(2) EXCLUSIONS.—In this subsection, the term ''direct operating loan'' shall not include—

''(A) a loan made to a youth under subsection (d); or

''(B) a local market loan, as defined by the Secretary.

On page 389, line 18, insert ''(including a local market loan, as defined by the Secretary)'' after ''A direct loan''.

On page 393, line 7, strike ''The Secretary'' and insert ''Except as provided in paragraph (3), the Secretary''.

On page 394, between lines 6 and 7, insert the following:

''(3) LOCAL MARKET LOANS.—The Secretary shall not make or guarantee a local market loan (as defined by the Secretary) under this title if the local market loan would result in the total principal indebtedness outstanding at any 1 time for a local market loan made under this title to any 1 borrower to exceed $50,000.

On page 395, line 22, insert ''(including a local market loan)'' after ''a direct loan''.

On page 488, between lines 13 and 14, insert the following:

''(3) LOCAL MARKET LOANS.—In the case of a local market loan made or granted under this title, the Secretary shall contract with community-based nongovernmental organizations or other appropriate partners, as determined by the Secretary—

''(A) to assist borrowers in successfully identifying and meeting local market opportunities;

''(B) to provide technical assistance to borrowers; and

''(C) to provide business management and credit counseling services to borrowers.

On page 523, line 9, insert ''(including a local market loan, as defined by the Secretary)'' before ''under section 3201''.

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**SA 2238.** Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 110, line 7, strike ''no less'' and insert ''more''.

On page 110, line 22, strike ''no less'' and insert ''more''.

On page 112, after line 21, add the following:

(c) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study of the feasibility of establishing 2 classes of milk, a fluid class and a manufacturing class, to replace the 4-class system in effect on the date of enactment of this Act in administering Federal milk marketing orders.

(2) FEDERAL MILK MARKET ORDER REVIEW COMMISSION.—The Secretary may elect to use the Federal Milk Market Order Review Commission established under section 1509(a) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 1726), or documents of the Commission, to conduct all or part of the study.

(3) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study required under this subsection, including any recommendations.

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**SA 2239.** Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 832, line 6, strike ''$50,000,000'' and insert ''$100,000,000''.

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**SA 2240.** Mr. THUNE (for himself, Mr. GRAHAM, Mr. RUBIO, and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. PERMANENT ESTATE TAX REPEAL.**

(a) IN GENERAL.—

(1) ESTATE TAX REPEAL.—Subchapter C of chapter 11 of subtitle B of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

**''SEC. 2210. TERMINATION.**

''(a) IN GENERAL.—Except as provided in subsection (b), this chapter shall not apply to the estates of decedents dying on or after the date of the enactment of the Agriculture Reform, Food, and Jobs Act of 2012.

''(b) CERTAIN DISTRIBUTIONS FROM QUALIFIED DOMESTIC TRUSTS.—In applying section 2056A with respect to the surviving spouse of a decedent dying before the date of the enactment of the Agriculture Reform, Food, and Jobs Act of 2012—

''(1) section 2056A(b)(1)(A) shall not apply to distributions made after the 10-year period beginning on such date, and

''(2) section 2056A(b)(1)(B) shall not apply on or after such date.''.

(2) GENERATION-SKIPPING TRANSFER TAX REPEAL.—Subchapter G of chapter 13 of subtitle B of such Code is amended by adding at the end the following new section:

**''SEC. 2664. TERMINATION.**

''This chapter shall not apply to generation-skipping transfers on or after the date of the enactment of the Agriculture Reform, Food, and Jobs Act of 2012.''.

(3) CONFORMING AMENDMENTS.—

(A) The table of sections for subchapter C of chapter 11 of such Code is amended by adding at the end the following new item:

''Sec. 2210. Termination.''.

(B) The table of sections for subchapter G of chapter 13 of such Code is amended by adding at the end the following new item:

''Sec. 2664. Termination.''.

(4) RESTORATION OF PRE-EGTRRA PROVISIONS NOT APPLICABLE.—

(A) IN GENERAL.—Section 301 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 shall not apply to estates of decedents dying, and transfers made, on or after the date of the enactment of this Act.

(B) EXCEPTION FOR STEPPED-UP BASIS.—Paragraph (1) shall not apply to the provisions of law amended by subtitle E of title V of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to carryover basis at death; other changes taking effect with repeal).

(5) SUNSET NOT APPLICABLE.—

(A) Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to title V of such Act in the case of estates of decedents dying, and transfers made, on or after the date of the enactment of this Act.

(B) Section 304 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 is hereby repealed.

(6) EFFECTIVE DATE.—The amendments made by this subsection shall apply to the estates of decedents dying, and generation-skipping transfers, after the date of the enactment of this Act.

(b) MODIFICATIONS OF GIFT TAX.—

(1) COMPUTATION OF GIFT TAX.—Subsection (a) of section 2502 of the Internal Revenue Code of 1986 is amended to read as follows:

''(a) COMPUTATION OF TAX.—

''(1) IN GENERAL.—The tax imposed by section 2501 for each calendar year shall be an amount equal to the excess of—

''(A) a tentative tax, computed under paragraph (2), on the aggregate sum of the taxable gifts for such calendar year and for each of the preceding calendar periods, over

''(B) a tentative tax, computed under paragraph (2), on the aggregate sum of the taxable gifts for each of the preceding calendar periods.

''(2) RATE SCHEDULE.—

| **''If the amount with respect to which the tentative tax to be computed is:** | **The tentative tax is:** |
|---|---|
| Not over $10,000 | 18% of such amount. |
| Over $10,000 but not over $20,000 | $1,800, plus 20% of the excess over $10,000. |
| Over $20,000 but not over $40,000 | $3,800, plus 22% of the excess over $20,000. |
| Over $40,000 but not over $60,000 | $8,200, plus 24% of the excess over $40,000. |
| Over $60,000 but not over $80,000 | $13,000, plus 26% of the excess over $60,000. |
| Over $80,000 but not over $100,000 | $18,200, plus 28% of the excess over $80,000. |
| Over $100,000 but not over $150,000 | $23,800, plus 30% of the excess over $100,000. |
| Over $150,000 but not over $250,000 | $38,800, plus 32% of the excess of $150,000. |
| Over $250,000 but not over $500,000 | $70,800, plus 34% of the excess over $250,000. |
| Over $500,000 | $155,800, plus 35% of the excess of $500,000.''. |

(2) TREATMENT OF CERTAIN TRANSFERS IN TRUST.—Section 2511 of such Code is amended by adding at the end the following new subsection:

''(c) TREATMENT OF CERTAIN TRANSFERS IN TRUST.—Notwithstanding any other provision of this section and except as provided in regulations, a transfer in trust shall be treated as a taxable gift under section 2503, unless the trust is treated as wholly owned by the donor or the donor's spouse under subpart E of part I of subchapter J of chapter 1.''.

(3) LIFETIME GIFT EXEMPTION.—Paragraph (1) of section 2505(a) of such Code is amended to read as follows:

''(1) the amount of the tentative tax which would be determined under the rate schedule set forth in section 2502(a)(2) if the amount with respect to which such tentative tax is to be computed were $5,000,000, reduced by''.

(4) CONFORMING AMENDMENTS.—

(A) Section 2505(a) of such Code is amended by striking the last sentence.

(B) The heading for section 2505 of such Code is amended by striking ''unified''.

(C) The item in the table of sections for subchapter A of chapter 12 of such Code relating to section 2505 is amended to read as follows:

''Sec. 2505. Credit against gift tax.''.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall apply to gifts made on or after the date of the enactment of this Act.

(6) TRANSITION RULE.—

(A) IN GENERAL.—For purposes of applying sections 1015(d), 2502, and 2505 of the Internal Revenue Code of 1986, the calendar year in which this Act is enacted shall be treated as 2 separate calendar years one of which ends on the day before the date of the enactment of this Act and the other of which begins on such date of enactment.

(B) APPLICATION OF SECTION 2504(b).—For purposes of applying section 2504(b) of the Internal Revenue Code of 1986, the calendar year in which this Act is enacted shall be treated as one preceding calendar period.

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**SA 2241.** Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. HAZARDOUS MATERIAL ENDORSEMENT EXEMPTION.**

(a) EXCLUSION.—Section 5117(d)(1) of title 49, United States Code, is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(D) a service vehicle carrying diesel fuel in quantities of 3,785 liters (1,000 gallons) or less that is—

''(i) driven by a Class A commercial driver's license holder who is a custom harvester, an agricultural retailer, an agricultural business employee, an agricultural cooperative employee, or an agricultural producer; and

''(ii) clearly marked with a placard reading 'Diesel Fuel'.''.

(b) EXEMPTION.—Section 31315(b) of title 49, United States Code, is amended by adding at the end the following:

''(8) HAZARDOUS MATERIALS ENDORSEMENT EXEMPTION.—The Secretary shall exempt all Class A commercial driver's license holders who are custom harvesters, agricultural retailers, agricultural business employees, agricultural cooperative employees, or agricultural producers from the requirement to obtain a hazardous material endorsement under part 383 of title 49, Code of Federal Regulations, while operating a service vehicle carrying diesel fuel in quantities of 3,785 liters (1,000 gallons) or less if the tank containing such fuel is clearly marked with a placard reading 'Diesel Fuel'.''.

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**SA 2242.** Mr. NELSON of Nebraska (for himself, Mr. JOHANNS, Mr. JOHNSON of South Dakota, and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

**SEC. 12207. DEFINITION OF RURAL AREA FOR PURPOSES OF THE HOUSING ACT OF 1949.**

The second sentence of section 520 of the Housing Act of 1949 (42 U.S.C. 1490) is amended—

(1) by striking ''1990 or 2000 decennial census shall continue to be so classified until the receipt of data from the decennial census in the year 2010'' and inserting ''1990, 2000, or 2010 decennial census, and any area deemed to be a 'rural area' for purposes of this title under any other provision of law at any time during the period beginning January 1, 2000, and ending December 31, 2010, shall continue to be so classified until the receipt of data from the decennial census in the year 2020''; and

(2) by striking ''25,000'' and inserting ''35,000''.

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**SA 2243.** Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 335, between lines 8 and 9, insert the following:

**SEC. 4011. PERFORMANCE BONUS PAYMENTS.**

Section 16(d) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(d)) is amended by adding at the end the following:

''(5) USE OF PERFORMANCE BONUS PAYMENTS.—A State agency may use a performance bonus payment received under this subsection only to carry out the program established under this Act, including investments in—

''(A) technology;

''(B) improvements in administration and distribution; and

''(C) actions to prevent fraud, waste, and abuse.''.

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**SA 2244.** Mr. FRANKEN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 312, between lines 3 and 4, insert the following:

**SEC. 4001. ENHANCING SERVICES TO ELDERLY AND INDIVIDUALS WITH DISABILITIES SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM RECIPIENTS.**

(a) IN GENERAL.—Section 3(p) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(p)) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(3) by inserting after paragraph (4) the following:

''(5) a public or private nonprofit food purchasing and delivery service that—

''(A) purchases food for, and delivers the food to, individuals who are—

''(i) unable to shop for food; and

''(ii)(I) not less than 60 years of age; or

''(II) individuals with disabilities;

''(B) clearly notifies the participating household at the time the household places a food order—

''(i) of any delivery fee associated with the food purchase and delivery provided to the household by the service; and

''(ii) that a delivery fee cannot be paid with benefits provided under the supplemental nutrition assistance program; and

''(C) sells food purchased for the household at the price paid by the service for the food without any additional cost markup.''.

(b) ISSUANCE OF REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue regulations that—

(1) establish criteria to identify a food purchasing and delivery service described in section 3(p)(5) of the Food and Nutrition Act of 2008 (as added by subsection (a)(3)); and

(2) establish procedures to ensure that the service—

(A) does not charge more for a food item than the price paid by the service for the food item;

(B) offers food delivery service at no or low cost to households under that Act;

(C) ensures that benefits provided under the supplemental nutrition assistance program are used only to purchase food, as defined in section 3 of that Act (7 U.S.C. 2012);

(D) limits the purchase of food, and the delivery of the food, to households eligible to receive services described in section 3(p)(5) of that Act (as added by subsection (a)(3));

(E) has established adequate safeguards against fraudulent activities, including unauthorized use of electronic benefit cards issued under that Act; and

(F) such other requirements as the Secretary considers appropriate.

(c) LIMITATION.—Before the issuance of regulations under subsection (b), the Secretary may not approve more than 20 food purchasing and delivery services described in section 3(p)(5) of the Food and Nutrition Act of 2008 (as added by subsection (a)(3)) to participate as retail food stores under the supplemental nutrition assistance program.

(d) EFFECTIVE DATE.—This section and the amendments made by this section take effect on the date that is 30 days after the date of the enactment of this Act.

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**SA 2245.** Mr. HARKIN (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 387, strike lines 4 through 6, and insert the following:

''(2) EXCEPTIONS.—In this subsection, the term 'direct operating loan' shall not include—

''(A) a loan made to a youth under subsection (d); or

''(B) a microloan made to a young beginning farmer or rancher or a military veteran farmer, as defined by the Secretary.''.

On page 389, line 18, insert ''(including a microloan, as defined by the Secretary)'' after ''A direct loan''.

On page 393, line 7, strike ''The Secretary'' and insert ''Except as provided in subsection (c), the Secretary''.

On page 394, between lines 16 and 17, insert the following:

''(c) MICROLOANS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary may establish a program to make or guarantee microloans.

''(2) LIMITATION.—The Secretary shall not make or guarantee a microloan under this chapter that would cause the total principal indebtedness outstanding at any 1 time for microloans made under this chapter to any 1 borrower to exceed $35,000.

''(3) APPLICATIONS.—To the maximum extent practicable, the Secretary shall limit the administrative burdens and streamline the application and approval process for microloans under this subsection.

''(4) COOPERATIVE LENDING PROJECTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may contract with community-based and nongovernmental organizations, State entities, or other intermediaries, as the Secretary determines appropriate—

''(i) to make or guarantee a microloan under this subsection; and

''(ii) to provide business, financial, marketing, and credit management services to borrowers.

''(B) REQUIREMENTS.—Before contracting with an entity described in subparagraph (A), the Secretary—

''(i) shall review and approve—

''(I) the loan loss reserve fund for microloans established by the entity; and

''(II) the underwriting standards for microloans of the entity; and

''(ii) establish such other requirements for contracting with the entity as the Secretary determines necessary.

On page 395, line 22, insert ''a microloan to a beginning farmer or rancher or military veteran farmer or'' before ''a direct loan''.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on June 7, 2012, in room SD–628 of the Dirksen Senate Office Building, at 2:15 p.m., to conduct a hearing entitled ''Universal Service Fund Reform: Ensuring a Sustainable and Connected Future for Native Communities.''

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on June 7, 2012, at 10 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 7, 2012, at 11:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 7, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air and Nuclear Safety of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on June 7, 2012, at 10 a.m. in Dirksen 406 to conduct a hearing entitled, ''Recommendations from the Blue Ribbon Commission on America's Nuclear Future for a Consent-Based Approach to Siting Nuclear Waste Storage and Management Facilities.''

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON WESTERN HEMISPHERE, PEACE CORPS, AND GLOBAL NARCOTICS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 7, 2012, at 10:45 a.m., to hold a Western Hemisphere, Peace Corps, and Global Narcotics Affairs subcommittee hearing entitled, ''The Path to Freedom: Countering Repression and Strengthening Civil Society in Cuba.''

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Nathan Engle, a legislative fellow in my office, be granted floor privileges for the consideration of S. 3240.

The ACTING PRESIDENT pro tempore. Without objection, so ordered.

Ms. STABENOW. Mr. President, I ask unanimous consent that the following detailees: Maureen James, Marcus Graham, and Kevin Norton, be granted floor privileges for the duration of the consideration of S. 3240, the Agriculture Reform, Food and Jobs Act.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## TO ALLOW THE CHIEF OF THE FOREST SERVICE TO AWARD CERTAIN CONTRACTS FOR LARGE AIR TANKERS

Mr. REID. I ask unanimous consent that the Agriculture Committee be discharged from further consideration of S. 3261.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3261) to allow the Chief of the Forest Service to award certain contracts for large air tankers.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I rise today to discuss the importance of updating our aging and diminishing fleet of air tankers for emergency wildfire suppression operations.

Congress, the Forest Service, and communities sensitive to fire have known for a decade that we need to retire old air tankers. The tragic deaths this past weekend of two Forest Service contractors in an air tanker crash, and a crash landing at the Minden-Tahoe Airport near Carson City, remind us that further delay is unacceptable.

First, I would like to express my deep sorrow over the deaths of the two Forest Service contractors. Todd Tompkins and Ronnie Edwin Chambless were killed on Sunday as they dropped flame retardant from their P–2V7 heavy air tanker on the White Rock fire. At its highest point, the fire was ravaging nearly 5,000 acres in western Utah and southeastern Nevada, including sagebrush and other grasses in Lincoln County, NV.

Between the two of them, Captain Tompkins and First Officer Chambless had been flying for nearly three decades, including over a decade fighting fires. Captain Tompkins said he liked his work because it helped save communities and lives. Sadly, when he went into that mission on Sunday, he could not save his own.

My State has incurred much devastation from wildfires in recent years. These blazes have destroyed homes, displaced families and businesses, and wiped out both critical wildlife habitat and productive grazing lands.

Of course, without the brave work of the air tanker pilots dispatched to battle these fires, the damage could have been much worse. It is therefore critical that we help ensure these courageous men and women have the tools they need to conduct their important public safety work and preserve their own lives.

Today, we are asking for unanimous consent for Senate passage of legislation introduced by Senators WYDEN and BINGAMAN, S. 3261, which would allow the Forest Service to quickly complete the contracting process for acquiring at least seven new large air tankers to fight wildfires during the 2012 and 2013 fire seasons.

The Forest Service is contending with an aging fleet of aircraft. The agency is working with planes that were designed for combat in the Korean War. Finding parts for tankers a half-century old is difficult, leading them to be grounded for long periods of times when repairs are needed.

The Forest Service has said it needs between 18 and 28 new air tankers for optimal response to emergency response to wildfires. Today, however, there are only nine Forest Service tankers deemed airworthy to fight fires during what is expected to be a terrible fire season. If we act promptly, Congress has the opportunity to help the Forest Service put more tankers into service this year.

To partially satisfy the need for new air tankers, the Forest Service has requested that Congress waive a 30-day

notification requirement before it awards contracts for four large air tankers. S. 3261 would waive this requirement, and allow the Forest Service to deploy these urgently needed air tankers.

There are hundreds of men and women currently fighting the White Rock fire, and I understand they are making progress. We should recognize their bravery, and provide them with the tools needed to do their dangerous job more safely by taking swift action on this issue.

Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3261) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3261

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

**SECTION 1. WAIVER.**

Notwithstanding the last sentence of section 3903(d) of title 41, United States Code, the Chief of the Forest Service may award contracts pursuant to Solicitation Number AG–024B–S–11–9009 for large air tankers earlier than the end of the 30-day period beginning on the date of the notification required under the first sentence of section 3903(d) of that title.

Mr. REID. Mr. President, we less than a week ago had two pilots killed in Nevada fighting fires with one of these airplanes that was old, old, old. I appreciate the work of the Senators who worked so hard to get this done. This is an important piece of legislation that will allow us to do a better job of fighting fires when we have these new large air tankers. The old ones are really, really old.

## MAKING A TECHNICAL CORRECTION IN PUBLIC LAW 112–108

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 5883, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5883) to make a technical correction in Public Law 112–108.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, there be no intervening action or debate, and any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5883) was ordered to a third reading, was read the third time, and passed.

## CORRECTING A TECHNICAL ERROR IN PUBLIC LAW 112–122

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 5890.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5890) to correct a technical error in Public Law 112–122.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, there be no intervening action or debate, and any statements related to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5890) was ordered to a third reading, was read the third time, and passed.

## HONORING THE CONTRIBUTIONS OF THE LATE FANG LIZHI TO THE PEOPLE OF CHINA AND THE CAUSE OF FREEDOM

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 476 and the Senate now proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 476) honoring the contributions of the late Fang Lizhi to the people of China and the cause of freedom.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I do not know of any further debate on this resolution.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on adoption of the resolution.

The resolution (S. Res. 476) was agreed to.

Mr. REID. Mr. President, I ask unanimous consent that the preamble be agreed to, the motions to reconsider be laid upon the table, there be no intervening action or debate, and any statements related to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 476

Whereas the Chinese scientist and democracy advocate, Fang Lizhi, passed away at his home in Tucson, Arizona, on April 6, 2012;

Whereas Fang Lizhi was born in February 1936 in Beijing, China;

Whereas, in 1952, Fang Lizhi enrolled in the Physics Department of Peking University, where he met his future wife, Li Shuxian, and joined the Chinese Communist Party in 1955;

Whereas, in 1955, Fang Lizhi openly questioned the lack of independent thinking in China's education system and, in 1957, drafted a letter with Li Shuxian and other associates proposing political reform;

Whereas Fang Lizhi and Li Shuxian were sentenced to hard labor in 1957 and 1958, respectively, as victims of China's Anti-Rightist Campaign;

Whereas, during China's Cultural Revolution, Fang Lizhi and other faculty members and students of the University of Science and Technology of China were sentenced to ''reeducation through labor'' in a coal mine and a brick factory;

Whereas, after he was again freed from confinement, Fang Lizhi emerged as China's leading astrophysicist and wrote the first modern Chinese-language cosmological studies, although the theory of general relatively contradicted Communist dogma;

Whereas, when he was appointed as vice president of the University of Science and Technology of China in 1984, Fang Lizhi initiated a series of reforms intended to democratize the management of the university and enhance academic freedom;

Whereas, in the winter of 1986–1987, when Chinese students across China protested on behalf of democracy and human rights, the Government of China fired Fang Lizhi from his post at the University of Science and Technology of China and subsequently purged him from the Communist party;

Whereas when, in the wake of his purge, excerpts from Fang Lizhi's speeches were distributed by authorities in China as examples of ''bourgeois liberalism'', his writings became tremendously popular among Chinese students;

Whereas, in February 1989, Fang Lizhi published an essay entitled ''China's Despair and China's Hope'', in which he wrote, ''The road to democracy has already been long and difficult, and is likely to remain difficult for many years to come.'';

Whereas, in this essay, Fang Lizhi also wrote that ''it is precisely because democracy is generated from below—despite the many frustrations and disappointments in our present situation—I still view our future with hope'';

Whereas, in the spring and early summer of 1989, Chinese students gathered in Tiananmen Square to voice their support for democracy, as well as to protest corruption in the Chinese Communist Party;

Whereas Fang Lizhi chose not to join the protests at Tiananmen Square in order to demonstrate that the students were acting autonomously;

Whereas, from June 3 through 4, 1989, the Government of China directed the People's Liberation Army to clear Tiananmen Square of protestors, killing hundreds of students and other civilians in the process;

Whereas, the Government of China issued arrest warrants for Fang Lizhi and Li Shuxian after the Tiananmen Massacre, accusing the pair of engaging in ''counter-revolutionary propaganda'' and denouncing Fang as the ''instigator of chaos which resulted in the deaths of many people'';

Whereas, on June 5, 1989, Fang Lizhi and Li Shuxian were escorted by United States diplomats to the United States Embassy in Beijing;

Whereas, between June 1989 and June 1990, United States diplomatic personnel under the leadership of Ambassador James R. Lilley sheltered Fang Lizhi and Li Shuxian at the United States Embassy in Beijing, despite the many hardships it imposed on the mission;

Whereas, at a November 15, 1989, ceremony awarding Fang Lizhi the Robert F. Kennedy Human Rights Award, Senator Edward M. Kennedy said of Fang ''What Andrei Sakharov was in Moscow, Fang Lizhi became in Beijing.'';

Whereas, on June 25, 1990, Fang Lizhi and Li Shuxian were allowed to leave China for the United Kingdom and then the United States;

Whereas, in 1992, Fang Lizhi received an appointment as a professor of physics at the University of Arizona in Tucson, where he continued his research in astrophysics and advocating for human rights in China;

Whereas, in the years since June 4, 1989, a new generation of Chinese activists has continued the struggle for democracy in their homeland, working ''from below'' to protect the rights of Chinese citizens, to increase the openness of the Chinese political system, and to reduce corruption among public officials; and

Whereas, with the passing of Fang Lizhi, China and the United States have lost a great scientist and one of the most eloquent human rights advocates of the modern era: Now, therefore, be it

*Resolved*, That the Senate—

(1) mourns the loss of Fang Lizhi;

(2) honors the life, scientific contributions, and service of Fang Lizhi to advance the cause of human freedom;

(3) offers the deepest condolences of the Senate to the family and friends of Fang Lizhi; and

(4) stands with the people of China as they strive to improve their way of life and create a government that is truly democratic and respectful of international norms in the area of human rights.

