United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158 WASHINGTON, TUESDAY, JUNE 26, 2012 No. 97

House of Representatives

The House met at noon and was called to order by the Speaker pro tempore (Ms. FOXX).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 26, 2012.

I hereby appoint the Honorable VIRGINIA FOXX 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 would 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 1:50.

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 25, 2012.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 25, 2012 at 2:51 p.m.:

That the Senate passed S. 3240.

With best wishes, I am
Sincerely,

KAREN L. HAAS.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 2 minutes p.m.), the House stood in recess.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CULBERSON) at 2 p.m.

PRAYER

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

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

You have blessed us with all good gifts, and with thankful hearts we express our gratitude. You have created us with opportunities to serve other people in their need, to share together in respect and affection, and to be faithful in the responsibilities we have been given.

In this moment of prayer, please grant to the Members of this people's House the gifts of wisdom and discernment that, in their words and actions, they will do justice, love with mercy, and walk humbly with You.

In this most auspicious week of issues in our Nation's Capital, send Your Spirit of peace and goodwill, that we all might find in one another our common future.

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

Amen.

THE JOURNAL

The SPEAKER pro tempore. 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 pro tempore. Will the gentleman from Texas (Mr. BURGESS) come forward and lead the House in the Pledge of Allegiance.

Mr. BURGESS 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.

REPORT ON H.R. 6020, FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2013

Mrs. EMERSON, from the Committee on Appropriations, submitted a privileged report (Rept. No. 112–550) on the bill (H.R. 6020) making appropriations for financial services and general government for the fiscal year ending September 30, 2013, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

THE FATE OF THE AFFORDABLE CARE ACT AWAITS THE SUPREME COURT

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

Mr. BURGESS. Mr. Speaker, here we are, 32 hours away from the Supreme Court's decision on the Affordable Care Act. No one has a clear idea of what their decision will be. We've worked hard in preparing for any decision that might come from the Supreme Court,

Printed on recycled paper.

and their announcement will certainly be watched by all.

As the chairman of the Congressional Health Caucus, I've held a series of policy forums to discuss the future of health care in this country. Today we heard from Dr. John Goodman, president and CEO of the National Center for Policy Analysis in Dallas. Dr. Goodman has put a considerable amount of time into how to craft health care policy that will be beneficial to all Americans without the burdensome law that we currently have.

Additionally, doctors in Dallas convened with four Members of Congress earlier this month. They produced a set of principles that I will provide for the RECORD. I encourage people to spend some time and look at those, and understand that we have to have health care in this country that's patient-centered, doctor-led, and most of all, we keep the government out of the way.

ARIZONA IMMIGRATION RULING IS A HUGE VICTORY FOR AMERICAN JOBS

(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, yesterday, the Supreme Court upheld section 2(b), or the ''Check Your Papers'' provision, of the Arizona immigration law. This requires the police to check the immigration status of persons whom they detain before releasing. Upholding this provision represents a victory for States that are protecting their citizens to retain jobs.

Columbia business leader Chip Prezioso is correct: A country without borders is no longer a country.

The Obama administration has actively prevented States like Arizona and South Carolina from promoting their citizens to keep jobs from competing illegal aliens. The Federal Government has good immigration laws, but Attorney General Eric Holder has refused to enforce them.

As a former immigration attorney, I know we welcome legal immigration. Arizona and South Carolina took proactive steps to ensure that State law enforcement officials are empowered to keep jobs for Americans, instead of illegal aliens.

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

VOICE OF TEXAS, JAMES: MR. PRESIDENT, FOLLOW THE CONSTITUTION

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

Mr. POE of Texas. Mr. Speaker, like many Americans, my neighbors are concerned with the President's refusal to follow the Constitution.

James from Kingwood, Texas, wrote me this:

> When, as an officer on activity duty, I took an oath to support and defend the Constitution. I honored and still honor that oath because I believe in this country and in the constitutional form of government.
>
> As near as I can see, the President is not enforcing the laws he is required to do. If a military officer were found selectively performing his duty, he would be court-martialed, discharged, and dismissed from the service, as he should be.
>
> Sir, how long does the President get to thumb his nose at the Constitution and at Congress? The Congress must take action now to support the Constitution, or we won't have a Constitution.

Mr. Speaker, James is correct. The President is not supposed to make law by Executive edict from the palace of the White House, nor is the President to willfully refuse to enforce laws. Both actions are a violation the supreme law of the land, the Constitution.

And that's just the way it is.

HOUSE GOP JOBS PLAN

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

Ms. FOXX. Mr. Speaker, the facts don't lie. President Obama's policies have failed the American people and are making the economy worse. Since the President took office, unemployment has been above 8 percent for 40 months, gas prices have doubled, and the number of Americans having to rely on food stamps has climbed to an all-time high while the number of new business startups has dropped to a 17-year low.

Our national debt has surpassed $15 trillion, greater than our entire economy, and the CBO has projected that 2012 will bring the fourth $1 trillion deficit in a row.

Because the President cannot run on his record, he has, regrettably, turned to the politics of envy and division. House Republicans, though, have a plan for America's job creators to help turn this economy around.

It's time for the President and Senate Democrats to stop blocking our jobs bills and help us put Americans back to work.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 2:45 p.m. today.

Accordingly (at 2 o'clock and 9 minutes p.m.), the House stood in recess.

□ 1448

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. FOXX) at 2 o'clock and 48 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

ENABLING ENERGY SAVING INNOVATIONS ACT

Mr. WHITFIELD. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4850) to allow for innovations and alternative technologies that meet or exceed desired energy efficiency goals.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4850

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 ''Enabling Energy Saving Innovations Act''.

SEC. 2. INNOVATIVE COMPONENT TECHNOLOGIES.

Section 342(f) of the Energy Policy and Conservation Act (42 U.S.C. 6313(f)) is amended—

(1) in paragraph (1), by striking ''paragraphs (2) through (5)'' and inserting ''paragraphs (2) through (6)''; and

(2) by adding at the end the following new paragraph:

''(6) INNOVATIVE COMPONENT TECHNOLOGIES.—Subparagraph (C) of paragraph (1) shall not apply to a walk-in cooler or walk-in freezer component if the component manufacturer has demonstrated to the satisfaction of the Secretary that the component reduces energy consumption at least as much as if such subparagraph were to apply. In support of any demonstration under this paragraph, a manufacturer shall provide to the Secretary all data and technical information necessary to fully evaluate its application.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky (Mr. WHITFIELD) and the gentlewoman from Florida (Ms. CASTOR) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky.

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

Madam Speaker, I rise today in support of the Enabling Energy Saving Innovations Act, H.R. 4850, which was introduced by Representative ADERHOLT of Alabama. This bill fixes a problem with section 312 of the Energy Independence and Security Act of 2007 relating to newly manufactured walk-in coolers and walk-in freezers. The legislation resolves a problem by providing the Secretary of Energy authority to waive certain component specifications of section 312, so long as the manufacturer demonstrates that that product meets or exceeds DOE energy-efficiency standards.

I would urge all Members to support this commonsense piece of legislation, and I reserve the balance of my time.

□ 1450

Ms. CASTOR of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the ranking member of the Energy and Commerce Committee asked me to convey that he has no objection to the bill. Mr. ADERHOLT's bill provides the flexibility for walk-in coolers and walk-in freezers to meet the applicable energy-efficiency standards with technologies other than foam insulation. The bill ensures that the alternative technology reduces energy consumption at least as much as the insulation that is currently required. We think this is a reasonable approach, encourage Members to support the bill, and I reserve the balance of my time.

Mr. WHITFIELD. Madam Speaker, at this time I would like to yield 6 minutes to the gentleman from Alabama (Mr. ADERHOLT), who is the author of this legislation.

Mr. ADERHOLT. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, when Congress passed the Energy Independence and Security Act in December 2007, it inadvertently did not allow a procedure for technologies which may provide greater energy efficiencies than even what is required in the bill. The legislation before us this afternoon simply makes a small change in relation to walk-in coolers and freezers.

Section 312 of the Energy Independence and Security Act regulates the efficiency standards of walk-in coolers and freezers. The section mandates that cooler and freezer doors meet a certain R-value as a measurement of their ability to retain temperature and use less energy. The problem is that an R-value is a measurement based primarily on the thickness of foam. Therefore, requiring products to meet an R-value prohibits technologies that are just as efficient, but utilize alternative materials or technologies.

These types of statutes typically provide the Department of Energy with a waiver authority. This bill simply provides the Department of Energy with the authority to waive the R-value requirement if they determine a product meets or exceeds the desired energy-efficiency goals. This bill is supported by the American Council for an Energy Efficient Economy. Furthermore, we have spoken with officials at the Department of Energy who recognize the need to consider the energy savings of nonfoam products.

Madam Speaker, this situation offers a prime example of how making an adjustment in a government regulation can maintain standards and at the same time allow flexibility for businesses and retailers to purchase superior products to enable their businesses to use less energy and therefore save more money. The law as it currently stands is preventing this mutually beneficial transaction from taking place. Furthermore, without a waiver authority, the law will continue to limit future innovations in this important sector. It would be, as if in the 1950s, Congress had mandated that the record industry only use a certain type of vinyl. Therefore, there would be no cassette tapes, CDs, or iPods.

With this simple bill, Congress can fix this oversight, allowing more eco-friendly innovations and a freer marketplace. This is one way we as Representatives can help continue to create an environment for economic growth. For those reasons, this bill enjoys wide bipartisan support, and I urge a ''yes'' vote on H.R. 4850.

Ms. CASTOR of Florida. Madam Speaker, if the other side of the aisle has no further speakers, then I'm prepared to yield back.

Mr. WHITFIELD. We have no further speakers.

Ms. CASTOR of Florida. I urge a ''yes'' vote on the bill, and I yield back the balance of my time.

Mr. WHITFIELD. Madam Speaker, I just want to thank the gentlelady from Florida and the ranking member for working with us on this legislation. I urge its passage, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. WHITFIELD) that the House suspend the rules and pass the bill, H.R. 4850.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

COLLINSVILLE RENEWABLE ENERGY PROMOTION ACT

Mr. WHITFIELD. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5625) to reinstate and transfer certain hydroelectric licenses and extend the deadline for commencement of construction of certain hydroelectric projects.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5625

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 ''Collinsville Renewable Energy Promotion Act''.

SEC. 2. REINSTATEMENT OF EXPIRED LICENSES AND EXTENSION OF TIME TO COMMENCE CONSTRUCTION OF PROJECTS.

Subject to section 4 of this Act and notwithstanding the time period under section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to Federal Energy Regulatory Commission projects numbered 10822 and 10823, the Federal Energy Regulatory Commission (referred to in this Act as the ''Commission'') may—

(1) reinstate the license for either or each of those projects; and

(2) extend for 2 years after the date on which either or each project is reinstated under paragraph (1) the time period during which the licensee is required to commence the construction of such projects.

Prior to reaching any final decision under this section, the Commission shall provide an opportunity for submission of comments by interested persons, municipalities, and States and shall consider any such comment that is timely submitted.

SEC. 3. TRANSFER OF LICENSES TO THE TOWN OF CANTON, CONNECTICUT.

Notwithstanding section 8 of the Federal Power Act (16 U.S.C. 801) or any other provision thereof, if the Commission reinstates the license for, and extends the time period during which the licensee is required to commence the construction of, a Federal Energy Regulatory Commission project under section 2, the Commission shall transfer such license to the town of Canton, Connecticut.

SEC. 4. ENVIRONMENTAL ASSESSMENT.

(a) DEFINITION.—For purposes of this section, the term ''environmental assessment'' shall have the same meaning as is given such term in regulations prescribed by the Council on Environmental Quality that implement the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) ENVIRONMENTAL ASSESSMENT.—Not later than 180 days after the date of enactment of this Act, the Commission shall complete an environmental assessment for Federal Energy Regulatory Commission projects numbered 10822 and 10823, updating, to the extent necessary, the environmental analysis performed during the process of licensing such projects.

(c) COMMENT PERIOD.—Upon issuance of the environmental assessment required under subsection (b), the Commission shall—

(1) initiate a 30-day public comment period; and

(2) before taking any action under section 2 or 3—

(A) consider any comments received during such 30-day period; and

(B) incorporate in the license for the projects involved, such terms and conditions as the Commission determines to be necessary, based on the environmental assessment performed and comments received under this section.

SEC. 5. DEADLINE.

Not later than 270 days after the date of enactment of this Act, the Commission shall—

(1) make a final decision pursuant to paragraph (1) of section 2; and

(2) if the Commission decides to reinstate 1 or both of the licenses under such paragraph and extend the corresponding deadline for commencement of construction under paragraph (2) of such section, complete the action required under section 3.

SEC. 6. PROTECTION OF EXISTING RIGHTS.

Nothing in this Act shall affect any valid license issued by the Commission under section 4 of the Federal Power Act (16 U.S.C. 797) on or before the date of enactment of this Act or diminish or extinguish any existing rights under any such license.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky (Mr. WHITFIELD) and the gentleman from Connecticut (Mr. MURPHY) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky.

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

I rise in support of H.R. 5625, which was introduced by Representative MURPHY of Connecticut. This legislation would provide the Federal Energy Regulatory Commission with limited authority to reinstate two terminated hydroelectric licenses and transfer

them to a new owner, the town of Canton, Connecticut.

The licenses are associated with the Upper and Lower Collinsville dams on the Farmington River in Connecticut. Both projects are under one megawatt each, and I urge all Members to support this legislation, and I reserve the balance of my time.

Mr. MURPHY of Connecticut. Madam Speaker, I yield myself such time as I may consume, and I would like to thank the chairman for his assistance and leadership in bringing this bill forward today.

This legislation before us, as Chairman WHITFIELD stated, is pretty simple. It will allow FERC the permissive authority to allow several communities in my district to operate two very small hydroelectric dams as municipal power sources. The Upper and Lower Collinsville dams have been dormant along Connecticut's Farmington River since the 1960s. The licenses that were fairly recently previously issued by FERC to operate both small dams are currently inactive. This legislation would allow FERC the opportunity to reinstate them and transfer them to the town of Canton, Connecticut, for operation.

These two small dams are already a beloved and long-standing symbol of the Farmington Valley's rich history. Today, however, we can help make them a symbol of the valley's future as well—retrofitting them to provide clean energy to power thousands of homes and businesses.

This legislation was the product of a sustained and collaborative process with State and local stakeholders, FERC, and river protection organizations. The bill provides for an additional comment period on any FERC licensing action, as well as on the licenses' environmental provisions—ensuring that public input is respected and the river's health is protected.

While we work to enact policies that will accelerate our transition to energy independence, we shouldn't neglect these smaller projects that can begin that process right here and now, and this bill represents that kind of opportunity.

This isn't the first time we've considered this bill in this Chamber. Identical legislation passed the House by voice vote on June 16, 2010. However, the Senate didn't take up the bill that year. As such, I'm hopeful we can muster the same bipartisan spirit today and again pass this noncontroversial energy legislation.

Again, I'd like to thank Chairman WHITFIELD, as well as Chairman UPTON and Ranking Members WAXMAN and RUSH and their staffs, for helping bring this legislation to the floor today. We do this institution credit with this kind of bipartisan legislation. Again to the chairman, I appreciate it, and I reserve the balance of my time.

Mr. WHITFIELD. Madam Speaker, we have no further speakers, so at this time I would just thank the gentleman from Connecticut for bringing this legislation to our attention. I appreciate his patience. It took us a little while to get it to the floor, but I do urge its passage, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. WHITFIELD) that the House suspend the rules and pass the bill, H.R. 5625.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WHITFIELD. Madam Speaker, I ask unanimous consent that all Members be allowed to revise and extend their remarks and insert extraneous material on H.R. 4850 and H.R. 5625.

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

There was no objection.

□ 1500

NUCLEAR TERRORISM CONVENTIONS IMPLEMENTATION AND SAFETY OF MARITIME NAVIGATION ACT OF 2012

Mr. SMITH of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5889) to amend title 18, United States Code, to provide for protection of maritime navigation and prevention of nuclear terrorism, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5889

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 ''Nuclear Terrorism Conventions Implementation and Safety of Maritime Navigation Act of 2012''.

TITLE I—SAFETY OF MARITIME NAVIGATION

SEC. 101. AMENDMENT TO SECTION 2280 OF TITLE 18, UNITED STATES CODE.

Section 2280 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A)(i), by striking ''a ship flying the flag of the United States'' and inserting ''a vessel of the United States or a vessel subject to the jurisdiction of the United States (as defined in section 70502 of title 46)'';

(B) in paragraph (1)(A)(ii), by inserting '', including the territorial seas'' after ''in the United States''; and

(C) in paragraph (1)(A)(iii), by inserting '', by a United States corporation or legal entity,'' after ''by a national of the United States'';

(2) in subsection (c), by striking ''section 2(c)'' and inserting ''section 13(c)'';

(3) by striking subsection (d);

(4) by striking subsection (e) and inserting after subsection (c):

''(d) DEFINITIONS.—As used in this section, section 2280a, section 2281, and section 2281a, the term—

''(1) 'applicable treaty' means—

''(A) the Convention for the Suppression of Unlawful Seizure of Aircraft, done at The Hague on 16 December 1970;

''(B) the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23 September 1971;

''(C) the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973;

''(D) International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979;

''(E) the Convention on the Physical Protection of Nuclear Material, done at Vienna on 26 October 1979;

''(F) the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 24 February 1988;

''(G) the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988;

''(H) International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997; and

''(I) International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999;

''(2) 'armed conflict' does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature;

''(3) 'biological weapon' means—

''(A) microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective, or other peaceful purposes; or

''(B) weapons, equipment, or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict;

''(4) 'chemical weapon' means, together or separately—

''(A) toxic chemicals and their precursors, except where intended for—

''(i) industrial, agricultural, research, medical, pharmaceutical, or other peaceful purposes;

''(ii) protective purposes, namely those purposes directly related to protection against toxic chemicals and to protection against chemical weapons;

''(iii) military purposes not connected with the use of chemical weapons and not dependent on the use of the toxic properties of chemicals as a method of warfare; or

''(iv) law enforcement including domestic riot control purposes,

as long as the types and quantities are consistent with such purposes;

''(B) munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in subparagraph (A), which would be released as a result of the employment of such munitions and devices; and

''(C) any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in subparagraph (B);

''(5) 'covered ship' means a ship that is navigating or is scheduled to navigate into,

through or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country's territorial sea with an adjacent country;

''(6) 'explosive material' has the meaning given the term in section 841(c) and includes explosive as defined in section 844(j) of this title;

''(7) 'infrastructure facility' has the meaning given the term in section 2332f(e)(5) of this title;

''(8) 'international organization' has the meaning given the term in section 831(f)(3) of this title;

''(9) 'military forces of a state' means the armed forces of a state which are organized, trained, and equipped under its internal law for the primary purpose of national defense or security, and persons acting in support of those armed forces who are under their formal command, control, and responsibility;

''(10) 'national of the United States' has the meaning stated in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

''(11) 'Non-Proliferation Treaty' means the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow on 1 July 1968;

''(12) 'Non-Proliferation Treaty State Party' means any State Party to the Non-Proliferation Treaty, to include Taiwan, which shall be considered to have the obligations under the Non-Proliferation Treaty of a party to that treaty other than a Nuclear Weapon State Party to the Non-Proliferation Treaty;

''(13) 'Nuclear Weapon State Party to the Non-Proliferation Treaty' means a State Party to the Non-Proliferation Treaty that is a nuclear-weapon State, as that term is defined in Article IX(3) of the Non-Proliferation Treaty;

''(14) 'place of public use' has the meaning given the term in section 2332f(e)(6) of this title;

''(15) 'precursor' has the meaning given the term in section 229F(6)(A) of this title;

''(16) 'public transport system' has the meaning given the term in section 2332f(e)(6) of this title;

''(17) 'serious injury or damage' means—

''(A) serious bodily injury,

''(B) extensive destruction of a place of public use, State or government facility, infrastructure facility, or public transportation system, resulting in major economic loss, or

''(C) substantial damage to the environment, including air, soil, water, fauna, or flora;

''(18) 'ship' means a vessel of any type whatsoever not permanently attached to the sea-bed, including dynamically supported craft, submersibles, or any other floating craft, but does not include a warship, a ship owned or operated by a government when being used as a naval auxiliary or for customs or police purposes, or a ship which has been withdrawn from navigation or laid up;

''(19) 'source material' has the meaning given that term in the International Atomic Energy Agency Statute, done at New York on 26 October 1956;

''(20) 'special fissionable material' has the meaning given that term in the International Atomic Energy Agency Statute, done at New York on 26 October 1956;

''(21) 'territorial sea of the United States' means all waters extending seaward to 12 nautical miles from the baselines of the United States determined in accordance with international law;

''(22) 'toxic chemical' has the meaning given the term in section 229F(8)(A) of this title;

''(23) 'transport' means to initiate, arrange or exercise effective control, including decisionmaking authority, over the movement of a person or item; and

''(24) 'United States', when used in a geographical sense, includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and all territories and possessions of the United States.''; and

(5) by inserting after subsection (d) (as added by paragraph (4) of this section) the following:

''(e) EXCEPTIONS.—This section shall not apply to—

''(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

''(2) activities undertaken by military forces of a state in the exercise of their official duties.

''(f) DELIVERY OF SUSPECTED OFFENDER.—The master of a covered ship flying the flag of the United States who has reasonable grounds to believe that there is on board that ship any person who has committed an offense under section 2280 or section 2280a may deliver such person to the authorities of a country that is a party to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation. Before delivering such person to the authorities of another country, the master shall notify in an appropriate manner the Attorney General of the United States of the alleged offense and await instructions from the Attorney General as to what action to take. When delivering the person to a country which is a state party to the Convention, the master shall, whenever practicable, and if possible before entering the territorial sea of such country, notify the authorities of such country of the master's intention to deliver such person and the reasons therefor. If the master delivers such person, the master shall furnish to the authorities of such country the evidence in the master's possession that pertains to the alleged offense.

''(g)(1) CIVIL FORFEITURE.—Any real or personal property used or intended to be used to commit or to facilitate the commission of a violation of this section, the gross proceeds of such violation, and any real or personal property traceable to such property or proceeds, shall be subject to forfeiture.

''(2) APPLICABLE PROCEDURES.—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security, the Attorney General, or the Secretary of Defense.''.

SEC. 102. NEW SECTION 2280a OF TITLE 18, UNITED STATES CODE.

(a) IN GENERAL.—Chapter 111 of title 18, United States Code, is amended by adding after section 2280 the following new section:

''§ 2280a. Violence against maritime navigation and maritime transport involving weapons of mass destruction

''(a) OFFENSES.—

''(1) IN GENERAL.—Subject to the exceptions in subsection (c), a person who unlawfully and intentionally—

''(A) when the purpose of the act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act—

''(i) uses against or on a ship or discharges from a ship any explosive or radioactive material, biological, chemical, or nuclear weapon or other nuclear explosive device in a manner that causes or is likely to cause death to any person or serious injury or damage;

''(ii) discharges from a ship oil, liquefied natural gas, or another hazardous or noxious substance that is not covered by clause (i), in such quantity or concentration that causes or is likely to cause death to any person or serious injury or damage; or

''(iii) uses a ship in a manner that causes death to any person or serious injury or damage;

''(B) transports on board a ship—

''(i) any explosive or radioactive material, knowing that it is intended to be used to cause, or in a threat to cause, death to any person or serious injury or damage for the purpose of intimidating a population, or compelling a government or an international organization to do or to abstain from doing any act;

''(ii) any biological, chemical, or nuclear weapon or other nuclear explosive device, knowing it to be a biological, chemical, or nuclear weapon or other nuclear explosive device;

''(iii) any source material, special fissionable material, or equipment or material especially designed or prepared for the processing, use, or production of special fissionable material, knowing that it is intended to be used in a nuclear explosive activity or in any other nuclear activity not under safeguards pursuant to an International Atomic Energy Agency comprehensive safeguards agreement, except where—

''(I) such item is transported to or from the territory of, or otherwise under the control of, a Non-Proliferation Treaty State Party; and

''(II) the resulting transfer or receipt (including internal to a country) is not contrary to the obligations under the Non-Proliferation Treaty of the Non-Proliferation Treaty State Party from which, to the territory of which, or otherwise under the control of which such item is transferred;

''(iv) any equipment, materials, or software or related technology that significantly contributes to the design or manufacture of a nuclear weapon or other nuclear explosive device, with the intention that it will be used for such purpose, except where—

''(I) the country to the territory of which or under the control of which such item is transferred is a Nuclear Weapon State Party to the Non-Proliferation Treaty; and

''(II) the resulting transfer or receipt (including internal to a country) is not contrary to the obligations under the Non-Proliferation Treaty of a Non-Proliferation Treaty State Party from which, to the territory of which, or otherwise under the control of which such item is transferred;

''(v) any equipment, materials, or software or related technology that significantly contributes to the delivery of a nuclear weapon or other nuclear explosive device, with the intention that it will be used for such purpose, except where—

''(I) such item is transported to or from the territory of, or otherwise under the control of, a Non-Proliferation Treaty State Party; and

''(II) such item is intended for the delivery system of a nuclear weapon or other nuclear explosive device of a Nuclear Weapon State Party to the Non-Proliferation Treaty; or

''(vi) any equipment, materials, or software or related technology that significantly contributes to the design, manufacture, or delivery of a biological or chemical weapon, with the intention that it will be used for such purpose;

''(C) transports another person on board a ship knowing that the person has committed an act that constitutes an offense under section 2280 or subparagraphs (A), (B), (D), or (E) of this section or an offense set forth in

an applicable treaty, as specified in section 2280(d)(1), and intending to assist that person to evade criminal prosecution;

''(D) injures or kills any person in connection with the commission or the attempted commission of any of the offenses set forth in subparagraphs (A) through (C), or subsection (a)(2), to the extent that the subsection (a)(2) offense pertains to subparagraph (A); or

''(E) attempts to do any act prohibited under subparagraphs (A), (B) or (D), or conspires to do any act prohibited by subparagraphs (A) through (E) or subsection (a)(2),

shall be fined under this title, imprisoned not more than 20 years, or both; and if the death of any person results from conduct prohibited by this paragraph, shall be imprisoned for any term of years or for life.

''(2) THREATS.—A person who threatens, with apparent determination and will to carry the threat into execution, to do any act prohibited under paragraph (1)(A) shall be fined under this title, imprisoned not more than 5 years, or both.

''(b) JURISDICTION.—There is jurisdiction over the activity prohibited in subsection (a)—

''(1) in the case of a covered ship, if—

''(A) such activity is committed—

''(i) against or on board a vessel of the United States or a vessel subject to the jurisdiction of the United States (as defined in section 70502 of title 46) at the time the prohibited activity is committed;

''(ii) in the United States, including the territorial seas; or

''(iii) by a national of the United States, by a United States corporation or legal entity, or by a stateless person whose habitual residence is in the United States;

''(B) during the commission of such activity, a national of the United States is seized, threatened, injured, or killed; or

''(C) the offender is later found in the United States after such activity is committed;

''(2) in the case of a ship navigating or scheduled to navigate solely within the territorial sea or internal waters of a country other than the United States, if the offender is later found in the United States after such activity is committed; or

''(3) in the case of any vessel, if such activity is committed in an attempt to compel the United States to do or abstain from doing any act.

''(c) EXCEPTIONS.—This section shall not apply to—

''(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

''(2) activities undertaken by military forces of a state in the exercise of their official duties.

''(d)(1) CIVIL FORFEITURE.—Any real or personal property used or intended to be used to commit or to facilitate the commission of a violation of this section, the gross proceeds of such violation, and any real or personal property traceable to such property or proceeds, shall be subject to forfeiture.

''(2) APPLICABLE PROCEDURES.—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security, the Attorney General, or the Secretary of Defense.''.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 111 of title 18, United States Code, is amended by adding after the item relating to section 2280 the following new item:

''2280a. Violence against maritime navigation and maritime transport involving weapons of mass destruction.''.

SEC. 103. AMENDMENTS TO SECTION 2281 OF TITLE 18, UNITED STATES CODE.

Section 2281 of title 18, United States Code, is amended—

(1) in subsection (c), by striking ''section 2(c)'' and inserting ''section 13(c)'';

(2) in subsection (d), by striking the definitions of ''national of the United States,'' ''territorial sea of the United States,'' and ''United States''; and

(3) by inserting after subsection (d) the following:

''(e) EXCEPTIONS.—This section does not apply to—

''(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

''(2) activities undertaken by military forces of a state in the exercise of their official duties.''.

SEC. 104. NEW SECTION 2281a OF TITLE 18, UNITED STATES CODE.

(a) IN GENERAL.—Chapter 111 of title 18, United States Code, is amended by adding after section 2281 the following new section:

''§ 2281a. Additional offenses against maritime fixed platforms

''(a) OFFENSES.—

''(1) IN GENERAL.—A person who unlawfully and intentionally—

''(A) when the purpose of the act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act—

''(i) uses against or on a fixed platform or discharges from a fixed platform any explosive or radioactive material, biological, chemical, or nuclear weapon in a manner that causes or is likely to cause death or serious injury or damage; or

''(ii) discharges from a fixed platform oil, liquefied natural gas, or another hazardous or noxious substance that is not covered by clause (i), in such quantity or concentration that causes or is likely to cause death or serious injury or damage;

''(B) injures or kills any person in connection with the commission or the attempted commission of any of the offenses set forth in subparagraph (A); or

''(C) attempts or conspires to do anything prohibited under subparagraphs (A) or (B),

shall be fined under this title, imprisoned not more than 20 years, or both; and if death results to any person from conduct prohibited by this paragraph, shall be imprisoned for any term of years or for life.

''(2) THREAT TO SAFETY.—A person who threatens, with apparent determination and will to carry the threat into execution, to do any act prohibited under paragraph (1)(A), shall be fined under this title, imprisoned not more than 5 years, or both.

''(b) JURISDICTION.—There is jurisdiction over the activity prohibited in subsection (a) if—

''(1) such activity is committed against or on board a fixed platform—

''(A) that is located on the continental shelf of the United States;

''(B) that is located on the continental shelf of another country, by a national of the United States or by a stateless person whose habitual residence is in the United States; or

''(C) in an attempt to compel the United States to do or abstain from doing any act;

''(2) during the commission of such activity against or on board a fixed platform located on a continental shelf, a national of the United States is seized, threatened, injured, or killed; or

''(3) such activity is committed against or on board a fixed platform located outside the United States and beyond the continental shelf of the United States and the offender is later found in the United States.

''(c) EXCEPTIONS.—This section does not apply to—

''(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

''(2) activities undertaken by military forces of a state in the exercise of their official duties.

''(d) DEFINITIONS.—In this section—

''(1) 'continental shelf' means the sea-bed and subsoil of the submarine areas that extend beyond a country's territorial sea to the limits provided by customary international law as reflected in Article 76 of the 1982 Convention on the Law of the Sea; and

''(2) 'fixed platform' means an artificial island, installation, or structure permanently attached to the sea-bed for the purpose of exploration or exploitation of resources or for other economic purposes.''.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 111 of title 18, United States Code, is amended by adding after the item relating to section 2281 the following new item:

''2281a. Additional offenses against maritime fixed platforms.''.

SEC. 105. ANCILLARY MEASURE.

Section 2332b(g)(5)(B) of title 18, United States Code, is amended by inserting ''2280a (relating to maritime safety),'' before ''2281'', and by striking ''2281'' and inserting ''2281 through 2281a''.

TITLE II—PREVENTION OF NUCLEAR TERRORISM

SEC. 201. NEW SECTION 2332I OF TITLE 18.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding after section 2332h the following:

''§ 2332i. Acts of nuclear terrorism

''(a) OFFENSES.—

''(1) IN GENERAL.—Whoever knowingly and unlawfully—

''(A) possesses radioactive material or makes or possesses a device—

''(i) with the intent to cause death or serious bodily injury; or

''(ii) with the intent to cause substantial damage to property or the environment; or

''(B) uses in any way radioactive material or a device, or uses or damages or interferes with the operation of a nuclear facility in a manner that causes the release of or increases the risk of the release of radioactive material, or causes radioactive contamination or exposure to radiation—

''(i) with the intent to cause death or serious bodily injury or with the knowledge that such act is likely to cause death or serious bodily injury;

''(ii) with the intent to cause substantial damage to property or the environment or with the knowledge that such act is likely to cause substantial damage to property or the environment; or

''(iii) with the intent to compel a person, an international organization or a country to do or refrain from doing an act,

shall be punished as prescribed in subsection (c).

''(2) THREATS.—Whoever, under circumstances in which the threat may reasonably be believed, threatens to commit an offense under paragraph (1) shall be punished as prescribed in subsection (c). Whoever demands possession of or access to radioactive material, a device or a nuclear facility by threat or by use of force shall be punished as prescribed in subsection (c).

''(3) ATTEMPTS AND CONSPIRACIES.—Whoever attempts to commit an offense under paragraph (1) or conspires to commit an offense under paragraphs (1) or (2) shall be punished as prescribed in subsection (c).

''(b) JURISDICTION.—Conduct prohibited by subsection (a) is within the jurisdiction of the United States if—

''(1) the prohibited conduct takes place in the United States or the special aircraft jurisdiction of the United States;

''(2) the prohibited conduct takes place outside of the United States and—

''(A) is committed by a national of the United States, a United States corporation or legal entity or a stateless person whose habitual residence is in the United States;

''(B) is committed on board a vessel of the United States or a vessel subject to the jurisdiction of the United States (as defined in section 70502 of title 46) or on board an aircraft that is registered under United States law, at the time the offense is committed; or

''(C) is committed in an attempt to compel the United States to do or abstain from doing any act, or constitutes a threat directed at the United States;

''(3) the prohibited conduct takes place outside of the United States and a victim or an intended victim is a national of the United States or a United States corporation or legal entity, or the offense is committed against any state or government facility of the United States; or

''(4) a perpetrator of the prohibited conduct is found in the United States.

''(c) PENALTIES.—Whoever violates this section shall be fined not more than $2,000,000 and shall be imprisoned for any term of years or for life.

''(d) NONAPPLICABILITY.—This section does not apply to—

''(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

''(2) activities undertaken by military forces of a state in the exercise of their official duties.

''(e) DEFINITIONS.—As used in this section, the term—

''(1) 'armed conflict' has the meaning given that term in section 2332f(e)(11) of this title;

''(2) 'device' means:

''(A) any nuclear explosive device; or

''(B) any radioactive material dispersal or radiation-emitting device that may, owing to its radiological properties, cause death, serious bodily injury or substantial damage to property or the environment;

''(3) 'international organization' has the meaning given that term in section 831(f)(3) of this title;

''(4) 'military forces of a state' means the armed forces of a country that are organized, trained and equipped under its internal law for the primary purpose of national defense or security and persons acting in support of those armed forces who are under their formal command, control and responsibility;

''(5) 'national of the United States' has the meaning given that term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

''(6) 'nuclear facility' means:

''(A) any nuclear reactor, including reactors on vessels, vehicles, aircraft or space objects for use as an energy source in order to propel such vessels, vehicles, aircraft or space objects or for any other purpose;

''(B) any plant or conveyance being used for the production, storage, processing or transport of radioactive material; or

''(C) a facility (including associated buildings and equipment) in which nuclear material is produced, processed, used, handled, stored or disposed of, if damage to or interference with such facility could lead to the release of significant amounts of radiation or radioactive material;

''(7) 'nuclear material' has the meaning given that term in section 831(f)(1) of this title;

''(8) 'radioactive material' means nuclear material and other radioactive substances that contain nuclides that undergo spontaneous disintegration (a process accompanied by emission of one or more types of ionizing radiation, such as alpha-, beta-, neutron particles and gamma rays) and that may, owing to their radiological or fissile properties, cause death, serious bodily injury or substantial damage to property or to the environment;

''(9) 'serious bodily injury' has the meaning given that term in section 831(f)(4) of this title;

''(10) 'state' has the same meaning as that term has under international law, and includes all political subdivisions thereof;

''(11) 'state or government facility' has the meaning given that term in section 2332f(e)(3) of this title;

''(12) 'United States corporation or legal entity' means any corporation or other entity organized under the laws of the United States or any State, Commonwealth, territory, possession or district of the United States;

''(13) 'vessel' has the meaning given that term in section 1502(19) of title 33; and

''(14) 'vessel of the United States' has the meaning given that term in section 70502 of title 46.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended by inserting after section 2332h the following:

''2332i. Acts of nuclear terrorism.''.

(c) DISCLAIMER.—Nothing contained in this section is intended to affect the applicability of any other Federal or State law that might pertain to the underlying conduct.

SEC. 202. AMENDMENT TO SECTION 831 OF TITLE 18 OF THE U.S. CODE.

Section 831 of title 18, United States Code, is amended—

(a) in subsection (a)—

(1) by redesignating paragraphs (3) through (8) as (4) through (9);

(2) by inserting after paragraph (2) the following:

''(3) without lawful authority, intentionally carries, sends or moves nuclear material into or out of a country;'';

(3) in paragraph (8), as redesignated, by striking ''an offense under paragraph (1), (2), (3), or (4)'' and inserting ''any act prohibited under paragraphs (1) through (5)''; and

(4) in paragraph (9), as redesignated, by striking ''an offense under paragraph (1), (2), (3), or (4)'' and inserting ''any act prohibited under paragraphs (1) through (7)'';

(b) in subsection (b)—

(1) in paragraph (1), by striking ''(7)'' and inserting ''(8)''; and

(2) in paragraph (2), by striking ''(8)'' and inserting ''(9)'';

(c) in subsection (c)—

(1) in subparagraph (2)(A), by adding after ''United States'' the following: ''or a stateless person whose habitual residence is in the United States'';

(2) by striking paragraph (5);

(3) in paragraph (4), by striking ''or'' at the end;

(4) by inserting after paragraph (4), the following:

''(5) the offense is committed on board a vessel of the United States or a vessel subject to the jurisdiction of the United States (as defined in section 70502 of title 46) or on board an aircraft that is registered under United States law, at the time the offense is committed;

''(6) the offense is committed outside the United States and against any state or government facility of the United States; or

''(7) the offense is committed in an attempt to compel the United States to do or abstain from doing any act, or constitutes a threat directed at the United States.''.

(d) by redesignating subsections (d) through (f) as (e) through (g), respectively;

(e) by inserting after subsection (c):

''(d) NONAPPLICABILITY.—This section does not apply to—

''(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

''(2) activities undertaken by military forces of a state in the exercise of their official duties.''; and

(f) in subsection (g), as redesignated—

(1) in paragraph (6), by striking ''and'' at the end;

(2) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(3) by inserting after paragraph (7), the following:

''(8) the term 'armed conflict' has the meaning given that term in section 2332f(e)(11) of this title;

''(9) the term 'military forces of a state' means the armed forces of a country that are organized, trained and equipped under its internal law for the primary purpose of national defense or security and persons acting in support of those armed forces who are under their formal command, control and responsibility;

''(10) the term 'state' has the same meaning as that term has under international law, and includes all political subdivisions thereof;

''(11) the term 'state or government facility' has the meaning given that term in section 2332f(e)(3) of this title; and

''(12) the term 'vessel of the United States' has the meaning given that term in section 70502 of title 46.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Georgia (Mr. JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 5889, as amended, currently under consideration.

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

There was no objection.

Mr. SMITH of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I introduced this legislation to implement certain provisions of four multilateral counterterrorism treaties that will make America and the world safer.

The significance of this legislation and the bipartisanship demonstrated to get this bill to the House floor is evidenced by those who have joined me as original cosponsors—Judiciary Committee Ranking Member JOHN CONYERS, Crime Subcommittee Chairman JIM SENSENBRENNER, and Crime Subcommittee Ranking Member BOBBY SCOTT.

Terrorism and the proliferation of weapons of mass destruction do not recognize international boundaries. The treaties that this legislation relates to are important tools in the fight against terrorism. Each one builds on an existing treaty to which the United States is a party. Implementation of these treaties will enhance the national security of the United States.

This legislation modernizes and strengthens the international counterterrorism and counterproliferation legal framework. The treaties in this legislation complement important U.S. priorities to prevent nuclear terrorism, counterproliferation of weapons of mass destruction, and counterterrorism initiatives.

Acceptance of these treaties will reinforce the United States' leadership role in promoting these and other counterterrorism treaties and will likely prompt other countries to join. The treaties are widely supported by the U.S. Departments of State, Justice, and Defense. This legislation strengthens current law and related jurisdictional provisions.

Acceptance of the underlying treaties benefits the United States in many ways. For example, parties to the underlying treaties are required to criminalize certain acts committed by persons who possess or use radioactive material or a nuclear device, and parties are obligated to extradite or prosecute alleged offenders.

As they relate to maritime terrorism, the underlying treaties would treat vessels and fixed maritime platforms as a potential means of conducting terrorism activity and not just as objects of terrorist activity.

The previous administration strongly supported approval of these agreements, which have already received Senate advice and consent. The current administration wants to advance this legislation so that the United States maintains its leadership role in counter-nuclear proliferation efforts and terrorism prevention.

Advancing this legislation strengthens international cooperation and information sharing as it relates to international terrorism and proliferation of weapons of mass destruction.

I urge my colleagues to support this bipartisan legislation, and I reserve the balance of my time.

Mr. JOHNSON of Georgia. Madam Speaker, the four treaties underlying this legislation are the cornerstones of an important effort to update international law for the post-September 11 era.

Two of the treaties, the International Convention for the Suppression of Acts of Nuclear Terrorism and the Convention for the Physical Protection of Nuclear Material, require party nations to better protect nuclear materials and to punish acts of nuclear terrorism.

The two other treaties, amendments to the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation and the protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms, address the use of ships and fixed platforms in terrorist attacks, as well as the transport of weapons, weapons delivery systems, and terrorist fugitives by sea.

The United States signed these treaties in 2005. The Senate passed resolutions of advice and consent on all four in 2008. In an era where we increasingly rely on our allies to combat terrorism, these new treaty obligations are also plain common sense. Members of this committee have been committed to their ratification from the very start.

We disagreed with the administration's original legislative proposal only where it asked for far more than was necessary to implement these treaties. Fortunately, after many months of discussion, we have arrived at language that implements these treaties without making unnecessary and needlessly controversial changes to the Federal Criminal Code.

H.R. 5889 represents true bipartisan consensus and has the full support of the Obama administration. I look forward to its passage here in the House, to its ultimate passage in the Senate, and to our diplomatic corps filing letters of ratification after all these years.

I want to thank Chairman SMITH and Chairman SENSENBRENNER both for holding a hearing in the Crime Subcommittee on this important legislation in October of last year, and for their collaboration with Crime Subcommittee Ranking Member BOBBY SCOTT to work out our concerns with the administration.

I urge my colleagues to support the bill, and I yield back the balance of my time.

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

Ms. JACKSON LEE of Texas. Madam Speaker, I rise in support of H.R. 5889, "The Nuclear Terrorism Conventions, Safety of Maritime Navigation Act."

As the Ranking Member of the Homeland Security Committee, Subcommittee on Transportation Security and Infrastructure, I am well-aware of the gravity of nuclear terrorism conventions. It must be noted that Americans may disagree on a lot of things—something that is reflected in this body every day—but when it comes to securing our Homeland—we generally have come together.

By imposing fines and punishment on onerous acts, this bill will hopefully serve as a deterrent to those who seek to commit such acts. It also prevents the transport of certain materials which, in their ordinary course are not those which would be transported outside of certain commercially permitted uses.

H.R. 5889 would implement four multilateral counterterrorism treaties. The bill was introduced on June 5, 2012 by Representative LAMAR SMITH, Committee Chairman, with Representatives JOHN CONYERS, JR. Committee Ranking Member; BOBBY SCOTT Crime Subcommittee Ranking Member; and F. JAMES SENSENBRENNER, JR., Crime Subcommittee Chairman, as original cosponsors. H.R. 5889 has bipartisan support and is the result of extensive negotiations with the Administration, the State Department, and the Department of Justice. I appreciate the work of my colleagues on this legislation and look forward to the enactment of more bi-partisan legislation in the near future.

The Subcommittee on Crime, Terrorism, and Homeland Security held a hearing on this proposal on October 4, 2011. As I recall, witnesses included representatives from the Department of Justice and the Department of State.

A. GENERAL BACKGROUND

This legislation is designed to implement four multilateral counterterrorism treaties, each an update to existing international law. The four treaties include:

The International Convention for the Suppression of Acts of Nuclear Terrorism ("NTC"), which requires party nations to criminalize acts of terrorism involving radioactive material. The NTC entered into force on July 7, 2007. Of the thirteen multilateral counterterrorism treaties now in force, it is the only one that the United States has yet to ratify. Moreover, it is the first treaty of its kind adopted after the attacks of September 11, 2001, and thus has symbolic importance.

An amendment to the Convention on the Physical Protection of Nuclear Material ("CPPNM"), which creates new security requirements for the use and storage of nuclear materials used for domestic purposes. The amendment will not take effect until it is ratified by two-thirds of the parties to the CPPNM. U.S. ratification will likely create some momentum towards final entry into force.

The 2005 Protocol to the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation ("SUA Protocol"), which addresses the use of ships in terrorist attacks, as well as the transport of weapons, weapons delivery systems, and terrorist fugitives by sea. The SUA protocol requires twelve ratifications to enter into force; so far, only eleven nations have ratified the 2005 changes.

The 2005 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms ("Fixed Platform Protocol"), which mirrors the SUA Protocol with respect to offshore platforms. The Fixed Platform Protocol cannot take effect until the SUA Protocol amendment enters into force.

The United States signed all four agreements in 2005, and the Senate passed resolutions of advice and consent for all four treaties on September 25, 2008.

In the words of the Department of State's witness, Thomas M. Countryman, at an earlier hearing this session, "First, the proposed implementing legislation will ensure that the United States complies with our international obligations under each treaty to criminalize certain conduct and establish criminal jurisdiction over that conduct. The criminal offenses covered under these treaties are serious offenses involving nuclear terrorism, WMD proliferation, maritime terrorism, and unlawful maritime transport of WMD and their delivery systems. There is international consensus that countries should cooperate in the prevention, investigation, and prosecution of these offenses. The proposed implementing legislation will both fill gaps within U.S. law and facilitate international cooperation with foreign partners under the framework of these treaties.

Second, the proposed implementing legislation is modeled after legislation passed by Congress to implement earlier counterterrorism treaties. Most recently, in 2002 Congress passed legislation to implement two treaties which focused on terrorist bombings and terrorist finance. The form of the proposed legislation tracks that which has been successfully used in the past. Indeed, the proposed legislation for the 2005 SUA Protocols itself amends legislation originally passed by Congress to implement the SUA Convention and Fixed Platforms Protocol. Just as the 2005 SUA Protocols amend those earlier treaties, so would the proposed legislation amend U.S. law implementing those treaties.''

According to the Department of Justice, the United States cannot ratify these four agreements until Congress has amended the federal criminal code to bring it into line with these new treaty obligations. Early this Congress, the Obama Administration submitted a legislative proposal to Congress to implement these changes. This proposal was substantially identical to two earlier proposals in the 110th and 111th Congresses.

At the October 2011 Subcommittee hearing, members questioned the apparent over breadth of the Administration's proposed legislation. Several provisions seemed completely outside the scope of the requirements of the treaties, e.g., an expansion of the scope of conduct subject to the death penalty, new wiretap predicates, and authorization for the President to conduct similar agreements in the future without congressional approval. With the full cooperation of the Majority, Committee staff negotiated implementing legislation that does not include these troubling provisions.

The Obama Administration has also indicated its official support for the bill. And I too will support this measure and look forward to receiving timely official reports as we attempt to secure our navigable waterways and prevent acts of terrorism.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 5889, as amended.

The question was taken.

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

Mr. JOHNSON of Georgia. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

STRENGTHENING AND FOCUSING ENFORCEMENT TO DETER ORGANIZED STEALING AND ENHANCE SAFETY ACT OF 2012

Mr. SMITH of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4223) to amend title 18, United States Code, to prohibit theft of medical products, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4223

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 ''Strengthening and Focusing Enforcement to Deter Organized Stealing and Enhance Safety Act of 2012'' or the ''SAFE DOSES Act''.

SEC. 2. THEFT OF MEDICAL PRODUCTS.

(a) PROHIBITED CONDUCT AND PENALTIES.—Chapter 31 of title 18, United States Code, is amended by adding at the end the following:

''§ 670. Theft of medical products

''(a) PROHIBITED CONDUCT.—Whoever, in, or using any means or facility of, interstate or foreign commerce—

''(1) embezzles, steals, or by fraud or deception obtains, or knowingly and unlawfully takes, carries away, or conceals a pre-retail medical product;

''(2) knowingly and falsely makes, alters, forges, or counterfeits the labeling or documentation (including documentation relating to origination or shipping) of a pre-retail medical product;

''(3) knowingly possesses, transports, or traffics in a pre-retail medical product that was involved in a violation of paragraph (1) or (2);

''(4) with intent to defraud, buys, or otherwise obtains, a pre-retail medical product that has expired or been stolen;

''(5) with intent to defraud, sells, or distributes, a pre-retail medical product that is expired or stolen; or

''(6) attempts or conspires to violate any of paragraphs (1) through (5);

shall be punished as provided in subsection (c) and subject to the other sanctions provided in this section.

''(b) AGGRAVATED OFFENSES.—An offense under this section is an aggravated offense if—

''(1) the defendant is employed by, or is an agent of, an organization in the supply chain for the pre-retail medical product; or

''(2) the violation—

''(A) involves the use of violence, force, or a threat of violence or force;

''(B) involves the use of a deadly weapon;

''(C) results in serious bodily injury or death, including serious bodily injury or death resulting from the use of the medical product involved; or

''(D) is subsequent to a prior conviction for an offense under this section.

''(c) CRIMINAL PENALTIES.—Whoever violates subsection (a)—

''(1) if the offense is an aggravated offense under subsection (b)(2)(C), shall be fined under this title or imprisoned not more than 30 years, or both;

''(2) if the value of the medical products involved in the offense is $5,000 or greater, shall be fined under this title, imprisoned for not more than 15 years, or both, but if the offense is an aggravated offense other than one under subsection (b)(2)(C), the maximum term of imprisonment is 20 years; and

''(3) in any other case, shall be fined under this title, imprisoned for not more than 3 years, or both, but if the offense is an aggravated offense other than one under subsection (b)(2)(C), the maximum term of imprisonment is 5 years.

''(d) CIVIL PENALTIES.—Whoever violates subsection (a) is subject to a civil penalty in an amount not more than the greater of—

''(1) three times the economic loss attributable to the violation; or

''(2) $1,000,000.

''(e) DEFINITIONS.—In this section—

''(1) the term 'pre-retail medical product' means a medical product that has not yet been made available for retail purchase by a consumer;

''(2) the term 'medical product' means a drug, biological product, device, medical food, or infant formula;

''(3) the terms 'device', 'drug', 'infant formula', and 'labeling' have, respectively, the meanings given those terms in section 201 of the Federal Food, Drug, and Cosmetic Act;

''(4) the term 'biological product' has the meaning given the term in section 351 of the Public Health Service Act;

''(5) the term 'medical food' has the meaning given the term in section 5(b) of the Orphan Drug Act; and

''(6) the term 'supply chain' includes manufacturer, wholesaler, repacker, own-labeled distributor, private-label distributor, jobber, broker, drug trader, transportation company, hospital, pharmacy, or security company.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 31 of title 18, United States Code, is amended by adding after the item relating to section 669 the following:

''670. Theft of medical products.''.

SEC. 3. CIVIL FORFEITURE.

Section 981(a)(1)(C) of title 18, United States Code, is amended by inserting ''670,'' after ''657,''.

SEC. 4. PENALTIES FOR THEFT-RELATED OFFENSES.

(a) INTERSTATE OR FOREIGN SHIPMENTS BY CARRIER.—Section 659 of title 18, United States Code, is amended by adding at the end of the fifth undesignated paragraph the following: ''If the offense involves a pre-retail medical product (as defined in section 670), it shall be punished under section 670 unless the penalties provided for under this section are greater.''.

(b) RACKETEERING.—

(1) TRAVEL ACT VIOLATIONS.—Section 1952 of title 18, United States Code, is amended by adding at the end the following:

''(d) If the offense under this section involves an act described in paragraph (1) or (3) of subsection (a) and also involves a pre-retail medical product (as defined in section 670), the punishment for the offense shall be the same as the punishment for an offense under section 670 unless the punishment under subsection (a) is greater.''.

(2) MONEY LAUNDERING.—Section 1957(b)(1) of title 18, United States Code, is amended by adding at the end the following: ''If the offense involves a pre-retail medical product (as defined in section 670) the punishment for the offense shall be the same as the punishment for an offense under section 670 unless the punishment under this subsection is greater.''

(c) BREAKING OR ENTERING CARRIER FACILITIES.—Section 2117 of title 18, United States Code, is amended by adding at the end of the first undesignated paragraph the following: ''If the offense involves a pre-retail medical product (as defined in section 670) the punishment for the offense shall be the same as the punishment for an offense under section 670 unless the punishment under this section is greater.''.

(d) STOLEN PROPERTY.—

(1) TRANSPORTATION OF STOLEN GOODS AND RELATED OFFENSES.—Section 2314 of title 18, United States Code, is amended by adding at the end of the sixth undesignated paragraph the following: ''If the offense involves a pre-retail medical product (as defined in section 670) the punishment for the offense shall be the same as the punishment for an offense under section 670 unless the punishment under this section is greater.''.

(2) SALE OR RECEIPT OF STOLEN GOODS AND RELATED OFFENSES.—Section 2315 of title 18, United States Code, is amended by adding at the end of the fourth undesignated paragraph the following: ''If the offense involves a pre-retail medical product (as defined in section 670) the punishment for the offense shall be the same as the punishment for an offense under section 670 unless the punishment under this section is greater.''.

(e) PRIORITY GIVEN TO CERTAIN INVESTIGATIONS AND PROSECUTIONS.—The Attorney General shall give increased priority to efforts to investigate and prosecute offenses under section

670 of title 18, United States Code, that involve pre-retail medical products.

SEC. 5. AMENDMENT TO EXTEND WIRETAPPING AUTHORITY TO NEW OFFENSE.

Section 2516(1) of title 18, United States Code, is amended—

(1) by redesignating paragraph (s) as paragraph (t);

(2) by striking ''or'' at the end of paragraph (r); and

(3) by inserting after paragraph (r) the following:

''(s) any violation of section 670 (relating to theft of medical products); or''.

SEC. 6. REQUIRED RESTITUTION.

Section 3663A(c)(1)(A) of title 18, United States Code, is amended—

(1) in clause (ii), by striking ''or'' at the end;

(2) in clause (iii), by striking ''and'' at the end and inserting ''or''; and

(3) by adding at the end the following:

''(iv) an offense under section 670 (relating to theft of medical products); and''.

SEC. 7. DIRECTIVE TO UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements applicable to persons convicted of offenses under section 670 of title 18, United States Code, as added by this Act, section 2118 of title 18, United States Code, or any another section of title 18, United States Code, amended by this Act, to reflect the intent of Congress that penalties for such offenses be sufficient to deter and punish such offenses, and appropriately account for the actual harm to the public from these offenses.

(b) REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall—

(1) consider the extent to which the Federal sentencing guidelines and policy statements appropriately reflect—

(A) the serious nature of such offenses;

(B) the incidence of such offenses; and

(C) the need for an effective deterrent and appropriate punishment to prevent such offenses;

(2) consider establishing a minimum offense level under the Federal sentencing guidelines and policy statements for offenses covered by this Act;

(3) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(4) ensure reasonable consistency with other relevant directives, Federal sentencing guidelines and policy statements;

(5) make any necessary conforming changes to the Federal sentencing guidelines and policy statements; and

(6) ensure that the Federal sentencing guidelines and policy statements adequately meet the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Georgia (Mr. JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 4223, as amended, currently under consideration.

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

There was no objection.

Mr. SMITH of Texas. Madam Speaker, I yield myself such time as I may consume.

Large-scale medical product theft is a significant problem in today's society. Medical products require special care and maintenance. When medical products are stolen, thieves resell them. When these drugs are not stored or handled properly, they can lose their effectiveness and cause further injury to medical patients.

Current law does not recognize the added importance of medical products. These products are often essential to a person's health and can be lifesaving.

Under federal law, those who steal a truck full of insulin intended for diabetics would be sentenced to the same extent as those who steal a truck full of car tires.

In 2009, an organized ring of criminals stole 129,000 vials of insulin worth approximately $11 million in North Carolina. A few months later, the FDA received a report that some of the vials had been reintroduced into the supply chain when a diabetic patient reported to a medical center in Houston, Texas, with an adverse reaction after use of insulin from the stolen lot.

The FDA issued a warning that the insulin had likely not been kept refrigerated correctly and could still be in the market. The spoiled product was ultimately found in pharmacies in 17 states. At least 2 additional patients experienced adverse reactions. While some arrests have been made, over 125,000 vials of insulin still remain unaccounted for.

Shipments of drugs that treat kidney failure, ADHD, schizophrenia, rheumatoid arthritis and ovarian cancer were stolen in three separate incidents between 2008 and 2009.

The prescription drugs, worth over $3 million, were taken during a distribution center break-in and in two separate trailer break-ins. The FBI made an arrest in only one of the three incidents, and the criminal was convicted.

H.R. 4223, the SAFE DOSES Act, modernizes and strengthens the criminal code in order to deter and punish those who steal pre-retail medical products. Enhanced penalties not only make people think twice before they steal medical shipments, but also provide law enforcement agencies with the tools they need to obtain cooperation to bring down criminal organizations.

The SAFE DOSES Act enables authorities to better target the multi-dimensional criminal enterprises that carry out these thefts and recognizes the health risks created by the improper care and handling of sensitive medical products.

This bipartisan bill helps to ensure that lifesaving drugs remain in the hands of those trained to handle them, and do not continue to pose a threat to public safety. I commend Crime Subcommittee Chairman SENSENBRENNER for his work on this legislation and urge my colleagues to join me in support of this bill.

Mr. SMITH of Texas. Madam Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. SENSENBRENNER), who is the chairman of the Crime Subcommittee of the Judiciary Committee and a former chairman of the Judiciary Committee, and also the sponsor of this legislation.

Mr. SENSENBRENNER. I thank the gentleman from Texas for yielding me this time.

I introduced H.R. 4223, the SAFE DOSES Act, to address the problem of medical cargo theft across the United States. Medical cargo theft poses significant health risks to patients who have no reason to know that their medicines have been stolen and improperly cared for before being sold back into the legitimate supply chain.

Stolen medical cargo can kill or injure those patients that need reliable, safe medicines.

□ 1510

Sophisticated and enterprising criminal organizations are stealing large quantities of medical products and selling them via the wholesale market into legitimate pharmacies and hospitals. They are putting patient safety at risk because improperly cared-for medical products can be ineffective or harmful, and such damaged products are often impossible for health care professionals to identify.

High-value pharmaceuticals, including treatments for serious diseases, are frequent targets. Unfortunately, these high-value items are the very type of sensitive products that need the most careful handling and temperature control. Many medical products can become ineffective if stored at the wrong temperature, even for a brief time. Yet, under current law, the theft of lifesaving medical supplies is treated the same as the theft of perfume or stereo equipment.

The criminal organizations hijack tractor-trailers at truck stops, break into warehouses and evade alarm systems, forge shipping documents, produce high-quality counterfeit labels with altered expiration dates and lot numbers, and otherwise thwart the intense security measures used by the industry. Some employ sophisticated surveillance equipment and techniques in order to learn exactly when and where they can steal the particular shipments they want.

For example, in March 2010, over $75 million of prescription drugs, including treatments for cancer, heart disease, and neurological disorders such as depression, ADHD, and schizophrenia, were stolen from a warehouse in Enfield, Connecticut. The burglary was one of the largest pharmaceutical heists in history. The criminals broke into the secure facility on the weekend by cutting a hole in the roof, then rappelling into the storage area. They disabled the alarm system and loaded dozens of crates onto a tractor-trailer.

Experts have said that this heist shared many traits with warehouse thefts of pharmaceuticals last year in Richmond, Virginia; Memphis, Tennessee; and Olive Branch, Mississippi. Those thieves also cut through ceilings and sometimes used trapeze-style rigging to get inside and to disable the main and backup alarms. In some cases, they sprayed dark paint on the

lenses of security cameras; in others, they removed disks from the security recording devices.

This bill increases sentences for theft, transportation, and storage of medical product cargo; enhances penalties for the ''fences'' who knowingly obtain stolen medical products for resale into the supply chain; increases sentences when injury or death results from the ingestion of a stolen substance or when the defendant is employed by an organization in the supply chain; provides law enforcement with such tools as wiretaps; and provides restitution to victims injured by stolen medical products.

The legislation is supported by the Coalition for Patient Safety and Medicine Integrity, a group of pharmaceutical, medical device, and medical products companies whose purpose is to protect patients from the risks posed by stolen and improperly handled medical products reentering the legitimate supply chain. Members of the Coalition include Abbott and Eli Lilly, GlaxoSmithKline, Johnson & Johnson, Novartis, Novo Nordisk, Sanofi, and PhRMA. The bill is also supported by the Association of Community Cancer Centers, the Healthcare Distribution Management Association, the National Council for Community Behavioral Healthcare, and the National Fraternal Order of Police.

The companion bill in the other body, Senate 1002, was reported by voice vote from the Senate Judiciary Committee in March.

I urge my colleagues to support this commonsense, bipartisan legislation to give law enforcement agencies and prosecutors the additional tools they need to confront this growing problem.

Mr. JOHNSON of Georgia. Madam Speaker, I yield myself such time as I may consume.

H.R. 4223 is intended to address the problem of large-scale medical product theft. I think we will all agree that this crime poses substantial risks to the public.

For instance, in North Carolina, in 2009, over 120,000 vials of insulin were stolen and subsequently reintroduced back into the supply chain to be used by unsuspecting patients.

Patients should be able to rely on their medications to be safe, effective, and unadulterated, and we certainly need to treat it as a significant crime when criminals steal shipments of drugs. Large-scale medical product theft is a serious problem that merits a serious solution.

I commend my colleagues on the House Judiciary Committee for making important changes to this bill. The manager's amendment adopted at markup clarified that the mens rea applies only to conduct in which the perpetrator knows that the product involved is a medical product that is stolen, expired, or not yet released to the public.

I also believe that the correct reading of this bill, consistent with the general presumption that the mens rea element in a statute applies to all other nonjurisdictional elements, is that a defendant would have to know that the product is a pre-retail medical product in order to be convicted.

While I note these important issues, I want to raise a note of concern about the approach of increasing penalties as a way of addressing crime. Stealing cargo from a warehouse is already illegal, of course. The penalty is a fine and up to 10 years in prison.

H.R. 4223 creates a new crime for theft of preretail medical products and a new code section, 18 U.S.C. Section 670. Section 670 would increase the penalties to up to 30 years in prison in some cases if the stolen goods are preretail medical products.

However, I'm heartened that this bill does not include mandatory minimum sentences, and there will be an intelligent, deliberative process to set sentencing guidelines by the U.S. Sentencing Commission.

As the House moves to adopt this bill today, I want to emphasize that it is also important that we do what we know works best to deter crime, and that is to increase the likelihood that perpetrators will be caught and convicted.

We heard from a witness at the hearing on this bill that increased investigation and enforcement would have a greater deterrent effect than increased penalties. I agree, and this bill was amended at markup to include a provision directing the Attorney General to give increased priority to efforts to investigate and prosecute preretail medical theft offenses.

Finally, we want to encourage the industry to exhaust all reasonable means of preventing these thefts from their properties and other facilities along the transit route.

The April 2011 edition of Fortune Magazine included an article entitled, ''Drug Theft Goes Big.'' The article reports that the thieves who committed the largest prescription drug theft in history did so by cutting through the tar roof of Eli Lilly's Connecticut warehouse and sliding down ropes. Security was so lax that the thieves were able to pull their own tractor-trailer up to the loading dock and spend a couple of hours loading the stolen goods.

In a similar event several months ago, thieves broke into a GlaxoSmithKline warehouse by coming through the roof. While none of this in any way shields or excuses the perpetrators of these crimes, clearly, these examples point to the need for more security.

Government and industry should work together at all points along the factory-to-retail chain to prevent and detect such thefts. I'm aware that industry and government regulatory authorities are working toward these ends, and I would hope that work will continue so that we will have a comprehensive effort to address this type of crime.

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

□ 1520

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

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today in support of H.R. 4223, the ''Safe Doses Act of 2012'' which amends Title 18, United States Code, to prohibit theft of medical products, and for other purposes.

More specifically, this bill will prohibit theft of pre-retail products such as drugs, medical devices and infant formula. Likewise, it forbids one from alternating labels of pre-retail medical products, transporting stolen or counterfeit medical products and purchasing or distributing expired medical products with the intent to deceive others and passing such products off as authentic.

Due to the increased activity in counterfeit drugs it is critical that Congress lay down harsher parameters so that potential criminals are faced with more deterrents should they consider participating in such behavior.

As a Representative from Houston, Texas, it is of grave concern that consumers and law enforcement officials are protected given the proximity of Texas to the Mexican border. It is not inconceivable that crime syndicates operating on both sides could cause significant problems by stealing drugs and selling them in Mexico.

The theft of large scale medical products has become a growing concern; thus, this legislation aims to toughen the penalties for individuals who place thousands of lives in danger by stealing large quantities of medical products and re-introducing such products in the legitimate supply chain including pharmacies and hospitals.

This bill is encouraged by pharmaceutical companies after instances of fraud appeared within the industry. According to an FDA affidavit, in 2009, a truck containing over 120,000 vials of insulin was stolen in North Carolina. After being improperly stored the product was illegally resold into distribution by wholesalers reaching medical centers in many other states including my state of Texas.

While some diabetic patients reported the drugs after usage and noticing poor blood sugar control, the actual amount of innocent people who received the spoiled product in pharmacies in 17 states is unknown. It was determined that the insulin was purchased from a national distribution company only one day after the medication was reported stolen. While some arrests were made in relation to this incident, over 125,000 vials of insulin were never located.

Incidents such as these are ones which this bill is intended to prevent. Serious public health and safety implications arise based on the improper care of medical products which may be both ineffective and harmful to unsuspecting patients.

Currently, Title 18 of the United States Code sets forth penalties of a fine and/or imprisonment of no more than 10 years for involvement in such crimes. While I am not quick to increase sentences, keeping one imprisoned after they have served their time, I am of the belief that consumers purchasing medicine should be able to do so with the confidence that what they are paying for is real and safe. Thus those criminals that take actions to threaten the life of another by engaging in the

transportation of counterfeit drugs should be locked up.

Despite the lack of evidence supporting the contention that offenders are less likely to engage in such deviant behavior once they are aware of federal laws increasing fines and longer penalties, I support this bipartisan measure to help ensure that our everyday Americans in need of medication are not falling prey to criminals intending to defraud them of necessary medical products.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 4223, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PUBLIC SAFETY OFFICERS' BENEFITS IMPROVEMENTS ACT OF 2012

Mr. SMITH of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4018) to improve the Public Safety Officers' Benefits Program, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4018

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

SECTION 1. SHORT TITLE.

This title may be cited as the ''Public Safety Officers' Benefits Improvements Act of 2012''.

SEC. 2. BENEFITS FOR CERTAIN NONPROFIT EMERGENCY MEDICAL SERVICE PROVIDERS; MISCELLANEOUS AMENDMENTS.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(1) in section 901(a) (42 U.S.C. 3791(a))—

(A) in paragraph (26), by striking ''and'' at the end;

(B) in paragraph (27), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(28) the term 'hearing examiner' includes any medical or claims examiner.'';

(2) in section 1201 (42 U.S.C. 3796)—

(A) in subsection (a), by striking ''follows:'' and all that follows and inserting the following: ''follows (if the payee indicated is living on the date on which the determination is made)—

''(1) if there is no child who survived the public safety officer, to the surviving spouse of the public safety officer;

''(2) if there is at least 1 child who survived the public safety officer and a surviving spouse of the public safety officer, 50 percent to the surviving child (or children, in equal shares) and 50 percent to the surviving spouse;

''(3) if there is no surviving spouse of the public safety officer, to the surviving child (or children, in equal shares);

''(4) if there is no surviving spouse of the public safety officer and no surviving child—

''(A) to the surviving individual (or individuals, in shares per the designation, or, otherwise, in equal shares) designated by the public safety officer to receive benefits under this subsection in the most recently executed designation of beneficiary of the public safety officer on file at the time of death with the public safety agency, organization, or unit; or

''(B) if there is no individual qualifying under subparagraph (A), to the surviving individual (or individuals, in equal shares) designated by the public safety officer to receive benefits under the most recently executed life insurance policy of the public safety officer on file at the time of death with the public safety agency, organization, or unit;

''(5) if there is no individual qualifying under paragraph (1), (2), (3), or (4), to the surviving parent (or parents, in equal shares) of the public safety officer; or

''(6) if there is no individual qualifying under paragraph (1), (2), (3), (4), or (5), to the surviving individual (or individuals, in equal shares) who would qualify under the definition of the term 'child' under section 1204 but for age.'';

(B) in subsection (b)—

(i) by striking ''direct result of a catastrophic'' and inserting ''direct and proximate result of a personal'';

(ii) by striking ''pay,'' and all that follows through ''the same'' and inserting ''pay the same'';

(iii) by striking ''in any year'' and inserting ''to the public safety officer (if living on the date on which the determination is made)'';

(iv) by striking ''in such year, adjusted'' and inserting ''with respect to the date on which the catastrophic injury occurred, as adjusted'';

(v) by striking '', to such officer'';

(vi) by striking ''the total'' and all that follows through ''For'' and inserting ''for''; and

(vii) by striking ''That these'' and all that follows through the period, and inserting ''That the amount payable under this subsection shall be the amount payable as of the date of catastrophic injury of such public safety officer.'';

(C) in subsection (f)—

(i) in paragraph (1), by striking '', as amended (D.C. Code, sec. 4–622); or'' and inserting a semicolon;

(ii) in paragraph (2)—

(I) by striking ''. Such beneficiaries shall only receive benefits under such section 8191 that'' and inserting '', such that beneficiaries shall receive only such benefits under such section 8191 as''; and

(II) by striking the period at the end and inserting ''; or''; and

(iii) by adding at the end the following:

''(3) payments under the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note; Public Law 107–42).'';

(D) by amending subsection (k) to read as follows:

''(k) As determined by the Bureau, a heart attack, stroke, or vascular rupture suffered by a public safety officer shall be presumed to constitute a personal injury within the meaning of subsection (a), sustained in the line of duty by the officer and directly and proximately resulting in death, if—

''(1) the public safety officer, while on duty—

''(A) engages in a situation involving nonroutine stressful or strenuous physical law enforcement, fire suppression, rescue, hazardous material response, emergency medical services, prison security, disaster relief, or other emergency response activity; or

''(B) participates in a training exercise involving nonroutine stressful or strenuous physical activity;

''(2) the heart attack, stroke, or vascular rupture commences—

''(A) while the officer is engaged or participating as described in paragraph (1);

''(B) while the officer remains on that duty after being engaged or participating as described in paragraph (1); or

''(C) not later than 24 hours after the officer is engaged or participating as described in paragraph (1); and

''(3) the heart attack, stroke, or vascular rupture directly and proximately results in the death of the public safety officer,

unless competent medical evidence establishes that the heart attack, stroke, or vascular rupture was unrelated to the engagement or participation or was directly and proximately caused by something other than the mere presence of cardiovascular-disease risk factors.''; and

(E) by adding at the end the following:

''(n) The public safety agency, organization, or unit responsible for maintaining on file an executed designation of beneficiary or executed life insurance policy for purposes of subsection (a)(4) shall maintain the confidentiality of the designation or policy in the same manner as the agency, organization, or unit maintains personnel or other similar records of the public safety officer.'';

(3) in section 1202 (42 U.S.C. 3796a)—

(A) by striking ''death'', each place it appears except the second place it appears, and inserting ''fatal''; and

(B) in paragraph (1), by striking ''or catastrophic injury'' the second place it appears and inserting '', disability, or injury'';

(4) in section 1203 (42 U.S.C. 3796a–1)—

(A) in the section heading, by striking ''WHO HAVE DIED IN THE LINE OF DUTY'' and inserting ''WHO HAVE SUSTAINED FATAL OR CATASTROPHIC INJURY IN THE LINE OF DUTY''; and

(B) by striking ''who have died in the line of duty'' and inserting ''who have sustained fatal or catastrophic injury in the line of duty'';

(5) in section 1204 (42 U.S.C. 3796b)—

(A) in paragraph (1), by striking ''consequences of an injury that'' and inserting ''an injury, the direct and proximate consequences of which'';

(B) in paragraph (3)—

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

(I) by inserting ''or permanently and totally disabled'' after ''deceased''; and

(II) by striking ''death'' and inserting ''fatal or catastrophic injury''; and

(ii) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively;

(C) in paragraph (5)—

(i) by striking ''post-mortem'' each place it appears and inserting ''post-injury''; and

(ii) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively;

(D) in paragraph (7), by striking ''public employee member of a rescue squad or ambulance crew;'' and inserting ''employee or volunteer member of a rescue squad or ambulance crew (including a ground or air ambulance service) that—

''(A) is a public agency; or

''(B) is (or is a part of) a nonprofit entity serving the public that—

''(i) is officially authorized or licensed to engage in rescue activity or to provide emergency medical services; and

''(ii) engages in rescue activities or provides emergency medical services as part of an official emergency response system;''; and

(E) in paragraph (9)—

(i) in subparagraph (A), by striking ''as a chaplain, or as a member of a rescue squad or ambulance crew;'' and inserting ''or as a chaplain;'';

(ii) in subparagraph (B)(ii), by striking ''or'' after the semicolon;

(iii) in subparagraph (C)(ii), by striking the period and inserting ''; or''; and

(iv) by adding at the end the following:

''(D) a member of a rescue squad or ambulance crew who, as authorized or licensed by

law and by the applicable agency or entity, is engaging in rescue activity or in the provision of emergency medical services.''