## COMMENDING THE FIREFIGHTERS AND EMERGENCY RESPONSE PERSONNEL—USS ''MIAMI'' FIRE

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 488.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 488) commending the efforts of the firefighters and emergency response personnel of Maine, New Hampshire, Massachusetts, and Connecticut, who came together to extinguish the May 23rd, 2012, fire at Portsmouth Naval Shipyard in Kittery, Maine.

There being no objection, the Senate proceeded to consider the resolution.

Ms. SNOWE. Mr. President, I rise today in support of a resolution recognizing the incredible courage and tremendous skill of the firefighters and emergency first responders who extinguished the fire aboard the USS *Miami* (SSN 755), a Los Angeles-class nuclear-powered submarine, 2 weeks ago at Kittery-Portsmouth Naval Shipyard in Kittery, ME.

At approximately 5:41 p.m. on Wednesday, May 23, 2012, a four-alarm fire broke out inside the forward compartment of the USS *Miami*, which was 3 months into a 20-month overhaul at Kittery-Portsmouth. More than 100 first responders from 23 locations in 4 separate States responded to successfully contain the damage of the blaze and ensure that there was no tragic loss of life.

With nothing less than fearless determination in the face of what has been called the most significant emergency to strike the shipyard in decades, brave firefighters battled zero visibility in tight, obstructed quarters filled with noxious smoke and searing heat for more than 10 hours to limit the fire to the forward quarters of the ship and eventually extinguish it entirely.

Due to the unimaginably challenging space constraints, Kittery-Portsmouth firefighters, in a command capacity and with a succinct collaborative effort with shipyard project team personnel, directed the rotation of multiple waves of groups of only three or four firefighters at a time to descend two stories into the ship to push back the flames. Their critical decision to immediately request assistance from mutual aid communities up and down the coast ensured sufficient manpower to sustain the continuous delivery of roughly three million gallons of water and fire suppressants needed to tame the blaze.

The integration of firefighters from so many seacoast communities was seamless, and should be held as an example of successful inter-jurisdictional cooperation that could be used as a model for similar emergencies in the future. Furthermore, the fact that each and every one of these exceptional firefighters, many of whom had no prior experience aboard a submarine, could walk into such an extraordinarily difficult situation and perform so successfully is a testament to their exhaustive training, remarkable abilities and undaunted valor.

Due to their inspirational efforts, with only seven responders suffering minor injuries, the fire and all subsequent damage was greatly limited, and the ship's nuclear reactor remained safe and stable throughout. After the fire, I had the privilege of meeting some of the firefighters who summoned unparalleled bravery and demonstrated such tenacity and skill in preventing the potentially catastrophic escalation of this fire. These men and women represent the very best of their field, and it is an honor to sponsor this resolution recognizing them.

Indeed, it is largely thanks to these able firefighters and emergency first responders that we have the opportunity to repair the USS *Miami*. When I spoke with Navy Vice Admiral McCoy, commander of Naval Sea Systems Command, after the fire, he said, ''We're determined to send the *Miami* back to sea.''

I join Admiral McCoy in this sentiment. With a growing shortage of submarines in our Navy, it is vital that the USS *Miami* and its crew are able to quickly return to their vital work of keeping this country safe and secure, as the boat has done since its commission in 1990. Indeed, in the coming weeks and months, I look forward to working with the Navy, the men and women of Kittery-Portsmouth Naval Shipyard, and my colleagues in the Senate to ensure that the USS *Miami* is quickly returned to service.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 488) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 488

Whereas the USS Miami (SSN-755), a Los Angeles-class nuclear attack submarine with a crew of 13 officers and 120 enlisted personnel, arrived at Portsmouth Naval Shipyard on March 1, 2012, for 20 months of scheduled maintenance;

Whereas at 5:41 p.m. EDT on May 23, 2012, a 4-alarm fire occurred in the forward compartment of the USS Miami;

Whereas emergency response personnel, led by the firefighters of Portsmouth Naval Shipyard, worked for nearly 10 hours in tight, obstructed quarters filled with noxious smoke and searing heat—

(1) to prevent any loss of life;

(2) to bring the fire under control; and

(3) to successfully prevent the flames from reaching any nuclear material and allow the nuclear reactor to remain unaffected and stable throughout;

Whereas 23 fire departments and emergency response teams from the States of Maine, New Hampshire, Massachusetts, and Connecticut provided mutual aid support during the fire, including—

(1) Pease Air Force Base, New Hampshire;

(2) York County Hazardous Materials Response Team, Maine;

(3) Massachusetts Port Authority Logan Airport Crash Team;

(4) South Portland Fire Department, Maine;

(5) Eliot Fire Department, Maine;

(6) Lee Fire Department, New Hampshire;

(7) Dover Ambulance, New Hampshire;

(8) Portsmouth Fire Department, New Hampshire;

(9) Hampton Fire Department, New Hampshire;

(10) Kittery Fire Department, Maine;

(11) Newcastle Fire Department, New Hampshire;

(12) American Medical Response Ambulance, New Hampshire;

(13) Hanscom Air Force Base, Massachusetts;

(14) Naval Submarine Base New London, Connecticut;

(15) Rye Fire Department, New Hampshire;

(16) Greenland Fire Department, New Hampshire;

(17) York Fire Department, Maine;

(18) Newington Fire Department, Connecticut;

(19) Somersworth Fire Department, New Hampshire;

(20) Rollinsford Fire Department, New Hampshire;

(21) South Berwick Fire Department, Maine;

(22) York Ambulance, Maine; and

(23) York Beach Fire Department, Maine; and

Whereas the heroic actions of those firefighters, emergency response personnel, and the USS Miami crew and shipyard firefighters, 7 of whom suffered minor injuries during the fire, directly prevented catastrophe, and greatly limited the severity of the fire even in the most challenging of environments: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the exemplary and courageous service of all the firefighters and emergency response personnel who came together to successfully contain the fire, minimizing damage to a critical national security asset and ensuring no loss of life; and

(2) expresses support for the Navy and the exceptionally skilled workforce at Portsmouth Naval Shipyard in Kittery, Maine.

## RECOGNIZING THE SPRING PAGE CLASS

Mr. REID. Mr. President, we have worked hard. Not as hard as I would have liked or not as long hours as I would have liked and not as much accomplished as I would have liked, but this is the last day for this group of pages.

These spring pages have been exemplary. I really enjoy walking past them. They are out there studying. They are sitting here as we speak now. I wish I could have been a page. I really do. I think it would have been a great life.

We have done a much better job of making sure they are safe and happy. When I first came here, the pages lived wherever they could find a place to live. Now we have wonderful, safe, secure dormitories for those young men and women. We have a wonderful educational program for them. It is hard; no one can say it is easy. They learn a lot.

Two of my granddaughters have been pages. It changed their lives. They came here not having much interest in government. By the time they left, they had started reading the newspapers—not like the Presiding Officer and I, they did most of their reading online. But they were interested in government, and they still are. I guess they are both seniors now, one at New York University and one at the New School in New York.

One of my prized possessions in my office is a picture of my first two grandchildren, these two little girls, Ryan and Mattie. They are in diapers, and they are hanging onto each other. Then I have a picture right on the same little table of them in their page uniforms. That is a wonderful picture for me. It shows the progress of people's lives. It is really meaningful to me.

I can say this to these pages: This will be an opportunity they will never forget. They will make friends here who will be friends for the rest of their lives. The Presiding Officer and I know the friends you make when you are young are just so important to you as you proceed through life. I still love to pick up the phone and call some of the young men and—in fact, I talked to a woman today with whom I went to school. That is good. That is what life is all about. Make good friends and maintain that friendship.

Now, they have seen some things in the Senate that I think will be in the history books forever. We passed the surface transportation bill, we passed the Violence Against Women Act, we passed the Ex-Im Bank reauthorization, Iran sanctions bill, FDA Modernization Act, postal reform—we passed that.

We are in the process of trying to resolve the student loan debate, but we worked on that. That was something we were able to move on through this body. We did not pass the paycheck fairness—we did not, but we have been involved for a long time on the Paycheck Fairness Act. They have been able to watch all of this, and they can go home and tell their friends and family that they all relate to this stuff all of the time because they know now how the foundation of the government works. They have been here.

So I appreciate personally everything they have done. Senator MCCONNELL is going to speak to the pages tomorrow. I am not going to be able to be here. But he will tell those assembled that he is speaking on our behalf. I appreciate that very much.

## ORDERS FOR MONDAY, JUNE 11, 2012

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, June 11; 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.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. REID. Mr. President, when the Senate convenes on Monday, it will resume consideration of the farm bill postcloture. We are working on an agreement to move that bill forward.

There will be a cloture vote at 5:30, as I announced, on Andrew Hurwitz.

## ADJOURNMENT UNTIL MONDAY, JUNE 11, 2012, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 5:23 p.m., adjourned until Monday, June 11, 2012, at 2 p.m.

## NOMINATIONS

Executive nominations received by the Senate:

### FEDERAL COMMUNICATIONS COMMISSION

MIGNON L. CLYBURN, OF SOUTH CAROLINA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2012. (REAPPOINTMENT)

### UNITED STATES POSTAL SERVICE

STEPHEN CRAWFORD, OF MARYLAND, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 8, 2015, VICE ALAN C. KESSLER, RESIGNED.

### DEPARTMENT OF STATE

JOHN M. KOENIG, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER—COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CYPRUS.

### FOREIGN SERVICE

THE FOLLOWING NAMED PERSONS OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

NARENDRAN CHANMUGAM, OF FLORIDA
JOHN BREVARD CRIHFIELD, OF CALIFORNIA
LAUREL K. FAIN, OF CALIFORNIA
GEOFFREY DISSTON MINOTT, OF PENNSYLVANIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

RICHARD BRIAN AARON, OF FLORIDA
CHRISTOPHER W. ABRAMS, OF WASHINGTON
WRENN F. R. BELLAMY, OF SOUTH DAKOTA
SARAH BLANDING, OF TENNESSEE
KRISTIN MARGARET BORK, OF OREGON
ABBAS BOBBY BUSARI, OF VIRGINIA
CLINT CAVANAUGH, OF NEVADA
ANDREW COLBURN, OF THE DISTRICT OF COLUMBIA
JENNIFER LYNN CROW YANG, OF VIRGINIA
SUKHMINDER K. DOSANJH, OF CALIFORNIA
ALIA EL MOHANDES, OF MARYLAND
LEE KENNETH FORSYTHE, OF FLORIDA
VICTORIA REBECCA GELLIS, OF NEW JERSEY
KOVIA GRATZON-ERSKINE, OF OREGON
WHITNEY ELLEN JENSEN-RODRIGUES, OF CALIFORNIA
HAN KANG, OF CALIFORNIA
JOSHUA THOMAS KARNES, OF MICHIGAN
GEORGE N. KUM, OF VIRGINIA
MICHELLE IRENE LINDER, OF INDIANA
NANCY LOWENTHAL, OF THE DISTRICT OF COLUMBIA
CLIFFORD G. LUBITZ, OF VERMONT
ROBIN FLOOD MARDEUSZ, OF ALASKA
LINDA KAYE MCELROY, OF FLORIDA
JULIA V. NENON, OF VIRGINIA
BENJAMIN K. OWUSU, JR., OF MASSACHUSETTS
ERIK PACIFIC, OF CONNECTICUT
TAMMY L. PALMER, OF VIRGINIA
CHARLES S. POPE, OF VIRGINIA
PAUL J. RICHARDSON, OF NEW HAMPSHIRE
ELIZABETH SANTUCCI, OF NEW YORK
MARIETOU SATIN, OF VIRGINIA
PADMA SHETTY, OF TEXAS
REENA SHUKLA, OF TENNESSEE
XERSES MANECK SIDHWA, OF TEXAS
IZETTA YVONNE SIMMONS, OF SOUTH CAROLINA
WILLIAM KANE SLATER, OF VIRGINIA
STEPHAN SOLAT, OF CALIFORNIA
CARA LEAH THANASSI, OF NEW HAMPSHIRE
TRACY CLAIRE THOMAN, OF OHIO
ALLYSON CLAIRE WAINER, OF CONNECTICUT
ANEDA WARD, OF WASHINGTON
SUSAN ANDREA WOFSY, OF CALIFORNIA
JANA S. WOODEN, OF CALIFORNIA

### IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO SERVE AS THE DIRECTOR OF THE COAST GUARD RESERVE PURSUANT TO TITLE 14, U.S.C., SECTION 53 IN THE GRADE INDICATED:

*To be rear admiral*

RADM STEVEN E. DAY, USCGR

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. MARK F. RAMSAY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE SURGEON GENERAL OF THE AIR FORCE AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 8036 AND 601:

*To be lieutenant general*

MAJ. GEN. THOMAS W. TRAVIS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be major general*

BRIG. GEN. TIMOTHY M. RAY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. DARREN W. MCDEW

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. STANLEY T. KRESGE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be general*

LT. GEN. PAUL J. SELVA

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601 WHICH WAS FORWARDED ON OCTOBER 5, 2011:

*To be lieutenant general*

MAJ. GEN. MICHAEL S. TUCKER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. JAMES L. HUGGINS, JR.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be brigadier general*

COL. BARRY D. KEELING

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be brigadier general*

COL. JOSEPH E. ROONEY

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

REAR ADM. PAUL J. BUSHONG

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS DEPUTY JUDGE ADVOCATE GENERAL OF THE NAVY AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5149:

*To be rear admiral*

REAR ADM. (LH) JAMES W. CRAWFORD III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY AND FOR APPOINTMENT AS THE JUDGE ADVOCATE GENERAL OF THE NAVY UNDER TITLE 10, U.S.C., SECTION 5148:

*To be vice admiral*

REAR ADM. NANETTE M. DERENZI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

REAR ADM. MICHAEL J. CONNOR

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

JOSEPH F. JARRARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY AS A CHAPLAIN UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be major*

KEVIN J. PARK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS A CHAPLAIN UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be major*

CHARLES R. PERRY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be colonel*

ANTHONY P. DIGIACOMO II
ALAN K. DOROW
BRYAN J. GRENON
PHILLIP A. HOGUE
THEODORE J. HULL
BRUCE C. R. LINTON
ALONZO R. LUCE
TRAVIS C. RICHARDS
JEFFREY M. SABATINE
TIMOTHY J. THURSTON
MICHAEL P. WEITZEL
RICHARD D. WILSON

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 716:

*To be lieutenant commander*

DARREN W. MURPHY

## WITHDRAWALS

Executive Message transmitted by the President to the Senate on June 7, 2012 withdrawing from further Senate consideration the following nominations:

TERENCE FRANCIS FLYNN, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2015, VICE PETER SCHAUMBER, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON JANUARY 5, 2011.

ROSLYN ANN MAZER, OF MARYLAND, TO BE INSPECTOR GENERAL, DEPARTMENT OF HOMELAND SECURITY, VICE RICHARD L. SKINNER, RESIGNED, WHICH WAS SENT TO THE SENATE ON JULY 21, 2011.

TERENCE FRANCIS FLYNN, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2015, VICE PETER SCHAUMBER, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE, WHICH WAS SENT TO THE SENATE ON FEBRUARY 13, 2012.

# EXTENSIONS OF REMARKS

## PERSONAL EXPLANATION

### HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Ms. SPEIER. Mr. Speaker, I would like to state that my vote against the Tipton amendment to the Energy and Water Development and Related Agencies Appropriations Act, 2013 was made in error. I support this amendment, which prohibits agencies funded under the bill from conducting surveys in which money is included or provided for the benefit of the survey responder. The amendment does not prohibit federal agencies form gathering public input or sending out surveys, which is a necessary process, but I agree with the author of the amendment that we must put an end to the unethical practice of giving away taxpayer dollars to solicit a desired response.

## IN RECOGNITION OF MR. JAMES D. LINDSEY

### HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. SESSIONS. Mr. Speaker, I rise today to recognize my dear friend, Mr. James D. Lindsey, who is retiring as President and Chief Executive Officer of First State Bank.

Mr. Lindsey attended North Texas University and the Stonier Graduate School of Banking. He began his career with First State Bank—Mesquite in 1971, starting in the bookkeeping department. His successful career is the result of his hard work and dedication; he served in various areas of the bank and literally worked his way to the top. He is a well-known and highly respected leader in the banking profession and the broader Mesquite community. In 2002, he received the prestigious Chairman's Award from the Independent Bankers Association of Texas and in 2008, was elected to the Board of Directors of The Independent Bankers Bank. Mr. Lindsey also served as Director for the Mesquite Economic Development Foundation and was appointed to the Texas Banking Commissioner's Council. First State Bank and the banking profession have greatly benefitted from his work ethic, vision, and leadership. He is a man of great character who firmly abides by his principles. I am honored to call him my friend and know that Mr. Lindsey will be greatly missed.

Mr. Speaker, I ask my esteemed colleagues join me in congratulating Mr. Lindsey on his retirement. I wish him all the best in his future endeavors. May God continue to bless him and his family.

## BROADCAST EMERGENCY PREPAREDNESS

### HON. TERRI A. SEWELL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Ms. SEWELL. Mr. Speaker, June 1st marked the official start to this year's hurricane season. As the hurricane season begins and tornado season continues, we are in an even greater need for life saving communications and technology. I want to take this time to thank our local TV and radio stations for the invaluable lifesaving work they do during times of emergencies.

Radio and television stations are our nation's most reliable network for distributing critical emergency information. Even when the electricity goes out and internet networks and cell phone towers go down, over-the-air broadcasting continues to air. This was never more evident than in the wake of the April 27, 2011 tornadoes and storms that ravaged the great state of Alabama.

Last year, four months into my first term in office, the State of Alabama experienced unimaginable tragedy as we were ravaged by the force of tornadoes and storms. Nine of the 12 counties in my district experienced tremendous damage and loss. These devastating storms destroyed many of our homes, churches, schools and businesses. 253 lives were lost including 76 from the 7th Congressional District.

There is no doubt that broadcasters act as first responders in times of crisis. Before and after these devastating tornadoes, broadcasters remained on the air uninterrupted, providing local communities with vital, lifesaving information. Had it not been for our local broadcasters providing critical information around the clock, many more lives could have been loss. Americans depend on their local TV and radio stations when unforeseen emergencies arise.

If we are to improve disaster preparedness in our nation, we must ensure that local stations have effective tools to communicate with the public during these times of crisis. This can be done by readily equipping mobile devices with broadcast radio for emergency preparedness. Cell phones are ubiquitous and broadcast radio would provide instant emergency information on the go to the widest possible audience during times of emergencies.

The ability to have access to lifesaving information is critical and has very serious homeland security implications. For example, during last year's 5.8 Virginia earthquake, cell phone networks in the Washington, D.C. area became overloaded and inoperable.

This should never be the case. Congress, the Federal Emergency Management Agency, the Federal Communications Commission and the mobile phone industry should consider ways to expand the availability of broadcast radio service in mobile phones to keep Americans safe.

I look forward to working with these various agencies to ensure that all Americans have the next generation of emergency warnings and information.

Again, thank you to local broadcasters for providing lifesaving coverage during times of emergencies and crisis situations around the clock.

## IN HONOR OF MICHAEL CARROLL, CHIEF EXECUTIVE OFFICER OF THE AMERICAN RED CROSS OF GREATER COLUMBUS

### HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. TIBERI. Mr. Speaker, I am pleased to congratulate Michael Carroll, Chief Executive Officer of the American Red Cross of Greater Columbus for 34 years of outstanding service.

For the past three and a half decades, the citizens of the Greater Columbus area have received assistance and comfort from their friends and neighbors through the work of this fine leader. Since 1995, Mr. Carroll has served as CEO of the American Red Cross of Greater Columbus covering Fayette, Franklin, Madison and Pickaway counties. In 2007, he was appointed Regional CEO for the Central-Southeast Ohio Region comprised of 16 Red Cross chapters covering 26 Ohio counties.

His talents are so well respected that he has often been called upon to aid other areas of the country as well. Since 1979, Mr. Carroll has served in field leadership roles on more than 20 major disaster operations in 12 states including Hurricane Hugo in 1989. In September 2004, he served as Deputy Director of the Hurricane Frances relief operation in Florida and, in September 2005, was Director of Hurricane Katrina relief for Texas, Arkansas, and Oklahoma.