(6) in section 1205 (42 U.S.C. 3796c), by adding at the end the following:

''(d) Unless expressly provided otherwise, any reference in this part to any provision of law not in this part shall be understood to constitute a general reference under the doctrine of incorporation by reference, and thus to include any subsequent amendments to the provision.'';

(7) in each of subsections (a) and (b) of section 1212 (42 U.S.C. 3796d–1), sections 1213 and 1214 (42 U.S.C. 3796d–2 and 3796d–3), and subsections (b) and (c) of section 1216 (42 U.S.C. 3796d–5), by striking ''dependent'' each place it appears and inserting ''person'';

(8) in section 1212 (42 U.S.C. 3796d–1)—

(A) in subsection (a)—

(i) in paragraph (1), in the matter preceding subparagraph (A), by striking ''Subject'' and all that follows through '', the'' and inserting ''The''; and

(ii) in paragraph (3), by striking ''reduced by'' and all that follows through ''(B) the amount'' and inserting ''reduced by the amount'';

(B) in subsection (c)—

(i) in the subsection heading, by striking ''DEPENDENT''; and

(ii) by striking ''dependent'';

(9) in paragraphs (2) and (3) of section 1213(b) (42 U.S.C. 3796d–2(b)), by striking ''dependent's'' each place it appears and inserting ''person's'';

(10) in section 1216 (42 U.S.C. 3796d–5)—

(A) in subsection (a), by striking ''each dependent'' each place it appears and inserting ''a spouse or child''; and

(B) by striking ''dependents'' each place it appears and inserting ''a person''; and

(11) in section 1217(3)(A) (42 U.S.C. 3796d–6(3)(A)), by striking ''described in'' and all that follows and inserting ''an institution of higher education, as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002); and''.

(b) AMENDMENT RELATED TO EXPEDITED PAYMENT FOR PUBLIC SAFETY OFFICERS INVOLVED IN THE PREVENTION, INVESTIGATION, RESCUE, OR RECOVERY EFFORTS RELATED TO A TERRORIST ATTACK.—Section 611(a) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (42 U.S.C. 3796c–1(a)) is amended by inserting ''or an entity described in section 1204(7)(B) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b(7)(B))'' after ''employed by such agency''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 402(l)(4)(C) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''section 1204(9)(A)'' and inserting ''section 1204(10)(A)''; and

(2) by striking ''42 U.S.C. 3796b(9)(A)'' and inserting ''42 U.S.C. 3796b(10)(A)''.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS; DETERMINATIONS; APPEALS.

The matter under the heading ''PUBLIC SAFETY OFFICERS BENEFITS'' under the heading ''OFFICE OF JUSTICE PROGRAMS'' under title II of division B of the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 1912; 42 U.S.C. 3796c–2) is amended—

(1) by striking ''decisions'' and inserting ''determinations'';

(2) by striking ''(including those, and any related matters, pending)''; and

(3) by striking the period at the end and inserting the following: '': *Provided further*, That, on and after the date of enactment of the Public Safety Officers' Benefits Improvements Act of 2012, as to each such statute—

''(1) the provisions of section 1001(a)(4) of such title I (42 U.S.C. 3793(a)(4)) shall apply;

''(2) payment (other than payment made pursuant to section 611 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (42 U.S.C. 3796c–1)) shall be made only upon a determination by the Bureau that the facts legally warrant the payment;

''(3) any reference to section 1202 of such title I shall be deemed to be a reference to paragraphs (2) and (3) of such section 1202; and

''(4) a certification submitted under any such statute (other than a certification submitted pursuant to section 611 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (42 U.S.C. 3796c–1)) may be accepted by the Bureau as prima facie evidence of the facts asserted in the certification:

Provided further, That, on and after the date of enactment of the Public Safety Officers' Benefits Improvements Act of 2012, no appeal shall bring any final determination of the Bureau before any court for review unless notice of appeal is filed (within the time specified herein and in the manner prescribed for appeal to United States courts of appeals from United States district courts) not later than 90 days after the date on which the Bureau serves notice of the final determination: *Provided further*, That any regulations promulgated by the Bureau under such part (or any such statute) before, on, or after the date of enactment of the Public Safety Officers' Benefits Improvements Act of 2012 shall apply to any matter pending on, or filed or accruing after, the effective date specified in the regulations.''.

SEC. 4. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act shall—

(1) take effect on the date of enactment of this Act; and

(2) apply to any matter pending, before the Bureau of Justice Assistance or otherwise, on the date of enactment of this Act, or filed or accruing after that date.

(b) EXCEPTIONS.—

(1) RESCUE SQUADS AND AMBULANCE CREWS.—For a member of a rescue squad or ambulance crew (as defined in section 1204(7) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this Act), the amendments made by this Act shall apply to injuries sustained on or after June 1, 2009.

(2) HEART ATTACKS, STROKES, AND VASCULAR RUPTURES.—Section 1201(k) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this Act, shall apply to heart attacks, strokes, and vascular ruptures sustained on or after December 15, 2003.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Georgia (Mr. JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 4018, as amended, currently under consideration.

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

There was no objection.

Mr. SMITH of Texas. Madam Speaker, I yield myself such time as I may consume.

H.R. 4018, the Public Safety Officers' Benefits Improvements Act of 2012, amends an existing program within the Justice Department that administers benefits to certain public safety officers killed or disabled in the line of duty.

I commend Representative MICHAEL FITZPATRICK for his leadership on this issue and am pleased to be a cosponsor of this legislation.

The bill makes changes to the class of beneficiaries as well as some common-sense, cost-saving reforms to the program.

Congress originally passed the Public Safety Officers' Benefits Act, PSOB, in 1976. This program evolved from concern that State and local public safety officers and their families were not being provided with adequate death benefits. And that the low level of benefits might impede recruitment efforts and impair morale.

Originally, the PSOB program provided only death benefits to the survivors of officers killed in the line of duty. It was later expanded to provide benefits to officers disabled in the line of duty and education benefits to the spouses and children of officers killed or disabled in the line of duty.

Congress has amended the PSOB program many times since its inception. Some of the changes have resulted in inconsistencies within the law or have unintentionally resulted in a delay in the PSOB benefit process.

For example, each PSOB claimant must be examined by an impartial medical examiner who then advises the Justice Department regarding their decision to award benefits. But the PSOB statute and its regulations require that the medical examiner be hired from the city where the officer was killed or injured.

This causes significant delays and adds expense in processing PSOB claims and in administering the overall program.

The Department spends significant time and resources to find a medical professional who is familiar with the PSOB program and its requirements. That medical professional must also be available and agree to perform the necessary medical exam. This process can take weeks, if not months, to complete.

This bill provides a solution to this inefficiency. It allows the Department to develop and draw from a pool of trusted, qualified medical professionals to perform the necessary examinations across the country. This is similar to how the PSOB program authorizes their hearing examiners.

This simple change saves valuable time and taxpayer dollars. It also ensures that the public safety officers and their families receive these much-needed benefits more quickly.

H.R. 4018 also clarifies who are eligible beneficiaries when an officer is killed in the line of duty. Currently, the payment of benefits is often postponed, sometimes for years, while the issue of who is the proper beneficiary is litigated.

This bill creates a new category of beneficiaries, ''adult children of deceased public safety officers,'' to clarify eligible beneficiaries in certain cases where there are none. These cases include when a public safety officer's children are all adults, there is no surviving spouse, no applicable designation of beneficiary is on file with the public agency, and the officer's parents are deceased.

The PSOB benefits can currently be awarded to police officers, firefighters, chaplains or certain members of a rescue squad or ambulance crew who serve a public agency.

But PSOB benefits are not currently authorized for volunteer emergency medical personnel. This bill fixes this inequity in a narrow way that when combined with savings from other efficiencies made by the bill, does not result in additional expense to the taxpayer.

I urge my colleagues to join me in support of this bill.

Madam Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. FITZPATRICK), who is the sponsor of this legislation.

Mr. FITZPATRICK. Thank you, Chairman SMITH, for your time and your support and your leadership on this significant reform legislation. Your staff has been wonderful to work with. I'd like to give special recognition to Caroline Lynch and Art Baker, both of whom did a fantastic job on this bill.

Madam Speaker, I rise to urge my colleagues to support these needed reforms to the Public Safety Officers' Benefits Program. The Public Safety Officers' Benefit Act created the program in 1976 to provide benefits to the families of those first responders who die or become disabled in the line of duty.

For the past 35 years, Congress has affirmed its support for the program and these benefits. Now we have the opportunity, through needed reforms, to make the PSOB program even better. This bill corrects a tragic oversight in current law that unfairly excludes certain first responders.

My inspiration for this bill, Madam Speaker, is Daniel McIntosh. ''Danny Mac,'' as he was known to his family and his friends, was a veteran of the Bensalem Emergency Medical Services. Dan served numerous other Bucks County communities both as a paramedic and as a volunteer firefighter since 1993. He was a volunteer firefighter for the Point Pleasant Fire Company and had achieved life member status. He was a member of the Nottingham Fire Department, a newly sworn police officer for the Hulmeville Police Department, and was a TAC Medic for the Bucks County SWAT Team and for the Bucks County Hazardous Materials SWAT Team. As we can see, Dan's life was dedicated to public service, and he gave his life doing what he loved.

Danny suffered a fatal heart attack while in the performance of his duties as a member of the Bensalem Rescue Squad. Because the entity that he was working with was a nonprofit emergency medical service provider, his family has been denied the PSOB benefit. This is unfair treatment for those who put themselves in harm's way in service to their communities. This bill would change that and ensure that families like Danny's receive the benefits they deserve.

I recognize and I thank the McIntosh family for the sacrifice that they made to our community. I also recognize the legacy of Dale Long, a Vermont EMT, who was killed in an ambulance accident in 2009 and whose life has motivated companion PSOB reform in the Senate. I am proud to sponsor this legislation for them and for the loved ones of first responders all across our great country.

Finally, Madam Speaker, this bill includes numerous taxpayer protections and streamlines the delivery of benefits. Many of us came to Congress on the promise to make government more efficient and more effective, and this bill would do just that. Members supporting this legislation will be able to report to their constituents that not only are they being good stewards of the taxpayer dollars but that they are also improving a program that provides widely supported benefits to our Nation's first responders.

At this time, Madam Speaker, I note the support of many organizations for the bill, including the American Ambulance Association, the National Association of Emergency Medical Technicians, the National Fraternal Order of Police, the National Association of Police Organizations, as well as several rescue squads from across my home State of Pennsylvania.

I want to again thank Chairman SMITH and Ranking Member CONYERS for their leadership and for their support for this very important piece of reform legislation. I urge my colleagues to support it as well.

Mr. JOHNSON of Georgia. Madam Speaker, I yield myself such time as I may consume.

H.R. 4018, the Public Safety Officers' Benefits Improvements Act, appropriately expands the scope of this important program to better assist our public safety officers and their families. The PSOB program has been an important means of supporting our public safety officers since 1976, when the authorizing legislation was enacted.

Initially, the program provided death benefits for certain officers, but it has since been expanded to apply to a wide range of those who protect us to now include Federal, State and local police officers, firefighters, public rescue squads, ambulance crews, and chaplains of those agencies.

The PSOB program currently provides death benefits in the form of a onetime financial payment to the eligible survivors of public safety officers whose deaths are the direct and proximate result of a personal injury sustained in the line of duty. The program also provides financial assistance to help pay higher education costs for the spouses and children of public safety officers for whom PSOB death or disability benefits have been paid.

This bill extends the coverage of the program to members of nonprofit rescue squads and ambulance crews who suffer fatal or catastrophic injury as a result of their performances of certain specified public safety activities within their specific lines of duty. The bill also extends the coverage to vascular ruptures in addition to the existing coverage of heart attacks and strokes occurring during non-routine line-of-duty activities.

H.R. 4018 also includes a number of other provisions clarifying the inconsistencies that have arisen due to prior amendments to the PSOB Act, and it makes the administration of the program more efficient so that these officers may more quickly obtain the benefits they and their families deserve.

Our public safety officers willingly undergo long hours and often dangerous conditions to protect all of us, and we all know that they are not compensated at a level commensurate with the dangers they face and the importance of the services that they provide. When they die or become disabled because they are acting to help us, providing these benefits is the right thing to do. I hope this bill will make this program work even better during those unfortunate instances when it is necessary.

I urge my colleagues to support this legislation, and I yield back the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I yield 4 minutes to the gentleman from Texas, Judge POE, who is a member of the Judiciary Committee.

Mr. POE of Texas. I would like to thank the chairman for the time.

I especially want to thank Representative FITZPATRICK from Pennsylvania for introducing this important legislation, which makes improvements and reforms the Public Safety Officers' Benefits Program.

This program is intended to expedite the processing of claims and expand coverage to include some nonprofit emergency personnel who are currently not covered by this important program.

The reason H.R. 4018 is important is that 72 police officers were killed by perpetrators in 2011, and that number represents a 25 percent increase from the previous year and a 75 percent increase from 2008.

One of these 72 was 38-year-old Houston police officer George Will. He was killed by an out-of-control drunk driver. Officer Will was investigating an accident. The drunk driver comes barreling, out of control, down the freeway. Officer Will sees him coming and pushes a witness out of the way so that witness to the first accident wouldn't be hit. While doing so, the drunk driver ran over and killed Officer Will. He left behind a wife, two stepchildren; and the wife he left behind was pregnant. Also in 2011, a total of 61 on-duty firefighters were killed in the United States.

So, in 1 year, that's 133 families who don't have a father or a mother anymore.

□ 1530

And the last thing these families should have to worry about after facing

the loss of a father or mother first responder is financial instability.

Madam Speaker, in my career as a judge and a former prosecutor in Houston, I knew a lot of first responders. Some of them were later killed in public service to our communities. Our Nation's police, firefighters, and EMS workers are our true national treasures. They are the ones that run into burning buildings when everybody else runs out of those burning buildings. They are the ones that put their lives on the line every day to keep us safe and protect our communities. They go into the shadows and dark corners of our society looking for do-bads, outlaws, and social misfits. This work, Madam Speaker, is dangerous.

When these Americans wake up every day, they need to be able to focus on the duty they have before them, and they need to know that if, God forbid, something happens to them on their duty shift, that their family will be taken care of.

For all these reasons, I support H.R. 4018. I urge my colleagues to support it. And once again, I thank the gentleman from Pennsylvania for this legislation.

And that's just the way it is.

Mr. SMITH of Texas. Madam Speaker, I understand that the gentleman from Georgia has yielded back his time; if so, I yield back the balance of my time as well.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of H.R. 4018, the "Public Safety Officers' Benefits Improvements Act of 2012," which would modify the Public Safety Officers' Benefits Act (PSOBA) of 1976 which currently provides benefits payments to certain survivors of public safety officers who are killed or permanently and totally disabled in the line of duty. Under current law, the families of public safety officers who have died as a result of injuries sustained in the line of duty are eligible for a one-time payment of about $320,000. Public safety officers who have been permanently disabled are eligible for the same payment, but this payment is subject to the availability of appropriated funds.

As a Ranking Member of the Homeland Security Committee, Subcommittee on Transportation Security and Infrastructure, I am well aware that there are currently gaps in the laws as it pertains to those safety officers who put their lives on the line but may not have the high profiles of police officers or firefighters. Nevertheless, for those unsung heroes and faithful men and women who continually place their own well being in danger for the sake of saving the lives of strangers, this bill is a mere step in the right direction by expanding the types of benefits available to their families when serious injuries or deaths occur.

H.R. 4018 narrows the eligibility of members of rescue squads or ambulance crews for benefits under the PSOB program; as a result, some individuals would no longer receive benefits that they could receive under current laws.

The bill prevents individuals from receiving certain benefits under the program if they receive payments from the September 11th Victim Compensation Fund of 2001. Likewise, this legislation would make many technical and administrative changes that aim to expedite the processing of claims for benefits.

Over the years the Public Safety Officers' Benefits Act has been amended to expand the scope of the definitions "member of a rescue squad or ambulance crew" and "public safety officer." This definition now includes an officially recognized or designated employee or volunteer member of a rescue squad or ambulance crew that is a public agency of a nonprofit entity serving the public that is officially authorized or licensed to engage in rescue activity or to provide emergency medical services and that is officially designated as a prehospital emergency medical response agency.

The Act provides death benefits in the form of a single financial payment to eligible survivors of public safety officers whose death is the direct and proximate result of a personal injury during the performance of duty. Additionally the Act provides for financial assistance to help pay higher education costs for the children and spouses of public safety officers for whom disability benefits have been paid.

This bill is needed to efficiently support the families devastated by death or catastrophic injuries sustained while acting in the official capacity of a public safety officer's job. It is my hope that by supporting this bill Congress can come together to better accommodate, acknowledge and assist the brave public safety officers who sustain injuries while serving members of their communities across this great country.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 4018, as amended.

The question was taken.

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

Mr. JOHNSON of Georgia. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

SERGEANT RICHARD FRANKLIN ABSHIRE POST OFFICE BUILDING

Mr. FARENTHOLD. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3412) to designate the facility of the United States Postal Service located at 1421 Veterans Memorial Drive in Abbeville, Louisiana, as the "Sergeant Richard Franklin Abshire Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3412

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

SECTION 1. SERGEANT RICHARD FRANKLIN ABSHIRE POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1421 Veterans Memorial Drive in Abbeville, Louisiana, shall be known and designated as the "Sergeant Richard Franklin Abshire Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Sergeant Richard Franklin Abshire Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. FARENTHOLD. Madam 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 the bill under consideration.

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

There was no objection.

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

Madam Speaker, H.R. 3412, introduced by the gentleman from Louisiana (Mr. BOUSTANY), would designate the facility of the United States Postal Service located at 1421 Veterans Memorial Drive in Abbeville, Louisiana, as the Sergeant Richard Franklin Abshire Post Office Building. This bill was introduced on November 14, 2011, and was reported from the Committee on Oversight and Government Reform on February 7.

Sergeant Richard Franklin Abshire was born on October 20, 1944, in Louisiana and served in the United States Marine Corps. Sergeant Abshire was awarded the Navy Cross for extraordinary heroism while serving as a platoon sergeant with Company G, Second Battalion, Fourth Marines, Ninth Marine Amphibious Brigade, in connection with operations against the enemy in the Republic of Vietnam on May 2, 1968.

Sergeant Abshire's unit and a sister company launched a coordinated attack against a well entrenched North Vietnamese Army force occupying the village of Dinh To, Quang Tri Province. By his superb leadership, courageous fighting and selfless devotion to duty, Sergeant Abshire inspired all who observed him and upheld the highest traditions of the United States Marine Corps and the United States Naval Service. He gallantly gave his life for his country. Sergeant Abshire died on May 2, 1968.

Madam Speaker, Sergeant Richard Franklin Abshire is a very worthy designee of this postal facility naming. I urge all Members to join me in support of this bill, and I reserve the balance of my time.

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

As a member of the House Oversight and Government Reform Committee, I'm pleased to join my colleagues in

consideration of H.R. 3412, to designate the facility of the U.S. Postal Service located at 1421 Veterans Memorial Drive in Abbeville, Louisiana, as the Sergeant Richard Franklin Abshire Post Office Building.

As was mentioned, Sergeant Richard Abshire served as the platoon sergeant with Company G, Second Battalion, Fourth Marines, Ninth Marines Amphibious Brigade, during the Vietnam War.

As was also mentioned, he was in a heavy firefight. Upon entering the village, Sergeant Abshire and his unit came under heavy enemy fire. The heavy small arms and automatic weapons fire halted the company, and Sergeant Abshire was directed to establish a defensive position with advantageous firing positions.

As the hostilities increased, it became apparent that the Vietnamese were preparing to launch a counterattack. Sergeant Abshire exposed himself to enemy fire to deploy the grenades that temporarily disoriented the enemy.

Returning to his unit, Sergeant Abshire moved along the line, shouting words of encouragement, and directing his unit's fire. The sergeant then provided covering fire as his unit pulled back. After expending his remaining ammunition, he attempted to rejoin his unit when he was mortally wounded in the head by a burst of enemy fire. Sergeant Abshire was posthumously awarded the Navy Cross for his heroic actions leading his unit and ensuring their return to safety.

Madam Speaker, if anyone deserves a postal facility named after them, it is Sergeant Abshire.

I urge the passage of the bill, and I reserve the balance of my time.

Mr. FARENTHOLD. Madam Speaker, I yield 5 minutes to my neighbor from the east, from the great State of Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. I thank my friend from Texas for yielding time to me, and I thank the committee for bringing this resolution to the House floor today.

Madam Speaker, I rise in support of H.R. 3412, to designate the facility of the United States Postal Service located at 1421 Veterans Memorial Drive in Abbeville, Louisiana, as the Sergeant Richard Franklin Abshire Post Office Building, and I want to thank the Oversight and Government Reform Committee for bringing this bill to the floor.

Today, it is really an honor for me to stand here today to celebrate the life of United States Marine Corps Sergeant Richard F. Abshire, an extraordinary hero of the Vietnam War. A native of Abbeville, Louisiana, in my district, the heart of Cajun country, Sergeant Abshire graduated from Abbeville High School in 1962 and then attended the University of Southwestern Louisiana in Lafayette, my hometown.

Serving in Vietnam from December 1967 until May 1968, a young Sergeant Abshire had given over 3 years of service to his country in the Marine Corps. On May 2, 1968, while serving in Quang Tri Province in the Republic of Vietnam, Sergeant Abshire led a coordinated attack against an entrenched North Vietnamese force in the village of Dinh To.

Under heavy small arms and automatic weapon fire, Sergeant Abshire displayed extraordinary valor and leadership in leading his men to safety, sacrificing himself in the process.

□ 1540

Upon entrance to the village of Dinh To, Sergeant Abshire's men began sustaining heavy losses from the better positioned North Vietnamese troops. Acting quickly, the sergeant directed his men to establish a defensive perimeter, aiming a heavy volume of fire into the enemy emplacements. Then realizing the enemy was preparing a counterattack, Sergeant Abshire quickly obtained a number of hand grenades from his fellow marines. Navigating the fiery open terrain while selflessly exposing himself to enemy fire, Abshire threw several grenades toward the enemy, disrupting their attack. Returning to his men, Sergeant Abshire moved from position to position, shouting encouragement and directing fire.

Upon realizing they were dangerously low on ammunition, Abshire directed his men to fall back while he resolutely provided cover fire until they could reach safety. After expending the last of his ammunition, Sergeant Abshire was mortally wounded by a burst of enemy fire, laying down his life for his fellow marines and his country.

Sergeant Abshire's actions are an inspiration to the marines he fought beside and the country he fought for. Because of his heroic actions, he was posthumously awarded the Navy Cross for his bravery in a combat zone. Shortly after Sergeant Abshire's death, his mother received the Navy Cross for gallantry on his behalf in Lafayette, Louisiana, from Brigadier General Walter S. McIlhenny.

Today I join the town of Abbeville in honoring this fallen hero with the dedication of their post office to the name of Sergeant Richard Franklin Abshire for his extraordinary valor in battle. As we honor Sergeant Abshire today, we must also recognize our present-day heroes serving around the globe, those who have fallen and those who continue to fight for our freedoms. We thank you as well as the families of all of our Armed Forces.

I ask my colleagues to support this bill.

Mr. CLAY. Madam Speaker, I have no further speakers. I urge passage of H.R. 3412, and I yield back the balance of my time.

Mr. FARENTHOLD. Madam Speaker, I join with the gentleman from Louisiana and the gentleman from Missouri in urging all of my colleagues and House Members to support the passage of H.R. 3412, renaming and creating the Sergeant Richard Franklin Abshire Post Office.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, H.R. 3412.

The question was taken.

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

Mr. CLAY. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

SPC NICHOLAS SCOTT HARTGE POST OFFICE

Mr. FARENTHOLD. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3501) to designate the facility of the United States Postal Service located at 125 Kerr Avenue in Rome City, Indiana, as the ''SPC Nicholas Scott Hartge Post Office''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3501

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

SECTION 1. SPC NICHOLAS SCOTT HARTGE POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 125 Kerr Avenue in Rome City, Indiana, shall be known and designated as the ''SPC Nicholas Scott Hartge Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''SPC Nicholas Scott Hartge Post Office''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

Mr. FARENTHOLD. Madam Speaker, I yield myself as much time as I may consume.

GENERAL LEAVE

Mr. FARENTHOLD. Madam Speaker, I also ask unanimous consent that all Members may be given 5 legislative days in which to revise and extend their remarks and to place extraneous materials on the bill under consideration.

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

There was no objection.

Mr. FARENTHOLD. H.R. 3501, introduced by the gentleman from Indiana (Mr. STUTZMAN), would designate the facility of the United States Postal

Service located at 125 Kerr Avenue in Rome City, Indiana, as the SPC Nicholas Scott Hartge Post Office. This bill was introduced on November 18, 2011, and was reported favorably from the Committee on Oversight and Government Reform on February 7.

Nicholas Hartge grew up in Rome City, Indiana, and during high school decided to serve his country by joining the military. Nicholas served in the Third Platoon in Charlie Company in the First Infantry Division, and his company was deployed to Iraq in August of 2006. Nicholas' commanding officer, Commander Michael Baka, took note of the young man's character and aptitude and helped him begin the process of applying to West Point. While the prospect of becoming an officer thrilled Specialist Hartge, he never deviated from his devotion to his fellow soldiers.

On May 14, 2007, Specialist Hartge's unit came under heavy attack. While maneuvering through enemy fire, the Humvee carrying the specialist was struck by a roadside bomb. Nicholas Hartge received a Commendation Medal for outstanding achievement in the capture of Abu Hassan, a known IED facilitator in Baghdad. He was posthumously awarded the Bronze Star for his heroic actions on the day that he was killed.

Madam Speaker, Specialist Nicholas Scott Hartge is a very worthy and appropriate designee of this postal facility naming, and I urge all Members to join me in support of this bill.

I reserve the balance of my time.

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

As a member of the House Oversight and Government Reform Committee, I rise to join my colleagues in the consideration of H.R. 3501, to designate the facility of the United States Postal Service located at 125 Kerr Avenue in Rome City, Indiana, as the SPC Nicholas Scott Hartge Post Office.

The measure before us was first introduced on November 18 by my colleague Representative MARLIN STUTZMAN, and in accordance with the committee's requirements, this bill is cosponsored by all members of the Indiana delegation and was reported out of the committee by unanimous consent on February 7, 2012.

Nicholas Hartge was adamant about joining the military after the profound personal effect that the September 11 attacks had on him. He enlisted in the Army before graduating from East Noble High School in Kendallville, Indiana, in 2005. In August of 2006, he was deployed and stationed in Baghdad.

On May 14, 2007, Hartge was killed when the vehicle he was riding in came in contact with an improvised explosive device. Four other soldiers on patrol with Hartge sustained burn wounds on as much as 70 percent of their bodies from the attack.

Nicholas Scott Hartge made the ultimate sacrifice for his country, and his dedication and courage are a testament to the men and women of the United States Armed Forces. For this reason, the post office in Rome City, Indiana, should be named in his honor. And I ask that we pass the underlying bill to honor the service, sacrifice, and valor of Specialist Nicholas Scott Hartge.

Madam Speaker, I reserve the balance of my time.

Mr. FARENTHOLD. Madam Speaker, I would like to yield 5 minutes to my distinguished colleague and friend from the State of Indiana.

Mr. STUTZMAN. I thank the gentleman from Texas as well as the gentleman from Missouri for their support today and for the committee supporting H.R. 3501. I would also like to thank each of the members of the Indiana delegation for their sponsorship of this bill as well.

Madam Speaker, I rise today in support of H.R. 3501, to designate the facility of the United States Postal Service located at 125 Kerr Avenue in Rome City, Indiana, as the SPC Nicholas Scott Hartge Post Office.

Growing up in Rome City, Indiana, Nicholas served his community with a smile. A Boy Scout, paperboy, wrestler, and member of the marching band, his cheerful manner and work ethic were contagious.

Nicholas decided to enlist in the Army during his junior year of high school. His loving mother, Lori, proudly tells the story of her patriotic son who was so eager to serve his country that a freight train couldn't stop him.

Only a week after graduating, Nicholas left for boot camp at Fort Benning, Georgia. Nicholas chose to serve in the infantry. In August of 2006, he and his unit, First Battalion, 26th Infantry, Brigade Combat Team, First Infantry Division, were deployed to Iraq.

Far from the safety of his Indiana home, Specialist Hartge patrolled the streets of Adhamiyah, a neighborhood in east-central Baghdad. Despite his age, Nicholas' determination and attitude set him apart.

□ 1550

Members of the 3rd Platoon in Charlie Company knew they could depend on him. In the midst of a war zone, Nicholas served with distinction and earned the respect of his fellow soldiers and commanders. His gifts and strengths were known to those he served with. With the goal of attending West Point, he worked with his commanding officer to prepare himself for the challenges ahead.

During a leave, Specialist Hartge came home and took the SAT test in preparation for West Point. Although he could have taken a different path, Nicholas' devotion to his unit led him to put his pursuit of the academy on hold until he finished his combat tour. Putting aside his own safety, he returned to Iraq to serve alongside his unit.

On May 14, 2007, his patrol came under heavy attack. While navigating through intense fire, his Humvee hit a roadside bomb. Specialist Hartge lost his life in that attack. Specialist Hartge was awarded the Bronze Star for his final act of heroism.

Hoosiers in Rome City and Americans across the country enjoy our freedoms because heroes like Nicholas and his family have paid the dearest price. We can never take that fact lightly.

Madam Speaker, Specialist Hartge lost his life serving the country he loved. Renaming the post office of the community that loves and remembers him is a small, but important, gesture to recognize this young man.

I urge my colleagues to support this legislation.

Mr. CLAY. Madam Speaker, I have no further requests for time. I urge passage of H.R. 3501, and I yield back the balance of my time.

Mr. FARENTHOLD. Madam Speaker, I urge all Members to support the passage of H.R. 3501, honoring Specialist Nicholas Scott Hartge; and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, H.R. 3501.

The question was taken.

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

Mr. CLAY. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

FIRST SERGEANT LANDRES CHEEKS POST OFFICE BUILDING

Mr. FARENTHOLD. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3772) to designate the facility of the United States Postal Service located at 150 South Union Street in Canton, Mississippi, as the ''First Sergeant Landres Cheeks Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3772

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

SECTION 1. FIRST SERGEANT LANDRES CHEEKS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 150 South Union Street in Canton, Mississippi, shall be known and designated as the ''First Sergeant Landres Cheeks Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''First Sergeant Landres Cheeks Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. FARENTHOLD. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. FARENTHOLD. H.R. 3772, introduced by the gentleman from Mississippi (Mr. THOMPSON), would designate the facility of the United States Postal Service located at 150 South Union Street in Canton, Mississippi, as the First Sergeant Landres Cheeks Post Office Building. This bill was introduced on January 13 and was reported from the Committee on Oversight and Government Reform with a favorable report on February 7.

Sergeant Cheeks served in the United States Army Medical Corps for 30 years, serving in World War II in Germany and France and also in the Vietnam war. He is a decorated serviceman, having received numerous distinctions, including the National Defense Medal, the Army Commendation Medal, Vietnam Service Medal, Army Occupational Medal of Germany, the Bronze Star Medal, the World War II Victory Medal, and the American Campaign Medal.

Beyond military service, Sergeant Cheeks was a role model in his community in Mississippi, serving with numerous community organizations, including the Madison County Union for Progress as chairman. The Union for Progress is a private organization that helps citizens seek and secure employment. He also served on the board of directors of the Canton Housing Authority.

Cheeks was married for 66 years and raised six sons and three daughters. Six of his children followed in his footsteps and served this country in the military.

Madam Speaker, First Sergeant Landres Cheeks is a worthy designee of this postal naming. I urge all Members to join me in support of this bill, and I reserve the balance of my time.

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

As a member of the House Oversight and Government Reform Committee, I join my colleagues in the consideration of H.R. 3772, a bill to designate the facility of the U.S. Postal Service at 150 South Union Street in Canton, Mississippi, as the First Sergeant Landres Cheeks Post Office Building.

The measure was first introduced on January 13, 2012, by my colleague, Representative BENNIE THOMPSON. In accordance with committee requirements, the bill is cosponsored by all members of the Mississippi delegation and was reported out of the committee by unanimous consent on February 7, 2012.

Madam Speaker, I yield such time as he may consume to the gentleman from Mississippi (Mr. THOMPSON).

Mr. THOMPSON of Mississippi. Madam Speaker, today, I rise in support of my bill, H.R. 3772, which seeks to designate the United States postal facility located at 150 South Union Street in Canton, Mississippi, as the First Sergeant Landres Cheeks Post Office.

I introduced this bill to bring recognition to the outstanding works and commitment of Retired First Sergeant Landres Cheeks to both the United States of America and to the city of Canton, Mississippi. I'm pleased to have my colleagues in the Mississippi delegation join me as original cosponsors: Congressmen HARPER, PALAZZO, and NUNNELEE.

First, Sergeant Cheeks has been a true patriot of our country and an integral part of his community for more than 60 years. He's dedicated his life, after serving our country for three decades, to giving back to the citizens of Canton. His mission to economically empower, inspire, and motivate the people of Canton has proved him to be an invaluable asset to the community.

Sergeant Cheeks served the United States Army Medical Corps for 30 years, participating in Germany and France during World War II and the Vietnam war. He's a decorated serviceman, having received the National Defense Medal, Army Commendation Medal, Vietnam Service Medal, Vietnam Campaign Medal, Army Occupational Medal of Germany, Bronze Star Medal, World War II Victory Medal, American Campaign Medal, and a Good Service Conduct Medal.

In 2001, he was awarded the Blue Cross Blue Shield Ageless Hero Award. This honor is given in celebration of the spirit and vitality of our Nation's seniors aged 65 and over who have proven themselves exemplary in the areas of community involvement, creativity, good neighboring, love of learning, new beginning and vitality. Sergeant Cheeks has proven himself to be a role model of his community.

After having been honorably discharged from the military, it was later discovered that Sergeant Cheeks had contacted agent orange and developed post-traumatic stress syndrome. Nevertheless, Sergeant Cheeks persevered and began actively assisting the people of Canton with searches for employment and with formulating and sponsoring extracurricular activities for the youth of Canton.

Not only is Sergeant Cheeks committed to economic quality and bettering the community, but he's also committed to civic engagement and involvement. He currently sits on the Voter Registration Committee and serves as chairman of the membership of the Canton branch of the NAACP.