The Red Cross is an internationally recognized symbol of humanitarianism and hope, and Michael Carroll has done much to burnish that reputation by easing the pain and sorrow of disaster victims across our community and around the nation. In short, Michael Carroll has made our community a safer and better place to live.

I offer my best wishes to him and his family for a wonderful retirement. His legacy will stand as an example for all, and he will be dearly missed

## VICTORIA STAVE

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Victoria Stave for receiving the Arvada Wheat Ridge Service

Ambassadors for Youth award. Victoria Stave is an 11th grader at Arvada West High and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Victoria Stave is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Victoria Stave for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

## DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2013

SPEECH OF

### HON. JEFF FLAKE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 6, 2012*

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 5855) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2013, and for other purposes:

Mr. FLAKE. Mr. Chair, I rise to offer an amendment, designated as Flake #1.

This amendment is straight forward; it would reduce funding for the Office of the Secretary by $50,000 and transfer a revenue neutral amount to U.S. Customs and Border Protection salaries and expenses.

This is a nominal cut from the Secretary's nearly $122 million in funding, again only slightly more than the Committee provided for the Secretary to spend on receptions next year.

I offer this amendment as a means of bringing an important issue to both Congress' and more importantly the Secretary's attention.

Let me start by thanking the Chairman and Ranking Member for their attention to border issues in this bill as well as the staff's assistance in bringing this amendment to the floor.

In the report accompanying last year's Homeland Security appropriations bill, the Committee directed the Department to provide a ''resource allocation and staffing model for the ports of entry.''

As would appear to be the trend with Congressional requests for information, answers to questions, or budget documentation, the Department either failed to prioritize or simply ignored this request and it is reiterated in this year's report.

The committee report notes: ''As the Committee has not yet received the CBP workload staffing allocation model, the Committee cannot assess CBP's identified needs.''

As we are all no doubt aware, funding for border security efforts between the ports of entry has increased exponentially over recent years, while the budget for Customs and Border Patrol officers at the ports has not kept pace.

As I travel the border region, in addition to concerns regarding border security and the changing nature of threats between the ports, I hear persistent concerns that our ports of entry are understaffed.

Those serving at the ports of entry have at least a dual role, facilitating legitimate trade and travel safely while also preventing unauthorized people and goods to cross the border.

I could talk at length about the benefits of cross-border trade for communities along our borders and beyond, but let me cite just a couple of examples.

Focusing on the southern border, Mexico is the third largest U.S. trading partner and the second largest U.S. export market, with a reported six million U.S. jobs depending on trade with Mexico.

The executive director of the Arizona-Mexico Commission was recently quoted as saying ''Arizona's border is the gateway for some $26 billion worth of imports and exports and some 44 million people each year.''

A recent Maricopa Association of Governments release cited that legal Mexican visitors spend roughly $7.3 million a day in Arizona and Arizona business exported nearly $6 billion in goods in 2011.

Benefits of trade along the southern border are certainly not limited to border communities.

For example, the Mariposa Port of Entry in Nogales is one of the largest ports of entry for fruit and vegetables in the U.S. In 2011, the U.S. imported 13.4 billion pounds of fresh produce grown in Mexico and more than a third of that entered through Nogales.

Clearly, a secure border and economic stability in the border region are not mutually exclusive and main component of success toward that goal is the right staffing levels.

I can assure you that I am the last member that would support writing any agency a blank check. The process of the Appropriations Committee performing the necessary oversight and accurately reviewing port of entry staffing needs begins with the Department delivering the staffing model and information that was requested a year ago.

I thank the chairman and urge adoption of the amendment.

## PERSONAL EXPLANATION

### HON. MARTIN HEINRICH

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. HEINRICH. Mr. Speaker, I unfortunately missed four votes today, which included rollcall votes 315, 316, 317 and 318.

If I had been present, I would have cast the following votes on amendments to H.R. 5325, Energy and Water Development and Related Agencies Appropriations Act, 2013: rollcall vote 315 (McClintock Amendment #3): ''yea,'' rollcall vote 316 (Hirono Amendment): ''yea,'' rollcall vote 317 (McClintock Amendment #5): ''no,'' rollcall vote 318 (Matheson Amendment): ''yea.''

## INTRODUCING THE STOP NON-NATIVE ANIMALS FROM KILLING ENDANGERED SPECIES ACT

### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce the Stopping Non-Native Animals from Killing Endangered Species, or SNAKES, Act. This bill implements a successful pilot program in which specially trained dogs help to detect the Burmese python and other constrictor reptiles ravaging the Everglades ecosystem. The bill will fund a program to prevent the snakes from establishing sustainable populations in new areas as well as to control the snakes that are already out there.

I am a Florida native and travel across the Everglades frequently. Until recently, there was rarely a time that I would drive through the Everglades and not see animals like wading birds and rabbits along the roadside. Since these snakes have spread over the last few years, however, I rarely see any animals at all anymore. In fact, recent studies have shown the mammal population in the Everglades has declined over 90 percent in some cases.

This drastic reduction in numbers is the result of the Burmese python and other constrictor reptiles wreaking havoc throughout the Everglades, obliterating endangered and local wildlife, and upsetting the delicate balance of the ecosystem. The snakes in Florida are contained to a relatively limited area right now, but they will not remain that way. Experts anticipate that the snakes may expand beyond the Everglades, or escape from pet-owners and breeders in other parts of the country to then possibly establish new breeding populations there.

I am sad to say that while there is no proverbial silver bullet to completely eradicate the snakes already in the Everglades, we do have some tools at our disposal that can stop them from spreading. This bill today implements one such technique that has already recently proved its success in the field.

Auburn University EcoDogs, working along with Federal, State, county, tribal government entities, universities, and non-profit stakeholders, recently trained dogs for a study to assess whether detection dogs were an effective tool for python management efforts. As it turned out, dog search teams can cover more distance and have a higher accuracy rate in particular scenarios than human searchers.

The team consisted of two dogs, named Jake and Ivy, a dog handler and a snake handler. It performed free-ranging python searches on a variety of State, Federal and tribal lands. In controlled searches, dogs performed approximately 2.5 times faster than human searchers, in addition to having a significantly higher success rate of 92 percent during controlled canal searches, when compared to the human search team of 62 percent. The SNAKES Act authorizes the Secretary of the Interior to work with the stakeholders to establish this detection program.

These specially trained dogs can also respond to specific python sightings throughout the year. A rapid response team will take a dog directly to the site where a python was recently spotted in order to track the snake from

there. In addition to organized searches, this will help manage and control the spread of pythons and other large constrictor snakes.

I would not be introducing this bill if the dogs were ever in any danger, Mr. Speaker. At no point do the dogs approach the snakes. Instead, once a dog indicates that a snake is in the area, it is taken to a safe distance while a human handler captures the snake.

Unfortunately, these snakes have already destroyed much the wildlife of the Everglades. This program alone will not bring them back. Nor will it completely eradicate the snakes that are already breeding, as there are simply too many snakes that are too widespread.

However, these dogs are useful for keeping the snakes where they are and stopping them from spreading to other areas. We should, therefore, quickly establish a full-time dog detection team so that we have the ability to respond with the best tools available in order to prevent what happened in the Everglades from happening anywhere else in the United States.

## TEA ANDERSON

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Tea Anderson for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Tea Anderson is an 8th grader at Moore Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Tea Anderson is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Tea Anderson for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

## PERSONAL EXPLANATION

### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. MILLER of Florida. Mr. Speaker, due to being unavoidably detained, I missed the following rollcall vote: No. 357 on June 6, 2012. If present, I would have voted: rollcall vote No. 357—Bishop (NY) Amendment, "nay."

## TRIBUTE TO THE TOWN OF OAKHAM ON THE OCCASION OF THE 250TH ANNIVERSARY OF ITS FOUNDING

### HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. OLVER. Mr. Speaker, I rise today to recognize the 250th anniversary of the town of Oakham, Massachusetts. Beginning in 1742, Scotch-Irish Presbyterians began to buy land in what was then called "Rutland West Wing" in the hopes of incorporating their own town under a Presbyterian form of government. After two failed attempts, Oakham was finally incorporated on June 7, 1762.

In early colonial times, the present town of Oakham was a virgin forest occupied by bands of Nipmuk Indians who made seasonal camps in the area for hunting, fishing, and agricultural purposes. During King Philip's War (1675–1676) a 150 square mile area known as Naquag, which includes the land presently known as Oakham, became a stronghold for Native Americans. The Native Americans were on the losing end of the conflict and many of them then left central Massachusetts looking for new homes. Those who remained were forced to live in four "Indian Towns" under close supervision by the colonists. This left the entire area of Naquag open for colonial expansion.

In 1686, five Nashaway Indians, who claimed ownership of Naquag, sold the territory to a group of land speculators from Lancaster, Massachusetts for "25 pounds hard cash." By 1722, Scotch-Irish immigrants began to buy lots in the area and the town of Rutland was soon incorporated with a Congregational minister. Oakham's founding would be another 40 years in coming.

By the beginning of the Revolutionary War, Oakham's population had grown to nearly 600 people. The town was strongly pro-revolution so loyalists in town were forced to leave their property behind and flee to British strongholds in Boston and Canada. The town raised a company of Grenadier to prevent a British attack on Boston during the War of 1812 and also sent nearly 100 volunteers to serve during the Civil War. Nearly one fifth of these soldiers would not live to see Oakham again.

The sixth Massachusetts Turnpike was built between Pelham and Shrewsbury in 1799. This 43 miles toll road followed Old Turnpike Road in Oakham and remained in service until 1828, making travel to and from Oakham much easier and faster. In 1877, The Central Massachusetts Railroad opened providing quick transportation for both people and goods throughout the northeast. A depot in town helped Oakham grow and prosper, but by the early 20th century population began to decline as people began to leave farms and move to industrial centers.

Today, Oakham has settled into a quiet bedroom community. Recreation has become Oakham's economic focal point with two campgrounds and an 18-hole golf course. An abundance of state land in town provides open space that can be enjoyed by residents and visitors all year long.

From ice fishing, cross country skiing, and snowmobiling in the winters to hiking, biking, horseback riding, and hunting in the warmer months, Oakham is a relaxing retreat for many.

On the occasion of the 250th anniversary of the town of Oakham, Massachusetts, I congratulate its citizens and praise their dedication and perseverance throughout the town's history. It has been an honor to represent this great community and I wish the people of Oakham a healthy and prosperous future.

## SVETLANA MIKHAYLOVA

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Svetlana Mikhaylova for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Svetlana Mikhaylova is an 8th grader at Drake Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Svetlana Mikhaylova is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Svetlana Mikhaylova for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

## CONGRATULATING THE UNIVERSITY OF CALIFORNIA, IRVINE'S MEN'S VOLLEYBALL TEAM

### HON. JOHN CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. CAMPBELL. Mr. Speaker, I would like to congratulate the University of California, Irvine's (UCI's) men's volleyball team for winning the 2012 National Collegiate Athletic Association (NCAA) Division I Men's Volleyball National Championship. This is UC Irvine's third national championship in six years, which makes them one of only five programs to have won more than two men's volleyball titles.

UC Irvine won the 2012 championship with a 3–0 (25–22, 34–32, 26–24) victory over USC. Senior Carson Clark was named the Most Outstanding Player (MOP) after recording a match-high 22 kills, hitting .465, and added eight digs and three service aces. Clark joined Ryan Ammerman (2009) and Matt Webber (2007) as the only Anteater players to have earned MOP distinction. Kevin Tillie, Chris Austin, and Connor Hughes were named to the All-Tournament team along with Clark.

The Anteaters concluded the year ranked No. 1 in the country in the final AVCA Coaches Poll. The Anteaters were ranked No. 1 or No. 2 all but two weeks this season. UCI was ranked No. 1 for five weeks this season which was the most weeks at the top of the poll by any school in the country this year. The Anteaters have been ranked No. 1 in five different

years (2003, 2006, 2007, 2009, 2012) under head coach John Speraw. Additionally, the Anteaters have been ranked in the nation's top 10 for 118 consecutive weeks, including No. 1 for 26 of those weeks.

UCI ended the year 26–5 overall, which ties Lewis (26–11) for the most wins in the country this season. The Anteaters finished in a tie for second in the MPSF with a 17–5 record. The 26 wins is the fourth most in school history, while the 17 MPSF wins were tied for third most in school history. UCI was 9–4 at home, 12–1 on the road and 5–0 on neutral courts. They also ranked fourth in the country in attendance with 1,224 fans per match.

Furthermore, UCI captured the 2012 MPSF title with back-to-back 3–2 victories over No. 1 USC and second-seed Stanford. UCI topped fifth-seed UCLA, 3–1 in the quarterfinals. Senior Carson Clark was named the tournament's Most Outstanding Player, while Kevin Tillie and Dan McDonnell were selected to the all-tournament team. It was the second time in program history (2007) that UCI won the MPSF Championship title.

Carson Clark and Kevin Tillie were named first team American Volleyball Coaches Association All-America. It is only the second time in program history that UCI has had two players on the first team in the same season. UCI ranked first in the country in hitting percentage (.354), assists (13.32) and win/loss percentage (.839). The Anteaters ranked second in kills (14.0) and aces (1.67). Carson Clark was third in the nation with a 0.55 ace average. Jeremy Dejno was ranked 11th nationally with a 0.38 mark. Kevin Tillie ranked third in the country in hitting percentage (.387), while Dejno is sixth (.347) and Clark was 13th (.324). Tillie was also 11th in kills per set (3.80) and Clark is 12th (3.73).

Additionally, Carson Clark became the first player in MPSF history to be named to the league's first-team all four years. He also made UCI history becoming the first Anteater to earn AVCA All-American all four years. Clark was named first team All-American as a senior and sophomore, while garnering second team as a freshman and junior. Kevin Tillie and Jeremy Dejno joined Clark on the All-Mountain Pacific Sports Federation first-team, while Dan McDonnell was a second team All-MPSF honoree. It is the first time in the program's history that three Anteaters have been selected to the MPSF first team in the same year. UC Irvine joins UCLA as the only two teams to have three first-team MPSF honorees. This is the first MPSF honor for Tillie, Dejno and McDonnell.

Senior Carson Clark left his mark in the UCI record books. This season he became UCI career leader in kills (1,861), attack attempts (4,042) and aces (183). He recorded 61 service aces this season, bettering his previous school mark of 50 set in 2010.

Kevin Tillie was the last Sports Imports/AVCA National Player of the Week (Apr. 24) honoree after his 20-kill performance against UCLA in the MPSF quarterfinals. It is Tillie's second national award this year, taking the honor on Jan. 31 as well. Carson Clark was named Sports Imports/AVCA Men's Division I–II National Player of the Week on Mar. 19. UCI players have been named a Sports Imports/AVCA Player of the Week 20 times overall with Clark also garnering the award on Apr. 4, 2011 and Apr. 12, 2010. This year, Clark was named MPSF Molten Player of the Week on Mar. 12, while Tillie earned it on Mar. 5 and Jeremy Dejno was recognized on Jan. 9.

Congratulations to head coach, John Speraw, and the men's volleyball team of the University of California, Irvine, for winning the 2012 NCAA Division I Men's Volleyball National Championship. I am proud to recognize the achievements of the players, coaches, students, alumni, and staff who were instrumental in helping the University of California, Irvine win the national title.

It is an honor to represent UC Irvine, under the leadership of Chancellor Michael V. Drake, M.D., as it continues to establish itself as a world-class research university, and as one of the top universities in the Nation.

## CONGRESSWOMAN HONORS THE CAREER OF CHIEF MASTER SERGEANT JOHN A. ELDER, RETIRING FROM THE UNITED STATES AIR FORCE

### HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mrs. McMORRIS RODGERS. Mr. Speaker, I rise today to recognize the exemplary career of Chief Master Sergeant John A. Elder, a great military leader in the United States Air Force. After thirty years of exceptional service to the Air Force, we celebrate Chief Elder's retirement and reflect back on a career of distinguished accomplishments.

Originally from South Boston, Virginia, in July 1982, Chief Elder enlisted in the Air Force and reported for Basic Military Training to Lackland Air Force Base, Texas. After graduating from the Biomedical Equipment Maintenance Technician (BMET) course and completing his first operational assignment at Blytheville Air Force Base, Arkansas, he relocated to the Department of Defense's largest contingency hospital located at Royal Air Force Little Rissington in England. There, he played an integral role in establishing the first Contingency Medical Equipment Repair Center which serviced all contingency hospitals in Europe.

In 1990, Chief Elder was selected as an Air Training Command technical training instructor at Sheppard Air Force Base, Texas. There, he taught basic and advanced BMET courses before being selected as a curriculum developer. Chief Elder was then selected as the Air Force representative for tri-service consolidation of BMET training. He was instrumental in the successful consolidation of Army, Navy and Air Force BMET training and the design and construction of a new, first of its kind, $16 million Department of Defense BMET training facility.

During his assignment at Sheppard Air Force Base, Chief Elder received several honors including Air Education and Training Command READY Augmenter of the Year, 882d Training Group NCO of the Year, 384th Training Squadron NCO of the Year, and DoD Biomedical Equipment Technician of the Year. Additionally, Chief Elder earned his international certification as a Biomedical Equipment Technician and was awarded the Airman's Medal for heroism for his lifesaving actions during an off-base house fire.

After serving in Alabama and Virginia, in 2007, Chief Elder arrived at Fairchild Air Force Base in Spokane, Washington to serve as the 92d Medical Group superintendent. One of Chief Elder's most notable achievements was during his time as superintendent of the 332d Expeditionary Medical Group, Joint Base Balad, Iraq, where he led 357 members at the Air Force Theater Hospital to a 98% survival rate during combat operations. His leadership and dedication was instrumental to unit moral and the medical care rendered to our wounded warriors.

Additionally, since his arrival at Fairchild Air Force Base, the 92d Medical Group has been recognized with numerous Air Force, Command and individual awards. Chief Elder also provides strategic guidance, direction and leadership on all issues affecting the professional development, mentorship, and proper utilization of assigned enlisted personnel in support of 30,000 beneficiaries in the greater Spokane area.

So, today I urge all of my colleagues to join me in thanking Chief Master Sergeant John A. Elder for his service and celebrating his lifelong commitment to the United States Air Force and the 92d Medical Group at Fairchild Air Force Base. We are all grateful for John's unwavering dedication to our country and for all of his accomplishments—he is a true American patriot.

## IN RECOGNITION OF THE SUFFIELD HALL OF HONOR INDUCTEES

### HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. COURTNEY. Mr. Speaker, I rise today to extend my sincerest congratulations to the six distinguished graduates of Suffield High School who were inducted into the Suffield Foundation for Excellent Schools' 2012 Hall of Honor on May 18, 2012. The Hall of Honor is a highly competitive program established to put the spotlight on graduates of Suffield High School who have achieved noteworthy success in their careers in very diverse endeavors. It is no coincidence that such an impressive group came from Suffield High School, a school that actively recruits high quality teachers and staff members. The town of Suffield itself has a proud tradition of supporting the high quality learning environment at Suffield High School, which has been essential to its success. The Hall of Fame is a part of that effort. It seeks not only to celebrate past graduates but also seeks to give students who are presently enrolled or who will be enrolled, inspiration and role models for their own studies and future careers.

Mr. Charles R. Waterman is a nuclear power and turnaround expert, who served as President of Electro Mechanics, Sensor Engineering, and Delas-Weir. Ms. Robbi Gorman D'Allessandro is a writer of stage and screen plays, and founded the Artist's Donor Initiative to encourage artists to donate blood and bone marrow. Mr. James Remington currently serves as the Lieutenant Commander of the U.S. Navy and has supported U.S. missions in Kosovo, Bosnia and Herzegovina, Afghanistan, and Iraq. Mr. Toby J. Moffett, Jr., served four terms as Congressman for Connecticut's Sixth District and now serves as chairman of

the Moffett Group, a government relations and consulting firm. Mr. James Chapdelaine is a famed musician as well as a film and television composer, and he has received 12 Emmy Awards and numerous Addy Awards. Mr. Ted W. Beneski is a renowned financier and was a founding principal of Carlyle Management Group and chair of his own foundation, the Ted and Laurie Beneski Foundation. Additionally, the Hall of Honors recognized Ms. Mary Anne Kelly Zak for ''Excellence in Education.'' Ms. Zak taught in the Suffield Public School system for over 20 years and served as an adjunct English professor at the University of Connecticut.

These inductees have earned a place in the Hall of Honors through exemplary contributions to their respective fields. Again, I ask my colleagues to join me in applauding their accomplishments.

## IN MEMORY OF INVESTIGATOR WARREN LEWIS

### HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. JONES. Mr. Speaker, today I would like to pay tribute to a hero from Eastern North Carolina who was killed in the line of duty last June 9.

Nash County (NC) Sheriff's Office Investigator Warren B. Lewis III was assigned to the United States Marshals Service's Eastern District of North Carolina Violent Fugitive Task Force, where he was killed in the line of duty in Kinston, NC, on June 9, 2011, while attempting to apprehend a violent fugitive wanted for murder.

Investigator Lewis has a stellar record of service in the Nash County Sheriff's Office. In 2002 he began his service to the people of Nash County as a Deputy and was eventually promoted to Investigator and assigned to the Narcotics Division.

Later assigned to the Eastern North Carolina Violent Fugitive Task Force, Investigator Lewis served for over 3 years coordinating, locating, and arresting fugitives throughout the region.

In addition to serving the people of Nash County, Investigator Lewis was a family man, a great friend, and a talented water skier. He leaves behind a wife, Shannon, two daughters, Lauren and Ashley, and his parents, Warren, Jr., and Ann. This is a tragedy, as it is when any law enforcement officer is killed in the line of duty. But adding even more to the tragedy is when a family is left behind.

On behalf of the United States House of Representatives I express my deepest sympathy to the family of Investigator Lewis, and thank you for his life of service to the people of Eastern North Carolina.

May God continue to bless the family of Investigator Lewis, the Nash County Sheriff's Office, the U.S. Marshals Service, and our country.

## SARAI VALDEZ

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Sarai Valdez for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Sarai Valdez is a 12th grader at Jefferson Senior High and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Sarai Valdez is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Sarai Valdez for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

## 50TH ANNIVERSARY OF THE FLORIDA GLASS GROUP

### HON. THEODORE E. DEUTCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. DEUTCH. Mr. Speaker, I would like to submit the following:

HOUSE RESOLUTION

Whereas, 2012 marks the 50th Anniversary of the development of Contemporary Art Glass in the United States, and to celebrate the milestone and recognize the many talented artists, including many in Florida, more than 500 glass demonstrations, lectures and exhibitions will take place in museums, galleries, art centers, universities, art organizations, festivals and other venues across the United States, and

Whereas, the Florida Glass Group is an Florida non-profit organization with over 75 members primarily in Florida whose mission is to educate the public concerning the development and appreciation of Contemporary Glass Art in Florida, and

Whereas, the Art Alliance of Contemporary Glass (AACG) is a national non-profit organization with members primarily from the United States, whose mission is to educate the public and to provide grants to further the development and appreciation of art made from glass (Contemporary Glass Art), and

Whereas, AACG and the Florida Glass Group inform and educate the public, including collectors, critics and art curators and provide financial support with grants to University Glass Programs, Museums, Art Center Glass Exhibitions and other public glass programs for Contemporary Glass Art, and

Whereas, the Boca Raton Museum of Art, the Norton Museum in West Palm Beach and the Naples Museum of Art and other art venues in Florida are having exhibitions in 2012 in recognition of the 50th Anniversary of the development of Contemporary Glass Art in the United States; and

Whereas, the 50th Anniversary of the development of Contemporary Glass Art in the United States is also being specifically celebrated and recognized on November 3rd, 2012 by over 300 glass collectors, glass artists, curators, and art gallery owners at an event sponsored by AACG on the Spirit of Chicago in connection with the Sculpture Objects & Functional Art International Art Show (SOFA) one of the World's Foremost Fairs of Art and Design Events at the Navy Pier in Chicago from November 1st through the 4th 2012, therefore be it

Resolved by the House of Representatives of the United States that we recognize the 50th Anniversary of the development of Contemporary Glass Art in the United States; and be it further

Resolved, that we applaud and honor the accomplishments of the Florida Glass Group and AACG as they celebrate the 50th Anniversary in the United States and proclaim the year of 2012 as Contemporary Glass Art Awareness Year in the United States; and be it further

Resolved, that we encourage educators throughout the United States to provide educational programs for their students about Contemporary Glass Art and to arrange for students to attend exhibitions and otherwise participate in the various events and exhibitions recognizing the 50th Anniversary of Contemporary Glass Art. We also encourage all citizens to attend events and exhibitions recognizing the 50th Anniversary of Contemporary Glass Art; and be it further

Resolved, that suitable copies of this resolution be delivered to the members of the Art Alliance of Contemporary Glass and Florida Glass Group at the special celebration of the 50th Anniversary of Contemporary Glass Art in the United States on the Spirit of Chicago on November 3, 2012 during the SOFA Event at Navy Pier in Chicago as a symbol of our respect and esteem for those organizations and their memberships.

## INTRODUCTION OF THE HUDSON-MOHAWK RIVER BASIN ACT OF 2012

### HON. PAUL TONKO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. TONKO. Mr. Speaker, today I am introducing the Hudson-Mohawk River Basin Act of 2012, a bill to authorize the Secretary of the Interior to carry out projects and conduct research on water resources in the Hudson-Mohawk River Basin. The bill also establishes a river basin commission to unify the five States and five sub-basins that comprise the Hudson-Mohawk River Basin—the Nation's most densely populated river basin—to manage the vital water resources that bind together the communities, economies, and heritage of the northeast region in an integrated, holistic manner.

For too long, the five sub-basins of this basin have been addressed as independent entities. There is no overarching organization to facilitate coordination and collaboration of the many efforts underway within each of these areas. The landscape, however, operates differently. It functions as a whole. These

sub-basins are intimately connected to each other by the waters that course through their streams and tributaries to eventually reach the New York-New Jersey Harbor. Actions taken by individual entities within each sub-basin have impacts that extend beyond local borders. Years of progress in environmental sciences inform us that ecosystem-based management and watershed-level planning will result in the most sustainable outcomes. A river basin commission would provide the forum to facilitate a whole-basin view.

Our country has a long experience of using commissions to bring different jurisdictions together to promote sound management of common resources. In the West, there was early recognition that the seven basin States of the Colorado River needed to work together to ensure equitable access and proper management of the Colorado River. In the East, the Delaware, Susquehanna, and Potomac River Basin Commissions and the Appalachian Regional Commission have guided cooperative efforts of neighboring States to develop and manage important common resources for the benefit of the region. The Hudson-Mohawk River Basin deserves similar attention.

A 2007 study by Canadian authors Dalton, Dalton, and McLean documented the current management regime in the Hudson-Mohawk River Basin. The findings are staggering, including over 2,000 distinct governmental organizations: 12 federal agencies, 67 State agencies, 66 county agencies, and over 1,700 municipal agencies with some jurisdiction over land and water use. There are also over 200 non-profit organizations that focus on issues related to land and water management throughout the Basin. These statistics are indicative of the intense interest that residents and communities in the Basin have in its resources and their management.

The New York Ocean and Great Lakes Ecosystem Conservation Council created in 2006 was an important step forward recognizing the need to manage New York State's coastal areas through ecosystem-based management. The Council plays a vital coordinating role for State agencies and for the many local governments, non-profit groups, businesses, and citizens who depend upon our coastal ecosystems. These systems are influenced by the waters that flow into them and connect them through the Hudson, Mohawk, Passaic, and Raritan Rivers.

The sheer number and diversity of organizations operating within these five basin States present a significant challenge to considering projects and policies that impact the basin in a holistic manner. Despite these hurdles, these many entities have provided tremendous vision, stewardship and creativity for many years. A commission would be in a position to build upon their work and provide the five States of the basin a single forum for working together with the Federal Government to coordinate and encourage cooperation among the many interested parties who have a stake in the basin. Development of a basin-wide plan that places the individual on-going efforts into a whole-basin context would facilitate our ability to apply ecosystem-based management principles in a consistent and efficient manner.

The Mohawk and Upper Hudson sub-basins contribute over half of the flow of water to the lower Hudson River. Water quality in these basins directly impacts quality in the Lower Hudson. Yet, in comparison to the Lower Hudson, these two areas have far less institutional infrastructure and have received far less attention in the ongoing effort to restore the health of the Hudson River and its estuary. The Lower Hudson is a great success story—one that I would like to see repeated for the Mohawk and Upper Hudson. The locally-spawned efforts of dedicated citizens to embrace the Lower Hudson, advocate for its stewardship, and work to improve its floodplain served as the impetus for State government to become more involved. The goal of this legislation is to create a basin commission in order to assist these communities further and to engage the other sub-basins to accelerate development of their water resource programs by imitating successful programs of the Lower Hudson. The organizational infrastructure of the Lower Hudson Sub-basin provides an excellent foundation for building similar organizational strength in the Mohawk and Upper Hudson Sub-basins. Stronger partnerships among communities in the Upper Hudson and Mohawk Sub-basins will enable these regions to redesign and rebuild infrastructure to promote economic development, provide better flood protection, and improve water quality that will complement the efforts of downstream communities and improve conditions not only in the immediate area but also in the Lower Hudson and the Harbor.

The Raritan and Passaic River Sub-basins have, for too long, been viewed as mature industrial corridors rather than as sources of community revitalization and economic opportunity. Through the efforts of the State of New Jersey in partnership with the Federal Government and many dedicated non-profit organizations like the Raritan Headwaters Association and the Passaic River Coalition, water quality of these mighty rivers has improved in recent decades. However, more effort is needed if these watersheds and the marshes and bays of the New York-New Jersey Harbor are to be restored to ecological health and the New York Bight is to reach its full environmental and economic potential. The excellent work being done by the Environmental Protection Agency's, EPA, New York-New Jersey Harbor Estuary Program and Hudson River Estuary Program—the latter of which was recently expanded to Troy, NY—would be aided greatly by improvements in the water quality of the rivers that eventually flow into the Harbor. EPA and other agencies acknowledge the importance of a holistic approach, and I believe that formation of a whole basin plan will afford us the opportunity to build upon the successes achieved in each of the Sub-basins and to magnify their impacts throughout the Basin. In addition, the comprehensive plan developed by the commission through an inspired, collaborative process with the public would provide the framework for additional Federal resources for the region.

My legislation is modeled on other successful regional programs and river basin commissions. The Governors of each of the five basin States would serve on the commission along with the Secretary of the Interior as a representative of the Federal Government. The Commission is charged with planning and implementing projects and policies that govern the use of water resources in the basin. The Commission would adopt an annual budget including information about individual projects and their costs, along with identifying the appropriate financing. The bill provides the Secretary of the Interior with $25 million per year to fund projects that are consistent with the comprehensive plan and spelled out in more detail in the water resources program.

The Commission's plan, developed in consultation with the member States, Federal agencies, local governments, non-governmental organizations, and all other water users, will tie together the many organizations and interests throughout the basin to tackle large-scale projects. The plan must be developed in collaboration with citizens and local communities. It would provide a unifying vision for the basin and its water resources. And, as I have indicated above, the plan developed through a collaborative process will build a basin-wide organizational structure that will give basin states and communities the framework to compete for additional resources for the region.

The natural and historic resources of the Hudson-Mohawk River Basin are fundamental building blocks that we can use to re-invigorate local communities throughout the Basin. The devastating flood events that occurred in many communities in the Basin last year compel us to re-think our connection to the rivers and tributaries throughout the Basin. Our interconnectedness was visible to the naked eye. We need to better adapt our infrastructure to be more resilient to floods. But more than that, if we integrate improvements in water quality and wildlife habitats into plans for the redevelopment of waterfronts, we will reconnect citizens and communities to the river to yield recreational, community, and economic benefits. As communities are drawn together through the public planning process authorized in the bill, they will be able to work on common priorities and launch a new chapter of prosperity in the history of the Basin.

The Hudson-Mohawk River Basin, together with the Erie Canal, connects the Great Lakes to the Atlantic Ocean. The Hudson-Mohawk River Basin is the cradle of our American democracy. The footprints of the earliest North American civilization and the early development of our modern Nation are replete and scattered throughout this entire region. The waters of the Hudson, Mohawk, Raritan, and Passaic Rivers formed our early transportation networks and provided the food and power that enabled us to forge the Nation and initiate the early westward expansion of the country we know today. Essentially, the water of the Hudson-Mohawk Basin is the ink that wrote our early history. This important common heritage should be revered and celebrated. It has been more than 400 years since the first European settlements were established in the watersheds of the Hudson, Mohawk, Raritan and Passaic Rivers. We should keep faith with those early pioneers and ensure a bright future for our children and generations to follow by working together to maintain the health and beauty of these mighty waterways and promoting economic development compatible with these great environmental assets. I believe the establishment of a Hudson-Mohawk River Basin program with a river basin commission to guide this effort will help us to accomplish these worthy goals.

## HONORING PEACE ACTIVIST DICK HEIDKAMP

### HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Ms. SCHAKOWSKY. Mr. Speaker, I rise to recognize Dick Heidkamp, a former Catholic priest and member of the Chicago Religious Leadership Network on Latin America, an organization that seeks to promote peace and improve the lives of people living in Latin American countries. Throughout his career, Dick has passionately advocated for human rights, peace, and justice for all, with a special focus on Central and South America.

Dick has been a member of the Peace and Justice Committee at the Mary Seat of Wisdom Church in Park Ridge, Illinois, for 38 years. He has also advocated for justice at organizations throughout Chicagoland, including Illinois SOA Watch, Eighth Day Center for Justice, Su Casa Catholic Worker, and Cristo Ray High School.

Dick first brought his high energy commitment to Chicago Religious Leadership Network in 1998. He has been a dedicated participant in CRLN, serving on its Board of Directors since 1999. In his time at CRLN, Dick has traveled throughout Latin America promoting justice and peace in underdeveloped countries, seeking to improve the lives of people living in nations such as Cuba, Guatemala, El Salvador, and Colombia.

Dick has consistently advocated for policies that would increase standard of living for all people, recognizing that poverty is not just a tragedy for individuals and families but a key cause of global instability. Dick has fought for a U.S. foreign aid system that considers human rights above militarization. He has also lobbied Congress to end military aid to Colombia and to eliminate the trade embargo of Cuba, arguing that it keeps essential goods away from the Cuban people.

Understanding the plight of impoverished economies, Dick led the CRLN public policy delegation to Washington D.C. for the Jubilee 2000 campaign. That successful campaign pushed to cancel third world debt owed to the wealthiest nations of the world. Looking out for the average citizen, Dick and CRLN believed that this debt cripples already-struggling nations, preventing their governments from supplying services for their people.

Dick has always sought to give a voice to the voiceless. He has been a cheerful and committed public witness for nonviolent action in response to injustice worldwide, bringing attention to some of the Western Hemisphere's most overlooked problems. I congratulate him on his decades of service and his vocal support of justice, peace, and human rights in Latin America.

## SAVANNAH PRIDE

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Savannah Pride for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Savannah Pride is a 7th grader at Everitt Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Savannah Pride is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Savannah Pride for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

## RECOGNIZING MAJOR GENERAL TIMOTHY J. LOWENBERG

### HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. SMITH of Washington. Mr. Speaker, I rise to honor Major General Timothy J. Lowenberg for his years of service to Washington State and our country. He has served our state for decades, most recently as The Adjutant General for the State of Washington. In this role, he served as commander of all Washington Army and Air National Guard forces and Director of the State's Emergency Management and Enhanced 911 programs.

Major General Lowenberg was commissioned as an officer in the Air Force concurrent with his graduation from the University of Iowa in 1968. In 1971, he earned a Doctor of Jurisprudence degree from the University of Iowa, College of Law. Prior to becoming The Adjutant General, Major General Lowenberg served as the Air National Guard Assistant to The Judge Advocate General of the Air Force. In this role, he oversaw programs affecting more than 114,000 Air Guard members, trained all Air Guard judge advocates and paralegals, and developed the civil affairs mission of the United States Air Force.

In 1999, Governor Gary Locke appointed Major General Lowenberg Adjutant General. He led the Washington State National Guard's transition from a strategic reserve to an operational reserve, making the Washington State National Guard a vital component of the operations in Iraq and Afghanistan. He also led emergency responses to a variety of events, including the 1999 WTO Riot in Seattle, wildfires in 2000, flooding across western Washington in 2007 and 2009, and state preparedness for the 2010 Olympics in Vancouver, British Columbia.

Major General Lowenberg is the second longest-serving Adjutant General since the creation of the Washington Territorial Militia in 1855. His leadership and hard work will be remembered for the advances he implemented in the National Guard during a crucial time in the history of our Nation and the National Guard.

Mister Speaker, it is with great pleasure that I honor Major General Lowenberg on his retirement. His leadership on military issues, homeland security and domestic preparedness, at the state and federal level, are second to none and will truly be missed. I wish him the best in all of his future endeavors.

## PERSONAL EXPLANATION

### HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mrs. MYRICK. Mr. Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

June 5 2012:

Rollcall vote 315, On agreeing to the McClintock Amendment—I would have voted "nay."

Rollcall vote 316, On agreeing to the Hirono Amendment—I would have voted "nay."

Rollcall vote 317, On agreeing to the McClintock Amendment—I would have voted "nay."

Rollcall vote 318, On agreeing to the Matheson Amendment—I would have voted "nay."

June 6 2012:

Rollcall vote 345, On agreeing to the Moore amendment—I would have voted "nay."

Rollcall vote 346, On agreeing to the Broun (GA) amendment—I would have voted "nay."

Rollcall vote 347, On agreeing to the Holt Amendment—I would have voted "nay."

Rollcall vote 348, On agreeing to the Clarke Amendment—I would have voted "nay."

Rollcall vote 349, On agreeing to the Clarke Amendment—I would have voted "nay."

Rollcall vote 350, On agreeing to the Hahn Amendment—I would have voted "nay."

Rollcall vote 351, On agreeing to the Hahn Amendment—I would have voted "nay."

Rollcall vote 352, On agreeing to the Poe Amendment—I would have voted "aye."

Rollcall vote 353, On agreeing to the Bishop Amendment—I would have voted "aye."

Rollcall vote 354, On agreeing to the L. Sanchez Amendment—I would have voted "nay."

Rollcall vote 355, On agreeing to the Jackson-Lee Amendment—I would have voted "nay."

Rollcall vote 356, On agreeing to the Higgins Amendment—I would have voted "nay."

Rollcall vote 357, On agreeing to the Bishop Amendment—I would have voted "nay."

## PERSONAL EXPLANATION

### HON. MARTIN HEINRICH

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. HEINRICH. Mr. Speaker, I unfortunately missed nine votes today, which including rollcall votes 306, 307, 308, 309, 310, 311, 312, 313 and 314.

If I had been present, I would have cast the following votes on amendments to H.R. 5325, Energy and Water Development and Related Agencies Appropriations Act, 2013:

Rollcall vote 306 (Scalise Amendment): "yea."

Rollcall vote 307 (King Amendment): "no."

Rollcall vote 308 (Moran Amendment): "yea."

Rollcall vote 309 (Hultgren Amendment): "no."

Rollcall vote 310 (Chaffetz Amendment): ''no.''

Rollcall vote 311 (McClintock Amendment No. 6): ''no.''

Rollcall vote 312 (Kaptur Amendment): ''yea.''

Rollcall vote 313 (Tonko Amendment): ''no.''

Rollcall vote 314 (Hahn Amendment): ''yea.''

## TANYA ESTRADA

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Tanya Estrada for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Tanya Estrada is a 12th grader at Jefferson Senior High and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Tanya Estrada is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Tanya Estrada for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

## A VETERAN'S MESSAGE TO HIS COUNTRY

### HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. FRANK of Massachusetts. Mr. Speaker, I am very proud of the members of my family who have served this country in wartime. My cousin Arthur Cozewith, has remained a vigorous advocate for fair treatment for all of our veterans.

On Memorial Day this year, he was the guest speaker after the parade in his hometown of Pearl River, New York, and he shared with me the remarks he made on that occasion.

I grew up listening to Arthur's stories of what he and the others went through during World War II, including the experience of prisoners of war, and I continue to be inspired by his determination to see that others who serve are treated the way they should be treated by a nation that should be grateful, and through its gratitude helps define our greatness.

Mr. Speaker, as an expression of family pride and in agreement with his message, I ask that the eloquent remarks of my cousin Arthur Cozewith be printed here as a reminder to us as we legislate this year on matters affecting veterans of how important our duty is.

I would like to thank Honorable Judge and Vietnam War flyer extraordinaire Paul Phinney III for the Honor on this Memorial Day of presenting some of my memories, thoughts and thanks related to the sacrifices made by our veterans. At the age of 18, in November 1942, I enlisted in the U.S. Army and served during WWII as a rifleman in Co. F, 333rd Infantry Regiment of the 84th Division, participating in the battle for Europe. Now, 67 years after the end of WWII, I still remember the days of blood, mud and hot steel and the impact of such days on my buddies, my friends and my relatives serving in the armed forces. I still remember my Army buddy, 19-year-old Bob Koebler, killed in action on Dec. 2, 1944, my Uncle David Golush who died of wounds received during the battle for Sicily and my high school friend, Bill Miller, who died when his bomber crashed. I remember that there were exactly 34 bunks in a German reinforced concrete fortification because a wounded American soldier occupied each one. I remember the mistreatment and slow starvation of Americans who were POW's. I remember all the things I don't want to remember.

As I remember, I readily relate to those veterans who sacrificed body and mind during WWII, Korea, Vietnam, Bosnia, Gulf Storm, Iraq, Afghanistan and the wars before and in-between to preserve this great country we live in—the United States of America. I am forever grateful for those sacrifices, which now enable my children, grandchildren and great grandchildren to live with equality and freedom.

I also remember that during WWII, our country acted like a sleeping giant who had been rudely awakened. Americans were united as one, as close together as the fingers in a closed fist. Our decisions were based on one consideration—what was best for America. ''What is in it for me'' was not a permissible thought. We accepted rationing, censorship and lack of goods in the stores. We grew our own vegetables in victory gardens, we conserved everything, we had air raid drills and bought E bonds to save our economy and onward the list goes—winning was not only our sole objective, but also our only option in order to preserve our freedom.

As we face the challenges of today and the new challenges to come, I wonder if we can again work in unity for the best interests of the country. Will we be able to pass along to future generations the same opportunities we were provided by those who sacrificed their lives for all that is great about America?

To ensure a bright future for our country, I ask all of you not to forget that these sacrifices led to our resulting good fortune. Adopt a creed that fits within President John Kennedy's words, ''Ask not what your country can do for you, but what you can do for your country.'' Insist that those in power, both elected and non elected, act in a manner that puts country first. Keep in mind the truth in the adage ''United we stand . . . divided we fall.'' Become and remain proactive in promoting and implementing these ideals after today's remembrances have gone by.

And finally, show your appreciation to the Veteran Community. If you are an uncommitted eligible Veteran, Pearl River American Legion Post 329 and VFW post 7370 welcomes you to join us as we reach out to Veterans and the community at large.

Remember our war disabled veterans and work to alleviate their on going pain and suffering by insisting that our Congress and Veterans Administration eliminate an antiquated processing system which results in delaying claims in some cases for more than a year.

Thank you for listening. G-d Bless us all and G-d Bless America.

—Arthur Cozewith

## A TRIBUTE TO LIEUTENANT COMMANDER EDWARD LEE SR.

### HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to honor Lieutenant Commander Edward Lee Sr. For 34 years, Lieutenant Commander Lee has served in the United States Navy and in the fall will celebrate his retirement after decades of service to his community.

Lieutenant Commander Lee has deployed ten times to the Indiana Ocean, Gulf of Oman, Sea of Japan, and Mediterranean during his career. Promoted to his current rank of Lieutenant Commander in June of 2008, it is evident that Lieutenant Commander Lee has truly committed himself to the United States Navy. Subsequent to his time in the service, Lieutenant Commander Lee has taken great pride in furthering his education. In 2004, LCDR graduated Cum Lade with a Bachelor of Science degree from Saint Leo University. In addition Lieutenant Commander Lee received his Master's of Science in Information Assurance from University of Maryland.

Lieutenant Commander Lee's personal decorations include the Navy and Marine Corps Commendation Medal (five awards), the Navy and Marine Corps Achievement Medal (four awards), and several other Service and Campaign ribbons and medals. He was promoted to the rank of E–8 (SCPO) in February of 1998, as a result of his selecting for the Limited Duty Officer Commissioning Program. After that, he worked his way up to the rank of Lieutenant Commander

Lieutenant Commander Lee's long and impressive career showcases his commitment and service to not only his local community but also to the Nation. Mr. Speaker, I ask that you and my other distinguished colleagues join me in thanking LCDR Edward Lee Sr. for his work and congratulate him on the occasion of his retirement.