Sergeant Cheeks has been a pillar in his community more than half a century and has served our country honorably. I cannot find anyone nobler or better suited to have a building named in their honor.

Madam Speaker, the House Government and Oversight Reform Committee reported First Sergeant Landres Cheeks Post Office Building favorably by voice vote on February 7. I urge my colleagues to support this necessary bipartisan and noncontroversial bill, which will bring much deserved and appropriate recognition to a true patriot and outstanding member of society.

Mr. CLAY. Madam Speaker, we have no further requests for time. I think my friend and colleague from Mississippi has sufficiently given us the reasons why this House should adopt this resolution, and I yield back the balance of my time.

Mr. FARENTHOLD. I urge my colleagues to support renaming the postal facility at 150 South Union Street in Canton, Mississippi, the First Sergeant Landres Cheeks Post Office Building and support the passage of H.R. 3772.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, H.R. 3772.

The question was taken.

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

Mr. CLAY. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

□ 1600

REVEREND ABE BROWN POST OFFICE BUILDING

Mr. FARENTHOLD. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3276) to designate the facility of the United States Postal Service located at 2810 East Hillsborough Avenue in Tampa, Florida, as the ''Reverend Abe Brown Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3276

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

SECTION 1. REVEREND ABE BROWN POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2810 East Hillsborough Avenue in Tampa, Florida, shall be known and designated as the ''Reverend Abe Brown Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other

record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Reverend Abe Brown Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. FARENTHOLD. Madam 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 the bill under consideration.

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

There was no objection.

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

H.R. 3276, introduced by the gentlewoman from Florida (Ms. CASTOR), would designate the facility of the United States Postal Service located at 2810 East Hillsborough Avenue in Tampa, Florida, as the Reverend Abe Brown Post Office Building. This bill was introduced on October 27, 2011, and reported from the Committee on Oversight and Government Reform with a favorable recommendation on February 7, 2012.

Reverend Brown served the Tampa Bay community for years. He was the beloved pastor of the First Baptist Church of College Hill, Hillsborough County public schools educator, football coach, dean of the Chamberlain High School, and founder of Prison Crusade Ministries, later renamed Abe Brown Ministries. He was the dean of students at Chamberlain when Congresswoman CASTOR attended school there. Sadly, Reverend Brown passed away on Saturday, September 11, 2010, at the age of 83.

Reverend Abe Brown is a very worthy designee of this postal facility naming, and I urge my colleagues to support this bill. I reserve the balance of my time.

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

As a member of the House Oversight and Government Reform Committee, I am pleased to join my colleagues in the consideration of H.R. 3276, a bill to designate the facility of the U.S. Postal Service on Hillsborough Avenue in Tampa, Florida, as the Reverend Abe Brown Post Office Building. This bill meets the requirements of our committee.

At this time, I would like to yield to the gentlewoman from Florida (Ms. CASTOR) such time as she may consume.

Ms. CASTOR of Florida. Madam Speaker, I thank my colleague from Missouri and also my colleague from Texas. I rise in strong support today of H.R. 3276, a bill to name the post office located at 2810 East Hillsborough Avenue in Tampa, Florida, as the Reverend Abe Brown Post Office. I introduced this bill to honor the life and the accomplishments of the late Reverend Abe Brown. Reverend Abe Brown was an educator and a pastor, and he devoted his entire life to helping others, whether it was in the classroom, in the guidance office, on the football field, in church, or through his ongoing ministries.

Reverend Brown was a Tampa native. He was a 1946 graduate of the great Middleton High School and a 1950 graduate of Florida A&M University. He came home after he graduated from A&M and started work at Hillsborough County public schools. He worked for the school district for 38 years—as a teacher, coach, dean of students, and an administrator.

As an educator and a coach, he promoted 16 athletes to professional football. He loved football. These professional players attribute their success in life and not just on the football field to the firm foundation and inspirational teachings of their beloved Middleton High School coach, Reverend Abe Brown.

I had the honor of attending Hillsborough's Chamberlain High School when Reverend Brown served as the dean of students before he retired in 1988, and he was tough. He was tough on the outside, but inside he had a heart of gold. Reverend Brown also served as the pastor for the First Baptist Church of College Hill for many years.

His deep and abiding faith called him to found the Prison Crusade Ministries, which was renamed the Reverend Abe Brown Ministries, Inc., a nonprofit organization that enables offenders, ex-offenders, their families, and others at risk to achieve productive and spiritually fulfilling lives. It has made a real difference throughout the Tampa Bay area.

Reverend Brown continued his social outreach, and in 1991 he received nationwide coverage and honor through an article in the Reader's Digest regarding his active establishment and implementation of an effort to stop drug street sales in Tampa's College Hill community.

Reverend Brown passed away in September 2010 after serving the Tampa Bay area in many capacities for many years.

With the help of the East Tampa community, we fought to keep this particular post office open last summer. It was considered for closure, but it is a real focal point for the East Tampa community, and it is a very busy branch. So I look forward to dedicating this station to Reverend Abe Brown, as does our entire community. He was a role model for young people and an inspiration for our entire community. He selflessly devoted his life to others and, instead of abandoning those who had lost their way, he worked tirelessly to help them get back on track.

I thank the entire Florida delegation who sponsored this legislation on a bipartisan basis, I thank the committee, the ranking member and the chair, and I ask my colleagues to support H.R. 3276 in honor of Reverend Brown's selfless service to the Tampa Bay community.

Mr. CLAY. Madam Speaker, I thank the gentlewoman from Florida, and I ask that we pass the underlying bill without reservation to recognize Reverend Abe Brown's contributions, and I yield back the balance of my time.

Mr. FARENTHOLD. Madam Speaker, I was moved by the recollections of the gentlelady from Florida of Reverend Abe Brown, and I am confident that my colleagues will join me in supporting the bill, H.R. 3276, renaming the post office at 2810 East Hillsborough Avenue in Tampa, Florida, as the Reverend Abe Brown Post Office Building, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, H.R. 3276.

The question was taken.

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

Mr. CLAY. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

PROMOTING DEVELOPMENT OF SOUTHWEST DISTRICT OF COLUMBIA WATERFRONT

Mr. FARENTHOLD. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 2297) to promote the development of the Southwest waterfront in the District of Columbia, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

On page 5, after line 10, add the following:

SEC. 4. PROJECT FOR NAVIGATION, WASHINGTON CHANNEL, DISTRICT OF COLUMBIA.

(a) IN GENERAL.—The portion of the project for navigation of the Corps of Engineers at Potomac River, Washington Channel, District of Columbia, as authorized by the Act of August 30, 1935 (chapter 831; 49 Stat. 1028), and described in subsection (b), is deauthorized.

(b) DESCRIPTION OF PROJECT.—The deauthorized portion of the project for navigation is as follows: Beginning at Washington Harbor Channel Geometry Centerline of the 400-foot-wide main navigational ship channel, Centerline Station No. 103+73.12, coordinates North 441948.20, East 1303969.30, as stated and depicted on the Condition Survey Anacostia, Virginia, Washington and Magazine Bar Shoal Channels, Washington, D.C., Sheet 6 of 6, prepared by the United States Army Corps of Engineers, Baltimore district, July 2007; thence departing the

aforementioned centerline traveling the following courses and distances: N. 40 degrees 10 minutes 45 seconds E., 200.00 feet to a point, on the outline of said 400-foot-wide channel thence binding on said outline the following 3 courses and distances: S. 49 degrees 49 minutes 15 seconds E., 1,507.86 feet to a point, thence; S. 29 degrees 44 minutes 42 seconds E., 2,083.17 feet to a point, thence; S. 11 degrees 27 minutes 04 seconds E., 363.00 feet to a point, thence; S. 78 degrees 32 minutes 56 seconds W., 200.00 feet to a point binding on the centerline of the 400-foot-wide main navigational channel at computed Centerline Station No. 65+54.31, coordinates North 438923.9874, East 1306159.9738, thence; continuing with the aforementioned centerline the following courses and distances: N. 11 degrees 27 minutes 04 seconds W., 330.80 feet to a point, Centerline Station No. 68+85.10, thence; N. 29 degrees 44 minutes 42 seconds W., 2,015.56 feet to a point, Centerline Station No. 89+00.67, thence; N. 49 degrees 49 minutes 15 seconds W., 1,472.26 feet to the point of beginning, the area in total containing a computed area of 777,284 square feet or 17.84399 acres of riparian water way.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. FARENTHOLD. Madam 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 the bill under consideration.

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

There was no objection.

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

I will keep my comments brief. Back in December, the House unanimously approved the base text of the legislation before us today, H.R. 2297. H.R. 2297 was approved in order to update zoning laws to allow the District of Columbia the flexibility to sell or lease real property in the Southwest waterfront to a private sector developer. There is currently a $2 billion redevelopment plan pending to renovate this area, which is only a stone's throw from the U.S. Capitol building.

□ 1610

On March 29, the Senate unanimously approved this legislation with an amendment, which is what brings us here today.

The Senate amendment also concerns the development of the Southwest waterfront. It deauthorizes a portion of a 77-year-old navigation project in the waterway, essentially transferring jurisdiction from the U.S. Army Corps of Engineers to the District of Columbia in order for the redevelopment project to move forward to help spur economic development in the Southwest waterfront area here in Washington, DC.

The Army Corps of Engineers has reported no concerns with this transfer. In addition, Madam Speaker, the Senate's language is identical to that of a bill the House unanimously approved last Congress.

The last point I will make is, according to the CBO, there is no budgetary cost associated with the bill now before us.

I'd like to thank the ranking member, Ms. NORTON, for working with us on this legislation and the Senate for including this important amendment.

I urge my colleagues to support this measure, and I reserve the balance of my time.

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

I want to thank the chairman of the full committee, Mr. ISSA, and the chair of the subcommittee, Mr. GOWDY, for working closely with our side on this bill so that we could get it to the floor today. I also thank the ranking member of the full committee, Mr. CUMMINGS, and Mr. DAVIS, the subcommittee ranking member, for their very important consultation.

H.R. 2297, which was introduced by my friend and colleague, Congresswoman NORTON, will allow development of the waterfront area in Southwest Washington, DC. The bill makes technical changes concerning land owned on the Southwest waterfront by the District of Columbia since the early 1960s. The legislation that transferred the land to the District contained restrictions typical of the pre-Home Rule period.

H.R. 2297 updates that obsolete legislation to allow for the highest and best use of the land. The restrictions serve no Federal purpose. However, the unintended effect was to make a wasted asset of land that could be productive and revenue- and jobs-producing. The relevant Federal agencies have been consulted on H.R. 2297 and have raised no objections. The bill will allow mixed-use development on the waterfront for the first time. It will create jobs and raise local revenue at a time when they are needed most.

The Federal Government has no interest in the Southwest waterfront other than the Maine lobster memorial and the Titanic memorial, which the District and the National Park Service have worked together to preserve.

Madam Speaker, the bill expands the types of goods that can be sold at the fish market on the waterfront in a market well known in the region. This is a noncontroversial bill that removes out-of-date restrictions and involves no cost to the Federal Government.

At this time, I'd like to yield to the gentlewoman from the District of Columbia (Ms. NORTON) for such time as she may consume.

Ms. NORTON. Madam Speaker, I have only brief remarks because I want to associate myself with the remarks of the gentleman from Texas and the gentleman from Missouri and to thank them for bringing this bill forward. Special thanks are due to Chairman DARREL ISSA and Ranking Member CUMMINGS for their considerable assistance on this bill, and for two other good friends, Representative GOWDY, the chairman of the subcommittee, and Representative DAVIS, ranking member of the subcommittee.

The bill essentially incorporates technical changes for land that has been owned for almost 50 years by the District of Columbia, but land transferred in bills during the so-called pre-Home Rule period often contained language that is obsolete today and prevents the highest and best use.

Last Congress, the smaller part of this bill, the Washington Channel bill, was passed unanimously in committee and on the House floor. The channel part of the bill had to be updated because the channel was established in the 1800s, when the District of Columbia was a major port. This section allows the District now to use the waterfront for today's boating and other water activities.

All the relevant agencies—and I appreciate the work of the Coast Guard and the Navy—have signed off on this bill. I particularly appreciate the work of the gentleman from Texas and the gentleman from Missouri in bringing this bill forward, and Chairman ISSA and ranking member CUMMINGS of the Oversight and Government Reform bill, once again, and its subcommittee leadership as well.

Mr. CLAY. I urge passage of the bill, and I yield back the balance of my time.

Mr. FARENTHOLD. Madam Speaker, I join with my colleagues in urging support of this bipartisan economic growth and jobs bill. It will create a vital new area in what is developing as a vibrant part of the District of Columbia.

I urge my colleagues to support H.R. 2297, and I yield back the balance of my time.

Mr. ISSA. Madam Speaker, I include the attached exchange of letters between Chairman JOHN MICA of the Committee on Transportation and Infrastructure and myself on the Senate amendment to H.R. 2297.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, June 25, 2012.

Hon. DARRELL ISSA,
Chairman, Committee on Oversight and Government Reform, Washington, DC.

DEAR MR. CHAIRMAN: I write concerning the Senate amendment to H.R. 2297. There are certain provisions in the legislation which fall within the jurisdiction of the Committee on Transportation and Infrastructure.

In order to expedite the House's consideration of the Senate amendment to H.R. 2297, the Committee will forgo action on this bill. However, this is conditional on our mutual understanding that forgoing consideration of the bill does not prejudice the Committee's jurisdictional interest and prerogatives on this bill or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to the Committee in the future.

I would appreciate your response to this letter, confirming this understanding, and would request that you include our exchange

of letters on this matter in the Congressional Record during consideration of this bill on the House floor.

Sincerely,

JOHN L. MICA,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, June 26, 2012.

Hon. JOHN L. MICA,
Chairman, Committee on Transportation and Infrastructure, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding the Committee on Transportation and Infrastructure's jurisdictional interest in the Senate amendment to H.R. 2297, ''To promote the development of the Southwest waterfront in the District of Columbia, and for other purposes,'' and your willingness to forego consideration of the Senate amendment to H.R. 2297 by your committee.

I agree that the Transportation and Infrastructure Committee has a valid jurisdictional interest in certain provisions of the Senate amendment to H.R. 2297, and that the Committee's jurisdiction will not be adversely affected by your decision to forego consideration of the Senate amendment to H.R. 2297.

Finally, I will include a copy of your letter and this response in the Congressional Record during the floor consideration of this bill. Thank you again for your cooperation.

Sincerely,

DARRELL ISSA,
Chairman.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2297.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

SECURING MARITIME ACTIVITIES THROUGH RISK-BASED TARGETING FOR PORT SECURITY ACT

Mr. KING of New York. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4251) to authorize, enhance, and reform certain port security programs through increased efficiency and risk-based coordination within the Department of Homeland Security, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4251

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 ''Securing Maritime Activities through Risk-based Targeting for Port Security Act'' or the ''SMART Port Security Act''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is the following:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.

TITLE I—DEPARTMENT OF HOMELAND SECURITY PORT SECURITY PROGRAMS

Sec. 101. Updates of maritime operations coordination plan.
Sec. 102. U.S. Customs and Border Protection Office of Air and Marine Asset Deployment.
Sec. 103. Cost-benefit analysis of co-locating operational entities.
Sec. 104. Study of maritime security redundancies.
Sec. 105. Acquisition and strategic sourcing of marine and aviation assets.
Sec. 106. Port security grant program management.
Sec. 107. Port security grant funding for mandated security personnel.
Sec. 108. Interagency operational centers for port security.
Sec. 109. Report on DHS aviation assets.
Sec. 110. Small vessel threat analysis.
Sec. 111. U.S. Customs and Border Protection workforce plan.
Sec. 112. Integrated cross-border maritime operations between the United States and Canada.
Sec. 113. Training and certification of training for port security.
Sec. 114. Northern border unmanned aerial vehicle pilot project.
Sec. 115. Recognition of port security assessments conducted by other entities.
Sec. 116. Use of port security grant funds for replacement of security equipment or facilities.

TITLE II—MARITIME SUPPLY CHAIN SECURITY

Sec. 201. Strategic plan to enhance the security of the international supply chain.
Sec. 202. Customs-Trade Partnership Against Terrorism.
Sec. 203. Recognition of other countries' trusted shipper programs.
Sec. 204. Pilot program for inclusion of non-asset based third party logistics providers in the Customs-Trade Partnership Against Terrorism.
Sec. 205. Transportation Worker Identification Credential process reform.
Sec. 206. Expiration of certain transportation worker identification credentials.
Sec. 207. Securing the Transportation Worker Identification Credential against use by unauthorized aliens.
Sec. 208. Report on Federal transportation security credentialing programs.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' has the meaning given such term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(2) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(3) FUNCTION.—The term ''function'' includes authorities, powers, rights, privileges, immunities, programs, projects, activities, duties, and responsibilities.

(4) LOCAL GOVERNMENT.—The term ''local government'' means—

(A) a county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under State law), regional or interstate government entity, or agency or instrumentality of a local government;

(B) an Indian tribe or authorized tribal organization, or in Alaska a Native village or Alaska Regional Native Corporation; and

(C) a rural community, unincorporated town or village, or other public entity.

(5) PERSONNEL.—The term ''personnel'' means officers and employees.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(7) STATE.—The term ''State'' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any possession of the United States.

(8) TERRORISM.—The term ''terrorism'' has the meaning given such term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(9) UNITED STATES.—The term ''United States'', when used in a geographic sense, means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any possession of the United States, and any waters within the jurisdiction of the United States.

TITLE I—DEPARTMENT OF HOMELAND SECURITY PORT SECURITY PROGRAMS

SEC. 101. UPDATES OF MARITIME OPERATIONS COORDINATION PLAN.

(a) IN GENERAL.—Not later than July 1, 2014, the Secretary shall submit to the appropriate congressional committees a maritime operations coordination plan for the coordination and cooperation of maritime operations undertaken by the agencies within the Department. Such plan shall update the maritime operations coordination plan released by the Department in July 2011, and shall address the following:

(1) Coordination of planning, integration of maritime operations, and development of joint situational awareness of any office or agency of the Department with responsibility for maritime homeland security missions.

(2) Maintaining effective information sharing and, as appropriate, intelligence integration, with Federal, State, and local officials and the private sector, regarding threats to maritime security.

(3) Leveraging existing departmental coordination mechanisms, including the Interagency Operational Centers, as authorized under section 70107A of title 46, United States Code, the U.S. Customs and Border Protection Air and Marine Operations Center, the U.S. Customs and Border Protection Operational Integration Center, and other regional maritime operational command centers.

(4) Cooperation and coordination with other agencies of the Federal Government, and State and local agencies, in the maritime environment, in support of maritime homeland security missions.

(5) Work conducted within the context of other national and Department maritime security strategic guidance.

(b) ADDITIONAL UPDATES.—Not later than July 1, 2019, the Secretary, acting through the Department's Office of Operations Coordination and Planning, shall submit to the appropriate congressional committees an additional update to the maritime operations coordination plan.

SEC. 102. U.S. CUSTOMS AND BORDER PROTECTION OFFICE OF AIR AND MARINE ASSET DEPLOYMENT.

(a) IN GENERAL.—Any new asset deployment by the U.S. Customs and Border Protection's Office of Air and Marine, following the date of the enactment of this Act, shall, to the greatest extent practicable, occur in accordance with a risk-based assessment that considers mission needs, performance results, threats, costs, and any other relevant factors identified by the Secretary. Specific factors to be included in such assessment shall include, at a minimum, the following:

(1) Mission requirements that prioritize the operational needs of field commanders to secure the United States border and ports.

(2) Other Department assets available to help address any unmet border and port security mission needs.

(3) Risk analysis showing positioning of the asset at issue to respond to intelligence on emerging terrorist and other threats.

(4) Cost-benefit analysis showing the relative ability to use the asset at issue in the most cost-effective way to reduce risk and achieve mission success.

(b) CONSIDERATIONS.—An assessment required under subsection (a) shall consider applicable Federal guidance, standards, and agency strategic and performance plans, including the following:

(1) The most recent Departmental Quadrennial Homeland Security Review, and any follow-up guidance related to such Review.

(2) The Department's Annual Performance Plans.

(3) Department policy guiding use of integrated risk management in resource allocation decisions.

(4) Department and U.S. Customs and Border Protection Strategic Plans and Resource Deployment Plans.

(5) Applicable aviation guidance from the Department, including the DHS Aviation Concept of Operations.

(6) Other strategic and acquisition guidance promulgated by the Federal Government as the Secretary determines appropriate.

(c) AUDIT AND REPORT.—The Inspector General of the Department shall biennially audit the deployment of new assets within U.S. Customs and Border Protection's Office of Air and Marine and submit to the appropriate congressional committees a report on the compliance of the Department with the requirements of this section.

SEC. 103. COST-BENEFIT ANALYSIS OF CO-LOCATING OPERATIONAL ENTITIES.

(a) IN GENERAL.—For all locations in which U.S. Customs and Border Protection's Office of Air and Marine operates that are within 25 miles of locations where any other Department agency also operates air and marine assets, the Secretary shall conduct a cost-benefit analysis to consider the potential cost of and savings derived from co-locating aviation and maritime operational assets of the different agencies of the Department. In analyzing the potential cost savings achieved by sharing aviation and maritime facilities, the study shall consider at a minimum the following factors:

(1) Potential enhanced cooperation derived from Department personnel being co-located.

(2) Potential cost of, and savings derived through, shared maintenance and logistics facilities and activities.

(3) Joint use of base and facility infrastructure, such as runways, hangars, control towers, operations centers, piers and docks, boathouses, and fuel depots.

(4) Short term moving costs required in order to co-locate facilities.

(5) Acquisition and infrastructure costs for enlarging current facilities as needed.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report summarizing the results of the cost-benefit analysis required under subsection (a) and any planned actions based upon such results.

SEC. 104. STUDY OF MARITIME SECURITY REDUNDANCIES.

The Comptroller General of the United States shall by not later than 1 year after the date of enactment of this Act—

(1) conduct a review of port security and maritime law enforcement operations within the Department to identify initiatives and programs with duplicative, overlapping, or redundant goals and activities, including the cost of such duplication; and

(2) submit to the appropriate congressional committees a report on the findings of the study, including—

(A) recommendations for consolidation, elimination, or increased cooperation to reduce unnecessary duplication found in the study; and

(B) an analysis of personnel, maintenance, and operational costs related to unnecessarily duplicative, overlapping, or redundant goals and activities found in the study.

SEC. 105. ACQUISITION AND STRATEGIC SOURCING OF MARINE AND AVIATION ASSETS.

(a) IN GENERAL.—Before initiating the acquisition of any new boat or aviation asset, the Secretary shall coordinate across the agencies of the Department, as appropriate, to—

(1) identify common mission requirements before initiating a new acquisition program; and

(2) standardize, to the extent practicable, equipment purchases, streamline the acquisition process, and conduct best practices for strategic sourcing to improve control, reduce cost, and facilitate oversight of asset purchases prior to issuing a Request for Proposal.

(b) ESTABLISHMENT OF AVIATION AND MARITIME COORDINATION MECHANISM.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a coordinating mechanism for aviation and maritime issues, including issues related to the acquisition, administration, operations, maintenance, and joint management across the Department, in order to decrease procurement and operational costs and increase efficiencies.

(c) SPECIAL RULE.—For the purposes of this section, a boat shall be considered any vessel less than 65 feet in length.

SEC. 106. PORT SECURITY GRANT PROGRAM MANAGEMENT.

(a) DETERMINATION OF APPLICATIONS.—Section 70107(g) of title 46, United States Code, is amended

(1) by striking ''Any entity'' and inserting the following:

''(1) IN GENERAL.—Any entity''; and

(2) by adding at the end the following:

''(2) DETERMINATION.—Notwithstanding any other provision of law, the Secretary shall, not later than 60 days after the date on which an applicant submits a complete application for a grant under this section, either approve or disapprove the application.''.

(b) ADMINISTRATION OF COST SHARE DETERMINATIONS.—Section 70107(c)(2) of title 46, United States Code, is amended—

(1) by striking subparagraph (B) and inserting the following:

''(B) HIGHER LEVEL OF SUPPORT REQUIRED.—If the Secretary or the Secretary's designee determines that a proposed project merits support and cannot be undertaken without a higher rate of Federal support, then the Secretary or the Secretary's designee may approve grants under this section for that project with a matching requirement other than that specified in paragraph (1).''; and

(2) by inserting after subparagraph (C) the following:

''(D) COST SHARE DETERMINATIONS.—Notwithstanding any other provision of law, not later than 60 days after the date on which an applicant submits a complete application for a matching requirement waiver under this paragraph the Secretary shall either approve or disapprove the application.''.

(c) ADMINISTRATION.—Section 70107(i) of title 46, United States Code, is amended by adding after paragraph (4) the following:

''(5) RELEASE OF FUNDS.—To the maximum extent practicable, the Secretary shall complete all necessary programmatic reviews and release grant funds awarded under this section to the appropriate entity not later than 180 days after the date on which an applicant submits a complete application.

''(6) PERFORMANCE PERIOD.—The Secretary shall utilize a period of performance of not less than 3 years for expenditure of grant funds awarded under this section.

''(7) EXTENSION DETERMINATIONS.—Notwithstanding any other provision of law, not later than 60 days after the date on which an applicant submits a complete application for an extension of the period of performance for a grant, the Secretary shall either approve or disapprove the application.''.

SEC. 107. PORT SECURITY GRANT FUNDING FOR MANDATED SECURITY PERSONNEL.

Section 70107(b)(1) of title 46, United States Code, is amended by striking the period and inserting the following: '', including overtime and backfill costs incurred in support of other expenditures authorized under this subsection, except that not more than 50 percent of amounts received by a grantee under this section for a fiscal year may be used under this paragraph.''.

SEC. 108. INTERAGENCY OPERATIONAL CENTERS FOR PORT SECURITY.

(a) PARTICIPATING PERSONNEL.—Section 70107A(b)(1)(B) of title 46, United States Code, is amended—

(1) by inserting '', not less than part-time representation from U. S. Customs and Border Protection and U.S. Immigration and Customs Enforcement,''after ''the Coast Guard''; and

(2) by striking ''the United States Customs and Border Protection, the United States Immigration and Customs Enforcement,''.

(b) ASSESSMENT.—Not later than one year after the date of enactment of this Act the Secretary (as that term is used in that section) shall transmit to the appropriate congressional committees an assessment of—

(1) interagency operational centers under such section and the implementation of the amendments made by this section;

(2) participation in such centers and by Federal agencies, State and local law enforcement agencies, port security agencies, and other public and private sector entities, including joint daily operational coordination, training and certifying of non-Federal law enforcement personnel, and joint training exercises;

(3) deployment of interoperable communications equipment under subsection (e) of such section, including—

(A) an assessment of the cost-effectiveness and utility of such equipment for Federal agencies, State and local law enforcement agencies, port security agencies, and other public and private sector entities;

(B) data showing which Federal agencies, State and local law enforcement agencies, port security agencies, and other public and private sector entities are utilizing such equipment;

(C) an explanation of the process in place to obtain and incorporate feedback from Federal agencies, State and local law enforcement agencies, port security agencies, and other public and private sector entities that are utilizing such equipment in order to better meet their needs; and

(D) an updated deployment schedule and life cycle cost estimate for the deployment of such equipment; and

(4) mission execution and mission support activities of such centers, including daily coordination activities, information sharing, intelligence integration, and operational planning.

SEC. 109. REPORT ON DHS AVIATION ASSETS.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report that analyzes and compares the costs, capabilities, and missions of different aviation assets, including unmanned aerial vehicles, utilized by the Department to assess the relative costs of unmanned aerial vehicles as compared to manned aerial vehicles, and any increased operational benefits offered by unmanned aerial vehicles as compared to manned aviation assets.

(b) REQUIRED DATA.—The report required under subsection (a) shall include a detailed assessment of costs for operating each type of asset described in such report, including—

(1) fuel costs;

(2) crew and staffing costs;

(3) maintenance costs;

(4) communication and satellite bandwidth costs;

(5) costs associated with the acquisition of each type of such asset; and

(6) any other relevant costs necessary to provide a holistic analysis and to identify potential cost savings.

SEC. 110. SMALL VESSEL THREAT ANALYSIS.

Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report analyzing the threat of, vulnerability to, and consequence of an act of terrorism using a small vessel to attack United States vessels, ports, or maritime interests.

SEC. 111. U.S. CUSTOMS AND BORDER PROTECTION WORKFORCE PLAN.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a plan for optimizing staffing levels for U.S. Customs and Border Protection personnel to carry out the mission of the Department, including optimal levels of U.S. Customs and Border Protection staffing required to conduct all border security functions.

(b) CONSIDERATION OF PRIOR STAFFING RESOURCES.—The staffing plan required under subsection (a) shall consider previous staffing models prepared by the Department and assessments of threat and vulnerabilities.

SEC. 112. INTEGRATED CROSS-BORDER MARITIME OPERATIONS BETWEEN THE UNITED STATES AND CANADA.

(a) IN GENERAL.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.) is amended by adding at the end the following:

"SEC. 432. INTEGRATED CROSS-BORDER MARITIME OPERATIONS BETWEEN THE UNITED STATES AND CANADA.

''(a) AUTHORIZATION.—The Secretary is authorized to establish an Integrated Cross-Border Maritime Operations Program to coordinate maritime security operations between the United States and Canada (in this section referred to as the 'Program').

''(b) PURPOSE.—The Secretary, acting through the Commandant of the Coast Guard, shall administer the Program in a manner that results in a cooperative approach between the United States and Canada to strengthen border security and detect, prevent, suppress, investigate, and respond to terrorism and violations of law related to border security.

''(c) TRAINING.—The Secretary, acting through the Commandant of the Coast Guard, in consultation with the Secretary of State, may—

''(1) establish, as an element of the Program, a training program to create designated maritime law enforcement officers;

''(2) conduct training jointly with Canada, including training—

''(A) on the detection and apprehension of suspected terrorists and individuals attempting to unlawfully cross or unlawfully use the international maritime border between the United States and Canada, to enhance border security;

''(B) on the integration, analysis, and dissemination of port security information between the United States and Canada;

''(C) on the respective policy, regulatory, and legal considerations related to the Program;

''(D) on the use of force and maritime security;

''(E) in operational procedures and protection of information and other sensitive information; and

''(F) on preparedness and response to maritime terrorist incidents.

''(d) COORDINATION.—The Secretary, acting through the Commandant of the Coast Guard, shall coordinate the Program with other similar border security and antiterrorism programs within the Department.

''(e) MEMORANDA OF AGREEMENT.—The Secretary may enter into any memorandum of agreement necessary to carry out the Program.

''(f) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section there is authorized to be appropriated to the Secretary $2,000,000 for each of fiscal years 2013 and 2014.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to such subtitle the following new item:

''Sec. 432. Integrated cross-border maritime operations between the United States and Canada.''.

SEC. 113. TRAINING AND CERTIFICATION OF TRAINING FOR PORT SECURITY.

(a) USE OF PORT SECURITY GRANT FUNDS.—Section 70107(b)(8) of title 46, United States Code, is amended to read as follows:

''(8) The cost of training and certifying a law enforcement officer employed by a law enforcement agency under section 70132 of this title.''.

(b) MATCHING REQUIREMENT.—Section 70107(c)(2)(C) of such title is amended to read as follows:

''(C) TRAINING AND CERTIFICATION.—There are no matching requirements for grants under subsection (a) to train and certify law enforcement personnel under section 70132 of this title.''.

(c) CREDENTIALING STANDARDS, TRAINING, AND CERTIFICATION.—Section 70132 of such title is amended as follows:

*(1) In the section heading, by striking ''**for State and local support for the enforcement of security zones for the transportation of especially hazardous cargo**'' and inserting ''**of maritime law enforcement personnel**''.*

(2) By amending subsection (a) to read as follows:

''(a) STANDARDS.—The Commandant of the Coast Guard shall establish standards for training, qualification, and certification of a law enforcement officer employed by a law enforcement agency, to conduct or execute, pursuant to a cooperative enforcement agreement, maritime security, maritime law enforcement, and maritime surge capacity activities.''.

(3) In subsection (b)(1), by amending subparagraphs (A) and (B) to read as follows:

''(A) after notice and opportunity for public comment, may develop and publish training curricula for the standards established under subsection (a); and

''(B) may—

''(i) test and deliver training for which the curriculum is developed under subparagraph (A);

''(ii) enter into an agreement under which any Federal, State, local, tribal, or private sector entity may test and deliver such training; and

''(iii) accept the results of training conducted by any Federal, State, local, tribal, or private sector entity under such an agreement.''.

(4) By striking subsection (b)(2) and inserting the following:

''(2) Any training developed under paragraph (1) after the date of enactment of the SMART Port Security Act shall be developed in consultation with the Federal Law Enforcement Training Center.''.

(5) In subsection (b)(4)—

(A) by inserting after ''any moneys,'' the following: ''other than an allocation made under the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777 et seq.),''; and

(B) by striking ''training of personnel to assist in the enforcement of security zones and limited access areas'' and inserting ''training and certifying personnel under this section''.

(6) By striking subsection (c) and inserting the following:

''(c) CERTIFICATION OF PERSONNEL.—The Commandant of the Coast Guard may issue a certificate to law enforcement officer employed by a law enforcement agency, who has successfully completed training that the Commandant has developed under this section.''.

(7) By adding at the end the following:

''(d) TACTICAL TRAINING FOR LAW ENFORCEMENT PERSONNEL.—The Commandant of the Coast Guard may make such training developed under this section available to law enforcement officers employed by a law enforcement agency, on either a reimbursable or a non-reimbursable basis, if the Commandant determines that—

''(1) a member of the Coast Guard is unable or unavailable to undertake tactical training the authorization of which had been previously approved, and no other member of the Coast Guard is reasonably available to undertake such training;

''(2) the inability or unavailability of Coast Guard personnel to undertake such training creates training capacity within the training program; and

''(3) such training, if made available to such law enforcement officers, would contribute to achievement of the purposes of this section.''.

(d) CONFORMING AMENDMENT.—Chapter 701 of such title is amended—

(1) by striking the heading for subchapter II and inserting the following:

"Subchapter II—Port Security Training and Certification"; and

(2) in the table of sections at the beginning of the chapter—

(A) by striking the item relating to the heading for subchapter II and inserting the following:

''SUBCHAPTER II—PORT SECURITY TRAINING AND CERTIFICATION''; AND

(B) by striking the item relating to section 70132 and inserting the following:

''70132. Credentialing standards, training, and certification of maritime law enforcement personnel.''.

(e) TECHNICAL CORRECTIONS.—Chapter 701 of such title is amended—

(1) by moving sections 70122, 70123, 70124, and 70125 so as to appear at the end of subchapter I of such chapter;

(2) in the table of sections at the beginning of the chapter, in the item relating to section 70107A, by adding at the end a period; and

(3) by striking the heading for section 70124 and inserting the following:

"§ 70124. Regulations".

SEC. 114. NORTHERN BORDER UNMANNED AERIAL VEHICLE PILOT PROJECT.

(a) RESEARCH AND DEVELOPMENT.—The Secretary shall research and develop technologies to allow routine operation of medium-sized unmanned aerial vehicles, including autonomously piloted drones, within the national airspace for border and maritime security missions without any degradation of existing levels of security-related surveillance or of safety for all national airspace system users.

(b) PILOT PROJECT.—No later than 180 days after the date of enactment of this Act, the Secretary shall commence a pilot project in segregated airspace along the northern border to conduct experiments and collect data in order to accelerate the safe integration of medium-sized unmanned aircraft systems into the national airspace system.

SEC. 115. RECOGNITION OF PORT SECURITY ASSESSMENTS CONDUCTED BY OTHER ENTITIES.

Section 70108 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(f) RECOGNITION OF ASSESSMENT CONDUCTED BY OTHER ENTITIES.—

''(1) CERTIFICATION AND TREATMENT OF ASSESSMENTS.—For the purposes of this section and section 70109, the Secretary may treat an assessment conducted by a foreign government or international organization as an assessment by the Secretary required by subsection (a), if the Secretary certifies that the assessment was conducted in accordance with subsection (b).