## CELEBRATING CHUCK ROGERS' 25 YEARS AT SPRINGFIELD LITTLE THEATRE

### HON. BILLY LONG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. LONG. Mr. Speaker, for 25 years John R. ''Chuck'' Rogers has tapped into his artistic talents to entertain audiences at the Springfield Little Theatre.

As the Springfield Little Theatre's technical director, Chuck has played an instrumental role in more than 175 productions.

I had the honor of working with him and seeing up close his talents and passion for the theatre when he directed me in a production of Cheaper by the Dozen in 1994. Having no prior acting experience, I can attest to the tremendous job and care he puts into the entire production.

In addition to the Springfield Little Theatre, Chuck shares his artistic talents with the Springfield Ballet, Springfield Regional Opera, Ozarks Technical Community College, The

Creamery Arts Center, and Drury University. He has also helped with public television shows in Branson, Missouri.

The Springfield community and surrounding area is lucky to have a neighbor like Chuck. He continues to provide us with great entertainment after more than 25 years of involvement in the arts.

I want to congratulate Chuck Rogers' 25 years at the Springfield Little Theatre and wish him continued success. Break a leg Chuck!

## TYIA JOHNSON

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Tyia Johnson for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Tyia Johnson is a 12th grader at Jefferson Senior High and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Tyia Johnson is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Tyia Johnson for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

## HONORING MR. FRANK EDWARD RAY

### HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. DENHAM. Mr. Speaker, I rise today to posthumously honor the life and legacy of San Joaquin Valley resident Mr. Frank Edward Ray. Mr. Ray will be remembered as a hero for the brave actions he took to rescue twenty-six young school children who fell victim to a school bus kidnapping plot while in his care.

Frank Edward Ray, or Ed as he was known, was born in Le Grand, California on February 26, 1921. As a boy, his family relocated to Chowchilla, California. After graduating from Chowchilla Union High School in 1940, Mr. Ray married his wife, Odessa, in 1942. The couple purchased a ranch in Dairyland, California on which they farmed alfalfa, corn, and raised dairy cows. In the early 1950's, Mr. Ray went to work for Dairyland Union School District as a bus driver.

While driving a busload of summer school students home in the summer of 1976, Mr. Ray's daily route quickly became anything but normal. As he drove the bus along a tree-lined avenue, he encountered a white van blocking the road. After Mr. Ray brought the bus to a stop to avoid a collision with the van, three armed men hijacked the school bus. The assailants forced Mr. Ray and the 26 school children off the bus into cramped vans and drove 100 miles to a rock quarry in Livermore, California.

As part of an elaborate plot to obtain $5 million dollars in ransom, the kidnappers forced Mr. Ray and the children into a makeshift bunker made from a moving van buried in the ground. Before leaving the scene, the kidnappers covered the roof of the van with steel plates, 100 pound vehicle batteries, and dirt. Despite risk of further danger, Mr. Ray and several of the older children in the group used materials found in the van to dig their way out. After 16 hours of clearing debris, Mr. Ray was able to help all of the children escape from the underground van.

Because of Mr. Ray's bravery, selflessness, and loving sense of responsibility for the children in his care, all 26 students escaped the kidnapping ordeal safely. He assisted in the apprehension of the kidnappers—all three of which are serving life sentences. His heroic actions and leadership in the face of uncertain danger established him as a hero in the Chowchilla community. In addition to local appreciation, his heroic efforts in the nationally renowned kidnapping became an example of excellence across America. Just two months after the crime, Mr. Ray resumed his route on the same bus. He retired from Alview-Dairyland Union School District in 1988, after 40 years of service.

Mr. Ray passed away in May 2012 at the age of 91. In the days preceding his death, he was visited by many of the students he saved 35 years ago. Mr. Ray is survived by his wife, Odessa, with whom he would have celebrated 70 years of marriage in June 2012. He is also survived by his two sons, Glen and Danny; his sister, Esther Danelli; three grandchildren; and three great-grandchildren. He will be missed by the close-knit community of Chowchilla.

Mr. Speaker, please join me in posthumously honoring Mr. Frank Edward Ray for his invaluable service to his community. His legacy will not soon be forgotten.

## RECOGNIZING THE ROEBUCK FAMILY'S MILITARY SERVICE

### HON. RICHARD B. NUGENT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. NUGENT. Mr. Speaker, I rise today to recognize and honor a proud American family with over one hundred total years of military service to this Nation.

In 1980, Violet I. Roebuck, originally from St. Croix, U.S. Virgin Islands, moved with her family, to Lake Placid, Florida.

Harold Roebuck Jr., father to Carlos, Harold III, Venecia and Gisette tragically died shortly after the family's move to Florida during a return trip to St. Croix. their mother, Violet I. Roebuck had the difficult task of raising her five children, including her eldest son Wayne Moorehead, as a working single mother.

Of her five children, four served in the military, each for more than 20 years for a total of over 80 years of service. In addition, Violet's son-in-law Ira Wenze II served an additional 22 years.

With such a strong commitment to this Nation, it's really no surprise that the patriotism Violet had instilled in her children was passed on to a second generation of her family who have now begun their proud and faithful service to this Nation.

Today, Harold Roebuck IV and Eddie Moorehead are following in the footsteps of their parents in proud service to this Nation.

It is important to always remember that families like Violet Roebuck's are clear examples of what makes this Nation so great.

Today, I am humbled to have the opportunity to bring the attention of this house to a family of true American heroes.

To the Roebuck family, God bless you and your family's brave service to this Nation.

With that, I ask my colleagues to join me in recognizing and honoring the achievements of this patriotic American family.

## HONORING THE 100TH ANNIVERSARY OF THE INTER AMERICAN UNIVERSITY OF PUERTO RICO

### HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. SERRANO. Mr. Speaker, today I rise to pay tribute to the Inter American University of Puerto Rico, which is celebrating 100 years since its establishment on the island of Puerto Rico.

The Inter American University of Puerto Rico was founded in 1912 as the Polytechnic Institute of Puerto Pico, by Reverend John Will Harris. At the time they offered elementary and secondary education in the town of San German. In 1944, the university was accredited by the Middle States Association of Colleges and Schools, making it the first liberal arts college to be so accredited in Puerto Rico.

Over the last century, the Inter American University of Puerto Rico has greatly expanded, educating thousands of students pursuing their studies in the humanities, social sciences, and hard sciences. Under the leadership of University President Dr. Manuel J. Fernos, today the Inter American University of Puerto Rico has more than 50,000 registered students at eleven sites, including schools specializing in optometry and law. As the only optometry school in Latin America, it is the main provider of bilingual optometrists in the world.

The university also stands out for its extensive offering of online courses, making it a leader in distance learning. The Inter American University of Puerto Rico prides itself on their international partnerships with other prestigious universities located in Spain, England, Italy, Mexico, China, and the Dominican Republic. The university also maintains a large number of partnership programs with schools located in the 50 States. These partnerships and programs expand the knowledge and experiences of the university's students, and have made the Inter American University of Puerto Rico a recognized cultural bridge between North America and Latin America.

Mr. Speaker, I ask my colleagues to join me in recognizing the 100th anniversary of this historic institution of higher education, which has made a lasting impact on students in Puerto Rico and throughout the rest of both the United States and Latin America.

## TESLA MILLER

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Tesla Miller for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Tesla Miller is a 12th grader at Arvada West High and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Tesla Miller is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Tesla Miller for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

## HONORING ARLENE LOWENSTEIN

### HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. ENGEL. Mr. Speaker, Arlene Lowenstein began volunteering for Jewish causes as a pre-teen by standing outside of E.J. Korvettes on Central Avenue in Scarsdale, collecting funds for Israel during the Six-Day War. She has not ceased her support of Israel.

Arlene is now Fleetwood Synagogue's Treasurer and Finance Committee Chair. Fleetwood Synagogue is an organization that relies almost entirely on volunteers and Arlene's duties include many that are normally done by an organization's staff, including billing members, paying bills, banking, reporting tax and donation information, and maintaining the synagogue's contact lists.

She treats her volunteering activities with absolute seriousness, and ensures that whatever tasks she undertakes are done accurately and in a timely manner. She does not limit herself to just the financial aspects of the synagogue. She has worked on the dinner committee for years, and is particularly adept at editing written material sent out by the synagogue.

During the ten years her daughter Tovah attended Stein Yeshiva, Arlene served as the PTA President. In 1993, Arlene and her husband, Jack, were the first parents ever honored at the school's testimonial dinner.

Arlene was also active in Rena Hadassah in Mount Vernon, where she chaired the annual Camp Fair which was the organization's most successful fundraiser. She received the ''Hands of Healing'' award from the Westchester Hadassah Region in 1993.

Arlene grew up in Yonkers, and is a product of Lincoln Park Jewish Center. She spent a year studying at Hebrew University in Jerusalem and is a graduate of Barnard College. After graduate school at CUNY, she worked as a computer programmer and a proof reader, before her current profession—Travel Agent. She is the manager of Transland Travel Bureau, a family-owned business. Arlene's husband is Co-President of Fleetwood Synagogue. Her daughter is an English teacher at the Moriah School in Englewood, New Jersey. Arlene's dedication to Fleetwood Synagogue is apparent to all who know her.

I join with Fleetwood Synagogue in honoring Arlene Lowenstein for the good work she has done in the community for so many years. She is a living mitzvah.

## IN HONOR OF MASTER SERGEANT CHILDS

### HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. ROSS of Arkansas. Mr. Speaker, I rise today to honor a true patriot who died in service to this great country. On May 4, 2012, Master Sergeant Gregory L. Childs died of a non-combat related illness at the age of 38 in Kabul Province, Afghanistan, in support of Operation Enduring Freedom.

Master Sergeant Childs was raised in Warren, Arkansas, where he graduated from Warren High School in 1992. After graduation, he joined the United States Army where he served his country with honor for 20 years, traveling to Bosnia, Germany, Columbia, and two tours to Afghanistan. He excelled through the ranks of the Non-Commissioned Officer (NCO) Corps and earned the rank of Master Sergeant (MSG), one of the highest ranks you can receive in the U.S. Army NCO Corps. At the time of his death, Master Sergeant Childs was assigned to the Defense Logistics Agency, Administrative Support Center, Fort Belvoir, Virginia.

Although I never had the honor to meet Master Sergeant Childs, on behalf of the State of Arkansas, I extend my sincere condolences to his family, friends and all who knew him for this devastating loss.

Master Sergeant Childs is survived by his daughter, Kourtlan Iman Childs of Arlington, Texas; his mother, Eula Childs of Warren, Ark.; his brother, Shawn Childs of Little Rock, Ark.; a grandmother, Maola Jones of Hermitage, Ark.; a fiancée, Jewele Johnson of Columbia, SC; best friends Chad Mingo of Shreveport, LA, and Alonzo Hampton of Bowling Green, KY, as well as a host of other relatives, friends, and soldiers.

When we think of true heroes, we think of brave Americans like Master Sergeant Childs who risk everything to defend freedom and serve this great country. We will always be grateful for his selfless sacrifice and he will be deeply missed by all who knew him. My thoughts and prayers go out to his family and friends during this very difficult time. We are who we are as a nation because of patriots like Master Sergeant Childs.

Today, I ask all Members of Congress to join me as we honor the life of Master Sergeant Gregory L. Childs and his legacy, as well as each man and woman in our Armed Forces, and all of those in harm's way, who give the ultimate sacrifice in service to this great country. We owe them our eternal gratitude.

## HONORING WILLIAM EDWARD SAXTON

### HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. McCOTTER. Mr. Speaker, today I rise to honor the extraordinary life of William Edward Saxton and to mourn him upon his passing at the age of 86.

Born in Hazel Park, Michigan on March 14, 1926 to Dean and Margaret Saxton, Bill graduated from Plymouth High School, where he met his future wife Valerie, in 1944. He served honorably in the U.S. Navy during World War II and went on to study business management and engineering at the University of Michigan, graduating in the late 1940's. Bill and Valerie married in the summer of 1947. Taking the reins from his father, Bill became the owner and operator of Saxton's Garden Center, an 83-year-old family business in Plymouth, Michigan. A historical cornerstone of Plymouth's pedestrian friendly downtown located at Ann Arbor Trail and Penniman, the former Saxton's Feed Company once served as a stop on the Underground Railroad.

Under Bill's knowledgeable and forthright leadership, Saxton's Feed Company transitioned from farm-supply and livestock feed to Saxton's Garden Center as farms gave way to subdivisions. Bill became active in the Plymouth Community and the Plymouth Chamber of Commerce. Saxton's is a perennial sponsor of the Plymouth Ice Festival, Art in the Park and many other downtown events. Kellogg Park borders Saxton's just to the west and has become a focal point of the community thanks to the generosity of patrons like Bill Saxton.

Sadly, on June 4, 2012, Bill succumbed to his second battle with cancer and passed from this earthly world to his eternal reward. He is survived by his beloved wife of nearly 65 years, Valerie and his precious children Alan, Craig and Christopher. Reuniting in eternity with his adored daughter Karin, Bill will long be remembered by grandchildren Nichelle, Lauren, Christopher and Sarah. He leaves a legacy in his cherished great grandchild Connor and will be sorely missed by his treasured siblings Dean and Margaret.

Mr. Speaker, William Saxton will be long remembered as a dedicated husband, father, grandfather, veteran, legendary businessman, philanthropist, community leader and above all as a friend. Bill was a man who deeply treasured his family, friends, community and his country. Today, as we bid Bill Saxton farewell, I ask my colleagues to join me in mourning his passing and honoring his unwavering patriotism and legendary service to our community and our country.

## SHYANNE SWARTWOOD

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Shyanne Swartwood for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award.

Shyanne Swartwood is a 10th grader at Jefferson County Open School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Shyanne Swartwood is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Shyanne Swartwood for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

## OUR UNCONSCIONABLE NATIONAL DEBT

### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was $10,626,877,048,913.08.

Today, it is $15,734,596,578,458.59. We've added $5,107,719,529,545.51 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.

On this day in 1776, Richard Henry Lee of Virginia proposed to the Continental Congress a resolution calling for a Declaration of Independence. We have squandered our independence by shackling ourselves with this national debt.

## TRIBUTE TO NASHVILLE INTERNATIONAL AIRPORT

### HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. COOPER. Mr. Speaker, today I rise to salute the Nashville International Airport, an ambassador for Music City.

On June 12, 1937, Nashville's airport officially opened as Berry Field in honor of Colonel Harry S. Berry, state administrator for the Works Progress Administration. It became a military base during World War II for the 4th Ferrying Command, and later returned to passenger service with rapid growth and high demand. In 1988, it was renamed the Nashville International Airport to reflect its new status as a hub for Tennessee air transportation.

Over the years, BNA has evolved into a state-of-the-art facility connecting the Nashville area with the rest of the world serving nearly 10 million passengers a year. As a leader in airport innovation, BNA was one of the first commercial airports to have a master plan and is now one of twelve airports in the FAA's Sustainable Master Plan Pilot Program.

BNA is not just an airport, it's an experience. It welcomes visitors with gracious southern hospitality and country twang. Its unique design offers a taste of Music City with live music, shops and restaurants showcasing our Tennessee flavor. It not only provides excellent service to its customers and employees, it is an important partner in our community.

And so, Mr. Speaker, it is my privilege today to salute the Nashville International Airport for its 75 years of dedicated service to our citizens and our community, and for promoting higher standards in airport service. I am grateful for the contributions BNA provides not only to Nashville, but to travelers around the world.

## SHANNIA TILLER

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Shannia Tiller for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Shannia Tiller is a 12th grader at Jefferson Senior High and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Shannia Tiller is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Shannia Tiller for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

## HONORING THE PEOPLE OF AMERICA'S LOG CABIN INDUSTRY

### HON. REID J. RIBBLE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. RIBBLE. Mr. Speaker, I rise today to recognize America's log cabin industry as a quintessential symbol of the American pioneering spirit, embodying America's strength and ingenuity.

Log cabins, whether used for recreation or as primary residences, are economically sustainable, reducing waste and employing materials that put Mother Nature's beauty at center stage. The industry is experiencing renewed growth, exporting this American icon to nations from Germany to China.

Log cabin production directly supports thousands of jobs from builders to sales professionals, as well as the housing market, lending institutions, and many others. The people of this industry are hard-working, charitable, and deserving of recognition for their centuries of accomplishment.

## IN HONOR OF U.S. ARMY SPECIALIST VILMAR GALARZA HERNANDEZ

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. FARR. Mr. Speaker, I rise today to honor the life of Specialist Vilmar Galarza Hernandez, U.S. Army. On May 26, 2012, this native of Salinas, California was killed in his second combat tour in Afghanistan. It is with great sadness to note that Specialist Galarza was only twenty-one years old and married just two months ago. In his all too short life, he made a lasting impact on his family, friends, comrades, and community. Specialist Galarza exemplified valor and duty, and will be remembered as an American hero.

On October 7, 1990, Vilmar Galarza Hernandez was born to Pedro and Gregoria Galarza, Mexican immigrant farmworkers. Vilmar grew up in Salinas, California, a thriving agricultural community. The famed author John Steinbeck called this community "the valley of the world," a reference to the workers who came to scratch out a living from the earth. Vilmar's parents instilled in him and his two siblings, Rubi and Marvin, the principles of the American dream: that with hard work and determination any opportunity was for their taking.

After graduating from Everett Alvarez High School, Vilmar choose the noble path of enlisting in the United States Army. In the Army, he was assigned to the 4th Battalion, 23rd Infantry Regiment, 2nd Stryker Brigade Combat Team, 2nd Infantry Division. Vilmar was known by his command "as a rock that you could lean on." His company commander, Captain Brandon Wohldschlegel, said that Vilmar was "the model soldier." The Army awarded Specialist Galarza the Bronze Star, Purple Heart, and Army Good Conduct medals as well as campaign ribbons for service in Afghanistan.

Vilmar was destined to achieve great success for himself as he sought to make a better life for his family. He grew up in a neighborhood with few advantages, but succeeded in spite of the challenges. Vilmar was a fighter and a visionary who struggled against the odds and persevered to follow his dreams. On March 28, 2012, just two weeks before his second deployment, he realized a dream when he married his sweetheart Margarita Contreras. It is heartbreaking to know that Vilmar's dreams were not all fulfilled, but his spirit will live on in the hearts of all those who loved him.

Mr. Speaker, I know I speak on behalf of the entire House in extending the Nation's deepest sympathies to Specialist Vilmar Galarza Hernandez's parents Pedro and Gregoria Galarza, his siblings Rubi and Marvin Galarza, his wife Margarita Contreras-Galarza, and his extending family, friends, and comrades. He will be missed, but we will never forget him.

## ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2013

SPEECH OF

### HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 31, 2012*

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 5325) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other purposes:

Ms. RICHARDSON. Mr. Chair, I rise today in reluctant opposition to H.R. 5325, the Energy and Water Development and Related Agencies Appropriations Act. This bill provides $32.1 billion, an $88 million increase from Fiscal Year 2012 levels but $965 million below the President's Fiscal Year 2013 request.

The purpose of the annual energy and water spending bill is to provide the funding necessary to ensure that the nation's energy and water resources are sufficient to address the nation's needs. This year's spending bill, H.R. 5325, provides funding for critical national priorities such as Army Corps of Engineers, Department of the Energy, Department of the Interior, and independent agencies that provide research and development of future energy industries, job training, and health care.

Mr. Chair, I thank Chairman FRELINGHUYSEN and Ranking Member PETER J. VISCLOSKY for shepherding this bill to the floor. I appreciate the way they worked together and with my office to accommodate several of my legislative priorities regarding energy and water development programs.

Although this bill provides adequate funding for some programs that I support, it also includes numerous other provisions that are unacceptable. On balance, these unpalatable provisions outweigh the positive aspects of the bill.

This bill substantially underfunds key priorities like science and innovation which are critical to the recovery of our economy and rebuilding our waterways and ports. The bill only provides $1.45 billion for energy efficiency and renewable energy research programs, which is $374 million below Fiscal Year 2012 and $886 million below the President's request.

The bill only provides $200 million for the Advanced Research Projects Agency—Energy (ARPA–E), which is $75 million below Fiscal Year 2012 levels and $150 million below the President's request. ARPA–E supports breakthrough of domestic clean energy innovations.

Mr. Chair, the bill before us dramatically cuts funding for energy efficiency and renewable energy research programs by 39 percent and reduces funding for several other energy innovation programs:

Solar energy research funding is cut by nearly 50 percent from Fiscal Year 2012;

Wind energy development research is underfunded at only $70 million, $24 million below the Fiscal Year 2012 and $25 million below the President's request;

Building technologies research funding is cut by more than 50 percent from fiscal year 2012 and $185 million below the President's request. These funds are used to research energy-efficient technologies in buildings, which account for roughly 40 percent of all U.S. energy use.

This bill does not stop there. It also contains provisions that weaken energy reduction targets in new and renovated federal buildings. Buildings account for almost 40 percent of U.S. energy consumption, and as the largest consumer of energy in the U.S., the federal government should lead the way in designing and building facilities that use less energy to spur the development of new materials and technologies and to show that these reductions are practical, achievable, and cost-effective.

Section 110 of the bill would stop an Administration effort to provide clarity on which water bodies are covered by Clean Water Act (CWA). The existing regulations were the subject of two Supreme Court cases in 2001 and 2006, in which the Court indicated the need for greater regulatory clarity on the scope of CA jurisdiction.

Mr. Chair, for many of these same reasons the President has put the Congress on notice that he will "veto" H.R. 5325 if it is presented to him for signature in its present form. It make no sense to pass a bad bill that has no chance of becoming law. We should instead be working together across the aisle to craft a bill that can win and be worthy of bipartisan and bicameral support. The bill before us does not meet this standard.

For these reasons, I will vote no on H.R. 5325 on final passage. I urge my colleagues to join me.

## IN RECOGNITION OF THE HARVEY HOUSE

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. FARR. Mr. Speaker, I rise today to recognize the Santa Lucia Chapter of the National Society Daughters of the American Revolution and the historic Harvey House in Salinas, California. The Harvey House was built in 1868 by the first Mayor of Salinas, Isaac Julian Harvey. It has served, among other functions, as the principal Salinas Valley meeting location for the Santa Lucia Chapter for the last seventy five years. Mayor Harvey's daughter, Mabel Harvey, helped to found the Santa Lucia chapter and opened the Harvey House for the chapter's first meeting on October 31, 1938. Mabel's daughter Helen Currie, in turn served as the Santa Lucia Chapter's organizing Regent. On June 9, 2012, the Santa Lucia Chapter will place a plaque commemorating its longstanding relationship with this historic property, and in so doing commemorate the important place that the Salinas Valley holds in the history of California, and indeed, the nation.