''(2) AUTHORIZATION TO ENTER INTO AGREEMENTS OR ARRANGEMENTS.—The Secretary may enter into an agreement or arrangement with a foreign government or international organization, under which—

''(A) such government or organization may, on behalf of the Secretary, conduct an assessment required under subsection (a), or share

with the Secretary information pertaining to such assessments; and

''(B) the Secretary may, on behalf of such foreign government or organization, conduct an assessment described in subsection (a), or share with such foreign government or organization information pertaining to such assessments.

''(3) LIMITATIONS.—Nothing in this subsection—

''(A) requires the Secretary to recognize an assessment that a foreign government or an international organization conducts pursuant to this subsection; or

''(B) limits the discretion or ability of the Secretary to conduct an assessment under this section.

''(4) NOTIFICATION.—Not later than 30 days before entering into an agreement or arrangement with a foreign government under paragraph (2), the Secretary shall notify the appropriate congressional committees of the proposed terms of such agreement or arrangement.''.

SEC. 116. USE OF PORT SECURITY GRANT FUNDS FOR REPLACEMENT OF SECURITY EQUIPMENT OR FACILITIES.

Section 70107(b)(2) of title 46, United States Code, is amended by inserting ''(including replacement)'' after ''acquisition''.

TITLE II—MARITIME SUPPLY CHAIN SECURITY

SEC. 201. STRATEGIC PLAN TO ENHANCE THE SECURITY OF THE INTERNATIONAL SUPPLY CHAIN.

Section 201 of the SAFE Port Act (6 U.S.C. 941) is amended—

(1) by amending subsection (b) to read as follows:

''(b) REQUIREMENTS.—The strategic plan required under subsection (a), and any updates to the strategic plan required under subsection (g), shall—

''(1) identify and address gaps and unnecessary redundancies or overlaps in the roles, responsibilities, or authorities of the agencies responsible for securing the supply chain, including—

''(A) any unnecessary redundancies or overlaps in Federal transportation security credentialing programs; and

''(B) any unnecessary redundancies or overlaps in Federal trusted shipper or trusted trader programs;

''(2) review ongoing efforts to align activities throughout the Federal Government to—

''(A) improve coordination among the agencies referred to in paragraph (1);

''(B) facilitate the efficient flow of legitimate commerce;

''(C) enhance the security of the international supply chain; or

''(D) address any gaps or overlaps described in paragraph (1);

''(3) identify further regulatory or organizational changes necessary to—

''(A) improve coordination among the agencies referred to in paragraph (1);

''(B) facilitate the efficient flow of legitimate commerce;

''(C) enhance the security of the international supply chain; or

''(D) address any gaps or overlaps described in paragraph (1);

''(4) provide measurable goals, including objectives, mechanisms, and a schedule, for furthering the security of commercial operations from point of origin to point of destination;

''(5) build on available resources and consider costs and benefits;

''(6) recommend additional incentives for voluntary measures taken by private sector entities to enhance supply chain security, including additional incentives for such entities participating in the Customs-Trade Partnership Against Terrorism in accordance with sections 214, 215, and 216;

''(7) consider the impact of supply chain security requirements on small- and medium- sized companies;

''(8) identify a framework for prudent and measured response in the event of a transportation security incident involving the international supply chain;

''(9) provide updated protocols for the expeditious resumption of the flow of trade in accordance with section 202;

''(10) review and address implementation of lessons learned from recent exercises conducted under sections 114 and 115, and other international supply chain security, response, or recovery exercises that the Department participates in, as appropriate;

''(11) consider the linkages between supply chain security and security programs within other systems of movement, including travel security and terrorism finance programs;

''(12) be informed by technologies undergoing research, development, testing, and evaluation by the Department; and

''(13) expand upon and relate to existing strategies and plans for securing supply chains, including the National Response Plan, the National Maritime Transportation Security Plan, the National Strategy for Maritime Security, and the eight supporting plans of such National Strategy for Maritime Security, as required by Homeland Security Presidential Directive 13.'';

(2) in subsection (g)—

(A) in the heading for paragraph (2), by striking ''FINAL'' and inserting ''UPDATED''; and

(B) by adding at the end the following new paragraphs:

''(3) FINAL REPORT.—Not later than two years after the date on which the update of the strategic plan is submitted under paragraph (2), the Secretary shall submit to the appropriate congressional committees a report that contains a further update of the strategic plan.

''(4) IMPLEMENTATION PLAN.—Not later than one year after the date on which the final update of the strategic plan is submitted under paragraph (3), the Secretary shall submit to the appropriate congressional committees an implementation plan for carrying out the strategic plan.''; and

(3) by adding at the end the following new subsection:

''(h) THREAT ASSESSMENT.—In developing the reports and implementation plan required under subsection (g), the Secretary shall take into account an assessment of the current threats to the global supply chain.''.

SEC. 202. CUSTOMS-TRADE PARTNERSHIP AGAINST TERRORISM.

(a) UNANNOUNCED INSPECTIONS.—Section 217(a) of the SAFE Port Act (6 U.S.C. 967(a)) is amended—

(1) by striking ''If at any time'' and inserting the following:

''(1) FAILURE TO MEET REQUIREMENTS.—If at any time''; and

(2) by inserting after paragraph (1), as redesignated, the following new paragraph:

''(2) UNANNOUNCED INSPECTIONS.—The Secretary, acting through the Commissioner, may conduct an unannounced inspection of a C-TPAT participant's security measures and supply chain security practices if the Commissioner determines, based on previously identified deficiencies in security measures and supply chain security practices of the C-TPAT participant, that there is a likelihood that such an inspection would assist in confirming the security measures in place and further the validation process.''.

(b) PRIVATE SECTOR INFORMATION SHARING ON SECURITY AND TERRORISM THREATS.—Subsection (d) of section 216 of the SAFE Port Act (6 U.S.C. 966) is amended to read as follows:

''(d) PRIVATE SECTOR INFORMATION SHARING ON SECURITY AND TERRORISM THREATS.—

''(1) IN GENERAL.—The Secretary shall promote information sharing, as appropriate, between and among the Department and C-TPAT participants and other private entities regarding—

''(A) potential vulnerabilities, attacks, and exploitations of the international supply chain; and

''(B) means and methods of preventing, responding to, and mitigating consequences from the vulnerabilities, attacks, and exploitations described in subparagraph (A).

''(2) CONTENTS.—The information sharing required under paragraph (1) may include—

''(A) the creation of classified and unclassified means of accessing information that may be used by appropriately cleared personnel and that will provide, as appropriate, ongoing situational awareness of the security of the international supply chain; and

''(B) the creation of guidelines to establish a mechanism by which owners and operators of international supply chain infrastructure may report actual or potential security breaches.''.

SEC. 203. RECOGNITION OF OTHER COUNTRIES' TRUSTED SHIPPER PROGRAMS.

Section 218 of the SAFE Port Act (6 U.S.C. 968) is amended by adding at the end the following new subsection:

''(j) RECOGNITION OF OTHER COUNTRIES' TRUSTED SHIPPER PROGRAMS.—Not later than 30 days before signing an arrangement between the United States and a foreign government providing for mutual recognition of supply chain security practices which might result in the utilization of benefits described in section 214, 215, or 216, the Secretary shall—

''(1) notify the appropriate congressional committees of the proposed terms of such arrangement; and

''(2) determine, in consultation with the Commissioner, that the foreign government's supply chain security program provides comparable security as that provided by C-TPAT.''.

SEC. 204. PILOT PROGRAM FOR INCLUSION OF NON-ASSET BASED THIRD PARTY LOGISTICS PROVIDERS IN THE CUSTOMS-TRADE PARTNERSHIP AGAINST TERRORISM.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall develop a pilot program to determine whether allowing non-asset based third party logistics providers that arrange international transportation of freight to participate in the Customs-Trade Partnership Against Terrorism program, as described in section 211 of the SAFE Port Act (6 U.S.C. 961), would enhance port security, combat terrorism, prevent supply chain security breaches, or meet the goals of the Customs-Trade Partnership Against Terrorism established pursuant to section 211 of the SAFE Port Act (6 U.S.C. 961).

(b) REQUIREMENTS.—

(1) VOLUNTARY PARTICIPATION.—Participation by non-asset based third party logistics providers that arrange international transportation of freight taking part in the pilot program shall be voluntary.

(2) MINIMUM NUMBER.—The Secretary shall ensure that not fewer than five non-asset based third party logistics providers that arrange international transportation of freight take part in the pilot program.

(3) DURATION.—The pilot program shall be conducted for a minimum duration of one year.

(c) REPORT.—Not later than 180 days after the conclusion of the pilot program, the Secretary shall submit to the appropriate congressional committees a report on the findings and any recommendations of the pilot program concerning the participation in the Customs-Trade Partnership Against Terrorism of non-asset based third party logistics providers that arrange international transportation of freight to combat terrorism and prevent supply chain security breaches.

SEC. 205. TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL PROCESS REFORM.

(a) SENSE OF CONGRESS.—To avoid further imposing unnecessary and costly regulatory burdens on United States workers and businesses, it is the sense of Congress that it is urgent that the Transportation Worker Identification Credential (in this section referred to as the ''TWIC'') application process be reformed by not later than

the end of 2012, when hundreds of thousands of current TWIC holders will begin to face the requirement to renew their TWICs.

(b) TWIC APPLICATION REFORM.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall reform the process for the enrollment, activation, issuance, and renewal of a TWIC to require, in total, not more than one in-person visit to a designated enrollment center except in cases in which there are extenuating circumstances, as determined by the Secretary, requiring more than one such in-person visit.

SEC. 206. EXPIRATION OF CERTAIN TRANSPORTATION WORKER IDENTIFICATION CREDENTIALS.

(a) IN GENERAL.—A valid Transportation Worker Identification Credential required under part 101.514 of title 33, Code of Federal Regulations, that was issued before the date of enactment of this Act shall not expire before the earlier of—

(1) the deadline for full implementation of a final rule issued by the Secretary for electronic readers designed to work with Transportation Worker Identification Credentials as an access control and security measure issued pursuant to the advanced notice of proposed rulemaking published March 27, 2009 (74 Fed. Reg. 58), as established by the final rule; or

(2) June 30, 2014.

(b) REVOCATION AUTHORITY NOT AFFECTED.—This section shall not be construed to affect the authority of the Secretary to revoke a Transportation Worker Identification Credential—

(1) based on information that the holder is not qualified to hold such credential; or

(2) if the credential is lost, damaged, or stolen.

SEC. 207. SECURING THE TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL AGAINST USE BY UNAUTHORIZED ALIENS.

(a) PROCESS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a process to ensure, to the maximum extent practicable, that an individual who is not lawfully present in the United States cannot obtain or continue to use a Transportation Worker Identification Credential (in this section referred to as the ''TWIC'').

(2) COMPONENTS.—In establishing the process under subsection (a), the Secretary shall—

(A) publish a list of documents that will identify non-United States citizen TWIC applicants and verify their immigration statuses by requiring each such applicants to produce a document or documents that demonstrate—

(i) identity; and

(ii) proof of lawful presence in the United States; and

(B) establish training requirements to ensure that trusted agents at TWIC enrollment centers receive training to identify fraudulent documents.

(b) EXPIRATION OF TWICS.—A TWIC expires on the date of its expiration, or in the date on which the individual to whom such a TWIC is issued is no longer lawfully present in the United States, whichever is earlier.

SEC. 208. REPORT ON FEDERAL TRANSPORTATION SECURITY CREDENTIALING PROGRAMS.

Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report that identifies unnecessary redundancies or overlaps in Federal transportation security credentialing programs, including recommendations to reduce or eliminate such redundancies or overlaps.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KING) and the gentleman from Mississippi (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. KING of New York. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include any extraneous material on the bill under consideration.

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

There was no objection.

Mr. KING of New York. Madam Speaker, I yield myself such time as I may consume.

At the outset, Madam Speaker, I would like to thank Chairman MILLER for her hard work on this bipartisan legislation.

After the attacks of September 11, Congress recognized the importance of securing our Nation's ports. The SMART Port, building on the work of the SAFE Port Act from 2006, addresses new maritime security challenges as the Department's port and maritime security mission continues to evolve and grow. This legislation accomplishes this by using a risk-based framework, enhancing security measures overseas before threats reach our shores, fostering a collaborative environment between Customs and Border Patrol and the U.S. Coast Guard in sharing port security duties and leveraging our trusted allies.

This bill would extend the validity of the TWIC cards, currently set to begin expiring later this year, until the Department of Homeland Security releases the TWIC Reader Rule, which has been delayed over and over again.

This bill is the result of more than a year of close congressional oversight and scrutiny through hearings held by the Subcommittee on Border and Maritime Security. It's a good bill. I urge my colleagues to support it, and I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Madam Speaker, I rise in support of H.R. 4251, the SMART Port Security Act, and yield myself such time as I may consume.

Madam Speaker, I'm pleased that the House is meeting today to consider H.R. 4251, the SMART Port Security Act. This bill includes a number of Democratic-sponsored provisions aimed at improving our Nation's maritime security.

Representative LORETTA SANCHEZ authored a provision to strengthen the integrity of the TWIC program. Representative LAURA RICHARDSON authored language to allow port operators to use their grant funds for security provided by local law enforcement. Representative CLARKE of Michigan authored a provision relating to northern border security.

□ 1620

H.R. 4251 also includes language modeled after a bill I introduced, H.R. 1105, to relieve the Nation's port and transportation workers from the hassle and expense of renewing their 5-year TWIC cards, given that DHS has not done its job to fully implement this security program.

Specifically, section 206 of this bill will relieve current TWIC holders, the men and women who work in our ports, from being required to secure new identification cards beginning in October 2012, given that DHS has not even issued a draft rule for biometric readers.

For the full security potential of the TWIC program to be realized, there must be readers installed at ports to match the biometric cards with the individuals presenting them. Since 2007, over 2.1 million longshoremen, truckers, merchant mariners, and rail and vessel crew members have undergone extensive homeland security and criminal background checks and paid a $132.50 fee to secure TWICs.

Since H.R. 4251 was considered by the full committee, DHS has taken positive steps to address the upcoming TWIC renewal predicament. Specifically, DHS recently announced that, starting this August, workers will be eligible for a 3-year TWIC renewal card at a discounted rate and with fewer visits to the enrollment center. While this is a positive development, more must be done.

The bill before us today allows workers to continue to use their TWICs for the next 2 years, while providing an incentive for DHS to move forward on readers as soon as possible.

I insert into the RECORD a letter we received today from Transportation Trades Department, AFL–CIO, expressing their support for this bill and the provisions making commonsense changes to the TWIC program.

TRANSPORTATION TRADES DEPARTMENT, AFL–CIO,
Washington, DC, June 26, 2012.

DEAR REPRESENTATIVE: On behalf of the Transportation Trades Department, AFL–CIO (TTD), I write to express our support for H.R. 4251, the SMART Port Security Act, offered by Rep. Candice Miller (R–MI), which will be voted under suspension later today.

The SMART Port Security Act, among other things, makes needed reforms to the Transportation Worker Identification Credential (TWIC) program enrollment, activation, issuance and renewal process. Specifically, this legislation postpones the requirement of workers to renew TWIC cards in the absence of Department of Homeland Security (DHS) final regulations mandating biometric card readers.

Since the TWIC program began, over two million workers have fulfilled their obligation to enroll in the TWIC program, incurring the significant cost and time commitment to comply with the program. However, DHS has yet to issue a final rule on the biometric readers, rendering the expensive biometric component of the TWIC cards virtually useless. Despite the readers not being in place, workers will have to renew their TWIC cards beginning in October, 2012. This legislation would spare workers the financial and procedural burden of renewing their application until DHS puts the infrastructure in place to make the program fully functional.

This legislation also includes language which ensures that workers are only required to make one in-person visit to an enrollment center either for a first enrollment

or a renewal. This will lift a logistical burden for workers, many of whom may be hundreds of miles away from a TWIC enrollment facility while on the job.

Transportation workers have been asked for too long to bear the financial burden of supporting a program that is incomplete and ineffective. I urge all Members to vote for H.R. 4251.

Sincerely,

EDWARD WYTKIND,
President.

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

Mr. KING of New York. Madam Speaker, I yield as much time as she may consume to the author of the bill, the distinguished gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. I certainly want to thank the chairman for his support of the bill, and I thank the gentleman for yielding the time as well.

Madam Speaker, I rise today in support of H.R. 4251. I'm absolutely convinced that the bill before the House today, the SMART Port Act, will tangibly enhance the Nation's maritime security.

We spend a lot of time, as a Nation, and as a Congress, focusing on security threats at the southern border and on the northern border, but sometimes we also need to remember that we have a very long maritime border that deserves our attention as well.

A major disruption at one of the Nation's ports, especially a terrorist attack, is a high-consequence event that has the potential to cripple the global supply chain and could severely damage our economy. We simply cannot afford to ignore threats to our Nation's maritime security.

To that end, SMART Port builds on the work of the 2006 SAFE Port Act to enhance risk-based security measures overseas before the threat reaches our shore. It emphasizes a stronger collaborative environment between the Customs and Border Protection and the Coast Guard in sharing port security duties, and it leverages the maritime security work of our trusted allies.

If we learned anything after 9/11, it's that we need to move from the need-to-know information to the need-to-share information. The Department of Homeland Security components with shared jurisdiction must cooperate in maritime operations and form partnerships with State and local law enforcement agencies in order to improve the Nation's maritime security.

What happens in our waterways and ports affects the entire Nation, so it is incumbent on us to realize that maritime security is not the province simply of the government alone. Leveraging partnerships with private industry, as well as our international partners, is common sense; and trusted-shippers programs, like the Customs Trade Partnership Against Terrorism, or the C-T PAT, where companies who make significant investments in their security, reduces the amount of resources that CBP needs to spend on looking at cargo shipments that we know the least about.

Our trusted allies, like Canada and the European Union, have programs similar to C-T PAT in place, and this bill supports the concept of mutual recognition where the Secretary can accept other countries' trusted-shipper programs when they provide an equal level of security. And not only does this save CBP inspectors from the added burden of having to verify companies who participate in both programs. It also really expedites commerce across our borders, and we really need to do that because of limited use of taxpayer dollars, certainly. And so it makes fiscal sense, as well, to do that.

The American port worker, truck driver, and others who make port operations run smoothly are another critical maritime security layer. They're all required to obtain the TWIC cards that the ranking member just mentioned here, and the chairman as well. These individuals have complied with the law. They've done their part. They've purchased a TWIC card. In many cases they've traveled long distances to go to the enrollment center, maybe not once but twice, and undergone the background check. But the problem is that the United States Government has not done its part.

The Department of Homeland Security has yet to release the TWIC reader rule, meaning that the biometric information embedded on the card validating the worker's identity just isn't being confirmed. And in reality, because of that, the TWIC card has become little more than an expensive ''flash pass.''

This bill will extend the validity of TWIC cards until the government upholds its end of the bargain and puts out a reader rule. The Coast Guard and TSA must produce the TWIC reader rule which is necessary to give American workers and port facilities certainty after years of delay.

As well, we should be cognizant of the fact that CBP and the United States Coast Guard cannot intrusively scan every truck, every cargo container or bulk shipment that comes into American ports. It's certainly cost prohibitive, but it would also cripple the just-in-time delivery system that the industry relies on to keep American commerce running.

Instead, I believe that the security of the supply chain is maximized through the use of a risk-based methodology, which is a key element in this bill. Smart, cost effective choices have to be made that maximize our resources while ensuring the security of our ports and, by that, our extension of our way of life.

This bill, Madam Speaker, is a step toward smarter security that encourages DHS to become more efficient, better integrated, and more closely coordinated amongst its component industry and international partners.

Again, I want to thank the chairman, Chairman KING, for his support of this bill, and Ranking Member THOMPSON of the full committee, and certainly my counterpart on the subcommittee as well, Ranking Member CUELLAR.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield as much time as she may consume to the gentlewoman from California (Ms. RICHARDSON).

Ms. RICHARDSON. Madam Speaker, I rise today in support of the SMART Port Security Act, H.R. 4251. I'm a proud cosponsor of Chairwoman MILLER's legislation and commend her for her efforts on this important issue to our Nation.

At a time when media reports assume that Congress doesn't work together, I'm pleased to note that I've been able to work with Chairwoman MILLER and the committee in a bipartisan fashion to have two of my bills incorporated into the SMART Port Security Act.

As the senior member of the Homeland Security Committee, and the Representative of a district neighboring the ports of both Long Beach and Los Angeles, the largest in this country, I have made port security a priority of mine.

Ports are the first line of defense at our sea borders and serve vital national interests by supporting the mobilization and deployment of U.S. troops, facilitating the flow of trade, and supporting our economy. Ninety-five percent of all goods entering or exiting our country go through our Nation's ports, and 45 percent of those actually go through the community I represent.

In the next 20 years, U.S. overseas trade is expected to double; and in light of the terrorist attacks on September 11 in 2001, heightened awareness about the vulnerability of all modes of transportation to terrorist acts are a priority of us on this committee.

Included in the SMART Port Security Act are two pieces of legislation I authored, Port Security Boots on the Ground Act and the Port Security Equipment Improvement Act. Both of these bills involve the use of existing port security grant funds.

The Port Security Grant Program provides funding to port authorities, facility operators, and State and local government agencies so that they can provide security services to our ports. However, prior to my introduced legislation, port security grant funds could not be used to fund statutorily mandated personnel costs.

My Port Security Boots on the Ground Act, which was incorporated into H.R. 4251, corrects this inconsistency between Port Security Grant programs and other grant funding programs. To prevent the possibility of waste, fraud and abuse, the amount of security personnel costs awarded are limited to 50 percent of the total grant amount in any fiscal year.

□ 1630

The Maritime Transportation Security Act and the SAFE Port Act authorize funds to identify vulnerabilities in port security and to ensure compliance with mandated port security

plans. My legislation made these funds workable and removed government red tape from State, local, and government entities.

I thank Chairwoman MILLER for including my Port Security Boots on the Ground Act in this important legislation.

The second inclusion that also should be highlighted is the Port Security Equipment Improvement Act, which was accepted by unanimous consent as an amendment to H.R. 4251 during the full committee markup. The Port Security Equipment Improvement Act gives recipients of Port Security Grant Program funds the flexibility in determining whether it is more cost effective to repair or replace security equipment.

I have personally heard from many port authorities in my district and from those surrounding my area about their frustrations of not being given the opportunity to purchase newer and improved security equipment. This will give the recipients of the Port Security Grant Program funds the ability to fix or replace defective security equipment, thereby making the best use of limited resources.

I appreciate Congresswoman CANDICE MILLER for working with me and for having both of my bills, the Port Security Boots on the Ground Act and the Port Security Equipment Improvement Act, included in the SMART Port Security Act legislation before us today. I look forward to continuing to work with the chairwoman, the committee and staff on protecting our ports. I urge my colleagues on both sides of the aisle to join us in supporting the SMART Port Security Act.

Mr. KING of New York. Madam Speaker, I have no further requests for time. If the gentleman from Mississippi has no further speakers, I am prepared to close once he does.

Mr. THOMPSON of Mississippi. Madam Speaker, I have no further requests for time, and I am prepared to close.

I would note that my support for the SMART Port Security Act is rooted in not only the improvements in the TWIC Program but also in what it seeks to do in order to improve the coordination and cooperation between DHS's maritime components and strengthened procurement practices. This bill is the result of a bipartisan effort to strengthen the security of America's ports and waterways and to ensure that the Department of Homeland Security's maritime security efforts are as effective and efficient as practicable.

With that, Madam Speaker, I urge the passage of H.R. 4251, and I yield back the balance of my time.

Mr. KING of New York. Madam Speaker, in closing, the SMART Port Security Act makes needed improvements to the TWIC program and supports security grants. It also encourages both the CBP and the Coast Guard to reduce redundancies and overlap, which will save taxpayer dollars.

I ask my colleagues to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KING) that the House suspend the rules and pass the bill, H.R. 4251, as amended.

The question was taken.

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

Mr. THOMPSON of Mississippi. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

GAUGING AMERICAN PORT SECURITY ACT

Mr. KING of New York. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4005) to direct the Secretary of Homeland Security to conduct a study and report to Congress on gaps in port security in the United States and a plan to address them, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4005

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 ''Gauging American Port Security Act'' or the ''GAPS Act''.

SEC. 2. STUDY, REPORT, AND PLAN TO ADDRESS GAPS IN PORT SECURITY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act the Secretary of Homeland Security shall—

(1) conduct a study of, and submit to the Congress a report on, remaining gaps in port security in the United States; and

(2) include in such report a prioritization of such gaps and a plan for addressing them.

(b) FORM.—The report required under subsection (a) shall be submitted in classified form but shall contain an unclassified annex.

SEC. 3. INFORMATION SHARING.

The Secretary of Homeland Security shall, in accordance with rules for the handling of classified information, share, as appropriate, with designated points of contact from Federal agencies and State, local, or tribal governments, and port system owners and operators, relevant information regarding remaining gaps in port security of the United States, prioritization of such gaps, and a plan for addressing such gaps. In the event that a designated point of contact does not have the necessary security clearance to receive such information, the Secretary shall help expedite the clearance process, as appropriate.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KING) and the gentleman from Mississippi (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. KING of New York. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include any extraneous material on the bill under consideration.

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

There was no objection.

Mr. KING of New York. Madam Speaker, I yield myself such time as I may consume.

H.R. 4005, the Gauging American Port Security Act, or GAPS Act, is a commonsense bill that requires the Secretary of Homeland Security to determine if appropriate security measures to protect the Nation's ports are in place or if gaps in the security of U.S. ports exist. A lot of emphasis and attention is focused on our northern and southern land borders; however, it is important not to forget our largest border, the maritime border.

While DHS employs a layered approach to maritime and port security based on risk, it is important to examine whether gaps in the current risk-based approach exist which may have a detrimental impact on the security of our Nation's ports and global supply chain.

While DHS has come a long way in articulating the need for greater maritime cooperation through its Maritime Operations Coordination Plan and similar Interagency Operations Centers and other regional operational centers, this bill will ensure that gaps in port security are identified, allowing DHS to better execute its risk-based approach to maritime and port security.

I would like to especially thank Congresswoman JANICE HAHN for her work on this bill. I would also like to thank the contributions of the committee, and I urge my colleagues to support it.

I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 4005, the Gauging American Port Security Act.

This bill, authored by Representative JANICE HAHN, who is a member of the Committee on Homeland Security, would require the Secretary of Homeland Security to conduct a study of the gaps in port security in the United States. The study, which will be submitted to Congress, must set forth the prioritization of those security gaps and a plan for addressing them.

Finally, the bill would require the Secretary of Homeland Security to share relevant port security information, as appropriate, with Federal, State and local government partners, as well as with those port owners and operators who are involved in protecting ports.

Given the importance of America's ports and waterways to our Nation and its economy, they are an attractive target for terrorists and criminals. The

impact of a terrorist attack on a major port would be catastrophic—with massive economic losses in addition to the probable loss of life. By requiring a comprehensive assessment of port security vulnerabilities and a plan for addressing them, we will be one step closer to making our ports and our Nation more secure.

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

Mr. KING of New York. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. POE), who is co-chair of the Port Security Caucus, along with Congresswoman HAHN.

Mr. POE of Texas. I thank the gentleman from New York for yielding and for his work on this legislation.

I also want to thank subcommittee Chairwoman MILLER for her work on this legislation. Both see the need to fix the gaps that are in our port security.

I want to thank the gentlelady from California (Ms. HAHN), who introduced this legislation. We are both alumni from the same school. I'm sure you've heard of it, Abilene Christian University in West Texas. The closest port to Abilene, I guess, is a boat dock at Fort Phantom Lake, if you want to call that a port.

But anyway, this bill is a good example of bipartisan work—of both sides of the House—on an issue that is important to all of us: security. This means national security and port security.

Congresswoman HAHN and I recently founded the Congressional Ports Caucus to raise awareness about ports in Congress and in our Nation. She represents west coast ports, and I represent ports in southeast Texas, on the gulf coast. We saw a need for a national discussion about ports because of their importance to the Nation and to our economy. Since we both have ports in our backyards, that is the reason the caucus was formed. We have over 65 Members in both parties from all regions across the United States. Some Members don't even have ports in their districts, but all see that ports are a national security issue.

One discussion we hope to continue through the caucus is the need to ensure that our ports are safe and secure. In meeting with industry groups and administration officials, it became evident to us that an updated plan on how ports should remain operational in the event of an attack really doesn't exist. There are gaps in our port security. The GAPS Act is an important step in addressing this existing problem in port security.

Any attack on our Nation's ports would be detrimental to the economy because ports play a large role in facilitating the flow of commerce. Most of the products in our stores arrive through ports and then are transported by other means to stores throughout the Nation. A crisis event causing a port to shut down would greatly affect our national commerce—money would be lost; businesses would lose revenue; and people would be out of work.

□ 1640

Both the chairman and ranking member of the Homeland Security Committee support this legislation, and I'm grateful for that. I urge all of our colleagues on both sides of the aisle to support this legislation. Port security is not a partisan issue; it's a national security issue that we all should be concerned about.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield such time as she may consume to the gentlewoman from California, a member of the Committee on Homeland Security and the original sponsor of H.R. 4005, Ms. HAHN.

Ms. HAHN. Madam Speaker, I would like to begin by recognizing and thanking Chairman KING and Ranking Member THOMPSON for their continued leadership on this incredibly important issue.

The lessons of 9/11 have taught us we must be continuously vigilant and proactive in seeking out and preventing our country's most pressing threats. That's why, after 9/11, this Congress strengthened what proved to be one of our Nation's biggest security threats up to that point: aviation security. And while I applaud the great strides we've made in aviation security, we have not made the same level of improvements in port security.

This was such a priority for me when I came to Congress last summer that, at my very first Homeland Security hearing focusing on the 9/11 Commission's recommendations to Congress, I asked Lee Hamilton, the vice chairman of the 9/11 Commission, What should Congress be doing to improve security at our Nation's ports? He responded by saying, My judgment would be that we have not focused enough on ports.

This lack of focus on our ports not only jeopardizes our national security, but our economic security as well. The U.S. ports remain one of our country's greatest economic resources, as they provide our Nation with the link to the rest of the world and the global economy. Each day, U.S. ports move both imports and exports, totaling some $3.8 billion worth of goods, through all 50 States. Additionally, ports move 99 percent of overseas cargo volume by weight and generate $3.95 trillion in international trade.

However, port security does much more than protect American commerce; it also protects American jobs. According to the American Association of Port Authorities, the U.S. port industry supports 13.3 million jobs and accounts for more than $649 billion in personal income. That's why I was pleased to cofound the bipartisan Congressional PORTS Caucus with my good friend and fellow alumnus, TED POE, in order to ensure that Congress recognizes the vital role ports play in our national economy and the importance of keeping them competitive and secure.

Despite all this, ports have failed to garner the attention I think they deserve. For instance, in the U.S., tens of thousands of ships each year make over 50,000 calls on U.S. ports. The volume of traffic gives terrorists opportunities to smuggle themselves or their weapons into the United States with little risk of detection. According to a recent CRS report, a 10- to 20-kiloton weapon detonated in a major seaport would kill 50,000 to 1 million people and would result in direct property damage of $50 billion to $500 billion, losses due to trade disruption of $100 billion to $200 billion, and indirect costs of $300 billion to $1.2 trillion.

Congress attempted to address this issue by passing the SAFE Port Act in 2006 and the 9/11 Commission Act of 2007, which specifically required that 100 percent of the cargo coming into our ports be scanned by this summer. Unfortunately, DHS has made little progress in achieving this goal and does not plan to implement it. In fact, we've recently learned that DHS has only been scanning about 3 percent to 5 percent of all the cargo imported into our United States.

Now, while the feasibility of scanning 100 percent of incoming cargo may be a legitimate concern, there certainly needs to be improvement from where we are now. Whether it's increasing the number of Customs and Border Protection officers or investing in proven cargo scanning technology, there needs to be a plan for effectively and efficiently scanning our Nation's cargo.

Another major vulnerability is the threat posed to vessels during their voyage at sea. For example, cargo is often checked either before it's shipped or after it reaches our shore. However, there has not been much light shed on the specific threats that exist between a vessel's point of origin and its point of destination.

We also need to know more information about how fast a port could recover in the event of a terrorist attack or a national disaster if that did occur at one of our ports.

Without resolving these issues, we risk putting our economy and the safety of the American people at risk.

As a Member whose district borders one of the largest port complexes in the country, I understand the unique security challenges that ports pose to our economic and national security. My district borders the port complex of Los Angeles-Long Beach, which is responsible for approximately 44 percent of all the goods that flow into this country and 20 percent of the Nation's GDP.

During a 10-day lockout in 2002, which arose because of a dispute between labor and management officials, closure of the west coast ports cost the United States between $1 billion to $2 billion a day. If an attack were to occur there, it would be economically debilitating not only for my district, but for the entire country, as well.

While DHS has made a number of positive steps in strengthening port security and resiliency, the lack of attention on these vital issues creates a

huge problem for securing our ports. We cannot begin to come up with an effective solution without first knowing the extent of the actual problem.

The economic importance of our Nation's ports, combined with the existing port security loopholes, is why I introduced the GAPS Act. This bill will require the Secretary of the Department of Homeland Security to conduct a classified study of the potential gaps in port security and ensure that the Department develops a comprehensive plan for addressing these vulnerabilities. By focusing on the specific dangers that threaten our port security, we can begin, I believe, to develop effective solutions to ensure that our Nation is prepared.

Again, I want to thank Chairman KING and Ranking Member THOMPSON for their leadership on this issue, my Congressional PORTS Caucus cofounder, TED POE, for recognizing the importance of our ports.

I would like to point out that this bill went through regular order and is supported by both Democrats and Republicans on an issue that I know we all care about. I urge my colleagues to support this important bipartisan legislation.

Mr. THOMPSON of Mississippi. Mr. Speaker, I have no more speakers. If the gentleman from New York has no more speakers, then I am prepared to close.

Mr. KING of New York. This bipartisan bill is a good bill. I urge my colleagues to support it. It builds very strongly on the initial port security bill of 2006 that was sponsored by Mr. LUNGREN, who is here today, and Jane Harman, who was also in Congress at that time. It was a very good bill. This adds to it, improves on it, and it keeps up with the changes in the times.

I urge its adoption, and I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, our Nation's ports are as diverse as the people they serve. The importance of this infrastructure to the global supply chain cannot be overstated.

Enactment of H.R. 4005 will help ensure that our limited security resources can be targeted to those threats that put our ports at the greatest risk.

With that, Mr. Speaker, I urge the passage of H.R. 4005, and I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today to support H.R. 4005, the "Gauging American Port Security" or GAPS Act. This act will direct the Secretary of Homeland Security to conduct a study and report to Congress on gaps in port security in the United States as well as provide plans to address them.

As a senior Member of the Homeland Security Committee, I know that the threats against the nation are constantly changing and ever present. Ensuring the safety and security of our ports is a measure that will directly address some of these threats and maintain the economic well-being of our port system.

Over 11 million cargo containers arrive in our ports each year, bringing in imports from across the world. By placing these additional measures on the Department of Homeland Security, we are enabling ports to conduct business without fear that these daily imports are a threat to national security. As a representative from the 18th Congressional District of Houston, I represent one of the world's busiest ports. Houston is linked to 1,053 ports in 203 countries through about 100 steamship lines. The ship channel is a part of the Gulf Intracoastal Waterway, which is a very busy barge traffic lane. Houston is also one of only eight U.S. cities to have a regional office of the U.S. Export-Import Bank.

The Port of Houston is essential to regional economic stability. A 2012 study by Martin Associates reports the port helps provide 1,026,820 jobs throughout Texas, which is an increase of 785,000 jobs in its 2007 study. The port brings in more than $178.5 billion a year, including over $4.5 billion in state and local tax revenues.

In addition, the Port of Houston also boasts the nation's largest petrochemical complex. Houston is known as a gateway for cargo traveling to the West and Midwest regions of our nation.

Although the Port is integral to Houston's development, as well as to the nation's economic development, its financial strength is not possible without strong security measures in place.

The heavy traffic flow of imports and exports that come through the port each day can leave room for drug trafficking and terrorists activities to take place. Although the Port of Houston, and ports across the U.S. boasts that they are secure and in line with nationally mandated security measures, it is my hope that the GAPS act will address any and all individual security shortcoming that each port may face that make them vulnerable to attacks against the Homeland.

The Port of Houston and the majority of ports across the nation have a remarkable track record of accomplishments that I hope to see continue. But their economic success and efficiency will only be hindered without additional security measures in place. This is why I urge my colleagues to support the provisions of H.R. 4005.

The SPEAKER pro tempore (Mr. FITZPATRICK). The question is on the motion offered by the gentleman from New York (Mr. KING) that the House suspend the rules and pass the bill, H.R. 4005, as amended.

The question was taken.

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

Mr. KING of New York. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

□ 1650

AVIATION SECURITY STAKEHOLDER PARTICIPATION ACT OF 2012

Mr. KING of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1447) to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to establish an Aviation Security Advisory Committee, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1447

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 "Aviation Security Stakeholder Participation Act of 2012".

SEC. 2. AVIATION SECURITY ADVISORY COMMITTEE.

(a) IN GENERAL.—Subchapter II of chapter 449 of title 49, United States Code, is amended by adding at the end the following:

"§ 44946. Aviation Security Advisory Committee

"(a) ESTABLISHMENT.—The Assistant Secretary shall establish within the Transportation Security Administration an advisory committee to be known as the Aviation Security Advisory Committee.

"(b) DUTIES.—

"(1) IN GENERAL.—The Advisory Committee shall be consulted by and advise the Assistant Secretary on aviation security matters, including the development and implementation of policies, programs, rulemaking, and security directives pertaining to aviation security.

"(2) RECOMMENDATIONS.—

"(A) IN GENERAL.—The Advisory Committee shall develop, at the request of the Assistant Secretary, recommendations for improvements to aviation security.

"(B) RECOMMENDATIONS OF WORKING GROUPS.—Recommendations agreed upon by the working groups established under this section shall be approved by the Advisory Committee for transmission to the Assistant Secretary.

"(3) PERIODIC REPORTS.—The Advisory Committee shall periodically submit to the Assistant Secretary—

"(A) reports on matters identified by the Assistant Secretary; and

"(B) reports on other matters identified by a majority of the members of the Advisory Committee.

"(4) ANNUAL REPORT.—The Advisory Committee shall submit to the Assistant Secretary an annual report providing information on the activities, findings, and recommendations of the Advisory Committee, including its working groups, for the preceding year.

"(c) MEMBERSHIP.—

"(1) APPOINTMENT.—

"(A) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Assistant Secretary shall appoint the members of the Advisory Committee.

"(B) COMPOSITION.—The membership shall consist of individuals representing not more than 27 member organizations. Each organization shall be represented by one individual (or the individual's designee).

"(C) REPRESENTATION.—The membership shall include representatives of air carriers, all cargo air transportation, indirect air carriers, labor organizations representing air

carrier employees, aircraft manufacturers, airport operators, general aviation, privacy, the travel industry, and the aviation technology security industry, including biometrics.

''(2) REMOVAL.—The Assistant Secretary may review the participation of a member of the Advisory Committee and remove the member for cause at any time.

''(3) PROHIBITION ON COMPENSATION.—The members of the Advisory Committee shall not receive pay, allowances, or benefits from the Government by reason of their service on the Advisory Committee.

''(4) MEETINGS.—The Assistant Secretary shall require the Advisory Committee to meet at least semiannually and may convene additional meetings as necessary.

''(d) AIR CARGO SECURITY WORKING GROUP.—

''(1) IN GENERAL.—The Assistant Secretary shall establish within the Advisory Committee an air cargo security working group to provide recommendations on air cargo security issues, including the implementation of the air cargo security programs established by the Transportation Security Administration to screen air cargo on passenger aircraft and all-cargo aircraft in accordance with established cargo screening mandates.

''(2) MEETINGS AND REPORTING.—The working group shall meet at least quarterly and submit information, including recommendations, regarding air cargo security to the Advisory Committee for inclusion in the annual report. The submissions shall include recommendations to improve the Administration's cargo security initiatives established to meet the requirements of section 44901(g).

''(3) MEMBERSHIP.—The working group shall—

''(A) include members of the Advisory Committee with expertise in air cargo operations; and

''(B) be cochaired by a Government and industry official.

''(e) GENERAL AVIATION SECURITY WORKING GROUP.—

''(1) IN GENERAL.—The Assistant Secretary shall establish within the Advisory Committee a general aviation working group to provide recommendations on transportation security issues for general aviation facilities, general aviation aircraft, and helicopter operations at general aviation and commercial service airports.

''(2) MEETINGS AND REPORTING.—The working group shall meet at least quarterly and submit information, including recommendations, regarding aviation security at general aviation airports to the Advisory Committee for inclusion in the annual report.

''(3) MEMBERSHIP.—The working group shall—

''(A) include members of the Advisory Committee with expertise in general aviation; and

''(B) be cochaired by a Government and industry official.

''(f) PERIMETER SECURITY WORKING GROUP.—

''(1) IN GENERAL.—The Assistant Secretary shall establish within the Advisory Committee an airport perimeter security working group to provide recommendations on airport perimeter security and access control issues.

''(2) MEETINGS AND REPORTING.—The working group shall meet at least quarterly and submit information, including recommendations, regarding improving perimeter security and access control procedures at commercial service and general aviation airports to the Advisory Committee for inclusion in the annual report.

''(3) MEMBERSHIP.—The working group shall—

''(A) include members of the Advisory Committee with expertise in airport perimeter security and access control issues; and

''(B) be cochaired by a Government and industry official.

''(g) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee or its working groups.

''(h) DEFINITIONS.—In this section, the following definitions apply:

''(1) ADVISORY COMMITTEE.—The term 'Advisory Committee' means the Aviation Security Advisory Committee to be established under subsection (a).

''(2) ANNUAL REPORT.—The term 'annual report' means the annual report required under subsection (a).

''(3) ASSISTANT SECRETARY.—The term 'Assistant Secretary' means the Assistant Secretary of Homeland Security (Transportation Security Administration).

''(4) PERIMETER SECURITY.—The term 'perimeter security'—

''(A) means procedures or systems to monitor, secure, and prevent unauthorized access to an airport, including its airfield and terminal; and

''(B) includes the fence area surrounding an airport, access gates, and access controls.''.

(b) CLERICAL AMENDMENT.—The analysis for such subchapter is amended by adding at the end the following:

''44946. Aviation Security Advisory Committee.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KING) and the gentleman from Mississippi (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. KING of New York. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include any extraneous material on the bill under consideration.

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

There was no objection.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 1447, the Aviation Security Stakeholder Participation Act of 2012. I commend Ranking Member THOMPSON for his dedicated work in this area.

The FAA established the Aviation Security Advisory Committee in 1989 following the bombing of Pan American World Airways Flight 103. When TSA was created, the sponsorship of ASAC transferred to TSA, and it continued to provide a mechanism for industry and other outside stakeholders to inform the Federal Government's decisionmaking on aviation security matters.

Despite its important contributions to security, TSA allowed the ASAC's charter to expire. Last year, TSA revived the ASAC with the strong support of industry. Homeland Security Secretary Napolitano subsequently appointed 24 new ASAC members.

H.R. 1447 simply codifies the ASAC, which exists today, and ensures that it remains intact, providing necessary stakeholder guidance to TSA. It establishes important working groups focused on air cargo, general aviation, and airport perimeter security, all of which have unique challenges that require a collaborative effort to solve.

In these difficult economic times, it is essential for TSA to get the input of stakeholders on security procedures and technology to ensure that it is spending its limited resources on initiatives that will enhance security for the traveling public without compromising the freedom of people and goods to move freely.

I urge the adoption of this bipartisan bill, and I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 1447, the Aviation Security Stakeholder Participation Act. Mr. Speaker, effective coordination between stakeholders and their regulators is critical to the implementation of policies that work. To that end, we have the responsibility to ensure that policy is informed by the realities on the ground. Arguably, nowhere is the need for policy coordination more important than at our Nation's airports.

Given that the aviation sector remains an attractive target for terrorists, the difference between a security policy that works and one that does not can be all that stands between life and death.

That is why I introduced H.R. 1447, the Aviation Security Stakeholder Participation Act. This legislation will ensure that the voices of those subject to policies and protocols put in place by TSA are heard and their recommendations are considered. It does so by directing the TSA to establish an Aviation Security Advisory Committee.

For years, such an advisory committee existed and worked effectively with TSA on matters such as aviation security methods, equipment, and procedures. For instance, in 2003, the ASAC's cargo working group, which included the Cargo Airline Association, made recommendations that formed the basis of TSA's program for 100 percent screening of air cargo. Unfortunately, during the last administration, the charter for this advisory committee was allowed to lapse, and the committee ceased operations.

While I am pleased that in response to my bill, the Obama administration reestablished this committee on its own authority, I strongly believe that it is critical that the Aviation Security Advisory Committee be codified in law to ensure that TSA's aviation security policy continues to be informed by the private sector. That is why my bill would, for the first time, establish the Aviation Security Advisory Committee in statute and require representatives from up to 27 member organizations participate.

I introduced H.R. 1447 in April of 2011, with the ranking member of the Transportation Security Subcommittee of the Committee on Homeland Security, Representative JACKSON LEE. It was favorably reported on a bipartisan basis in November 2011.

TSA has the responsibility to secure the American public from threats posed to our transportation sector. However, it cannot do so in a vacuum. TSA must leverage technical and operational expertise from our Nation's airports to deliver a collaborative and robust security system across our aviation sector. Strong partnerships with aviation stakeholders are critical to informing aviation security policy.

Just last month, the committee received testimony from the Airport Minority Advisory Council about arbitrary limitations set forth by TSA on the issuance of airport worker badges to airport-based small businesses, like newsstands, coffee, and souvenir shops. Since then, TSA has committed to reevaluate the policy and work with the private sector to address the concerns raised.

This is just one example of how a TSA policy—developed without input from the advisory committee—was not informed by economic realities. Now TSA is in the position of having to revisit this and other ill-informed policies to ensure that they enhance security in a manner that does not unduly burden the private sector.

My bill also directs the administrator of TSA to establish three targeted working groups to address the unique homeland security challenges related to air cargo security, general aviation security, and perimeter security.

Mr. Speaker, all of us have a stake in ensuring the security of our Nation. Let us pass this bill so that stakeholders who are expected to comply with the policies and procedures developed by TSA have a seat at the table. That way, we can be confident that TSA's policies are both effective from the security standpoint and address the economic and commercial realities of our Nation's airports.

Before reserving the balance of my time, Mr. Speaker, I would like to engage in a brief colloquy with the gentleman from New York, the chairman of the Committee on Homeland Security, Mr. KING.

Mr. Speaker, as this bill has made its way to the House floor, the chairman and I have been engaged in ongoing dialogue over how to strike the right balance on who should be represented on the Aviation Security Advisory Committee. I am dedicated to ensuring that the voices of passengers and small and minority-owned businesses impacted by TSA's policies, procedures, and regulations are heard. It is important persons representing those groups have a seat at the table when TSA makes decisions that affect both passengers' rights and businesses' bottom line.

With that, Mr. Speaker, I yield to the gentleman from New York for his assurance that as this bill continues its movement through the legislative process, he will work with me to ensure these important populations are included in this Aviation Security Advisory Committee legislation.

Mr. KING of New York. Mr. Speaker, I thank the ranking member for yielding.

I agree to work with him moving forward to ensure that this issue is addressed in a manner to ensure this participation.

Mr. THOMPSON of Mississippi. I thank the gentleman from New York for his commitment.

I reserve the balance of my time.

Mr. KING of New York. Mr. Speaker, I have no further requests for time. If the gentleman from Mississippi has, no further requests for time, I am prepared to close, once the gentleman does.

Mr. THOMPSON of Mississippi. Mr. Speaker, I have no further requests for time. Since the gentleman from New York is prepared to close, I also am prepared to close.

I would like to express my gratitude to all the members of the Committee on Homeland Security for their unanimous support of this legislation when it was considered by the committee last September.

□ 1700

While the Committee on Homeland Security has not been as active on the legislative front as I had hoped it would be this Congress, I am pleased that several discrete bills introduced by both Democrats and Republicans have received bipartisan support on the House floor during the last month.

Mr. Speaker, I urge all my colleagues to vote ''aye'' on the Aviation Security Stakeholder Participation Act, and I yield back the balance of my time.

U.S. TRAVEL ASSOCIATION,
June 25, 2012.

Hon. PETER KING,
Chairman, House Committee on Homeland Security, Washington, DC.

Hon. BENNIE G. THOMPSON,
Ranking Member, House Committee on Homeland Security, Washington, DC.

DEAR CHAIRMAN KING AND RANKING MEMBER THOMPSON: On behalf of the U.S. Travel Association, I write in strong support of H.R. 1447, the ''Aviation Security Stakeholder Participation Act of 2011'', which is on the House of Representatives suspension calendar for tomorrow, June 26.

As you know, H.R. 1447 reconstitutes and codifies the Aviation Security Advisory Committee (ASAC), provides the Department of Homeland Security (DHS) and the Transportation Security Administration (TSA) with an updated vision for engaging aviation security stakeholders and, importantly, updates the categories of organizations considered for ASAC membership. The bill will help to strengthen aviation security, assist in the development of a more efficient passenger screening process, and enhance the existing relationship between TSA and the travel industry.

Restarting the ASAC was a key recommendation of our report on aviation security, titled ''A Better Way'', which sets out a clear path for improving the TSA passenger screening process.

Thank you for your support of this legislation, and we look forward to working with you on the many aviation security issues facing our nation's commercial aviation passengers.

Sincerely,

ROGER J. DOW,
President and CEO.

JUNE 25, 2012.

Hon. BENNIE THOMPSON,
Ranking Member, Committee on Homeland Security, House of Representatives, Washington, DC.

DEAR RANKING MEMBER THOMPSON: On behalf of the members of the Cargo Airline Association, I am writing to thank you for the introduction of H.R. 1447, the Aviation Stakeholder Participation Act. This Bill would require the re-establishment of an Aviation Security Advisory Committee (ASAC) to facilitate communications between the Transportation Security Administration (TSA) and the aviation industry.

Historically, the ASAC formed the basis of major initiatives, with industry members working closely with Government Agencies to address a variety of security-related issues. These issues have been traditionally discussed in various Working Groups established under the ASAC umbrella. A prime example of the utility of this structure was the establishment of three air cargo Working Groups formed to develop proposed new regulations to address air cargo security threats after the September 11, 2001, attacks. The recommendations of these Working Groups eventually formed the basis of an entirely new TSA air cargo regulatory scheme. Unfortunately, the ASAC charter expired several years ago and today no government-industry advisory committee exists.

H.R. 1447 would correct this problem and contains a mandate, not only for ASAC itself, but also for various Working Groups that would address the key issues of the day. This re-establishment of ASAC is long overdue and we support your efforts. Please do not hesitate to contact us if you have any questions.

Sincerely yours,

STEPHEN A. ALTERMAN,
President.

AIRPORTS COUNCIL INTERNATIONAL,
June 25, 2012.

Hon. BENNIE G. THOMPSON,
Ranking Member, House Committee on Homeland Security, Washington, DC.

DEAR RANKING MEMBER THOMPSON: On behalf of the Airports Council International—North America (ACI–NA), which represents 334 local, regional, and state governing bodies that own and operate commercial airports throughout the United States, I am pleased to offer our endorsement of H.R. 1447, the Aviation Security Stakeholder Participation Act of 2011.

Airport operators have long advocated for the Transportation Security Administration (TSA) to re-establish the Aviation Security Advisory Committee (ASAC). The ASAC allowed aviation stakeholders, including airport operators to advise TSA on aviation security policies, programs, rulemakings and security directives pertaining to aviation security. H.R. 1447 would allow the ASAC once again to provide valuable input into TSA's proposed rules, security directives and aviation security programs which help protect airports, airlines and their passengers.

Again, thank you for your continued support of airport operators and on recognizing the value of having stakeholder input into

aviation security programs and TSA regulations. We look forward to working with you on the passage of H.R. 1447.

Sincerely,

GREG PRINCIPATO,
President, Airports Council International—North America.

Mr. KING of New York. Mr. Speaker, the private sector is a vital partner in transportation security, and the ASAC ensures that industry has a seat at the table as the government works to make our homeland more secure.

I urge the adoption of this bipartisan bill, and I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of H.R. 1447, "Aviation Security Stakeholder Participation Act of 2011." Currently the Transportation Security Administration's (TSA's) Aviation Security Advisory Committee advises the Assistant Secretary of Homeland Security on issues related to aviation security. This bill:

(1) authorizes the existence of the Aviation Security Advisory Committee,

(2) ensures key stakeholders with first knowledge of the security challenges our aviation system faces have a voice when TSA is considering implementing security policies and

(3) establishes specific working groups to address cargo, perimeter and general aviation.

I firmly believe that more can be done to protect and improve upon the security of our Nation's airways which is why I have consistently introduced legislation to improve our Nation's defense against security threats. The District I represent in Houston, Texas is home to two of the world's busiest airports, and the Johnson Space Center. Air transportation in the Houston metro area is about 30% above the national average and in Texas, the aviation industry employs nearly 200,000 people. We need to ensure that all cargo flight operations are secure, protect aircraft from laser attacks, and implement a threat-based security system.

Because of the necessity of H.R. 1447's implications, it already has the support of the U.S. Travel Association, Cargo Airline Association and the Airports Council International—North America. In addition it has received the unanimous support of the Committee on Homeland Security.

Mr. Speaker, these entities and the Homeland Security Committee recognize it is imperative to continue to ensure to strengthen the aviation industry's effort to make sure all travelers and cargo are safe traveling within and through the United States.

Enhanced security protects our economic interests: air cargo is over a $60 billion industry, and according to the International Air Transport Association, transports 35% of the value of goods traded globally. More importantly, implementing this bill will protect our citizens. Well trained employees and representatives are essential in recognizing suspicious activity and people that want to endanger our travelers.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KING) that the House suspend the rules and pass the bill, H.R. 1447, as amended.

The question was taken.

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

Mr. KING of New York. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

USE OF GRANT FUNDS FOR PROJECTS CONDUCTED IN CONJUNCTION WITH A NATIONAL LABORATORY OR RESEARCH FACILITY

Mr. KING of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5843) to amend the Homeland Security Act of 2002 to permit use of certain grant funds for training conducted in conjunction with a national laboratory or research facility.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5843

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

SECTION 1. USE OF GRANT FUNDS FOR PROJECTS CONDUCTED IN CONJUNCTION WITH A NATIONAL LABORATORY OR RESEARCH FACILITY.

Section 2008(a)(2) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)(2)) is amended by inserting ''training conducted in conjunction with a national laboratory or research facility and'' after ''including''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KING) and the gentleman from Mississippi (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. KING of New York. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include any extraneous material on the bill under consideration.

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

There was no objection.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill, introduced by Mr. LUNGREN, is a simple statutory clarification that allows State and local governments and emergency management officials to use existing FEMA State Homeland Security Grant Program and Urban Area Security Initiative funds to work with national labs where appropriate.

H.R. 5843 amends the Homeland Security Act of 2002 by inserting a clarification into the ''allowable use'' section of the Homeland Security Grant Program section. Clarifying this ''allowable use'' under the grants program will allow these State and local first responders to leverage the expertise at national labs for research and training purposes.

This is a simple, solid, good government measure that will help maximize the use of limited Federal grant dollars. This bill will allow State and local officials to cut through FEMA red tape, which makes it harder for first responders to work with the Federal national labs and make the best decisions for their homeland security needs. This bill will eliminate hoops that State and locals have to go through to gain access to this expertise and training.

Mr. Speaker, I thank the gentleman from California (Mr. LUNGREN) for his work on this issue and so many others on the committee.

I urge passage of the bill. I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I'm perplexed that the House is considering H.R. 5843 today. I cannot understand why this bill is on the schedule. It was introduced just over a month ago and has not been vetted by the committee. Why are we giving expedited attention to a bill that has just two cosponsors, both of whom are Republican? Whatever the problem it purports to solve has not been the subject of so much as a Member-level briefing, let alone a hearing or a markup.

Section 208(a)(13) of the Homeland Security Act already allows the Department to approve the spending of grant funds on training by national labs. Without so much as a hearing where the committee can take testimony on this matter, it is hard to justify taking up precious House floor time on this bill, especially in a week where we must take urgent action on Pell Grants and highway funding. So instead, I choose to use this time to discuss the dwindling Federal support for homeland security activities, a far more timely concern for State, local, and tribal authorities than H.R. 5843.

In the wake of the September 11 attack, as a government, we committed to safeguarding our homeland by building and preserving preparedness capabilities. Yet since the beginning of the 112th Congress, that commitment seems to have dangerously wavered.

In just 2 short years, vital Homeland Security Grant Programs have been significantly cut, and, as a result, the level of preparedness fostered by the programs, such as the Urban Areas Security Initiative, Port Security Grant Program, Transit Security Grant Program, and the Metropolitan Medical Response System, have been undermined. Given that the authorizations for many of these targeted programs are expiring, a far better use of our time would be to reauthorize the Transit Security Grant Program or the Metropolitan Medical Response program.

Mr. Speaker, before I reserve my time, I would note for the record that there are two other much more plausible candidates for consideration by the full House that were introduced by the gentleman from California. One addressed the cybersecurity threat and was ordered reported in April. The other authorizes DHS's chemical facility security program and is pending on the Union Calendar.

Mr. Speaker, speaking of the Union Calendar, I would also note that this bill is receiving expedited consideration while four measures ordered reported by the Committee on Homeland Security remain on the Union Calendar without action.

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

Mr. KING of New York. Mr. Speaker, I am proud, at this time, to yield such time as he may consume to the distinguished gentleman from California (Mr. LUNGREN), who is chairman of the Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies; and during his time on the committee has contributed as much as, if not more than, any other Member, and, in fact, returned to Congress for the purpose of doing all he could to enhance our homeland security.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding.

I might say that this should not be a surprise bill to anybody. This is actually a part of the authorization bill that we already worked on. It has come about as a result of the fact of complaints from local jurisdictions that they were unable to utilize funds in a way that they thought was most effective.

This bill would simply permit recipients of certain FEMA grants to use this funding for training and exercises conducted in conjunction with a national lab or Federal research facility. There's no additional cost. The CBO report shows there's no additional cost. In other words, the bill expands the allowable use of FEMA grants and ensures that emergency managers, first responders, and local governments can use these grant dollars to leverage the expertise of our national labs and research facilities.

We have had plenty of hearings on the viability of our national labs and research facilities and the fact that we need to leverage more, in these tough budget times, their expertise to help us come up with solutions and prepare, among others, first responders to the challenges that we face in these times. With fewer grant dollars available, it's important that State and local governments be able to use them for the greatest public benefit.

As we all know, State and local governments everywhere are also operating under severe budget limitations, and increasing the allowable use of FEMA grants helps these cash-strapped governments to address their emergency needs. Using our existing national assets for training and research is another way to efficiently leverage the scientific expertise available at these facilities.

I just want to correct the record. This is not just cosponsored by two other Members, both of whom are Republicans. It is cosponsored by Representative STARK from California and Representative LUJÁN from New Mexico. In addition, on the Republican side, Mr. TURNER from New York, Mr. LONG from Missouri, Mr. MARINO from Pennsylvania, Mr. BILIRAKIS from Florida, and Mr. KING from New York.

□ 1710

We have heard not only from entities in the State of California, but I believe also in New York and New Jersey about concerns that they were unable to use their grants in the most efficient way, and absent a clarification of statutory language, FEMA was not going to allow them to participate in this way.

Now, some would ask what examples might we have of how these funds might be used. I will just use my home State of California. The Naval Postgraduate School, which is a Federal entity in Monterey, provides unique training to State and local officials through its Center for Homeland Defense and Security. The Lawrence Livermore Laboratory is a government-owned, contract-operated facility managed through a contract between the Laboratory Board of Governors and DOE's National Nuclear Security Administration. These national labs can provide a myriad of research and technical support to programs that support State and local emergency responders, things such as risk analysis and security systems evaluation. And just another example, the Navy Space and Naval Warfare Systems Command in San Diego has substantial capability and interest in helping emergency responders with communications and nuclear detention.

So we are responding in as quick a fashion as we can to complaints that we've heard from local jurisdictions that they were unable to use their FEMA grants in the most effective way in leveraging, as I say, the expertise, the unique expertise of national labs and Federal research facilities. That is the purpose of this legislation. It is a very simple, a one-sentence clarification of the underlying statute. I would hope that we have unanimous support for this bill.

Mr. THOMPSON of Mississippi. Mr. Speaker, I'm prepared to close. I don't have any more speakers.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, Mr. KING had to leave, and I ask unanimous consent that I control the time of Representative KING.

The SPEAKER pro tempore. Without objection, the gentleman from California will control the time.

There was no objection.

Mr. THOMPSON of Mississippi. Mr. Speaker, we owe it to our Nation's first responders to ensure that they have the resources needed to perform their jobs and to get it right when we alter the allowable uses for those funds. Getting it right in this body requires deliberation and debate in the committee of jurisdiction.

Unfortunately, Mr. Speaker, the bill we are considering today failed to receive such deliberation or debate. Therefore, it is hard to say whether it is responsive to the needs of first responders. What I can say for a fact is reauthorizing key Homeland Security grant programs would bolster preparedness and be responsive to the needs of our first responders.

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

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, this is a simple bill responding to a simple problem. Actually, this bill undoes redtape that ought not to be there. It leverages the best assets of the Federal Government, working with our first responders in our local communities in ways that they asked us to try and deal with the problem. It's not a fancy bill. It is a simple bill. It is straightforward. And, therefore, I ask for a unanimous vote on this from my colleagues, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KING) that the House suspend the rules and pass the bill, H.R. 5843.

The question was taken.

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

Mr. THOMPSON of Mississippi. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

TRANSPORTATION WORKER IDENTIFICATION PROCESS REFORM ACT

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3173) to direct the Secretary of Homeland Security to reform the process for the enrollment, activation, issuance, and renewal of a Transportation Worker Identification Credential (TWIC) to require, in total, not more than one in-person visit to a designated enrollment center, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3173

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

SECTION 1. FINDINGS.

Congress finds the following:

(1) United States workers employed at nearly 2,600 marine facilities and onboard nearly 13,000

United States-flag vessels are required to carry a Transportation Worker Identification Credential (TWIC) under the Maritime Transportation Security Act of 2002 (MTSA). Department of Homeland Security (DHS) regulations require merchant mariners who hold a Coast Guard-issued Merchant Mariner Credential (MMC) and individuals who require unescorted access to secure areas of MTSA-regulated vessels and facilities to carry a TWIC.

(2) To date, nearly two million transportation workers have applied for and received a TWIC. Applicants must pay $132.50 to obtain the TWIC, and make two or more trips to an enrollment center to apply for, and then to pick up and activate, their TWIC.

(3) A TWIC is valid for a maximum of five years, at which time the cardholder must request issuance of a new card. This process requires workers to make an additional two or more trips to the enrollment center and again pay $132.50 to receive a new card.

(4) In addition to the cost of the card, workers face the burden of making two or more time-consuming and often expensive round trips to a TWIC enrollment center. In many instances, the nearest enrollment center is hundreds of miles from a worker's home.

(5) The TWIC enrollment process requiring two or more round trips to an enrollment center is not mandated by statute or by regulation. The process is driven by a DHS policy decision to align the requirements for TWIC issuance with standards for Personal Identity Verification (PIV) for Federal employees and contractors. These standards are contained in Federal Information Processing Standard Publication 201 (FIPS–201).

(6) While DHS has made the policy decision to generally align the TWIC enrollment process with the FIPS–201 standard, the Department may elect to deviate from this standard in instances where it believes an alternative approach is more appropriate for the TWIC program.

(7) Unlike other Government-issued credentials that adhere to the FIPS–201 standard, the TWIC is effectively a work permit for a highly-mobile private sector workforce.

(8) Possession of a TWIC does not allow a TWIC holder to gain unescorted access to secure areas of MTSA-regulated vessels and facilities unless the TWIC holder is authorized to do so under a Coast Guard-approved vessel or facility security plan.

(9) DHS has the statutory authority and regulatory flexibility to develop an alternative process for TWIC enrollment and issuance that does not require applicants to make multiple trips to a TWIC enrollment center.

(10) Other secure Government-issued identity documents, including United States passports, can be distributed to applicants by mail.

(11) Congress mandated the issuance of a final rule setting forth requirements for TWIC biometric readers no later than two years after the TWIC pilot began, which would have been August 2010; such a final rule has to date not been issued.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) to avoid further imposing unnecessary and costly regulatory burdens on United States workers and businesses, it is urgent that the TWIC application process be reformed by not later than the end of 2012, when hundreds of thousands of current TWIC holders will begin to face the requirement to renew their TWICs;

(2) the Secretary of Homeland Security should promulgate final regulations that require the deployment of TWIC readers as soon as practicable, in order to ensure the TWIC program realizes its intended security purpose; and

(3) funds, which have been awarded under the Port Security Grant Program for the purpose of funding TWIC projects, shall not expire before the issuance of the final TWIC reader rule.

SEC. 3. TWIC APPLICATION REFORM.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall reform the process for the enrollment, activation, issuance, and renewal of a Transportation Worker Identification Credential (TWIC) to require, in total, not more than one in-person visit to a designated enrollment center except in cases in which there are extenuating circumstances, as determined by the Secretary, requiring more than one such in-person visit.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DANIEL E. LUNGREN) and the gentleman from Mississippi (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. DANIEL E. LUNGREN of California. 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 the bill under consideration.

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

There was no objection.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3173 requires the Secretary of Homeland Security to reform the process for issuing the Transportation Worker Identification Credential, known as TWIC, to require not more than one in-person visit to an enrollment center except in cases with extenuating circumstances. The need for more than one trip to an enrollment center is not mandated by statute or regulation, but currently by DHS policy. Given that other very important security documents are mailed to people, including the U.S. passport, there is no doubt that the Federal Government can develop secure procedures for delivering TWIC documents to workers.

DHS has the statutory authority and regulatory flexibility to develop an alternative process for TWIC enrollment to ease the burden on transportation workers. The Secretary of Homeland Security should reform the TWIC process before the end of 2012 when the first TWICs issued in 2007 will need to be renewed and allow applicants to complete the process in only one in-person visit.

I would like to thank Congressman STEVE SCALISE for the commonsense bill and urge my colleagues to support it.

I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in strong support of H.R. 3173, and I yield myself such time as I may consume.

Mr. Speaker, this measure directs the Department of Homeland Security to reform the process for the enrollment, activation, issuance, and renewal of a Transportation Worker Identification Credential, or TWIC, to require not more than one in-person visit to an enrollment center to obtain a credential. I am proud to be an original cosponsor of this bill.

Since the inception of the TWIC program in 2007, mariners and other transportation workers have had to make at least two trips to a TWIC enrollment center to enroll and activate their cards. In contrast, other federally issued secure identity documents, such as passports and merchant mariner credentials, are mailed to the applicants. It is unreasonable to continue to require workers to take off from work to make a second trip to the nearest TWIC enrollment center, which in some cases is hundreds of miles away, to obtain their credential. The bill before us today would simply treat TWICs like those other federally issued identity documents.

In response to this legislation and concern expressed by worker representatives and Members of Congress, including me, the Obama administration recently announced a new option for port and transportation security workers who, starting this fall, will need to renew their expiring TWIC cards. Under this new option, TWIC holders may renew their cards for 3 years at a reduced rate of $60 and go to the enrollment center just once.

I'm pleased that the administration heard us on this issue because these changes should help lessen the burden of our Nation's 2.1 million port and transportation security workers, as DHS moves toward issuance of a final rule for biometric readers for the TWICs.

Despite these improvements, H.R. 3173 is still very necessary, as the recently announced option only applies to renewals, not first-time applicants, and there are no guarantees that it will remain in effect for the duration of the program.

Passage of H.R. 3173 will be an important step forward in reforming a cumbersome bureaucratic process and providing relief for the more than 2 million transportation workers.

I urge my colleagues to give H.R. 3173 their support, and I reserve the balance of my time.

□ 1720

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, it's my pleasure to yield such time as he may consume to the distinguished gentleman from Louisiana (Mr. SCALISE), the author of the bill.

Mr. SCALISE. I want to thank the gentleman from California for yielding. I also want to thank Chairman KING of New York, as well as Ranking Member THOMPSON of Mississippi, for cosponsoring this commonsense legislation.

What we're trying to do is reform a process that was started back in 2006 that really has created a lot of complications for our transportation workers. What we're talking about is 2 million Americans not only across the country, but some who work around

the globe that are required by Federal law to have these Transportation Worker Identification Credentials not only to perform their jobs, but even to get promoted.

So as these cards come up, whether you're applying for them for the first time or trying to get them renewed, you have to not only make one, but two in-person visits. When we talk about these visits, in many cases people have to take a day off of work for the first, and then another day off of work for the second visit because this is a card that they're required to have if they're going to be able to work in the transportation industry.

The rule that was put in place by TSA really is unworkable and doesn't really make sense, especially as we're talking about safety. It has nothing to do with safety. It's just a rule that they came up with that we recognize, number one, it's not in law, but it's something that we recognize, especially as we talk to our constituents who work in the transportation industry throughout the country, that this is creating tremendous burdens on our employees who have to actually miss work and miss pay that goes along with it.

So we're talking about something that affects people's jobs and their careers and, in fact, in some cases has limited their ability to get promotions.

I want to read parts of a letter that I received from Andrew Drury, who is an assistant cargo mate aboard the USS Mount Whitney. He's in the Merchant Marines, and this has been a problem to him. He wrote in to our office as he heard we were addressing this issue.

He's a graduate of the Citadel and is employed by Military Sealift Command, a company that is tasked with supplying the U.S. Navy with anything from bombs, bullets, fuel and provisions to our Armed Forces. He works throughout Europe and Africa. He writes to say: ''Due to my long tours of duty overseas,''—his TWIC card has since expired, and—''I am not allowed to advance in rank or position without the current TWIC credential.''

He goes on to write: this means that anybody who currently works overseas has to take time off from work and fly back to the States twice. This is very expensive, time consuming, stressful, and ''because I live on a ship that constantly moves around is logistically impossible. Sir, I am writing you in hope that there is something you could do for my fellow Merchant Mariners and me in this precarious situation.

So as we see that 2 million of our workers across the globe are facing this problem, this is a commonsense reform that actually puts some new reforms in place and puts some new rules in place that says you still make that first trip; but just like a passport, you shouldn't have to be required to take time off from work to go back a second time.

Again, I appreciate over 40 cosponsors in a bipartisan way that have signed onto this. I would urge approval of this legislation.

Mr. THOMPSON of Mississippi. I yield myself such time as I may consume.

Mr. Speaker, with more than 40 bipartisan cosponsors, passage of this measure will make a strong statement of support for reform of the TWIC issuance process and American workers. I compliment the gentleman from Louisiana for introducing this legislation.

I encourage passage of H.R. 3173, and I yield back the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, nearly 2 million transportation workers have applied for and received a TWIC. The goal of this bill is to limit the red tape involved in the TWIC process so we can focus on the work of this Nation while being as secure as possible.

The Secretary needs to reform the Transportation Workers Identification Credential enrollment and renewable process so that our workers are not burdened with increased and unnecessary bureaucracy.

As with the previously considered bill, this is an attempt by those of us in the Congress to try and get rid of some unnecessary red tape. It in no way undercuts the security of our Nation. As a matter of fact, it improves it because it gets rid of a burden on people that is totally without merit.

So I ask my colleagues to support its passage, and I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 3173, ''to reform the process for enrollment, activation, issuance, and renewal of a Transportation Worker Identification Credential (TWIC) to require not more than one in-person visit to a designated enrollment center.'' This legislation removes economic tensions placed on workers due to unnecessary commutes to an enrollment center. The TWIC serves as a vital security measure that ensures that individuals who pose a threat do not gain unescorted access to secure areas of the nation's maritime transportation system. Without a doubt, it is a necessary precaution for the protection of the America's assets. However, the current system for the acquirement of a TWIC is inefficient, superfluous, and costly for American transportations workers.

In addition to the $129.75 that transportation employees must pay every 5 years to obtain the TWIC, they must also make two or more trips to an enrollment center to obtain it. In most cases, the nearest enrollment center is hundreds of miles away from the worker's home. With national gas prices averaging nearly $4 a gallon, any mode of transportation chosen by the worker can quickly become pricey.