The Daughters of the American Revolution, founded in 1890 and headquartered in Washington, D.C., is a non-profit, non-political volunteer women's service organization dedicated to promoting patriotism, preserving American history, and securing America's future through better education for children. DAR members volunteer more than 250,000 hours annually to veteran patients, award thousands of dollars in scholarships and financial aid each year to students, and support schools for underserved children with annual donations exceeding one million dollars. As one of the most inclusive genealogical societies in the country, DAR boasts 170,000 members in 3,000 chapters across the United States and internationally.

Mr. Speaker, in closing, I want to thank the Santa Lucia Chapter of the Daughters of the American Revolution for its work and for honoring this important landmark of Salinas history.

## H.R. 5651, THE FOOD AND DRUG ADMINISTRATION REFORM ACT OF 2012

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. KUCINICH. Mr. Speaker, the very mechanism dictated by the Prescription Drug User Fee Act and the Medical Device User Fee Act is flawed. It is an inherent conflict of interest for drug and medical device manufacturers to pay millions of dollars in fees to the FDA that are designed to speed up regulatory approval, when the FDA is charged with making sure those drugs are safe and effective. H.R. 5651, the Food and Drug Administration Reform Act, perpetuates that flawed model.

At the same time, we have a shortage of affordable, and in some cases life saving drugs that must be addressed immediately. Currently, while the pharmaceutical and medical device manufacturers are allowed to pay to expedite approval, no such privilege exists for generic drugs. Such a competitive disadvantage has the result of keeping much less expensive and equally effective drugs off the market while boosting profits for pharmaceutical manufacturers. Our seniors deserve better than to have to split pills because pharmaceutical companies have an exclusive right to manipulate the market to pad their already massive profit margins at the expense of those in need to pharmaceuticals. This bill corrects that imbalance. This bill also begins to address the increasingly prevalent sudden episodes of shortages of drugs that are life-supporting or life-sustaining. Such episodes are immediately life-threatening if caregivers are not given sufficient notice to identify alternative supplies or treatments.

I support the Food and Drug Administration Reform Act of 2012 and will continue to work for FDA reform.

## PERSONAL EXPLANATION

### HON. MARTIN HEINRICH

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. HEINRICH. Mr. Speaker, I unfortunately missed three votes today, which included rollcall votes 297, 298 and 299.

If I had been present, I would have voted against rollcall vote 297, the Previous Question on the Rule providing for consideration of H.R. 5743, H.R. 5854, H.R. 5325, and H.R. 5855.

If I had been present, I would have voted against rollcall vote 298, H. Res. 667—Rule

providing for consideration of four bills—H.R. 5743—Intelligence Authorization Act for Fiscal Year 2013, H.R. 5854—Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2013, H.R. 5325—Energy and Water Development and Related Agencies Appropriations Act, 2013, and H.R. 5855—Department of Homeland Security Appropriations Act, 2013.

Lastly, I would have voted against rollcall vote 299, Representative FRANKS' (AZ–2) bill, H.R. 3541.

## CONGRATULATING JEFF RICE ON OVER THIRTY-ONE YEARS OF SERVICE AT DOLLAR GENERAL

### HON. DIANE BLACK

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mrs. BLACK. Mr. Speaker, in today's America, it can be difficult to find employees who truly exemplify service, loyalty, integrity and commitment. Today, it is my honor to recognize Jeff Rice for his thirty-one years of service at Dollar General. Jeff first joined Dollar General as a part time employee in 1981 and began working full time on May 7, 1984.

Beginning as an order puller at the Scottsville Distribution Center in Kentucky, Jeff grew his career and his influence through his hard work and dedication to excellence to eventually become the Vice President of Human Resources for the company. The length of Jeff's tenure has only been matched by the depth of his commitment to the Dollar General family and its success.

What is truly inspirational about Jeff is the positive impact he has had on the employees at Dollar General and his community. When he retires in July, his easy smile, passion for doing the right thing, and deeply rooted values will be hard for Dollar General to replace. I congratulate Jeff on an exceptional career and wish him well in what surely will be an exceptional retirement that will undoubtedly be filled with continued service to others.

## IN HONOR OF THE FRIENDSHIP CIRCLE OF CLEVELAND

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the Friendship Circle of Cleveland, a non-profit organization dedicated to providing Jewish children who have special needs with a full range of social recreational and Judaic experiences; providing their parents with respite and support; and enriching, inspiring and motivating Jewish teens through sharing of themselves with others.

Led by co-executive directors, Rabbi Yossi Marozov and Mrs. Estie Marozov, the Friendship Circle offers a wide-array of programs for the children they serve. The services provided include after-school programs, volunteer opportunities, at-home assistance, and cooking classes. The Friendship Circle provides almost all of its services to special needs children by pairing them with teen volunteers.

Last fall, the Friendship Circle moved to a new 12,000 square-foot space in Pepper Pike. The new building is twice the size of their former facility in South Euclid and was retrofitted especially to accommodate the needs of special needs children.

On Thursday, June 7, 2012, the Friendship Circle will be hosting "The Art of Friendship" event. The celebration with recognize the 2011–2012 teen volunteers. It will feature a tribute to leading autism awareness advocates Shari and Michael Goldberg and a presentation by chalk artist and speaker Richard Hight.

Mr. Speaker and colleagues, please join me in honoring the Friendship Circle of Cleveland, a life-changing organization for thousands of area Jewish children with special needs.

## HONORING UNIFIED GROCERS ON THEIR 90TH ANNIVERSARY

### HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to congratulate Unified Grocers, headquartered in my congressional district, on their 90th year of successful serving independent grocery retailers in the state of California.

Unified Grocers was formed in 1922 by a group of 15 grocers who came together to pool their resources in order to effectively compete in the marketplace. With headquarters in the city of Commerce, California, United Grocers operates a milk processing plant, bakery and six major distribution centers across the country. Unified Grocers is committed to helping its members build successful long-term businesses as well as remain competitive and grow in today's economy.

Unified Grocers runs an innovative, efficient, and sophisticated distribution chain that allows its members to stock their stores with items that are needed in their individual communities. They are responsive to a changing market and dedicated to the effective operation of facilities that are right-sized, well maintained and optimally located.

I once again congratulate Unified Grocers on the celebration of their 90th anniversary. I thank them for continuing to provide quality jobs in the 34th congressional district and throughout California and for giving back to our community to make it stronger.

## IN HONOR OF MS. BETH MOONEY

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Ms. Beth Mooney, who is being honored as the fifth recipient of the Notre Dame College Medal.

Born and raised in Midland, Michigan, Ms. Mooney's family relocated to Texas prior to her senior year of high school. She studied history at the University of Texas where she graduated summa cum laude in 1977. Following graduation, Ms. Mooney took on jobs at First City National Bank of Houston and Republic Bank in Dallas. While working with Republic Bank, she earned an MBA from Southern Methodist University in 1983.

After more than 30 years of experience in banking, which includes serving as Senior Executive Vice President and Chief Financial Officer for AmSouth Bancorporation, Ms. Mooney joined KeyCorp in 2006 as Vice Chair of Key Community Banking. Just a few years later, Ms. Mooney was made the Chairman and Chief Executive Officer of KeyCorp, becoming the first woman to head one of the 20 largest independent banks in the United States.

In addition to serving as the Chairman and Chief Executive Officer of KeyCorp, Ms. Mooney is a dedicated member of the Greater Cleveland community. She is a trustee and treasurer of the board of the Musical Arts Association/The Cleveland Orchestra, a trustee of The Cleveland Clinic Foundation, a trustee of United Way of Greater Cleveland, a member of The Financial Services Roundtable and board chair of Neighborhood Progress, Inc.

Mr. Speaker and colleagues, please join me in congratulating Ms. Beth Mooney, the recipient of the 2012 Notre Dame College Medal.

## PERSONAL EXPLANATION

### HON. NIKI TSONGAS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Ms. TSONGAS. Mr. Speaker, I missed votes on the day of June 1, 2012, because I was unavoidably detained at a family funeral. Had I been present, I would have voted against amendments to the FY 2013 Energy and Water Development Appropriations Act that sought to reduce funding for renewable energy and energy efficiency programs. I would have instead supported amendments that support and expand renewable energy and energy efficiency programs, and also increase funding for weatherization assistance and state energy programs.

Finally, I would have voted for an amendment to strike language undermining Clean Water Act protections for streams, wetlands, and other waterways. The underlying bill strikes protections that help safeguard drinking water sources from pollution, protect lives and property from flooding, and ensures the viability of economically beneficial fish and wildlife habitat.

## IN HONOR OF THE RETIREMENT OF BOOKER THOMAS

### HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. CARSON of Indiana. Mr. Speaker, today I rise to congratulate Booker Thomas, who has capably served as President and CEO of HealthNet, Inc. for well over a decade, on his well-deserved retirement.

Mr. Thomas has devoted his entire distinguished career to public health and public safety in predominantly poor and urban neighborhoods in cities across the Midwest. As

President and CEO of HealthNet, Inc., Mr. Thomas oversaw a dramatic expansion resulting in the establishment of seven primary care centers, two specialty care centers, and eight school-based clinics in order to better serve low-income Hoosiers throughout Indianapolis.

Today, HealthNet provides medical care to 50,000 Hoosiers and is the state's largest Federally Qualified Health Center. Under his leadership, HealthNet has garnered numerous accolades including the Joint Commission's prestigious Gold Seal of Approval. His exceptional leadership has positioned HealthNet as a community staple, ensuring that those most at risk in the 7th District will continue to have access to high-quality medical care.

Since his arrival to the 7th Congressional District of Indiana, Mr. Thomas has been actively engaged in efforts to improve scholastic performance. As a board member of Indianapolis-based non-profit Learning Well, thousands of students have benefited from improvements in their health, well-being and academic performance. I applaud him for his devotion to our community.

Today, I ask my colleagues to join me in honoring Booker Thomas for being an outstanding community partner, and for the exemplary effort and passion he has brought to improving access to health care in the 7th District of Indiana. I wish him the very best in his retirement.

## IN HONOR OF FATHER JOHN CARLIN

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Father John Carlin, who is celebrating his 25th Anniversary as Pastor of St. Charles Borromeo Parish.

Father Carlin graduated from Borromeo College Seminary in 1972 and later from St. Mary Seminary in 1976. Later that year he was ordained a priest for the Diocese of Cleveland. In 1987, Father Carlin was appointed Pastor of St. Charles Borromeo Parish at the young age of 38.

As Pastor, Father Carlin has been a loving and compassionate leader of his church. He provides guidance and hospitality for his parishioners and serves as a mentor to seminarians. He is dedicated to the spiritual and educational development of each parishioner and has helped maintain St. Charles Borromeo School during his time as Pastor. Every building of the nearly 90-year-old parish has been updated and renovated under Father Carlin's pastorate. This year marks Father Carlin's 25th anniversary as Pastor of St. Charles Borromeo Parish.

Mr. Speaker and colleagues, please join me in honoring Father John Carlin, the Pastor who has shown tremendous leadership and guidance to his parish for the past quarter century.

## HONORING THE CAREER OF COSMO PANETTA

### HON. JERRY McNERNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. MCNERNEY. Mr. Speaker, I rise today to ask my friends and colleagues to join me in recognizing the distinguished career of Cosmo Panetta and his 38 years as a small business owner in Pleasanton, California.

Cosmo embodies the American Dream, emigrating from Calabria, Italy in 1957. After graduating from Pacific High in San Leandro, he attended Moliere's Barber College. Cosmo obtained his state barber's license and soon bought his own business to serve the residents of the Tri-Valley. Cosmo has been a fixture in the community ever since. He's touched the lives of all those he's come across, including my own. His work ethic is exemplified by his shop's 12-hour workdays and seven-day workweeks. There is even a sign that hangs outside Cosmo's barbershop reading "1 billion haircuts."

With exemplary dedication to his adopted country and outstanding service for 38 years, Pleasanton will always be thankful to Cosmo. Grace, diligence and kindness are only a few of the many words that can be used to describe a gentleman of his exceptional character. He is a true example of the American Dream and of what a person can accomplish in our great country. I ask you to join me in honoring Cosmo Panetta for his remarkable service to the City of Pleasanton.

## RECOGNIZING THE DARTMOUTH COLLEGE 7S RUGBY FOOTBALL CLUB

### HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. BASS of New Hampshire. Mr. Speaker, I rise today to congratulate the Dartmouth College Men's 7s Rugby team upon winning their second consecutive USA 7s Collegiate Rugby National Championship on Sunday, June 3rd Philadelphia, Pennsylvania.

Led by their coach, Alex Magleby, a powerful and experienced Dartmouth squad defeated the talented team from the University of Arizona 24–5 in the final match. The Big Green was dominant throughout the 16- team, two-day round-robin tournament winning a total of six games. During this time they outscored their opponents by a combined score of 170–41. It was only during their semi-final match against the University of California that Dartmouth ever found their selves behind, but the squad from Hanover battled back from a 12 point deficit to a 21–19 victory.

The 2012 7s Collegiate Rugby National Championship adds to the distinguished record and history of Dartmouth Rugby. In addition to the 2011 7s National Championship, Dartmouth has the most rugby wins and championships among the members of the Ivy League, including winning 12 of the last 15 Ivy League Championships (15s), as well as the 2012 Ivy League 7s Championship.

Mr. Speaker it is with great pleasure to recognize the success of my alma mater and the members of the 2012 Dartmouth College 7s Rugby team.

Bill Lehmann '12
Nate Brakeley '12
Derek Fish '12
Will Mueller '12
Paul Jarvis '12
Clark Judge '12
Dave Turnbull '12
Justin Ciambella '13
Pat Flynn '13
Kevin Clark '14
James Sharpe '14
Madison Hughes '15
Coach Alex Magleby '00.

## IN RECOGNITION OF DR. MAZEN NAOUS

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of Dr. Mazen Naous, an internationally recognized professor, poet and author.

A native of Beirut, Lebanon, Dr. Naous immigrated to the United States at the age of eighteen to pursue his collegiate career. He attended The Boston Conservatory and graduated in 1996 with a Bachelor of Fine Arts in Music Composition and Classic Guitar. He continued his education at the University of Massachusetts Boston where he earned a Master of Arts in 2001 and his Ph.D. in English Literature from University of Massachusetts Amherst in 2007. During his postgraduate studies, Dr. Naous was the recipient of the Kennedy Award for Outstanding Work in the Field of Poetry and a national Consortium for Faculty Diversity Fellowship.

Dr. Naous has dedicated his career to higher education and improving intercultural understanding between the United States and Arab world. Currently, Dr. Naous is an assistant professor of English and comparative literature at the College of Wooster. Previously, he taught at the Lebanese American University, City University of New York and College of Staten Island. Dr. Naous will be returning to Lebanon in the next academic year where he will be teaching at the University of Balamand.

Currently, Dr. Naous is working on his first book, The Arab American Novel and Alternative Poetics. According to Dr. Naous, the book aims to secure a space for Arab American literature in the fields of American studies and postcolonial diasporas, and assert its importance to aesthetics and artistic innovation.

Mr. Speaker and colleagues, please join me in recognizing the renowned career of Dr. Mazen Naous.

## PERSONAL EXPLANATION

### HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Ms. VELÁZQUEZ. Mr. Speaker, due to a personal family matter I was not present for rollcall votes 294–314. Had I been present, this is how I would have voted:

On rollcall Vote 294: H.R. 5651, Food and Drug Administration Reform Act of 2012 I would have voted yes.

On rollcall Vote 295: H.R. 4201, The Service member Family Protection Act I would have voted yes.

On rollcall Vote 296: H.R. 915, The Jaime Zapata Border Security Task Force Act I would have voted yes.

On rollcall Vote 297: Motion on Ordering the Previous Question on the Rule providing for consideration of H.R. 5743, H.R. 5854, H.R. 5325, and H.R. 5855 I would have voted yes.

On rollcall Vote 298: H. Res. 667, Rule providing for consideration of H.R. 5743, H.R. 5854, H.R. 5325, and H.R. 5855 I would have voted no.

On rollcall Vote 299: H.R. 3541, Prenatal Nondiscrimination Act I would have voted no.

On rollcall Vote 300: Democratic Motion to Recommit H.R. 5743 I would have voted I would have voted yes.

On rollcall Vote 301: Final Passage of H.R. 5743, Intelligence Authorization Act for Fiscal Year 2013 I would have voted yes.

On rollcall Vote 302: Grimm Amendment which strikes Section 517, which prohibits the use of funds for construction bid solicitations that require or prohibit project labor agreements I would have voted yes.

On rollcall Vote 303: Franks Amendment to prohibit the use of funds from being used to enforce the prevailing wage requirements of the Davis-Bacon Act I would have vote no.

On rollcall Vote 304: Democratic Motion to Recommit H.R. 5854 I would have voted yes.

On rollcall Vote 305: Final Passage of H.R. 5854, Military Construction and Veterans Affairs Act, 2013 I would have voted yes.

On rollcall Vote 306: Scalise Amendment to increase the Army Corps of Engineers Construction Account by $10 million for Louisiana Coastal Restoration and reduces the Department of Energy Administration Account by the same amount I would have voted yes.

On rollcall Vote 307: King Amendment to reduce the Army Corps of Engineers Construction Account by $1,000,000 and increases the Operation and Maintenance Account by $571,429 I would have voted no.

On rollcall Vote 308: Moran Amendment which strikes Section 110 of the bill. The section prohibits the Corps of Engineers from using funds to issue guidance, enforce or supplement rules regarding definition of waters under the jurisdiction of the Clean Water Act I would have voted yes.

On rollcall Vote 309: Hultgren Amendment to reduce the Department of Energy, Energy Programs, Energy Efficiency and Renewable Energy Account by $30 million and increases the Science Administrative and Facility Account for National Laboratories by $15 million I would have voted no.

On rollcall Vote 310: Chaffetz Amendment to reduce funds for Energy Efficiency and Renewable Energy by $74,000,000 and applies the savings to the spending reduction account I would have voted no.

On rollcall Vote 311: McClintock Amendment to zero out the Department of Energy, Energy Programs, Energy Efficiency and Renewable Energy Account (a cut of $1.45 billion) and applies the savings to the spending reduction account I would have voted no.

On rollcall Vote 312: Kaptur Amendment to increase the Department of Energy, Energy Programs, Energy Efficiency and Renewable Energy Account by $10 million and reduces the Department of Energy Administrative Account by the same amount I would have voted yes.

On rollcall Vote 313: Tonko Amendment to increase the Department of Energy, Energy Programs, Energy Efficiency and Renewable Energy Account by $180,440,000 for the Weatherization Assistance Program and the State Energy Program and reduces the Atomic Energy Defense Activities, National Nuclear Security Administration, Weapons Activities Account by the same amount I would have voted yes.

On rollcall Vote 314: Hahn Amendment to increase funds for Energy Efficiency and Renewable Energy by $50 million and reduces funds for Fossil Energy Research and Development by $100 million I would have voted yes.

## IN RECOGNITION OF THE 100TH ANNIVERSARY OF THE WEST SIDE MARKET

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today to celebrate Cleveland's West Side Market, a publicly-owned market that has been a city landmark for the past 100 years.

The Market was originally an open-air farmer's market that was established in 1840. It eventually became known as the Pearl Street Market when an enclosed building was built to house the many vendors. Today, the West Side Market is located across the street from the old Pearl Street Market. It was built in 1912, making this year its 100th anniversary.

The West Side Market features over 100 vendors who sell a variety of fresh food items, including meat, seafood, dairy products, fruits, vegetables, and pastries. Some of the vendors are third, fourth, and even fifth generation vendors whose ancestors were original occupants at the opening of the Market. The Market has retained the same selection of culturally and ethnically diverse foods that could be found in 1912 when many of the vendors were immigrants to Cleveland. For many Clevelanders, the West Side Market is a place full of memories and traditions, and is a symbol of their Cleveland heritage.

The celebration of 100th anniversary of the West Side Market will begin on June 2, 2012 with a Kick-Off event that will feature the opening of the newly renovated Market Square Park. The Kick-Off will also include performances by Happy Timers Polka, Belly Dancers, Duo Anime, Rey Cintron Latin Jazz, Csardas Dance Company and The Academy.

Mr. Speaker and colleagues, please join me in honoring The West Side Market, a historical landmark that has remained a beloved cornerstone of the Cleveland community for the past 100 years.

## HONORING THE 55TH NATIONAL PUERTO RICAN DAY PARADE

### HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. SERRANO. Mr. Speaker, it is with great pleasure that I rise today to recognize the fifty-fifth National Puerto Rican Day Parade, which will be held on June 10, 2012, in New York City. As one of our nation's largest parades, this event recognizes the proud and rich heritage of the Puerto Rican community here in the United States.

The first Puerto Rican Day Parade was held on Sunday, April 13th, 1958, in "El Barrio" in Manhattan. It struck an unprecedented chord in the community, galvanizing thousands of Puerto Ricans in a powerful demonstration of their rise as an important ethnic group. Over the next four decades, the New York Puerto Rican Day Parade became an essential and fundamental cultural event in New York City. The parade began as a show of strength for the Puerto Rican community in New York, but eventually grew into a broader celebration of Puerto Rican achievements in New York City and elsewhere. The parade has been so successful that in 1995, its organizers increased its size and transformed it into the national and international cultural affair that it is today.

This Sunday, June 10th, delegates representing more than half of the states in the United States will join the approximately 3 million parade goers who transform New York's Fifth Avenue into a sea of Puerto Rican and United States flags. It's a unique event which celebrates the rich cultural and political relationship that exists between the City of New York and Puerto Rico. Puerto Ricans positioned New York as a vital and dynamic international, multilingual city that continues to welcome individuals from all over the world.

Mr. Speaker, the National Puerto Rican Day Parade is a unique event which represents the richness and diversity that exists in the Puerto Rican community, both in New York, nationally, and internationally. As a Puerto Rican and a New Yorker, I am proud to participate in this year's parade, as I have for many years.

Mr. Speaker, I look forward to marching in the fifty-fifth annual National Puerto Rican Day Parade, and I am confident that the parade will continue to be an important cultural celebration in New York for many years to come.

## RECOGNIZING THE SUCCESS OF THE ROMAN MEAL COMPANY ON THEIR 100TH ANNIVERSARY

### HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. SMITH of Washington. Mr. Speaker I rise to honor the Roman Meal Company and the Matthaei family on the company's l00th anniversary. This impressive milestone places Roman Meal among fewer than 25 private companies in the United States who have been in business for one century.