This bill seeks to eliminate the pointless red-tape in the attainment of a TWIC, in which millions of Americans are subject to hefty transportation costs to travel back and forth to the enrollment centers to obtain their TWIC.

Mr. Speaker, as you are aware, many of our fellow Americans face tough economic situations. It truly is imperative to remove this excess and unnecessary burden placed on the American workers.

As a Member of the Committee of Homeland Security, ensuring the protection of our interests from domestic threats is one of my top priorities. Although TWIC does just that, I feel that we must also endeavor to protect the interest of our own citizens. It simply just is not an economically viable option to expect our transportation workers to pay for two or more round trip journeys for the TWIC. To avoid imposing these unnecessary burdens on United States workers, it is imperative that Congress enact this legislation.

This bill passed unanimously out of the Homeland Security Committee with broad bipartisan support. I believe this is because H.R. 3173 is the text-book example of a win-win situation; there are no foreseen negative consequences to the enactment of this bill. It will simply allow our American transportation workers to breathe a little easier.

This reform of the TWIC Application system will make a huge impact on transportation workers and their families. Because of it, millions of people will not lose money and precious time with loved ones by making unnecessary trips to TWIC enrollment centers.

I strongly urge my colleagues to join me in supporting H.R. 3173, The TWIC Application Reform.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DANIEL E. LUNGREN) that the House suspend the rules and pass the bill, H.R. 3173, as amended.

The question was taken.

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

Mr. THOMPSON of Mississippi. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

PROVIDING FOR CONSIDERATION OF H.R. 5973, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2013; AND PROVIDING FOR CONSIDERATION OF H.R. 5972, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2013

Ms. FOXX. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 697 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 697

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for

consideration of the bill (H.R. 5973) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs 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. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the chair of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. 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. 5972) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies 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. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except for section 169C. The amendment specified in section 3 of this resolution shall be considered as adopted in the House and in the Committee of the Whole. During consideration of the bill for further amendment, the chair of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill, as amended, back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 3. The amendment referred to in section 2 of this resolution is as follows: insert before section 418 the caption ''Spending Reduction Account''.

SEC. 4. It shall be in order without intervention of any point of order to consider concurrent resolutions providing for adjournment during the month of July.

The SPEAKER pro tempore. The gentlewoman from North Carolina is recognized for 1 hour.

□ 1730

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

GENERAL LEAVE

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

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

There was no objection.

Ms. FOXX. House Resolution 697 provides for an open rule providing for consideration of two bills, H.R. 5973, which is a bill making appropriations for fiscal year 2013 for Agriculture, Rural Development, Food and Drug Administration and related agencies, and H.R. 5972, the fiscal year 2013 Transportation, Housing and Urban Development and Related Agencies Appropriations Act.

Mr. Speaker, House Republicans are offering yet another open rule, something that our liberal Democrat colleagues gleefully denied this House when they held the gavel. Once again, House Republicans continue our commitment to an open appropriations process in which all Members from both parties have an opportunity to influence the final legislative product.

In fact, this rule represents the eleventh open rule the Rules Committee has reported to the House thus far in the 112th Congress, which is in stark contrast to the 111th, in which the House considered a grand total of zero open rules.

I want to thank my colleagues from the Appropriations Committee for their leadership and hard work in producing the two bills referenced in this rule. H.R. 5973 includes $19.4 billion in discretionary funding, which represents a cut of $365 million below last year's level. H.R. 5972 provides a total of $51.6 billion in discretionary spending for the departments and agencies funded in the bill for fiscal 2013, which is a level representing $3.9 billion below last year's level.

While my liberal colleagues would undoubtedly prefer to borrow and spend more and continue to ignore the dire fiscal realities of our country, House Republicans remain committed to reining in wasteful spending, even if it involves making difficult and sometimes unpopular decisions in order to save our country from fiscal ruin.

The simple truth is we cannot afford to fund every program at the bloated levels that, for many years, kept political promises but, in the end, hurt the fiscal stability of our country. It would be unconscionable to continue indebting future generations to creditors like China without working to reduce Federal spending, which is the real driver of our deficit.

These are important bills, Mr. Speaker, and I'm proud that House Republicans, led by our esteemed Rules Committee Chairman DREIER, have embraced an open process to consider this legislation. We welcome the support of our Democrat colleagues on final passage of the underlying legislation.

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

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

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

Mr. MCGOVERN. Mr. Speaker, I thank the gentlewoman from North Carolina, Dr. FOXX, for yielding me the customary 30 minutes.

Mr. Speaker, before I begin, I just would like to point out to my colleagues that I don't want them to be under the misimpression that somehow this Republican leadership is somehow conducting an open and transparent process. At last count, they have given us 41 completely closed rules, and that's not even getting into the number of structured rules we've had. So I would be a little bit more humble before I would brag about the open process in this House.

I rise in opposition to this rule, which combines two unrelated appropriations bills, Transportation, Housing and Urban Development and the Agriculture appropriations bills. And this rule also concedes that the House Republicans will not finish all their appropriation bills on time.

Under the House rules, the House cannot adjourn for more than 3 days in a row in July unless all the appropriation bills are finished. Section 4 in this rule is an admission that the Republican leadership hasn't met this threshold.

Mr. Speaker, I also oppose this rule because Republican budget caps have made it impossible to bring appropriations bills to the floor that meet the needs of our country. Rather than a balanced, fair approach to control our Federal deficit, Republicans have launched an all-out assault against middle-income families and those who are struggling in poverty. Rather than asking Donald Trump to pay one penny more in taxes, the Republicans are pursuing an agenda that would decimate food stamps, that turns Medicare into a voucher program, that goes after student loans. I could go on and on and on. Everything that they bring to this floor lowers the quality of life and the standard of living for the people in this country.

This Congress should be about lifting people up, not putting people down. And yet, the bills that get brought to this floor, time and time again, are all about putting the American people down.

Not only is the underlying Transportation appropriations bill underfunded, but we're considering it while the ninth—the ninth—extension of the surface transportation bill, the bill that

funds our roads and bridges, is on the verge of expiring, and the summer construction season quickly moves towards a close.

We need a transportation bill, and we would have one, Mr. Speaker, if the Republican leadership would simply accept the bipartisan Senate bill. Instead, the Republican leadership has decided to play politics by including unrelated provisions like the construction of the Keystone pipeline in a bill meant to build and repair America's roads and bridges, in a bill that would have put thousands and thousands and thousands of Americans to work on these critical projects.

I had the honor of hosting Transportation Secretary Ray LaHood, a former Republican Member of this body, in my congressional district yesterday. Secretary LaHood made it clear that Congress needs to get its act together and pass a transportation bill. Rather than more recesses, I would say to my friends, we ought to stay here and not leave until we get this bill passed.

Instead, this transportation appropriations bill is, essentially, a shell full of placeholder language waiting for the authorization bill to be finished. This is not a way to legislate.

My friends on the other side of the aisle like to say, where are the jobs? Well, I'll tell you where the jobs are. They're in this transportation bill that they are holding up, that they are holding hostage. You want to put Americans back to work? Pass this bill.

I'm also deeply disappointed, Mr. Speaker, that this is the second year in a row that the appropriations bill fails to fund the Sustainable Communities initiative, which brings together the Department of Transportation, HUD, and EPA to develop effective models of integrated planning and promote economic development in metropolitan areas across the country. We should be pursuing the smart, holistic approaches to urban planning and improvement encouraged by the Sustainable Communities initiative, and this bill doesn't do that.

I also have concerns with the project-based Section 8 funding level included in the THUD legislation, and with proposals to short-fund project-based contracts. Short-funding does not reduce Federal expenditures, but instead shifts the cost to the next fiscal year. In fact, according to the National Housing Trust, short-funding can increase financing costs because of the uncertainty it creates among lenders and investors. Short-funding is a direct result of the need to conform to the Ryan budget, and I hope that the Senate's funding level is adopted during this conference, if they ever do have a conference.

The sad reality, Mr. Speaker, is that of these two appropriations bills, the Transportation, Housing and Urban Development appropriations is the better one. And this Agriculture appropriations bill is, to put it nicely, not where it needs to be. It is woefully inadequate in several places, and it continues a pattern set by this Republican leadership of trying to undermine the Wall Street reforms made under Dodd-Frank and to dismantle the antihunger safety net.

This bill decimates funding for the Commodity Futures Trading Corporation, one of the key regulators of the financial services industry. In fact, the bill cuts funding for the CFTC by 41 percent, a cut that will drastically reduce CFTC's ability to oversee an industry that continues to take risky gambles, as evidenced by J.P. Morgan's recent loss of $2 billion. The Republican leadership, once again, would rather allow Wall Street to run amok instead of providing proper oversight so that Americans on Main Street don't get taken to the cleaners.

Also not surprising is this Republican leadership's continued assault on the hungry in America. Over the past 18 months, the Republican leadership has pushed two plans to block grant SNAP, formerly known as food stamps, dramatically cut WIC funding in last year's Agriculture appropriations bill, and brought a reconciliation bill to the floor that would cut $36 million from SNAP, the most effective and efficient Federal antihunger program we have in this country.

□ 1740

Of course, we are still anticipating a farm bill from the Agriculture Committee that will cut at least $14 billion from this program. Also, while this bill funds WIC at $6.9 billion, it is still $119 million short of President Obama's request.

In essence, this bill is gambling that food prices and participation will stabilize and not continue to rise. Yet just as concerning is the lack of set-asides for breast-feeding counselors, electronic benefit cards and infrastructure. These provisions were included in the President's request and also in the Senate bill. They should not be excluded from the House version.

The other problem with the WIC language is the provision dealing with white potatoes. For the first time, Congress is mandating that white potatoes be included in the WIC food package. This is unprecedented and is deeply troubling. Congress has never, until now, interfered with the science of the WIC food package. This food package was specifically designed by the Institute of Medicine to provide the necessary nutrients through specific foods that are often not consumed, for a variety of reasons, by low-income pregnant women and their newborns, infants and young children. Like the effort to treat pizza as a vegetable, this is clearly done on behalf of industry. It does not belong in this bill.

This bill also cuts the Commodities Supplemental Food Program below the President's request. This program provides food to seniors across the country, but the funding level in this bill is so inadequate that it will actually result in 55,000 fewer seniors being served. That's 55,000 fewer low-income seniors on fixed incomes who will have food taken away from them simply because this committee decided that tightening our Nation's fiscal belt should mean less food for elderly in America instead of fewer profits for the wealthy.

The Agriculture appropriations bill doesn't spare international food aid from drastic cuts either. This bill cuts title II PL480 by 22 percent, or $316 million, under FY12 levels and $250 million below the President's FY13 request. These dramatic cuts would result in decreases in emergency services to between 6 million and 8 million vulnerable people, some of whom are already on the brink of starvation. They also weaken the funding for programs that fight long-term hunger and that build the capacity of people to withstand new emergencies. For example, it was the Food for Peace development programs in Ethiopia that helped keep communities from falling into famine and to withstand the shock of last year's drought, saving the American taxpayer hundreds of millions of dollars.

Not only are these cuts unconscionable, but they are unwise because they will ultimately lead to future costs should there be widespread hunger, famine or civil unrest that requires American assistance. Mr. Speaker, we need to do better. We must do better. We need a surface transportation bill that actually puts Americans back to work.

I again ask my Republican friends to stop holding the Senate bill hostage. Bring it to the floor. Let us have an up-or-down vote on it. Let us pass it and get people back to work. We need to ensure that Wall Street doesn't, once again, run unchecked; and we need to guarantee that we don't let Americans go hungry during these difficult economic times. The Republican agenda is quite contrary to where I think the majority of Americans are, and we're seeing that agenda—that radical right-wing agenda—at work in these appropriations bills.

I will just close with this, Mr. Speaker:

My colleagues on the other side like to talk about numbers all the time while I like to talk about people. I got elected to Congress to help people. As I said at the beginning of my remarks, the agenda by this Republican majority is all about putting people down. We should be about lifting people up in this country. We can meet our budgetary challenges without lowering the standard of living for the people of this country.

With that, I urge my colleagues to reject this rule, and I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I would like to yield 3 minutes to the distinguished gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. I thank the gentlewoman from North Carolina for yielding time.

I am very pleased to speak in favor of the rule on H.R. 5972, the fiscal year 2013 Transportation, Housing and Urban Development appropriations bill.

I want to thank the chairman and ranking member of the Rules Committee for their assistance in moving this important bill forward. I also want to thank Chairman ROGERS and Ranking Member DICKS for their commitment to moving appropriations bills through the House so that we can fund America's priorities while demonstrating the committee's proven record of cutting waste, fraud, and abuse.

In particular, I want to thank THUD Ranking Member JOHN OLVER for his assistance in crafting this legislation. This is his last THUD bill before retiring at the end of this year.

The Transportation and HUD bill represents responsible choices for our Nation's most pressing housing and transportation needs. This bill's allocation of $51.6 billion is almost $4 billion below fiscal year 2012 and is almost $2 billion below the President's request. The bill also reflects the budget resolution passed by the House.

The bill is largely free of authorizations, leaving that important work to the Transportation and Infrastructure and Financial Services Committees. As the amendments to the THUD bill are rolling in, we are seeing a very familiar theme—authorizing provisions. There are a multitude of issues, especially in the transportation title and the housing title, that very desperately needed to be considered and acted upon by the authorizing committees of jurisdiction. A number of Members have good ideas for improving these programs, and the authorizers need to have the opportunity to turn these ideas into law.

The Appropriations Committee can only deal with existing law, so I would urge my colleagues with amendments that are out of order to please bring these issues to the relevant chairmen, and let's improve the underlying statutes. We can't make these authorizing changes on this appropriations bill.

I urge my colleagues to support the rule. I look forward to the general debate on the Transportation and HUD bill and to a very speedy amendment process.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the ranking member of the Appropriations Subcommittee on Agriculture, the gentleman from California (Mr. FARR).

Mr. FARR. Thank you very much for yielding.

I rise in strong opposition to the $19.405 billion allocation that our Subcommittee on Agriculture and Food and Drug Administration-related agencies received, but I rise in support of the rule for moving this process forward with a great floor debate.

The allocation given to our committee is $1.7 billion, or 8 percent, below what the President requested; and it is $365 million, or 1.8 percent, below what we enacted in the House last year, in 2012.

Chairman KINGSTON, my colleague on the Republican side of the aisle and chair of our committee, does a great job. He has talked about how we have savings that have been found and that, in tough budgetary times, everybody has got to tighten his belt. We all know that, but it's about the cost of tightening those belts and about those who depend on those programs which, in many ways, are their survival. I feel several programs have been cut so deeply that people will either be unable or will have difficulty in performing the duties of those programs.

This bill slashes Food for Peace by 22 percent. Let me be crystal clear about what this cut means. Mr. MCGOVERN just spelled it out very clearly. It's the wrong thing to do. It means 6 million to 8 million people will face starvation—6 million to 8 million people. Cutting food aid only increases the need to bump up other, more costly efforts later on. It means that 44,000 Americans who produce that food could be losing their jobs. Those include farmers, the shippers of food, processors, port workers, and merchant mariners, who ship it across the seas.

In another example, 41 percent is being cut from the Commodity Futures Trading Commission—41 percent. That's misguided and shows a lack of understanding of its oversight responsibilities. A failure to fund robust oversight will only hurt American taxpayers. The CFTC is charged with the oversight of unregulated swaps at $300 trillion a year—$300 trillion of these swaps—and it is grossly unregulated.

This regulatory oversight protects the American taxpayer and reckless Wall Street behavior that caused the 2008 financial crisis. We all know that reckless Wall Street behavior led to the collapse of the housing market, which is still dragging down economic growth in all of our communities across America. We in Congress need to restore the people's confidence in our ability to govern and to regulate Wall Street and to benefit Main Street. We in Congress need to restore the CFTC funding.

Remember, too, that the FDA, which is the Food and Drug Administration, oversees 80 percent of our Nation's food supply, including food for more than 3,000 facilities in 200 countries around the world.

□ 1750

I appreciate the effort here to bump up food safety modernization implementation. However, the total Food and Drug Administration is funded at $16 million under what we gave them last year, and $31 million below what was requested for this year.

As you know, in addition to overseeing most of our food supply, it is responsible for the safety of drugs and medical devices, many of which are imported to the United States.

In closing, I do think that Chairman KINGSTON made a good effort in crafting this bill, given the allocation he had to deal with. I support this rule and continue to work with him as we move forward on this bill. Let's have a good hearty debate and adopt some amendments to correct it.

Ms. FOXX. Mr. Speaker, one of the bills that will seek consideration under this open rule is H.R. 5973, which primarily funds agriculture and nutrition programs. The legislation contains discretionary funding, as well as required mandatory funding for food and nutrition programs within the Department of Agriculture. This includes funding for the special Supplemental Nutrition Assistance Program for Women, Infants, and Children, or WIC, the food stamp, or Supplemental Nutrition Assistance Program, SNAP, and the child nutrition programs.

The bill provides $6.9 billion in discretionary funding for WIC, which, contrary to what liberals suggest, is $303.5 million above last year's level. This program provides supplemental nutritional foods needed by pregnant and nursing mothers, babies, and young children. Language is included for oversight and monitoring requirements to ensure the proper use of taxpayer dollars, as well as food price tracking to ensure necessary resources continue serving those eligible for program benefits.

The bill provides for $19.7 billion in required mandatory funding outside of the discretionary funding jurisdiction of the Appropriations Committee for child nutrition programs, which is $1.5 billion above last year's level. The bill provides for $80 billion in required mandatory spending, which is, again, outside of the discretionary funding jurisdiction of the Appropriations Committee, for SNAP, the food stamp program. This is $408 million below last year's level.

Since food stamps or SNAP spending is driven by program participation, the spending is called mandatory. This legislation also includes new stringent reporting requirements to help weed out and eliminate waste, fraud, and abuse in the program, such as a requirement for States to include the fraud hotline number on all EBT cards, a directive that the Secretary of Agriculture ban fraudulent vendors, and a requirement for States to share data with enforcement agencies.

The legislation includes $996 million for food safety and inspection programs, which is equal to the President's budget request, and a decrease of $9 million below last year's level. These mandatory inspection activities, which play a significant role in maintaining the safety and productivity of the country's $832 billion meat and poultry industry, help maintain critical meat, poultry, and egg product inspection and testing activities and support the implementation of a poultry inspection

program to improve safety and inspection efficiency. This voluntary inspection program is expected to reduce government costs by $85 million to $95 million over 3 years and reduce costs to private businesses by a total of $250 million.

The FDA receives a total of almost $2.5 billion in discretionary funding in the bill, representing a 0.7 percent or $16.3 million reduction below last year's level. Total funding for the FDA, including user fees, is $3.8 billion.

These are just some of the priorities outlined in the underlying legislation. I look forward to hearing from committee leaders, who will provide further discussion of various elements of the legislation at the time the bill is debated.

With that, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, before I yield to the gentlewoman from Connecticut, I just want to yield myself such time as I may consume just to make a point here.

I think it's important for us not to try to fool anybody by saying that we are adequately living up to the challenge of combating hunger and food insecurity in this country, because I will say to the gentlelady that there are 49 million Americans who would disagree with you. There are 49 million Americans who are hungry in our country, the richest country on the planet. Seventeen million of them are children.

Among the many things that are cut in this Agriculture appropriations bill is the Commodity Supplemental Food program. The cut in that alone would throw 55,000 seniors off of food assistance.

We can talk about that we're trying to do the best we can, but let's not say that somehow we're doing something we're not. We are not meeting the challenge of ending hunger and food insecurity in America. Not by a long shot. That's one of the frustrating things about this appropriations process—that the very programs to help people get out of poverty, to get on their feet again, are being slashed. You are balancing the budget on the backs of hungry people while you ask Donald Trump not to pay one penny more in taxes. I think that's unfair, and that's why, I think, this whole process is unfair.

At this point, I yield 2½ minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in opposition to the rule and the underlying Agriculture-FDA appropriations bill.

It does not meet our responsibilities to the American people. This bill's allocation is $1.7 billion below the President's request. The lower allocation represents a breaking of the bipartisan agreement we made last August. It will have a dramatic impact on the fundamental American priorities embodied in this bill, especially in the critical areas of financial protection, nutrition, food safety, and antihunger programs.

I would like to submit this letter from the United States Conference of Catholic Bishops for the RECORD, a letter that speaks out against the inadequate funding for nutrition and antihunger programs in this appropriations bill.

Nearly half of the babies born in the United States every year participate in the Women, Infants, and Children feeding program. It is a short-term intervention that can help provide a lifetime of good nutrition and health behaviors. And yet at a time of great need, the bill underfunds WIC by $119 million.

The Food and Drug Administration is the cornerstone of our food and product safety system, and yet this bill rescinds $47.7 million in previous funding and displaces the agency's vital mission: protecting the health of Americans at risk.

The bill cuts the Food for Peace program. Because of this cut, at least 6.6 million fewer hungry people around the globe will be fed. Already, 300 children perish every hour of every day because of hunger and related causes. Ronald Reagan correctly called Food for Peace ''an instrument of American compassion,'' and we should support it.

We know for a fact that the risky behavior in derivative markets that precipitated the 2008 financial meltdown is still happening. We've seen it with MF Global and J.P. Morgan. Americans want more accountability from Wall Street and less speculation erratically driving up oil prices. And yet, this bill funds the Commodity Futures Trading Commission at $25 million less than 2012 and the full $128 million—41 percent. This is quite simply setting the commission up for failure.

We have a lot of work to do to fix this bill. We must ensure that the fundamental priorities of the people that we represent—like preserving fair markets, improving nutrition, ensuring food and consumer safety—are upheld.

I urge my colleagues to oppose this rule.

I might add that in the State of Connecticut, in the Third Congressional District, one out of seven individuals is food insecure. What does food insecurity mean? It means they don't know where their next meal is coming from.

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

Mr. MCGOVERN. I yield an additional 1 minute to the gentlewoman from Connecticut.

Ms. DELAURO. We have 49 million people in this Nation who are going to bed hungry every night in the richest country in the world. It is inconceivable that we would cut back on food and nutrition programs when the Nation is suffering from the most serious economic recession it is having, and that we would cut back on food stamps.

We have cut back on school breakfast programs, school lunch programs, The Emergency Food Assistance program, the Commodity Supplemental Food program. And while the richest people in this Nation are having three squares a day or better, let's get our priorities straight. Let's focus on the people that we have come here to represent. Oppose this rule and oppose this bill.

UNITED STATES CONFERENCE
OF CATHOLIC BISHOPS,
Washington DC, June 26, 2012.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the United States Conference of Catholic Bishops, we wish to address the moral and human dimensions of the FY 2013 Agriculture Appropriations legislation. The bishops' conference urges you to resist significant cuts to both domestic and international food aid and conservation and rural development programs. Major reductions at this time of economic turmoil and rising poverty will hurt hungry, poor and vulnerable people in our nation and around the world.

In For I Was Hungry and You Gave Me Food, the bishops wrote, ''The primary goals of agricultural policies should be providing food for all people and reducing poverty among farmers and farm workers in this county and abroad.'' Adequate nutrition is essential to protect human life and dignity. We urge support for just and sufficient funding for agriculture policies that serve hungry, poor and vulnerable people while promoting good stewardship of the land and natural resources. In our soup kitchens and on our parish doorsteps, we see the faces of poor and hungry people every day. As a faith community, we feed those without work, pregnant women and children and seniors on a limited income. The Catholic community at home and abroad includes farmers, ranchers, farmworkers and business owners who grow food, care for the land and help rural communities prosper.

The bishops' conference acknowledges the difficult challenges that Congress, the Administration and government at all levels face to match scarce resources with growing needs. A just spending bill cannot rely on disproportionate cuts in essential services to poor and vulnerable persons; it requires shared sacrifice by all.

As pastors and teachers, we believe these are economic, political and moral choices with human consequences. Our bishops' conference has offered several moral criteria to help guide difficult budgetary decisions:

Every budget decision should be assessed by whether it protects or threatens human life and dignity.

A central moral measure of any budget proposal is how it affects ''the least of these'' (Matthew 25). The needs of those who are hungry and homeless, without work or in poverty should come first.

Government and other institutions have a shared responsibility to promote the common good of all, especially ordinary workers and families who struggle to live in dignity in difficult economic times.

We address the following programs as they reflect a priority for poor and hungry people and promote good stewardship:

DOMESTIC PROGRAMS

WIC: The Women, Infants, and Children nutrition program is fully funded at $7.04 billion in the President's FY 2013 budget. With record high child poverty (1 in 5 children), a cut to this program would harm some of the most vulnerable people in our country.

TEFAP: The Emergency Food Assistance Program receives appropriations funding for food storage and distribution grants in local communities. Cuts to the program could force some of our parishes and other charities to turn away hungry people when they continue to need our help.

SNAP: The Supplemental Nutrition Assistance Program (formerly food stamps), received a $2 billion cut made to the reserve fund in the 2010 child nutrition bill. Restoration of funding is necessary as families continue to struggle with joblessness and poverty.

CSFP: The Commodity Supplemental Food Program provides food assistance to low-income seniors, pregnant and breastfeeding women and infants and children. Adequate funding is needed to help faith communities and other charities provide food packages to hungry people in their local communities. Reductions will result in a loss of food for thousands of low-income seniors.

CSP: Adequately fund the Conservation Stewardship Program to help farmers conserve and care for farm land for future generations. Strong conservation programs are necessary to promote good stewardship of creation and provide needed support to family farms.

VAPG: Maintain current funding for the Value Added Producer Grants program to help farmers and ranchers develop new farm and food-related businesses to increase rural economic opportunity and help farm and ranch families thrive. In addition, restore funding for the Rural Micro-entrepreneur Assistance Program (RMAP)—which was eliminated in the FY 2012 funding bill—to help small businesses develop and grow in rural communities.

INTERNATIONAL PROGRAMS

Food for Peace: The President's Budget proposal calls for a 4.5% cut to the Title II Food Aid program from the FY 2012 appropriated levels, which is a 20% cut from the FY 2010 level. Such substantial cuts over just two years will undoubtedly lead to an unacceptable loss of life for those in dire circumstances.

Safe Box: Congress must protect Title II Food Aid funds to development programs by preserving the ''safe box'' provision. Programs funded through the safe box help chronically hungry communities build lasting agricultural capacity that minimizes the impact of severe weather and other catastrophes.

Local and Regional Purchase: Direct funds to the Local and Regional Procurement (LRP) of food commodities. As demonstrated in the pilot program funded by the 2008 Farm Bill, LRP can reduce the cost of food assistance, shorten delivery times, and improve overall response for both emergency and development programs.

202e Funds: Increase the amount of cash resources in the Title II program. The distribution of food alone is not enough to stimulate sustainable development. Agencies like Catholic Relief Services use these funds to operate nutrition education programs that save the lives of mothers and children and for agricultural programs that increase the quality and amount of food that poor farmers produce. Increasing cash resources would also reduce the need to sell U.S. food in developing countries to generate cash to support such programs (monetization).

PRIORITIES AND SUBSIDIES

The bishops' conference supports farm safety net programs such as crop insurance and disaster assistance that are targeted to the needs of small to medium sized farmers and ranchers. Savings should be used to fund hunger and nutrition programs that serve people in need.

At a time of great competition for agricultural resources and budgetary constraints, the needs of those who are hungry, poor and vulnerable should come before assistance to those who are relatively well off and powerful. With other Christian leaders, we urge the committee to draw a ''circle of protection'' around resources that serve those in greatest need and to put their needs first even though they do not have powerful advocates or great influence. The moral measure of the agriculture appropriations process is how it serves ''the least of these.'' We urge you to protect and fund programs that feed hungry people, help the most vulnerable farmers, strengthen rural communities and promote good stewardship of God's creation.

Sincerely yours,

MOST REVEREND STEPHEN E. BLAIRE,
Bishop of Stockton, Chairman, Committee on Domestic Justice and Human Development.

MOST REVEREND RICHARD E. PATES,
Bishop of Des Moines, Chairman, Committee on International Justice and Peace.

□ 1800

Ms. FOXX. Mr. Speaker, the other bill that will benefit from consideration under this open rule is H.R. 5972, which provides funding aimed at supporting a vibrant and safe transportation infrastructure while making the difficult decisions needed to balance the budget.

The bill includes $17.6 billion in discretionary appropriations for the Department of Transportation for fiscal year 2013. This is $69 million below last year's level. The bill designates $39.1 billion from the highway trust fund for the Federal highway program, which is the same level provided last year.

However, the committee recognizes that since the highway program still requires reauthorization and the funding level provided in the bill may change upon the enactment of a highway authorization bill for the next fiscal year, the Appropriations Committee is prepared to support a differing highway trust fund spending level should a new multiyear authorization bill be enacted.

Included in the legislation is $12.6 billion for the Federal Aviation Administration, which is $91 million above last year's level. The bill provides nearly $1 billion for the FAA's Next Generation Air Transportation System, otherwise known as NextGen, allowing the FAA to move forward with the next step in modernizing the Nation's air control and airport system. The bill also supports operations and staffing, which will help ease congestion and reduce delays for travelers in U.S. airspace while rejecting the administration's proposals for new aviation fees.

The legislation contains funding for the various transportation safety programs and agencies within the Department of Transportation. This includes $776 million in both mandatory and discretionary funding for the National Highway Traffic Safety Administration, representing a reduction of $23.8 million below last year; $551 million for the Federal Motor Carrier Safety Administration, representing a reduction of $2.6 million below last year; and $177 million for the Pipeline and Hazardous Materials Safety Administration, which is $4 million above last year's level.

The legislation includes a total of $33.6 billion to the Department of Housing and Urban Development, which is $3.8 billion below last year's level. The bill wastes no funding on any new, unauthorized ''sustainable,'' ''livable,'' or ''green'' community development programs. $26.3 billion is included in the bill for public and Indian housing, representing an increase of $759 million above last year's level.

Within this total, the bill provides funding to renew benefits for every single individual and family currently receiving assistance and ensures that no critical benefits are eliminated or canceled. The bill also fully funds the President's request for veterans' housing at $75 million and Native American block grants at $650 million.

Housing programs within the bill are funded at $9.3 billion, representing a reduction of $361 million below last year's level and $49 million below the request. Within this total, the bill provides sufficient funding for the most vulnerable populations, including $165 million for housing for the disabled, an increase of $15 million over last year, and $425 million for housing for the elderly, again, an increase of $50 million above last year.

These are just some of the priorities outlined in the underlying legislation. Again, I look forward to hearing from committee leaders who will provide further discussion of the various elements of the legislation.

With that, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, this rule allows Members to go home to their districts, even if we don't address the doubling of student loan interest rates that are about to hit people across the country and even if we don't hammer out a deal to fund our transportation programs and create jobs, notwithstanding the fact that our infrastructure is crumbling.

If we defeat the previous question, I will offer an amendment to the rule to say that the House cannot adjourn at the end of this week until we finish our business.

And to discuss this amendment, I would yield 2 minutes to the gentleman from Washington (Mr. LARSEN).

Mr. LARSEN of Washington. Mr. Speaker, I rise today to oppose the rule because we are set to adjourn this week without finishing our critical work on transportation.

We need a long-term surface transportation bill that puts Americans back to work. Mr. Speaker, this House only builds roads in order to find cans to kick down those roads. We cannot have a ''big league'' economy with ''little league'' infrastructure in this country. We need a long-term investment to repair our roads, bridges, and highways, and to maintain our transit systems.

Leaders of our country have always recognized this fact. Three years after Lewis and Clark left for the West, President Jefferson secured funding for the Cumberland Road. If Jefferson recognized the importance that transportation can have in linking this country, uniting the States in a shared economy and trade, surely we can show that same recognition today by staying here to ensure that the work of job creation is done. The question before us is whether this body recognizes that transportation projects create jobs and set the stage for economic growth.

A bipartisan bill passed out of the Senate. It was forged out of compromise. It is a bipartisan solution. It means immediate job creation. It means jobs for private sector contractors, laborers, and engineers.

A conference committee is meeting right now to bring us a long-term authorization to create real jobs. We should not adjourn without a long-term, robust, and bipartisan investment in transportation and jobs.

I urge my colleagues to vote against this rule so we can finish this work.

Ms. FOXX. Mr. Speaker, my colleagues are talking about the fact that we are going to have a district work period next week. The district work period is because next week we are celebrating the signing of the Declaration of Independence, one of the most important holidays in this country.

Our colleagues across the aisle want to create more dependence in this country. They are as far away from the Founders of this country as you can be in terms of what makes this country unique and what makes it so great.

We don't need more dependence in this country, Mr. Speaker. We need to celebrate what makes this country great, what makes us unique. It's the independence of this country and the independence of citizens and their ability to take care of themselves and to personally take care of each other and not continue to look to the nanny state that our friends would create and have tried to create over the years.

These are very difficult times, Mr. Speaker. We all know that. But it's important that the American people understand that House Republicans have repeatedly worked to find common ground with the President and Senate Democrats and have passed several bipartisan bills that would improve this economy which has been so damaged by the policies of the left and this President.

Several proposals supported even by the President have passed the House and have been signed into law, including trade pacts, a bipartisan veterans hiring bill, and a repeal of the IRS withholding tax on job creators. But the President's own job council has embraced many of the job proposals advocated by Republicans but ignored by the President himself.

The simple truth is that President Obama's attempt supported by our colleagues on the other side of the aisle, and by them only, to stimulate the economy by growing government has failed.

But you don't have to take my word for it, Mr. Speaker. Just look at the facts: The recent jobs report showed that the U.S. gained only 69,000 jobs in the month of May.

May marked the 40th consecutive month that the unemployment rate has remained above 8 percent, repudiating the administration's pledge that unemployment would remain below 8 percent if the Democrat 2009 stimulus plan became law. Lest we forget, it was the Obama administration which claimed unemployment would be below 6 percent today if the $1.178 trillion Democrat ''stimulus'' was signed into law.

At the current rate of job growth, if the United States continues to struggle under the failed policies that have produced the ''Obama economy'' and adds only 69,000 jobs each month in the future, it would take a total of 10 years and 5 months—until June 2018—to regain all the jobs lost during the latest recession, which is longer than the 8 years it took to regain the jobs lost during the Great Depression.

□ 1810

But even these figures, Mr. Speaker, hide the fact that the rate of underemployment, or real unemployment, which counts those who want to work but have stopped searching in this economy and those who are forced to work part-time because they cannot find full employment, is 14.5 percent or higher.

Also troubling is the realization that since 2008, which is the year President Obama was elected, median family income has declined by $1,154, falling to its lowest level since 1996. As a March 2012, the number of Americans receiving food stamps was 46.4 million, which is the third most in any month in history and up 80,000 from February. Today, 15 percent of Americans receive food stamps, representing an increase of 45 percent since President Obama took office.

Mr. Speaker, our colleagues on the other side of the aisle want to continue the failed policies they began in 2007 and instituted for 4 years and worked with President Obama for 2 years on. Fortunately, Mr. Speaker, House Republicans are working to improve the dismal conditions imposed by the liberal regime that dominated Washington, D.C., for far too long.

I reserve the balance of my time.

Mr. MCGOVERN. Let me just say I hope that the gentlelady wasn't implying that somehow the Federal Government doesn't have a role in investing in our national highway infrastructure. Dwight Eisenhower, a Republican, I should remind the gentlelady, understood the importance of having a national highway program.

As has been pointed out by a number of our speakers on the Democratic side, our infrastructure is aging and is falling apart, and we're not going to be able to compete in this global economy unless we make the proper investments. And by making the proper investments, we are not only helping our economy; we are putting people back to work. We are putting people back to work. And yet the Republican leadership of this House is holding hostage a transportation bill that passed the Senate that would put countless people back to work, which passed overwhelmingly in the Senate by 74 votes—overwhelmingly in the Senate. We can't get that brought up on the House floor for a vote.

The Republicans, I would say, Mr. Speaker, I think are intentionally running out the clock. I think it's a cynical attempt to hold everything up, to not invest in our economy, to slow down economic growth. Hopefully, I think, in their minds, they hope that it will win them the election. I think it's a cynical way to do politics. We ought to be on this floor helping the American people.