The company was founded in 1912 by Robert Jackson, a Canadian physician and historian, who came to Tacoma, WA for medical

treatment. Mr. Jackson studied how Roman legionnaires fought, and discovered they ate a diet that included wheat and rye for strength and stamina. He then developed a hot cereal meal based on that diet.

In 1927, William Matthaei purchased the Roman Meal Health Company. The Matthaei family used centuries of baking knowledge and Mr. Jackson's formula to develop Roman Meal Bread. William Matthaei's son, Charles, still comes to work every day at the age of 92 and his grandson, William, serves as CEO.

Running a company continuously for 100 years requires more than outstanding products. Roman Meal's ability to survive through the Great Depression, multiple recessions, and evolving consumer preferences required that the company adapt quickly to changes in the marketplace. Pressures from competition and trade demanded that they constantly innovate to stay ahead.

Mr. Speaker it is with great pleasure that I recognize the success of the Roman Meal Company and the Matthaei family in creating an excellent product and a dynamic company that has thrived for 100 years. I wish them continued success.

## IN HONOR OF MS. SHIRLEY MACLAINE

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Ms. Shirley MacLaine who is being honored with the 40th American Film Institute (AFI) Life Achievement Award on June 7, 2012.

Born on April 24, 1934 in Richmond, Virginia, MacLaine grew up the daughter of Ira Owens and Kathlyn Corinne Beaty. She attended Washington-Lee High School and during the summer prior to her senior year had her first role on Broadway as a member of the chorus in a revival of Oklahoma. MacLaine had been trained in ballet before turning to acting. She returned to the stage and New York City following her high school graduation and became an understudy to Carol Haney in The Pajama Game, a role which she eventually took over. It was this role that launched MacLaine's career onto the Silver Screen.

MacLaine made her film debut in 1955's ''The Trouble with Harry,'' for which she won the Golden Globe Award for New Star of the Year—Actress. Throughout her almost 60 year career, MacLaine has appeared in more than 60 films, made numerous television and Broadway appearances, produced, directed, and has authored several books. A five-time Oscar nominee, MacLaine won the Academy Award for Best Actress in 1983 for her role in Terms of Endearment.

AFI's Life Achievement Award is America's highest honor for a career in film. However, in addition to honoring MacLaine's illustrious film career, the American Film Institute is also celebrating her work in television, on Broadway, as an author and as a philanthropist. Meryl Streep, who was the recipient of the AFI Life Achievement Award in 2004, will be presenting MacLaine her award.

Mr. Speaker and colleagues, please join me in honoring one of the most accomplished and moving actresses of a generation and a close personal friend, Ms. Shirley MacLaine on the occasion of receiving AFI's 40th Life Achievement Award.

## IN HONOR OF JOE JASKIEWICZ

### HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. COURTNEY. Mr. Speaker, I rise today to recognize and honor Joe Jaskiewicz who has stepped down after many distinguished years of public service. Joe was born in Brooklyn, New York and moved to Norwich, Connecticut as a young boy. In 1964, he married his high school sweetheart, Beverly. Shortly after graduation, Joe began work as a pipefitter at Electric Boat where he worked for 37 years, eventually becoming a supervisor.

Mr. Jaskiewicz went on to serve the Town of Montville in many capacities. He began his career in the Parks & Recreation Department and spent four years as Chairman of the Board of Finance before being elected to the Town Council. After chairing the body for four years, Joe became Mayor in 2003. During his eight years in office, Joe Jaskiewicz championed economic development in Montville, bringing new businesses and jobs to the area. In his first term, Joe nearly doubled the size of the police force and supervised the renovation of all Montville schools. Although Joe's career was marked by numerous achievements, one of his proudest accomplishments was the transformation of the old Fair Oaks School into the Fair Oaks Community Center. He also served as the Chair of the Southeast Connecticut Council of Governments for one year during his second term as mayor. His decision to step down is a loss for the town he loves, but I believe after recharging his batteries, Joe will be back in the public arena in some new and exciting form to continue his service.

In addition to his work in the local government, Joe has been active in youth sports, coaching Pee Wee football and Little League. I urge my colleagues to join with me in honoring Joe Jaskiewicz and all the wonderful work he has completed for the Town of Montville, Connecticut.

## DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2013

SPEECH OF

### HON. RICK LARSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 6, 2012*

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 5855) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2013, and for other purposes:

Mr. LARSEN of Washington. Mr. Chair, last year I introduced H.R. 2972, the Creating American Jobs Through Foreign Capital Act. This legislation seeks to permanently reauthorize the EB–5 program. The EB–5 program allows qualified foreign investors who create or save at least 10 full-time American jobs by making major investments in U.S. businesses to seek U.S. visas. The program, first established in 1990, has been continued as a short-term pilot program.

Last year the program created or saved more than 25,000 American jobs and generated $1.25 billion in investment, according to the Association to Invest In the USA. For example, in the Second Congressional District in Washington state, this program has created least 800 jobs in Whatcom County alone. The EB–5 program is one of more than 20 immigrant investor programs around the world that are competing for capital investment. In the Asia-Pacific region, programs like EB–5 exist in Hong Kong, New Zealand, Australia, Singapore and Canada. As the United States more strongly embraces our role as an Asia-Pacific nation and looks to create jobs through exports to the region, we are competing with these countries, and many more around the world, for these investment dollars.

I am pleased that the Senate has included a two-year reauthorization of this program in Section 554 of its Homeland Security Appropriations bill. The Senate report highlighted that since its inception of this program in 1990 through 2011, USCIS estimates that a minimum of 43,280 jobs have been created and more than $2,200,000,000 has been invested through the EB–5 program. Our economy cannot afford to do without these investments or these jobs.

I want to thank Chairman ADERHOLT and Ranking Member PRICE for working with me on this issue. And, even though this reauthorization is not included in the House bill, I would like to thank the Subcommittee as a whole for understanding the importance of this language and this reauthorization and I urge you to preserve the Senate reauthorization during conference committee.

## TRIBUTE TO THE RETIREMENT OF MR. JOHN FENTON, CEO, METROLINK

### HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. GARY G. MILLER of California. Mr. Speaker, rise to pay tribute to Southern California Regional Rail Authority Chief Executive Officer John Fenton, who is retiring this year.

John Fenton led efforts to enhance safety and instilled safety culture at Southern California Regional Rail Authority, commonly referred to as Metrolink. He hosted a summit on safety to facilitate the implementation of safety culture nationwide, was joined by over 60 members of the California Legislature to bring awareness to safety culture statewide, pioneered a curriculum for railroad safety with the University of Southern California's Viterbi School of Engineering and deployed the safest passenger rail cars available known as the Guardian Fleet across the Metrolink System.

John Fenton's leadership and commitment to Positive Train Control implementation in advance of the federal mandate were unwavering and he became a nationwide spokesperson on its significance to rail safety in the country for passenger and freight rail providers.

John Fenton brought a level of integrity, passion and tremendous enthusiasm to the position and was respected by railroad stakeholders such as the NTSB, rail unions and federal and state regulatory agencies.

John Fenton's dedication and perseverance led Metrolink to increase its ridership, thereby reducing traffic congestion and air emissions and providing Southern California commuters with a safe, reliable, efficient and cost-effective means to travel.

In the two years that John Fenton has led Metrolink, he has ushered in a new era of service that has included a 14 percent service expansion, the introduction of express trains, bike cars, quiet cars, service to sporting events throughout the region, and increased coordination with other regional transit providers including airports.

John Fenton's private sector railroad experience helped him introduce business oriented best practices that led to efficiencies in the agency that elevated Metrolink's performance and resulted in improved Metrolink reputation in the region to passengers, employees, stakeholders, rail industry partners and the news media.

John Fenton expanded a fuel conservation policy to save over 860,000 gallons of fuel annually, reducing costs to the agency and reducing idling, noise and air emissions from Metrolink facilities and was unwavering in his vigilant pursuit of additional operational efficiencies.

Under John Fenton's administration the agency pursued major capital projects including the Metrolink Service Expansion Program, Orange County Grade Crossing Safety Improvements, Glendale Corridor Grade Crossing Safety Improvements, Los Angeles Union Station Platform Improvements, and Perris Valley Line Expansion.

John Fenton brought his strong mid-west values from Indiana to all of his endeavors while embracing his role of ''Johnnywood'' with rock-star flair, as required by the unique Los Angeles culture.

John Fenton's departure to Florida is a loss to the Southern California region's railroading industry. He is leaving an admirable legacy as well as many friends and colleagues that will miss him.

## ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2013

SPEECH OF

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 31, 2012*

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 5325) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other purposes:

Mr. ISRAEL. Mr. Chair, I rise to oppose attempts to weaken energy efficiency standards for lighting that were included in the bipartisan Energy Independence and Security Act of 2007. Plain and simple—these attempts to do away with energy efficiency standards will hurt our competitive advantage against China.

America's lighting industry has invested millions of dollars to manufacture new energy efficient incandescent light bulbs here in the United States. These bulbs produce the same type of light as the former bulbs but use 28 percent to 33 percent less energy. An amendment to prohibit enforcement of the energy efficiency standards is an attack on our domestic lighting industry. Denying the Department of Energy the power to enforce an existing law opens the door to the importation of non-compliant products from foreign manufacturers that will not only harm the investments made by American manufacturers but put American jobs at risk.

The current lighting efficiency standards are creating American jobs because the manufacturing of these light bulbs is done in the United States. Most of the operations producing less efficient lighting were moved offshore years ago. We are creating American jobs making better light bulbs that meet the new standards. The energy-efficient lighting industry currently employs more than 14,000 American workers. I do not want to send those jobs to China!

The light bulb has been a symbol of American ingenuity since the late 1800s. When Thomas Edison invented the light bulb, it revolutionized our economy and electricity around the world. If America wants to lead, we need to become more efficient. That is the way of the future.

Supporting America's energy-efficient lighting industry is about more than jobs. It's about saving money, saving each American household $100 per year in the form of lower electric bills. I know my constituents want that $100 in their pockets.

That is why I urge my colleagues to join me in opposing any amendment that would prohibit the Department of Energy from utilizing energy efficiency standards for lighting to help save money and energy while supporting U.S. manufacturing.

## HONORING SCORE AND ITS CONTRIBUTION TO SMALL BUSINESSES

### HON. ALLEN B. WEST

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. WEST. Mr. Speaker, I realize that small business is essential for creating jobs in our nation. Small businesses are the engine of America's economy, and there is an organization that exists to help strengthen small businesses and assist them in achieving their dreams. That organization is SCORE. SCORE is a nonprofit that provides free business advice to anyone looking to start or grow a small business. With over 350 chapters across our nation, SCORE volunteers stand ready and willing to help all of those who want it.

As a strong supporter of all small businesses in our nation, I am proud to congratulate the South Palm Beach SCORE chapter in Florida for winning the United States Small Business Administration's National SCORE Chapter of the Year Award. South Palm Beach SCORE was chosen to receive this award thanks to the strong relationships they've built in their local small business community, the programs they have developed assisting veterans and young entrepreneurs, and their efforts to expand the reach of their chapter to new entrepreneurs and small business owners.

South Palm Beach SCORE helped over 5000 small businesses in Fiscal Year 2011. South Palm Beach SCORE has also started a number of programs that have helped their community grow, including joining with Lynn University, Palm Beach State College, and Florida Atlantic University to assist with Veteran Affairs, Government Trade Shows, and Mentoring Business School students and alumni; forming a program with the Boca Raton Chamber of Commerce to provide a 33-week course working with area students, ages 11–18, focused on successfully starting and operating a small business; and creating the Veterans Grant Program to help returning Iraq and Afghanistan vets start or grow their own business.

South Palm Beach SCORE members funded the program by donating over a quarter of a million dollars of their own money to get the program off the ground. The criteria for National SCORE Chapter of the Year award is based on demonstration of the chapter delivering quality, contributions to the community, client focus, and merit achievement.

To ensure small businesses' continued success, I will work to focus in the United States Congress on what is best for entrepreneurs, small business owners and their communities. This means providing SCORE with the funding they need to adequately assist those people who need it.

SCORE is an effective and efficient catalyst for job creation. Studies show for every $1 appropriated to SCORE, $57 flows into the federal treasury from SCORE clients. SCORE is a unique national organization serving the two great American ideals: entrepreneurial spirit and volunteerism. It is my hope the Federal Government tries to maintain SCORE's budget at $7 million to let volunteer experts continue to help small business owners at no cost to them.

SCORE exists to help entrepreneurs achieve their dream of success and strengthen the economy of this great nation, and we need to support them in their efforts.

South Palm Beach SCORE chapter winning the Small Business Administration's National SCORE Chapter of the Year Award exemplifies the goal in meeting entrepreneurs' dreams and growing of economy.

## MARKING THE TWENTY-FIFTH ANNUAL BERNIE FOWLER PATUXENT WADE-IN

### HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2012*

Mr. HOYER. Mr. Speaker, I rise to mark the twenty-fifth Patuxent River Wade-In, begun by former Maryland State Senator Bernie Fowler in 1988. This year's wade-in will take place on June 10 at Jefferson Patterson Park in St. Leonard.

We rely on a multitude of measurements to take stock of our economic health, such as the Industrial Production Index, the Consumer Price Index, and the S&P 500 index. However, to take stock of the health of the Patuxent River—and, indeed, of our stewardship of the

Chesapeake Bay—there is no index more important than Bernie's annual ''Sneaker Index.'' Bernie's sneakers have now been the leading non-scientific measure of the river's health for a quarter century.

Each year, in order to gauge the health and water quality of the Patuxent River, Bernie has waded into its water to measure its clarity, stopping at the point at which he can no longer see his sneakers. As a young man, he recalled being able to see them clearly when the water was already up to his chest—through as much as sixty inches of river water. When Bernie first waded in the river to measure in 1988, he could only get as far as his shins, recording only eight inches of water before his sneakers disappeared beneath the polluted waters. In 2011, Bernie measured this level at 31.25 inches—slightly lower than the previous year and much lower than the over–42 inch record in 2004. This is a sign that we still have much work to do.

I have had the honor of joining him, along with other Maryland elected officials, at the banks of the Patuxent for many years at this annual event. Throughout his career, Bernie has done much to draw attention to the health of the river and the Chesapeake Bay into which it flows. The Patuxent is the Chesapeake's only tributary to flow entirely through our State, and Marylanders feel a special responsibility to protect it for future generations.

Let us continue to follow in Bernie Fowler's footsteps and heed his call to conserve and protect the Patuxent River and the Chesapeake Bay, and let us leave our children and grandchildren a cleaner and clearer Patuxent and Chesapeake to enjoy and treasure.

## MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2013

SPEECH OF

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 31, 2012*

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 5854) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2013, and for other purposes:

Mr. ISRAEL. Madam Chair, I rise today in strong opposition to section 517 of the Military Construction, Veterans Affairs and Related Agencies Appropriations Act. That is because it would prevent the Department of Veterans Affairs, and related construction agencies from using project labor agreements (PLA) when they determine that they would benefit from doing so. If an agency decides that it is in their best interest to enter into a PLA, they should be given the ability to make that call.

Project labor agreements increase efficiency and quality of construction projects and are an effective tool for ensuring that large and complex projects are completed on time. They provide construction contractors with access to a highly skilled and well trained workforce and ensure that contractors comply with equal employment rules and environmental standards. And, workers have found that it protects their safety and wages. For these reasons, PLAs have been used in all 50 states and the District of Columbia; on the local, state, and federal level; and in the public and private sector.

You might have even heard of the Tappan Zee Bridge, Fort Drum, Walt Disney World and the Kennedy Space Center—all were built with project labor agreements. And any attempt to restrict even the consideration of project labor agreements where they would promote economic efficiency is simply the height of anti-union tactics getting in the way of good government.

There is an Executive Order that encourages agencies to use project labor agreements if it finds that an agreement would promote economic efficiency. During this time of fiscal restraint when the government must tighten its belt, it does not make sense to prohibit use of a proven business model that increases efficiency and keeps costs down. That is why I support the use of project labor agreements and am opposed to this anti-labor provision.

# *Daily Digest*

## HIGHLIGHTS

**The House passed H.R. 5855, Department of Homeland Security Appropriations Act, 2013.**

# Senate

## *Chamber Action*

***Routine Proceedings, pages S3803–S3874***

**Measures Introduced:** Eleven bills and three resolutions were introduced, as follows: S. 3271–3281, and S. Res. 486–488. **Pages S3838–39**

**Measures Reported:**

S. 3276, to extend certain amendments made by the FISA Amendments Act of 2008. (S. Rept. No. 112–174) **Page S3838**

**Measures Passed:**

***Large Air Tankers:*** Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration of S. 3261, to allow the Chief of the Forest Service to award certain contracts for large air tankers, and the bill was then passed. **Pages S3870–71**

***Making a Technical Correction:*** Senate passed H.R. 5883, to make a technical correction in Public Law 112–108. **Page S3871**

***Making a Technical Correction:*** Senate passed H.R. 5890, to correct a technical error in Public Law 112–122. **Page S3871**

***Honoring the Late Fang Lizhi:*** Committee on the Judiciary was discharged from further consideration of S. Res. 476, honoring the contributions of the late Fang Lizhi to the people of China and the cause of freedom, and the resolution was then agreed to. **Pages S3871–72**

***Portsmouth Naval Shipyard Fire:*** Senate agreed to S. Res. 488, commending the efforts of the firefighters and emergency response personnel of Maine, New Hampshire, Massachusetts, and Connecticut, who came together to extinguish the May 23, 2012, fire at Portsmouth Naval Shipyard in Kittery, Maine. **Pages S3872–73**

**Measures Considered:**

***Agriculture Reform, Food, and Jobs Act—Agreement:*** Senate continued consideration of the motion to proceed to consideration of S. 3240, to reauthorize agricultural programs through 2017. **Pages S3803–35**

During consideration of this measure today, Senate also took the following action:

By 90 yeas to 8 nays (Vote No. 117), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the motion to proceed to consideration of the bill. **Pages S3807–08**

A unanimous-consent agreement was reached providing that if cloture is not invoked on the nomination of Andrew David Hurwitz, of Arizona, to be United States Circuit Judge for the Ninth Circuit, Senate agree to the motion to proceed to consideration of the bill at 2:15 p.m., on Tuesday, June 12, 2012; and that if cloture is invoked on the nomination of Andrew David Hurwitz, of Arizona, to be United States Circuit Judge for the Ninth Circuit, that upon the disposition of the nomination, Senate agree to the motion to proceed to consideration of the bill. **Page S3835**

**Hurwitz Nomination—Cloture:** Senate began consideration of the nomination of Andrew David Hurwitz, of Arizona, to be United States Circuit Judge for the Ninth Circuit. **Page S3835**

A motion was entered to close further debate on the nomination and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Monday, June 11, 2012. **Page S3835**

A unanimous-consent-time-agreement was reached providing that at 4:30 p.m., on Monday, June 11, 2012, there be up to 60 minutes of debate on the motion to invoke cloture on the nomination, equally divided between the two Leaders, or their designees; that upon the use or yielding back of time, Senate

vote on the motion to invoke cloture on the nomination. **Page S3835**

**Nominations Received:** Senate received the following nominations:

Mignon L. Clyburn, of South Carolina, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2012.

Stephen Crawford, of Maryland, to be a Governor of the United States Postal Service for the remainder of the term expiring December 8, 2015.

John M. Koenig, of Washington, to be Ambassador to the Republic of Cyprus.

6 Air Force nominations in the rank of general.

4 Army nominations in the rank of general.

1 Coast Guard nomination in the rank of admiral.

4 Navy nominations in the rank of admiral.

Routine lists in the Army, Foreign Service, and Navy. **Pages S3873–74**

**Nominations Withdrawn:** Senate received notification of withdrawal of the following nominations:

Terence Francis Flynn, of Maryland, to be a Member of the National Labor Relations Board for the term of five years expiring August 27, 2015, which was sent to the Senate on January 5, 2011.

Terence Francis Flynn, of Maryland, to be a Member of the National Labor Relations Board for the term of five years expiring August 27, 2015 (Recess Appointment), which was sent to the Senate on February 13, 2012.

Roslyn Ann Mazer, of Maryland, to be Inspector General, Department of Homeland Security, which was sent to the Senate on July 21, 2011. **Page S3874**

**Messages from the House:** **Page S3837**

**Measures Placed on the Calendar:** **Page S3837**

**Enrolled Bills Presented:** **Page S3837**

**Executive Communications:** **Pages S3837–38**

**Executive Reports of Committees:** **Page S3838**

**Additional Cosponsors:** **Pages S3839–40**

**Statements on Introduced Bills/Resolutions:** **Pages S3840–44**

**Additional Statements:** **Page S3836**

**Amendments Submitted:** **Pages S3844–70**

**Authorities for Committees to Meet:** **Page S3870**

**Privileges of the Floor:** **Page S3870**

**Record Votes:** One record vote was taken today. (Total—117) **Page S3808**

**Adjournment:** Senate convened at 9:30 a.m. and adjourned at 5:23 p.m., until 2:00 p.m. on Monday, June 11, 2012. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S3873.)

# *Committee Meetings*

*(Committees not listed did not meet)*

## BLUE RIBBON COMMISSION ON AMERICA'S NUCLEAR FUTURE

*Committee on Environment and Public Works:* Subcommittee on Clean Air and Nuclear Safety concluded a hearing to examine recommendations from the Blue Ribbon Commission on America's Nuclear Future for a consent-based approach to siting nuclear waste storage and management facilities, after receiving testimony from S. Andrew Orrell, Director, Nuclear Energy and Fuel Cycle Programs, Sandia National Laboratories, Department of Energy; David A. Wright, South Carolina Public Service Commissioner, on behalf of the National Association of Regulatory Utility Commissioners, and Geoffrey H. Fettus, Natural Resources Defense Council, Inc., all of Washington, D.C.; General Brent Scowcroft, Scowcroft Group, Washington, D.C., and Per Peterson, University of California, Berkley, both of the Blue Ribbon Commission on America's Nuclear Future; Eric Howes, Maine Yankee, Wiscasset; and Daniel S. Metlay, U.S. Nuclear Waste Technical Review Board, Arlington, Virginia.

## CIVIL SOCIETY IN CUBA

*Committee on Foreign Relations:* Subcommittee on Western Hemisphere, Peace Corps and Global Narcotics Affairs concluded a hearing to examine countering repression and strengthening civil society in Cuba, after receiving testimony from Roberta S. Jacobson, Assistant Secretary of State for Western Hemisphere Affairs; and Normando Hernandez Gonzalez, National Endowment for Democracy, Washington, D.C.

## UNIVERSAL SERVICE FUND REFORM

*Committee on Indian Affairs:* Committee concluded a hearing to examine Universal Service Fund Reform, focusing on ensuring a sustainable and connected future for native communities, after receiving testimony from Mignon L. Clyburn, Federal Communications Commission; Jonathan Adelstein, Administrator, Rural Utilities Service, Department of Agriculture; Alfred LaPaz, Mescalero Apache Tribal Council, and Godfrey Enjady, Mascalero Apache Telecom, Inc., both of Mescalero, New Mexico; Stephen Merriam, Arctic Slope Telephone Association Cooperative, Inc., Anchorage, Alaska; Albert S. N. Hee, Sandwich Isles Communications, Inc., Honolulu, Hawaii; and Shirley Bloomfield, National Telecommunications Cooperative Association, Arlington, Virginia.

**BUSINESS MEETING**

*Committee on the Judiciary:* Committee ordered favorably reported the nominations of Robert E. Bacharach, of Oklahoma, to be United States Circuit Judge for the Tenth Circuit, Paul William Grimm, to be United States District Judge for the District of Maryland, John E. Dowdell, to be United States District Judge for the Northern District of Oklahoma, and Mark E. Walker, to be United States District Judge for the Northern District of Florida.

**INTELLIGENCE**

*Select Committee on Intelligence:* Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

# House of Representatives

## *Chamber Action*

**Public Bills and Resolutions Introduced:** 24 public bills, H.R. 5905–5928; and 3 resolutions, H. Res. 680–682, were introduced. **Page H3660**

**Additional Cosponsors:** **Pages H3661–62**

**Reports Filed:** There were no reports filed today.

**Speaker:** Read a letter from the Speaker wherein he appointed Representative Barton (TX) to act as Speaker pro tempore for today. **Page H3581**

**Recess:** The House recessed at 10:37 a.m. and reconvened at 12 noon. **Page H3585**

**Protect Medical Innovation Act of 2012:** The House passed H.R. 436, to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices, by a yea-and-nay vote of 270 yeas to 146 nays, Roll No. 361. **Pages H3601–15, H3615–18**

Rejected the Bishop (NY) motion to recommit the bill to the Committee on Ways and Means with instructions to report the same back to the House forthwith with an amendment, by a yea-and-nay vote of 179 yeas to 239 nays, Roll No. 360. **Pages H3615–17**

Pursuant to the rule, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112–23 shall be considered as adopted, in lieu of the amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill. **Page H3601**

H. Res. 679, the rule providing for consideration of the bills (H.R. 436) and (H.R. 5882), was agreed to by a recorded vote of 241 ayes to 173 noes, Roll No. 359, after the previous question was ordered by a yea-and-nay vote of 240 yeas to 179 nays, Roll No. 358. **Pages H3589–99, H3600–01**

**Department of Homeland Security Appropriations Act, 2013:** The House passed H.R. 5855, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2013, by a yea-and-nay vote of 234 yeas to 182 nays, Roll No. 370. Consideration of the measure began yesterday, June 6th. **Pages H3618–52**

Rejected the Tierney motion to recommit the bill to the Committee on Appropriations with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 165 ayes to 251 noes, Roll No. 369. **Pages H3650–51**

Agreed by unanimous consent that, during further consideration of H.R. 5855 in the Committee of the Whole pursuant to House Resolution 667, no further amendment to the bill may be offered except those appearing on a list submitted to the desk. **Page H3618**

Agreed to:

Ellison amendment that prohibits funds from being used in contravention of (1) the Fifth and Fourteenth Amendments to the Constitution; (2) Title VI of the Civil Rights Act of 1964; (3) Section 809(c)(1) of the Omnibus Crime Control and Safe Streets Act of 1968; or (4) Section 210401(a) of the Violent Crime and Law Enforcement Act of 1994; **Page H3620**

Graves (MO) amendment that prohibits funds from being used to finalize, implement, administer, or enforce the rule entitled "Provisional Unlawful Presence Waivers of Inadmissibility for Certain Immediate Relatives" published by the Department of Homeland Security on April 2, 2012; **Pages H3620–21**

Black amendment that prohibits funds from being used to provide funding for the position of Public Advocate within U.S. Immigration and Customs Enforcement; **Page H3622**

Flores amendment that prohibits funds from being used to enforce section 526 of the Energy Independence and Security Act of 2007; **Pages H3623–24**

Pierluisi amendment (No. 16 printed in the Congressional Record of June 6, 2012) that prohibits funds from being used to implement, administer, or enforce section 1301(a) of title 31, United States

Code, with respect to the use of amounts made available by this Act for "Customs and Border Protection—Salaries and Expenses" for the expenses authorized to be paid in section 9 of the Jones Act and for the collection of duties and taxes authorized to be levied, collected, and paid in Puerto Rico, as authorized in section 4 of the Foraker Act, in addition to the more specific amounts available for such purposes in the Puerto Rico Trust Fund pursuant to such provisions of law; **Page H3632**

Barletta amendment that prohibits funds from being used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; **Pages H3635–36**

Aderholt en bloc amendment that consists of the following amendments: Engel amendment that prohibits funds from being used by the Department of Homeland Security or any other Federal agency to lease or purchase new light duty vehicles, for any executive fleet, or for an agency's fleet inventory, except in accordance with Presidential Memorandum-Federal Fleet Performance, dated May 24, 2011; Holt amendment that prohibits funds from being used for the purchase, operation, or maintenance of armed unmanned aerial vehicles; and Price (GA) amendment that prohibits funds from being used in contravention of immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act); **Page H3637**

Cravaack amendment that prohibits funds from being used in contravention of section 236(c) of the Immigration and Nationality Act; **Pages H3641–43**

King (IA) amendment that prohibits funds from being used to enforce Executive Order 13166 (August 16, 2000; 65 Fed. Reg. 50121) (by a recorded vote of 224 ayes to 189 noes, Roll No. 362); **Pages H3624, H3645**

King (IA) amendment that prohibits funds from being used to finalize, implement, administer, or enforce the "Morton Memos" described in the amendment (by a recorded vote of 238 ayes to 175 noes, Roll No. 363); and **Pages H3624–29, H3645–46**

Sullivan amendment that prohibits funds from being used to terminate an agreement governing a delegation of authority under section 287(g) of the Immigration and Nationality Act that is in existence on the date of the enactment of this Act (by a recorded vote of 250 ayes to 164 noes, Roll No. 366). **Pages H3632–34, H3647–48**

Rejected:

Broun (GA) amendment that sought to prohibit funds from being used to enforce section 44920(f) of title 49, United States Code; **Page H3640**

Broun (GA) amendment that sought to prohibit funds from being used for Behavior Detection Officers or the SPOT program; **Pages H3640–41**

Blackburn amendment that sought to prohibit funds from being used to provide to a Transportation Security Officer, Behavior Detection Officer, or other employee of the Transportation Security Administration (1) a badge or shield or (2) a uniform with epaulets or a badge tab (by a recorded vote of 131 ayes to 282 noes, Roll No. 364) **Pages H3629–30, H3646–47**

Blackburn amendment that sought to prohibit funds from being used for Transportation Security Administration Transportation Security Officers or Behavior Detection Officers outside an airport (by a recorded vote of 204 ayes to 210 noes, Roll No. 365); **Pages H3630–32, H3647**

Turner (NY) amendment that prohibits more than $20,000,000 from being made available for surface transportation security inspectors, except for the National Explosives Detection Canine Training Program and Visible Intermodal Prevention and Response Teams (by a recorded vote of 101 ayes to 314 noes, Roll No. 367); and **Pages H3637–38, H3648–49**

Polis amendment that sought to reduce each amount made available by this Act by 2%, except for certain specified accounts (by a recorded vote of 99 ayes to 316 noes, Roll No. 368). **Pages H3638–40, H3649**

Withdrawn:

Brown (FL) amendment that was offered and subsequently withdrawn that would have increased funding, by offset, for U.S. Customs and Border Protection Salaries and Expenses by $25,000,000 and **Page H3619**

Crowley amendment that was offered and subsequently withdrawn regarding the sense of Congress that the Department of Homeland Security should increase coordination with India on efforts to prevent terrorist attacks in the United States and India. **Pages H3622–23**

Point of Order sustained against:

Ryan (OH) amendment that sought to prohibit funds from being used to issue an immigrant or nonimmigrant visa to a citizen, subject, national, or resident of Brazil until the President of the United States determines and certifies to the Congress that the Government of Brazil has amended it laws to remove the prohibition on extradition of nationals of Brazil to other countries. **Pages H3621–22**

H. Res. 667, the rule providing for consideration of the bills (H.R. 5743), (H.R. 5854), (H.R. 5855), and (H.R. 5325), was agreed to on Thursday, May 31st.

**Recess:** The House recessed at 4:07 p.m. and reconvened at 4:21 p.m. **Page H3615**

**Motion to Instruct Conferees:** The House debated the Broun (GA) motion to instruct conferees on H.R. 4348. Further proceedings were postponed.

**Pages H3652–58**

**Senate Message:** Message received from the Senate by the Clerk and subsequently presented to the House today appears on page H3652.

**Senate Referral:** S. 3261 was referred to the Committee on Agriculture. **Page H3659**

**Quorum Calls—Votes:** Four yea-and-nay votes and nine recorded votes developed during the proceedings of today and appear on pages H3598–99, H3600–01, H3617, H3617–18, H3645, H3645–46, H3646–47, H3647, H3647–48, H3648–49, H3649, H3650–51, and H3651–52. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 11:35 p.m.

# *Committee Meetings*

## TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS BILL FY 2013

*Committee on Appropriations:* Subcommittee on Transportation, Housing and Urban Development held a markup of Transportation, Housing and Urban Development Appropriations Bill FY 2013. The bill was forwarded, without amendment.

## MILITARY RESALE PROGRAMS OVERVIEW

*Committee on Armed Services:* Subcommittee on Military Personnel held a hearing entitled ''Military Resale Programs Overview''. Testimony was heard from Robert L. Gordon, Deputy Assistant Secretary of Defense, Military Community and Family Policy; Brigadier General Francis L. Hendricks, USAF, Commander, Army and Air Force Exchange Service; Rear Admiral Robert J. Bianchi, USN (ret), Chief Executive Officer, Navy Exchange Service Command; Joseph H. Jeu, Director and Chief Executive Officer, Defense Commissary Agency; William C. Dillon, Director, Semper Fit and Exchange Services, U.S. Marine Corps; and public witnesses.

## MISCELLANEOUS MEASURE

*Committee on Education and the Workforce:* Full Committee held a markup of H.R. 4297, the ''Workforce Investment Improvement Act of 2012''. The bill was ordered reported, as amended.

## MISCELLANEOUS MEASURES

*Committee on Energy and Commerce:* Subcommittee on Commerce, Manufacturing, and Trade completed markup of H.R. 5865, the ''American Manufacturing Competitiveness Act of 2012''; and H.R. 5859, to repeal an obsolete provision in title 49, United States Code, requiring motor vehicle insurance cost reporting. H.R. 5865 was forwarded as amended; and H.R. 5859 was forwarded, without amendment.

## MISCELLANEOUS MEASURE

*Committee on Energy and Commerce:* Subcommittee on Energy and Power held a markup of H.R. 4273, the ''Resolving Environmental and Grid Reliability Conflicts Act of 2012''; and H.R. 5892, the ''Hydropower Regulatory Efficiency Act of 2012''. H.R. 4273 and H.R. 5892 were forwarded, without amendment.

## OVERSIGHT OF FEDERAL HOUSING ADMINISTRATION'S MULTIFAMILY INSURANCE PROGRAMS

*Committee on Financial Services:* Subcommittee on Insurance, Housing and Community Opportunity held a hearing entitled ''Oversight of Federal Housing Administration's Multifamily Insurance Programs''. Testimony was heard from Marie Head, Deputy Assistant Secretary, Office of Multifamily Housing Programs, Office of Housing, Federal Housing Administration; Michael Bodaken, President, National Housing Trust; Mary Keaney, Executive Director, Illinois Housing Development Authority; and public witnesses.

## INVESTOR PROTECTION: THE NEED TO PROTECT INVESTORS FROM THE GOVERNMENT

*Committee on Financial Services:* Subcommittee on Capital Markets and Government Sponsored Enterprises held a hearing entitled ''Investor Protection: The Need to Protect Investors from the Government''. Testimony was heard from public witnesses.

## MISCELLANEOUS MEASURES

*Committee on Foreign Affairs:* Full Committee held a markup of H.R. 4405, to impose sanctions on persons responsible for the detention, abuse, or death of Sergei Magnitsky, and for other gross violations of human rights in the Russian Federation, and for other purposes; H. Res. 506, calling upon the Government of Turkey to facilitate the reopening of the Ecumenical Patriarchate's Theological School of Halki without condition or further delay; H.R. 4141, to direct the Administrator of the United States Agency for International Development to take appropriate actions to improve the nutritional quality, quality control, and cost effectiveness of United States food assistance, and for other purposes; H. Res. 526, expressing the sense of the House of Representatives with respect toward the establishment of

a democratic and prosperous Republic of Georgia and the establishment of a peaceful and just resolution to the conflict with Georgia's internationally recognized borders; H. Res. 583, expressing support for robust efforts by the United States to see Joseph Kony, the leader of the Lord's Resistance Army, and his top commanders brought to justice and the group's atrocities permanently ended; and H. Res. 663, expressing support for the International Olympic Committee to recognize with a minute of silence at every future Olympics Opening Ceremony those who lost their lives at the 1972 Munich Olympics, and for other purposes. The following measures were ordered reported, as amended: H.R. 4405; H.R. 4141; H. Res. 526; H. Res. 583; and H. Res. 663. The following resolution was ordered reported, without amendment, H. Res. 506.

## TSA'S EFFORTS TO FIX ITS POOR CUSTOMER SERVICE REPUTATION AND BECOME A LEANER, SMARTER AGENCY

*Committee on Homeland Security:* Subcommittee on Transportation Security held a hearing entitled "TSA's Efforts to Fix Its Poor Customer Service Reputation and Become a Leaner, Smarter Agency". Testimony was heard from John S. Pistole, Administrator, Transportation Security Administration.

## OVERSIGHT OF THE UNITED STATES DEPARTMENT OF JUSTICE

*Committee on the Judiciary:* Full Committee held a hearing entitled "Oversight of the United States Department of Justice". Testimony was heard from Eric Holder, Attorney General, Department of Justice.

## MISCELLANEOUS MEASURES

*Committee on Natural Resources:* Full Committee held a markup of the following measures: H.R. 1103, the "American Memorial Park Tinian Annex Act"; H.R. 1171, "Marine Debris Act Reauthorization Amendments of 2011"; H.R. 3065, the "Target Practice and Marksmanship Training Support Act"; H.R. 3100, the "San Antonio Missions National Historical Park Boundary Expansion Act"; H.R. 3210, the "RELIEF Act"; H.R. 3388, the "Wood-Pawcatuck Watershed Protection Act"; H.R. 3685, to amend the Herger-Feinstein Quincy Library Group Forest Recovery Act to extend and expand the scope of the pilot forest management project required by that Act; H.R. 3706, to create the Office of Chief Financial Officer of the Government of the Virgin Islands, and for other purposes; H.R. 4039, the "Yerington Land Conveyance and Sustainable Development Act"; H.R. 4073, to authorize the Secretary of Agriculture to accept the quitclaim, disclaimer, and relinquishment of a railroad right of way within and adjacent to Pike National Forest in El Paso County, Colorado, originally granted to the Mt. Manitou Park and Incline Railway Company pursuant to the Act of March 3, 1875; H.R. 4094, the "Preserving Access to Cape Hatteras National Seashore Recreational Area Act"; H.R. 4234, the "Grazing Improvement Act of 2012"; H.R. 4400, to designate the Salt Pond Visitor Center at Cape Cod National Seashore as the "Thomas P. O'Neill, Jr. Salt Pond Visitor Center", and for other purposes; S. 270, the "La Pine Land Conveyance Act"; and S. 997, the "East Bench Irrigation District Water Contract Extension Act". The following measures were ordered reported, as amended: H.R. 3685; H.R. 4039; H.R. 4234; H.R. 3100; H.R. 3210; H.R. 1171; H.R. 3388; H.R. 3706; and H.R. 4073. The following measures were ordered reported, without amendment: H.R. 4094; H.R. 1103; H.R. 3065; H.R. 4400; S. 270; and S. 997.

## ASSESSING MEDICARE AND MEDICAID PROGRAM INTEGRITY

*Committee on Oversight and Government Reform:* Subcommittee on Government Organization, Efficiency and Financial Management held a hearing entitled "Assessing Medicare and Medicaid Program Integrity". Testimony was heard from Peter Budett, Director of Center for Program Integrity, Centers for Medicare and Medicaid Services; Ann Maxwell, Regional Inspector General for Evaluation and Inspections, Office of the Inspector General for Department of Health and Human Services; Carolyn Yocom, Director of Health Care, Medicaid, Government Accountability Office; and Kathleen King, Director of Health Care, Medicare, Government Accountability Office.

## ISSUES AND OPPORTUNITIES FOR SMALL BUSINESSES ON THE GSA SCHEDULES

*Committee on Small Business:* Subcommittee on Contracting and Workforce held a hearing entitled "Scheduling Success? Issues and Opportunities for Small Businesses on the GSA Schedules". Testimony was heard from William T. Woods Director, Acquisition and Sourcing Management, Government Accountability Office; Steven J. Kempf, Commissioner, Federal Acquisition Services, General Services Administration; and public witnesses.

## MISCELLANEOUS MEASURES

*Committee on Transportation and Infrastructure:* Full Committee held a markup of the following measures: H.R. 4965, to preserve existing rights and responsibilities with respect to waters of the United States, and for other purposes; H.R. 5887, the "Coast Guard and Maritime Transportation Authorization Act of 2012"; H.R. 1171, the "Marine Debris Act Reauthorization Amendments of 2011"; H.R. 3742,

to designate the United States courthouse located at 100 North Church Street in Las Cruces, New Mexico, as the ''Edwin L. Mechem United States Courthouse''; H.R. 4347, to designate the United States courthouse located at 709 West 9th Street in Juneau, Alaska, as the ''Robert Boochever United States Courthouse''; General Services Administration Capital Investment and Leasing Program Resolutions; and Summary of Legislative and Oversight Activities Committee Report. The following measures were ordered reported, as amended: H.R. 4965; H.R. 5887; and H.R. 1171. The following measures were ordered reported, without amendment: H.R. 3742; and H.R. 4347. The Summary of Legislative and Oversight Activities Committee Report was approved.

# *Joint Meetings*

## ECONOMIC OUTLOOK

*Joint Economic Committee:* Committee concluded a hearing to examine the current economic outlook, after receiving testimony from Ben S. Bernanke, Chairman, Board of Governors of the Federal Reserve System.

## NEW PUBLIC LAWS

*(For last listing of Public Laws, see* DAILY DIGEST, *p. D548)*

H.R. 2415, to designate the facility of the United States Postal Service located at 11 Dock Street in Pittston, Pennsylvania, as the ''Trooper Joshua D. Miller Post Office Building''. Signed on June 5, 2012. (Public Law 112–124)

H.R. 3220, to designate the facility of the United States Postal Service located at 170 Evergreen Square SW in Pine City, Minnesota, as the ''Master Sergeant Daniel L. Fedder Post Office''. Signed on June 5, 2012. (Public Law 112–125)

H.R. 3413, to designate the facility of the United States Postal Service located at 1449 West Avenue in Bronx, New York, as the ''Private Isaac T. Cortes Post Office''. Signed on June 5, 2012. (Public Law 112–126)

H.R. 4119, to reduce the trafficking of drugs and to prevent human smuggling across the Southwest Border by deterring the construction and use of border tunnels. Signed on June 5, 2012. (Public Law 112–127)

H.R. 4849, to direct the Secretary of the Interior to issue commercial use authorizations to commercial stock operators for operations in designated wilderness within the Sequoia and Kings Canyon National Parks. Signed on June 5, 2012. (Public Law 112–128)

## COMMITTEE MEETINGS FOR FRIDAY, JUNE 8, 2012

*(Committee meetings are open unless otherwise indicated)*

### Senate

No meetings/hearings scheduled.

### House

*Committee on Energy and Commerce,* Subcommittee on Oversight and Investigations, hearing entitled ''Medicare Contractors' Efforts to Fight Fraud—Moving Beyond 'Pay and Chase' '', 9:30 a.m., 2123 Rayburn.

Subcommittee on Health, hearing ''Examining the Appropriateness of Standards for Medical Imaging and Radiation Therapy Technologists'', 10 a.m., 2322 Rayburn.

*Committee on the Judiciary,* Full Committee, continued markup of H.R. 4369, the ''Furthering Asbestos Claim Transparency (FACT) Act of 2012'', 9:30 a.m., 2141 Rayburn.

*Committee on Natural Resources,* Subcommittee on Indian and Alaska Native Affairs, hearing entitled ''Federal Communications Commission's rule on the Universal Service Fund and its impact on American Indians and Alaska Natives'', 11 a.m., 1324 Longworth.

Subcommittee on National Parks, Forest and Public Lands, hearing on the following measures: H.R. 3641 ''Pinnacles National Park Act''; H.R. 3894, the ''Pullman Historic Site National Park Service Study Act''; H.R. 4606, to authorize the issuance of right-of-way permits for natural gas pipelines in Glacier National Park, and for other purposes; H.R. 5544, the ''Minnesota Education Investment and Employment Act''; and H.R. 5791, the ''Emergency Water Supply Restoration Act'', 9 a.m., 1334 Longworth.

*Committee on Ways and Means,* Subcommittee on Select Revenue Measures, hearing entitled ''Framework for Evaluating Certain Expiring Tax Provisions'', 9:30 a.m., 1100 Longworth.

*Next Meeting of the* SENATE

2 p.m., Monday, June 11

Senate Chamber

**Program for Monday:** Senate will resume consideration of the motion to proceed to consideration of S. 3240, Agriculture Reform, Food, and Jobs Act. At 4:30 p.m., Senate will resume consideration of the nomination of Andrew David Hurwitz, of Arizona, to be United States Circuit Judge for the Ninth Circuit, and vote on the motion to invoke cloture on the nomination at approximately 5:30 p.m.

*Next Meeting of the* HOUSE OF REPRESENTATIVES

9 a.m., Friday June 8

House Chamber

**Program for Friday:** Consideration of H.R. 5882—Legislative Branch Appropriations Act, 2013.

## Extensions of Remarks, as inserted in this issue

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