And, yes, the 4th of July is a great time for us to celebrate our country, but a lot of Americans are not going to celebrate because they're out of work. And we have the ability to put them back to work. Yet my friends on the other side of the aisle are holding hostage the very bill that could put countless Americans back to work.

At this time I yield 2 minutes to the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Mr. Speaker, unless Congress acts in the next 4 days, the subsidized Stafford student loan interest rate is going double from 3.4 percent to 6.8 percent. Despite the fact that that looming deadline which affects over 7 million college students all across American is staring us in the face, what we are debating here today is a rule which allows the House to go into recess for the 10th week since January, which is part of this rule.

The good news is that a couple of hours ago it was reported that the Senate and Republican leadership have actually agreed upon a settlement of this issue which would allow the 3.4 percent rate to be extended for 1 year. But I would note that MITCH MCCONNELL, who's the minority leader for the Republic Party, said that:

Final approval of student loan legislation, which would prevent rates on Federal Stafford loans from doubling to 6.8 percent, depends on House Republicans.

The fact of the matter is we have no idea whether or not the House Republican leadership is going to agree to this compromise which the Senate leadership reached a few hours ago, because all we're debating here today is another adjournment or recess motion before the House. The fact of the matter is it is time for us to focus on this issue which the President on January 25 challenged Congress to act on.

I started this countdown chart at day 110. We are now down to the final hours

before the interest rates double, which will cost thousands of dollars in more interest costs to college student across America, unless we act. The fact of the matter is that the House Republican bill that they rushed to the floor without a subcommittee, without a markup, was completely rejected by Republicans in the Senate. We now have the glimmer of a deal, a compromise. We should not be debating another adjournment resolution for the 10th week of recess this year until we get this work done.

There are millions of college students all across America who are waiting for us to get this issue resolved so that they can plan their budget for the next fall semester. And the fact that we're here again with another adjournment resolution with the most unproductive Congress in recent memory is ridiculous. We should reject this rule. Let's focus on getting the work done that the American people are counting on.

Ms. FOXX. I need to remind my colleague across the aisle we're not debating an adjournment resolution here today. I also need to remind my colleague across the aisle that it was the Democrats that set this student loan problem up. They made promises in 2006 to the American people they couldn't keep; and so they set up a time bomb, actually, so that the interest rates on the student loans would go back up because, again, they made promises they couldn't keep about lowering the rate of interest.

It affects a very small number of students, and it only affects them when they graduate from college, Mr. Speaker. If the Obama economy weren't so lousy and only 50 percent of the students graduating were getting jobs, it really wouldn't be that big an issue because it's a very small amount of money to the students. And if they had jobs, they wouldn't be quite so concerned about it. They only have to pay those loans back after they graduate because we're subsidizing interest while they are in school.

So I think our colleagues don't really want to go in that direction and talk about blaming Republicans for this mess with student loans, since they created it. And if the students were getting jobs, most of them wouldn't be as concerned about it as they are now.

Also, on the transportation bill that our colleagues tout so well, again, it fits right into their philosophy of borrow, borrow, borrow; spend, spend, spend. It is not a responsible bill because the Republican bill would stay within the limits of the revenue that we get from the highway trust fund. But they just want to borrow from the general fund and make our situation worse.

Mr. Speaker, it seems clear to everyone except the liberal leadership that job creators are bogged down by overly burdensome Federal regulations that prevent job creation and hinder economic growth. These regulations are particularly damaging for the real job creators in the country: small business owners. The Federal Government may create jobs, but they are not sustainable jobs, and they are a drag on the economy.

However, House Republicans recognize the need to remove onerous, redundant Federal regulations that are so harmful to small businesses and impede private sector investment and job creation. In order to ease the regulatory burden on the economy and to promote job creation, House Republicans have worked to advance legislation to rein in the unaccountable Federal regulatory apparatus and continue to pursue innovative initiatives such as my bill, H.R. 373, the Unfunded Mandates Information and Transparency Act, which would help improve transparency and accountability by disclosing costs to Federal mandates that would otherwise remain hidden from public scrutiny.

House Republicans appreciate that America's Tax Code has grown overly complicated and cumbersome, filled with loopholes and giveaways and is fundamentally unfair. That's why the House Republican plan for America's job creators recognizes the need to eliminate the special interest tax breaks that litter the Tax Code and reduce our overall tax rate to no more than 25 percent for business and individuals, including small business owners. This would make the Tax Code flatter, fairer, and simpler. Commonsense changes to the Tax Code would ensure that everyone pays his or her fair share, lessens the burden on families, generates economic expansion, and creates jobs by making Americans more competitive.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, I rise to urge a ''no'' vote on the previous question so that an amendment to the rule can be offered.

Mr. Speaker, we just heard about what makes this country great. Well, I think what makes this country great is the education of our people.

□ 1820

We know that having a good education is key to achieving the American Dream and key to keeping our country competitive. We all know that because the folks in this Chamber know the importance of a college education. Most people here have gone to college. But there are millions of young adults who are slowly seeing that opportunity evaporate with tuition skyrocketing.

Students from across my district in San Diego are struggling, and they tell me that every day. Some are doing a delicate balancing act of providing for their families while taking on a full academic course load. And others, quite frankly, are just scraping by each semester. An additional burden of $1,000 in interest payments is no trifling matter for these students. And yet, we see that partisan games have led to gridlock on this issue.

College students know that if they miss deadlines, there are consequences. And for Congress, there should be consequences, too. Well, Mr. Speaker, the clock is running out, and I urge my colleagues, please, support a solution that gives students and families the relief that they desperately need.

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

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Speaker, I thank my friend for yielding me this time.

I think most Americans would agree, irrespective of which party they are in, that it would be a good idea to put Americans back to work building our highways and our bridges and our transportation systems, and do it now.

I think most Americans would agree that doubling interest rates on student loans would be disastrous for people struggling to get a college education.

I think most Americans would agree that if the other body passed a transportation bill by three-quarters of the Members voting for it, Republican and Democrat, it would be a good idea to take that bill up here.

I think most Americans would agree that if the Republican and Democratic leadership in the other body reached an agreement on a way to keep the student loan rates low and not add to the deficit by paying for it, it would be a really good idea to bring the bill up here.

The unfortunate thing for the House and for the country is that the only people who don't seem to be a part of that consensus are the Republican Members of the House of Representatives. No matter if the Senate Republicans say it's okay, and the Senate Democrats say it's okay, and the President says it's okay, and the House Democrats say it's okay, and more importantly, if the American people say it's okay, it somehow isn't usually okay with them.

So what Mr. MCGOVERN is saying is this: until we keep the student loan rates low, and until we pass a jobs bill to put people back to work on transportation, let's not take our 10th week of paid vacation this year. I think that's a pretty reasonable thing to do. So voting ''no'' on the previous question says let's get our work done before we go home and take our 10th week of vacation for the year. Vote ''no.''

Ms. FOXX. Mr. Speaker, I don't know about my colleagues across the aisle, it's not a paid vacation for me. I go home and spend time with my constituents and hear from them what's of concern. Maybe they're on vacation, but I know the people on our side of the aisle are not on vacation. They're

working hard for the American people, and I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, may I inquire of the gentlelady how many more speakers she has on her side?

Ms. FOXX. We are prepared to close when the gentleman is prepared to close.

Mr. MCGOVERN. I'm prepared to close. How much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Massachusetts has 2½ minutes remaining.

Mr. MCGOVERN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, our job should be to help improve the quality of life for the citizens that we represent. We ought to be investing in our economy at this very difficult time. That's why we are urging the House Republicans to join with the Senate Republicans and the Senate Democrats and the House Democrats in bringing a highway bill to the floor so we can provide some certainty to our States, so there can be more investments in infrastructure, so there can be more jobs created. That would give the American people a little something to celebrate.

We are urging my colleagues on the Republican side here in the House to join with us in making sure that interest rates on student loans don't double for a great number of young people in this country who are trying to get an education. My colleague from North Carolina would have us believe that it is no big deal. Well, it is a big deal. It's a big deal to those students and to their families. It is a big deal to those of us on this side of the aisle. And maybe that's one of the differences between the two parties. We believe college education ought to be affordable, and no one should not go to college because they can't afford the education.

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

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

There was no objection.

Mr. MCGOVERN. Mr. Speaker, the amendment basically says we're not going home, we're not leaving this place until we do our work because part of our job, I would say to my colleague from North Carolina, is not just going home and meeting with our constituents and marching in parades. Part of our job is to pass legislation that is important to the people we represent.

This highway bill is important to putting people back to work. My friends on the other side of the aisle have dragged their feet and dragged their feet and dragged their feet. I think it is unconscionable. We are running out of time. We need to start doing the people's business here. And if that means that we have to stay through the weekend, we should stay through the weekend. If we have to stay through next week, we should stay through next week. But we ought to do something meaningful.

Our job should not be about lowering the quality of life for people, and that is my problem with the appropriations process that my colleagues have pursued in this House. It is all about putting all of the burden of balancing our budget on middle-income families and on those who least can afford it. Donald Trump is not asked to pay one penny more.

Mr. Speaker, I urge my colleagues to vote ''no'' and defeat the previous question, and I urge a ''no'' vote on the rule.

I yield back the balance of my time.

Ms. FOXX. Mr. Speaker, again, next week is the Fourth of July. We are going to be celebrating Independence Day, and I would like to say that I don't believe the job of the Federal Government is to provide things to citizens but to preserve our liberty, and that's what next week should be reminding us of.

Mr. Speaker, House Republicans are aware of the clear mandate the American people gave us. Our charge is to reduce the crushing debt that our country is currently carrying. According to the Senate Budget Committee, debt grew four times faster under President Obama than Clinton or Bush, with President Obama already having amassed more debt since taking office than did President Bush during his entire two terms in office. Today, the national debt is over $15 trillion, which amounts to nearly $48,000 for every man, woman and child in America.

It's clear without a change in leadership in the White House and Senate, the legacy we are apt to leave our children and grandchildren will be a crushing debt burden and a weaker, less secure, and less prosperous Nation. This is simply unacceptable.

The Federal Government's current budget deficits are simply unsustainable. During these tough economic times, American families are getting by on less, and the government should do the same.

When the Democrat elites were in the majority, they pushed a job-killing agenda starting with the $1 trillion failed stimulus package, followed by a massive job-killing tax hike in the form of cap-and-trade, then the job-killing ObamaCare, all the while leaving our country with record debts and deficits as unemployment skyrocketed. Recognizing that government has gotten too expensive, Republicans are here to stop the senseless Obama spending binge. That's why I urge my colleagues to support this rule and the underlying legislation.

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

AN AMENDMENT TO H. RES. 697 OFFERED BY MR. MCGOVERN OF MASSACHUSETTS

Strike section 4 and insert the following:

SEC. 4. Except as specified in section 5, it shall be in order without intervention of any point of order to consider concurrent resolutions providing for adjournment during the month of July.

SEC. 5. It shall not be in order to consider a concurrent resolution providing for adjournment on Friday, June 29, 2012, unless the Majority Leader and Minority Leader jointly certify to the Speaker in writing that the Congress has cleared for presentment to the President measures that will:

—prevent the doubling of interest rates on student loans; and

—reauthorize Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule

[a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

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

Ms. FOXX. 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 on the resolution.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on H. Res. 697 will be followed by 5-minute votes on adoption of the resolution, if requested; the motion to instruct on H.R. 4348 offered by the gentleman from Maryland (Mr. HOYER); and the motion to instruct on H.R. 4348 offered by the gentlewoman from Tennessee (Mrs. BLACK).

The vote was taken by electronic device, and there were—yeas 226, nays 168, not voting 38, as follows:

[Roll No. 412]

YEAS—226

Adams
Aderholt
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Calvert
Camp
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
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
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lance
Lankford
Latham
LaTourette
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

NAYS—168

Andrews
Baca
Baldwin
Barber
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Bonamici
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Hahn
Hanabusa
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Van Hollen
Visclosky
Walz (MN)
Waters
Watt
Waxman
Welch
Yarmuth

NOT VOTING—38

Ackerman
Akin
Altmire
Blumenauer
Burton (IN)
Campbell
Clarke (NY)
Crowley
Diaz-Balart
Engel
Flake
Gutierrez
Hastings (FL)
Holden
Huizenga (MI)
Jackson (IL)
Johnson (IL)
Jordan
Lamborn
Landry
Lewis (CA)
Lewis (GA)
Lofgren, Zoe
Meeks
Neal
Pence
Rangel
Sánchez, Linda T.
Stivers
Sullivan
Towns
Tsongas
Turner (NY)
Velázquez
Wasserman Schultz
Wilson (FL)
Woolsey
Young (FL)

□ 1856

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

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 229, noes 166, not voting 37, as follows:

[Roll No. 413]

AYES—229

Adams
Aderholt
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Calvert
Camp
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herrera Beutler
Huelskamp
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lance
Lankford
Latham
LaTourette
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell

Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—166

Andrews
Baca
Baldwin
Barber
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Bonamici
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Van Hollen
Visclosky
Walz (MN)
Waters
Watt
Waxman
Welch
Yarmuth

NOT VOTING—37

Ackerman
Akin
Altmire
Blumenauer
Burton (IN)
Campbell
Clarke (NY)
Crowley
Diaz-Balart
Engel
Flake
Gutierrez
Herger
Holden
Huizenga (MI)
Jackson (IL)
Johnson (IL)
Jordan
Lamborn
Landry
Lewis (CA)
Lewis (GA)
Lofgren, Zoe
Meeks
Neal
Pence
Rangel
Sánchez, Linda T.
Stivers
Sullivan
Towns
Tsongas
Turner (NY)
Velázquez
Wasserman Schultz
Wilson (FL)
Woolsey

□ 1903

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.

MOTIONS TO INSTRUCT CONFEREES ON H.R. 4348, SURFACE TRANSPORTATION EXTENSION ACT OF 2012, PART II

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on H.R. 4348 offered by the gentleman from Maryland (Mr. HOYER) on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 172, nays 225, answered ''present'' 1, not voting 34, as follows:

[Roll No. 414]

YEAS—172

Altmire
Andrews
Baca
Baldwin
Barber
Barrow
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Bonamici
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Dold
Doyle
Edwards
Ellison
Eshoo
Farr
Fattah
Filner
Fudge
Garamendi
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Van Hollen
Walz (MN)
Waters
Watt
Waxman
Welch
Yarmuth

NAYS—225

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

ANSWERED ''PRESENT''—1

DeFazio

NOT VOTING—34

Ackerman
Akin
Blumenauer
Burton (IN)
Campbell
Clarke (NY)
Crowley
Diaz-Balart
Engel
Flake
Frank (MA)
Gutierrez
Holden
Jackson (IL)
Johnson (IL)
Jordan
Lamborn
Landry
Lewis (CA)
Lewis (GA)
Lofgren, Zoe
Meeks
Neal
Rangel
Sánchez, Linda T.
Stivers
Sullivan
Towns
Tsongas
Turner (NY)
Velázquez
Wasserman Schultz
Wilson (FL)
Woolsey

□ 1909

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on H.R. 4348 offered by the gentlewoman from Tennessee (Mrs. BLACK) on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 201, nays 194, not voting 37, as follows:

[Roll No. 415]

YEAS—201

Adams
Aderholt
Amash
Amodei
Austria
Bachmann
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Calvert
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
DesJarlais
Dreier
Duffy
Duncan (SC)
Ellmers
Emerson
Farenthold
Fincher
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Kelly
King (IA)
Kingston
Kline
Labrador
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
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
Ryan (WI)
Scalise
Schilling
Schmidt
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Southerland
Stearns
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
Westmoreland
Whitfield
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—194

Altmire
Andrews
Baca
Baldwin
Barber
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bilirakis
Bishop (GA)
Bishop (NY)
Bonamici
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Burgess
Butterfield
Camp
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dent
Deutch
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Duncan (TN)
Edwards
Ellison
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Fudge
Garamendi
Gerlach
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Hahn
Hanabusa
Hanna
Harper
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Hultgren
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
King (NY)
Kinzinger (IL)
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lipinski
Loebsack
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meehan
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Noem
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Pitts
Platts
Polis
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Runyan
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Van Hollen
Visclosky
Walz (MN)
Waters
Watt
Waxman
Welch
West
Wolf
Yarmuth

NOT VOTING—37

Ackerman
Akin
Alexander
Bachus
Blumenauer
Burton (IN)
Campbell
Clarke (NY)
Crowley
Diaz-Balart
Engel
Flake
Frank (MA)
Gutierrez
Holden
Jackson (IL)
Johnson (IL)
Jordan
Lamborn
Landry
Lewis (CA)
Lewis (GA)
Lofgren, Zoe
Meeks
Neal
Rangel
Roybal-Allard
Sánchez, Linda T.
Stivers
Sullivan
Towns
Tsongas
Turner (NY)
Velázquez
Wasserman Schultz
Wilson (FL)
Woolsey

□ 1916

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent yesterday for votes in the House Chamber today. I would like the RECORD to show that, had I been present, I would have voted "no" on rollcall votes 412, 413 and 415 and "yes" on rollcall vote 414.

PERSONAL EXPLANATION

Mr. JOHNSON of Illinois. Mr. Speaker, on Tuesday June 26, 2012 I had obligations that necessitated my attention in Philo, Illinois and missed votes on Ordering the Previous Question, H. Res. 697 the Rule providing for Consideration of H.R. 5972 and H.R. 5973, Representative HOYER's Motion to Instruct Conferees on H.R. 4348, and Representative BLACK's Motion to Instruct Conferees on H.R. 4348.

Had I been present, I would have voted "aye" on the Previous Question and H. Res. 697. I would have voted "nay" on Representative HOYER's Motion to Instruct Conferees on H.R. 4348. Finally, had I been present I would have voted "aye" on Representative BLACK's Motion to Instruct Conferees on H.R. 4348.

PERSONAL EXPLANATION

Mr. DIAZ-BALART of Florida. Mr. Speaker, due to inclement weather, my flight was delayed and I was unable to cast the following votes. If I had been present, I would have voted as follows: rollcall vote 412, I would have voted "yea"; rollcall vote 413, I would have voted "yea"; rollcall vote 414, I would have voted "nay"; rollcall vote 415, I would have voted "yea."

ELECTING MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. LARSON of Connecticut. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 707

Resolved, That the following named Members be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON ARMED SERVICES.—Mr. Barber.

(2) COMMITTEE ON HOMELAND SECURITY.—Mr. Barber.

Mr. LARSON of Connecticut (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

NOTICES OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4348, SURFACE TRANSPORTATION EXTENSION ACT OF 2012, PART II

Ms. HAHN. Mr. Speaker, pursuant to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 4348, the transportation conference report.

The form of the motion is as follows:

Ms. Hahn 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 agree to the freight policy provisions in Sec. 1115, Sec. 33002, Sec. 33003, and Sec. 33005 of the Senate amendment.

Mr. CRITZ. Mr. Speaker, pursuant to rule XXII, clause 7(c), I hereby announce my intention to offer a motion

to instruct on H.R. 4348, the transportation conference report.

The form of the motion is as follows:

Mr. Critz 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 resolve all issues and file a conference report not later than June 28, 2012.

PERSONAL EXPLANATION

Ms. JACKSON LEE of Texas. Mr. Speaker, during the consideration of the Domestic Energy and Jobs Act of 2012 I was unavoidably detained on business in the district; and I would like to place in the RECORD the following statements regarding the amendments:

The Hastings amendment, ''no.''
The Waxman amendment, ''yes.''
The Connolly amendment, ''no.''
The Gene Green amendment, ''yes.''
The Rush amendment, ''yes.''
The Holt amendment, ''yes.''
The Lewis amendment, ''yes.''
The Amodei amendment, ''no.''
The Markey amendment, ''yes.''
The Landry amendment, ''yes.''
The Rigell amendment, ''no.''
The Holt amendment, ''yes.''
The Wittman amendment, ''no.''
The Bass amendment, ''yes.''
The Capps amendment, ''yes.''
The Speier amendment, ''yes.''
The DeLauro amendment, ''yes.''
The Democratic motion to recommit, ''yes.''
Passage, ''no.''

Below are the descriptions of the amendments to H.R. 4480 that were voted on this past Thursday, when I was absent from votes.

Hastings (WA) Manager's Amendment (Roll 392)—Overturns the EPA designation of the Colville River in Alaska as an Aquatic Resource of National Importance and requires additional right of ways in the National Petroleum Reserve Alaska (NPR–A); makes technical changes.

Waxman Amendment (Roll 393)—Provides that the rules described in section 205(a) shall not be delayed if the pollution that would be controlled by the rules contributes to asthma attacks, acute and chronic bronchitis, heart attacks, cancer, birth defects, neurological damage, premature death, or other serious harms to human health.

Connolly Amendment (Roll 394)—Defines the term ''public health'' in the Clean Air Act as the health of humans, not corporations.

Gene Green Amendment (Roll 395)—Strikes section 206 of the bill, which would fundamentally change the way the Clean Air Act establishes national ambient air quality standards for smog. Instead of the standards being health-based, section 206 would have them be set based on the potential cost of pollution controls.

Rush Amendment (Roll 396)—Provides that Sections 205 and 206 shall cease to be effective if the Administrator of the Energy Information Administration determines that implementation of this title is not projected to lower gasoline prices and create jobs in the United States within 10 years.

Holt Amendment (Roll 397)—Seeks to reduce the number of onshore leases on which oil and gas production is not occurring as an incentive for oil and gas companies to begin producing on the leases that they already hold.

Connolly/Lewis (GA) Amendment (Roll 398)—Clarifies that the section requiring a $5,000 protest fee shall not infringe upon the protections afforded by the First Amendment to the Constitution to petition for the redress of grievances.

Amodei Amendment (Roll 399)—Prohibits the Secretary of the Interior from considering merging of the Bureau of Land Management (BLM) and the Office of Surface Mining, Reclamation and Enforcement (OSM).

Markey Amendment (Roll 400)—Prohibits oil and gas produced under new leases authorized by this legislation from being exported to foreign countries, ensuring American resources remain here to benefit American consumers.

Landry Amendment (Roll 401)—Would increase future federal deficits by raising the cap of revenue shared among the Gulf States who produce energy on the Outer Continental Shelf starting in FY2023 from $500 million to $750 million, awarding these 4 Gulf States another $6 billion in addition to the $150 billion they will already receive under current law.

Rigell Amendment (Roll 402)—Requires Lease Sale 220 off the coast of Virginia in the 5 Year Plan for OCS oil and gas drilling and to conduct Lease Sale 220 within one year of enactment. In addition, the Amendment would also ensure that no oil and gas drilling may be conducted off the coast of Virginia which would conflict with military operations.

Holt Amendment (Roll 403)—Ends free drilling in the Gulf of Mexico by requiring oil companies to pay royalties on previously royalty-free leases in order to receive new leases on public lands.

Wittman/Rigell Amendment (Roll 404)—Would establish a new regulatory program and waive environmental review for the Bureau of Ocean Energy Management (BOEM) to approve temporary infrastructure, such as towers or buoys, to test and develop offshore wind power in the Outer Continental Shelf.

Bass (CA) Amendment (Roll 405)—Requires the newly created interagency committee to analyze how to protect American consumers from gasoline price spikes by reducing America's dependence on oil.

Capps Amendment (Roll 406)—Removes the requirements in Title II of the bill to conduct an analysis, issue a report, and delay rules if the Secretary of Energy determines that the analyses are ''infeasible to conduct, require data that does not exist, or would generate results subject to such large estimates of uncertainty that the results would be neither reliable nor useful.''

Speier Amendment (Roll 407)—Strikes language in the underlying legislation that would require drilling permits to be deemed approved a 60 day deadline, which could expose public lands to undue risk.

DeLauro/Markey/Frank Amendment (Roll 408)—Would require $128 million received from the sale of new leases issued pursuant to this legislation to be made available to fully fund the Commodity Futures Trading Commission to limit Wall Street speculation in energy markets.

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2013

GENERAL LEAVE

Mr. LATHAM. 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. 5972, and that I may include tabular material on the same.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 697 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5972.

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

□ 1921

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5972) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2013, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

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

The gentleman from Iowa (Mr. LATHAM) and the gentleman from Massachusetts (Mr. OLVER) each will control 30 minutes.

The Chair recognizes the gentleman from Iowa.

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

Mr. Chairman, I'm pleased to present the fiscal year 2013 Transportation, Housing and Urban Development appropriations bill to the House.

Before we get to the bill, I'd like to take a moment to congratulate my colleague and ranking member of this subcommittee, JOHN OLVER, for his many years of service. As many of you may know, Mr. OLVER is retiring at the end of this Congress. I have to say he'll be sorely missed by all of us. This is a better bill because of his relentless quest for knowledge about its programs. I thank you, JOHN OLVER, for your service, not just to this institution, but to the Nation. Thank you very, very much. You're a great, great partner. You'll be missed.

The bill before the committee today is a balanced proposal on how to allocate $51.6 million among Federal housing and transportation programs across the Nation. Continuing our commitment to reduce government spending, our allocation is almost $4 billion below fiscal year 2012 and almost $2 billion below the President's request. The

bill also reflects the budget resolution that was passed by the House.

Mr. Chairman, we had to make some hard choices on funding levels for the agencies in this bill. We dedicated ourselves to this task while recognizing the serious fiscal constraints that the Nation faces. We also kept this bill largely free of authorizations, leaving that important work to the Transportation and Infrastructure and Financial Services Committees. We also rejected many new unauthorized programs that were proposed by the President. For transportation programs, this bill focuses on programs most critical to public safety and economic growth.

We fully fund FAA safety programs and provide $1 billion to advance the Next Generation of air traffic control. We also fund programs to support growth in commercial space and unmanned aerial systems, which will play key roles in keeping these U.S. industries on the global cutting edge. This bill rejects new fees on air passengers proposed by the President that would harm our economy at this time.

This bill funds highway and transit programs consistent with last year's levels but contingent upon reauthorization. Fortunately, Mr. Chairman, it appears that there's a positive movement on the transportation bill. Again this bill funds highways and transit consistent with last year's level but, again, contingent on reauthorization.

The bill cuts the Amtrak operating subsidy by $116 million below last year and does not fund the President's request for high-speed rail. However, the bill does provide $500 million in authorized funds to fix existing infrastructure on public passenger lines. This will immediately create jobs, as the CBO has scored it with an almost 80 percent outlay rate in the first year. We believe this is a better alternative to the administration's high-speed rail proposal.

For housing programs, this bill fully funds renewals of the section 8 vouchers, serving about 2.2 million families. We also provide $75 million for 10,000 new VASH vouchers. Those are for the homeless vets. We fully fund the budget request in that item. The bill matches the President's request for $8.7 billion for Project-Based Rental Assistance. The CDBG is funded at a $3.4 billion level, and HOME is funded at $1.2 billion.

I'd like to close by saying we tried to be balanced in our approach with this bill, but we did reject broad, new, unauthorized programs requested by the President. We also do not include other authorizing provisions requested by other Members out of deference to the ongoing work of both the T&I and Financial Services Committees.

I urge my colleagues to support this bill.

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

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

Mr. Chairman, it is a pleasure to see the Transportation, Housing and Urban Development and Related Agencies appropriations bill for fiscal year 2013 considered on the House floor this year. And I thank Chairman LATHAM, first, for his kind words, but also for maintaining an inclusive committee process as this bill was prepared. He has been a good partner for the past 4 years, and I value our relationship.

I also want to recognize the hard work of the committee staff, specifically, on the majority side: Dena Baron, Doug Disrud, Sara Peters, Mike Friedberg, Brian Barnard, and Doug Bobbitt. And on the minority side: Kate Hallahan, Joe Carlile, and Blair Anderson.

Chairman LATHAM and I are lucky to have such dedicated staff who work amiably and respectfully together. They have spent many late nights putting this bill together, and we would not be here today without their hard work.

Mr. Chairman, the Republican leadership's decision to ignore last summer's Budget Control Act agreement has left this bill with an inadequate allocation to properly fund our transportation and housing investment needs. The resulting artificially low allocation forced Chairman LATHAM to make unnecessary and destructive trade-offs.

Specifically, I have concerns that the Ryan budget forces us to accept the administration's proposal to fund project-based section 8 contracts for less than a full year. This does not shrink the program nor reduce the deficit. It simply pushes the costs down the road and increases uncertainty for private business owners.

I'm also disappointed that this bill does not fund the sustainable communities initiative.

□ 1930

However, within the constraints forced upon him, I recognize that Chairman LATHAM has put forward a respectable bill that contains a number of bright spots, including increases for Amtrak, CDBG, the HOME program, and housing for the elderly, for which he should be commended. I hope that as the process moves forward and we receive a real allocation, that these increases will be preserved and that the holes can be addressed.

Unfortunately, I am concerned that the House Republican leadership's decision to underfund this bill is not an isolated incident, but is symptomatic of an ideology that does not understand the value of infrastructure investment.

This strategy is wrong for America.

Last year, the leaders of the U.S. Chamber of Commerce and the AFL–CIO, not usually bedfellows, agreed that we must have greater investment in our Nation's infrastructure in order to create jobs and to be competitive in the global economy.

A modern, well-maintained transportation network is absolutely necessary for our economy to grow and the country to prosper.

The breadth of direct and indirect influence of our transportation networks on the economy is staggering. Our auto manufacturing industry, its enormous parts supplier base, the national network of gas stations and its complex distribution system, and the oil industry all thrive because we have an efficient highway system that people need to use.

The physical construction of roads and railroads requires aggregate materials processed locally, steel trusses and rebar made by American companies and crews manned by American workers.

Our transit system supports the domestic manufacturing of buses, streetcars, and trains, while providing businesses with cost-effective access to labor pools.

Furthermore, every good produced or consumed in the U.S. must be transported via our network of roads, rails, and ports. As a result, the efficiency with which our system operates determines whether American goods can compete in the global marketplace.

Yet, report after report indicates that we are falling behind. The American Society of Civil Engineers infrastructure report card gave us a ''D'' and estimated that more than a $2 trillion investment is needed. DOT's most recent ''Conditions and Performance Report'' indicates that there is an annual investment gap of $27 billion just to maintain our current system of highways and bridges in a state of good repair, and a much larger gap to expand the system to meet the needs of the growing population.

The United States has the largest economy in the world, yet the World Economic Forum's most recent ranking drops America's infrastructure quality to 23rd in the world.

The reason for our infrastructure decline is simple. We are not raising enough revenue to fund our infrastructure needs. In 2000, the highway and mass transit accounts raised $35 billion. By 2011, they only raised $37 billion. When you factor in inflation, we are raising 20 percent fewer dollars for our transportation infrastructure than we did 10 years ago. This is unsustainable. During the same period, the U.S. population grew 10 percent to 309 million people; 65 percent of them live in metropolitan areas having populations greater than 500,000 people.

Our largest 50 metropolitan areas have more than 1 million in population; 13 of them, all cities in the sunbelt such as Dallas, Houston, Orlando, Phoenix, and Charlotte, grew more than 25 percent in one single decade, the last decade. Such burgeoning communities need a massive, timely expansion of both highway and transit facilities in order to ensure that rapid population growth doesn't choke their economies with congestion.

In contrast, 22 of those 50 largest areas, all older mature metropolitan areas, including Boston, New York, Philadelphia, Cleveland, Pittsburgh,

Chicago and Los Angeles, are growing slower than the national average; but their built-out highway, transit, and commute rail systems are deteriorating and need a massive, timely program of rehabilitation to simply reach a state of good repair.

Our rural areas face an even worse problem. The number of counties in rural America that are losing population is rising rapidly. With that comes disinvestment in education, health care, and public infrastructure of all shades. Yet virtually the entire rural road system must be maintained in a state of good repair or our rural areas will become ever greater pockets of poverty.

If we are to meet these changing population demographics and provide a transportation system that functions as a sound foundation and not a hindrance on our economy, Congress must find the means and grow the political courage to raise revenue.

The current debate on the surface authorization does not accomplish that. In fact, the present gridlock of debate is only effective at slowing economic growth and keeping America's unemployment high. That cannot be America's goal.

I reserve the balance of my time.

Mr. LATHAM. Mr. Chairman, I am proud to yield 5 minutes to the chairman of the full committee, the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. Mr. Chairman, I thank the gentleman for yielding.

I rise in support of this bill. This is the sixth bill that we've considered on the House floor, which means the House is nearly halfway done with its appropriations bills for fiscal year 2013. The Appropriations Committee has considered 11 of the 12 annual bills so far this year, in record time. I'm proud of our quick and thorough progress, and also that we have been able to work in regular order, which has been the goal of this committee from the git-go last January.

The other commitment this committee made at the beginning of the Congress was to reduce discretionary spending wherever we can. In the past two fiscal years, we've cut spending by more than $95 billion and are on our way to continue reductions for a third year in a row.

I've said it before, Mr. Chairman, but this is a historic accomplishment—a record for spending reductions that this Nation has not seen since at least World War II.

The fiscal year 2013 Transportation, Housing and Urban Development Appropriations bill continues this downward trajectory, cutting $4 billion from last year's level, bringing us to the lowest level of spending for this bill since 2009.

The $15.6 billion included in this bill funds Department of Transportation agencies like the FAA, the Federal Railroad Administration, the National Highway Traffic Safety Administration, as well as critical Housing and Urban Development programs.

Within the Department of Transportation, the bill targets funds towards programs that improve the reliability, efficiency, and safety of our Nation's transportation system. This includes reducing congestion and delays for air travelers by providing nearly $1 billion for the FAA's NextGen program, carefully funding Amtrak to help build rail bridges and tunnels, and supporting construction at airports across the Nation.

These smart investments in America's infrastructure will help create an environment that supports job creation and spurs economic growth.

Overall, funding for the Department of Housing and Urban Development is cut by $3.8 billion compared with last year, but we took careful steps to ensure that this reduction didn't unfairly displace our most vulnerable populations, including persons with disabilities and the elderly.

The funding in this section of the bill prioritizes the most beneficial and cost-effective programs. We are providing section 8 vouchers for 2.2 million families—fully funding the President's request—and keeping our veterans with roofs over their heads.

We also increased funding for the Community Development Block Grant program. Throughout the bill, the chairman of the subcommittee has made policy reforms and conditions that will ensure greater efficiency and less waste.

□ 1940

The safe and responsible shepherding of taxpayer dollars is important government-wide, particularly when dealing with our Nation's infrastructure and housing.

We help guarantee that taxpayer dollars aren't slipping through the cracks by implementing strict oversight and eliminating wasteful, unnecessary programs. To this end, we provided no funding for the President's High-Speed Rail program, the unauthorized and expensive Choice Neighborhoods program, or the extraneous TIGER grants program, among other uneconomical and unnecessary initiatives. Furthermore, the bill rejects the administration's attempted accounting tricks that would enact new fees on air travelers.

There are still several moving parts in this section of the bill as we await reauthorization for the highway trust fund and its mass transit account. The committee stands ready to adjust the bill, as needed, if a multiyear authorization should be enacted.

In closing, I want to take a moment to extend my thanks and congratulations to Chairman LATHAM, Ranking Member OLVER, and the entire subcommittee for their expert work on this bill. I also want to thank the staff for both the majority and the minority; without them, the bill would not be here.

As many of you know, this is Ranking Member OLVER's final THUD appropriations bill before he retires. His leadership and his expertise, his work on this committee, and his contribution to the House as a whole are incomparable, and we will certainly miss the gentleman a great deal. Congratulations, Mr. OLVER, for a great career in this body.

Mr. Chairman, I urge my colleagues to support this bill. It smartly focuses on our key infrastructure priorities, supports a more responsible and slimmed down housing department, and holds the line on discretionary spending to a more sustainable level.

Mr. OLVER. Mr. Chairman, first I want to thank the chairman of the Appropriations Committee for his kind words as well.

Now I will yield 3 minutes to the gentlelady from Ohio (Ms. KAPTUR), who is a member of the subcommittee.

Ms. KAPTUR. I thank Ranking Member OLVER, the gentleman from Massachusetts, for recognizing me today.

First, I would like to share my appreciation for all of the work that Congressman OLVER has dedicated his life to throughout his two-decade-long career with intelligence, integrity, and honor. More recently, I would like to take a moment to recognize the work he has done the past 4 years as both chair and ranking member of the very productive, bipartisan Transportation, Housing and Urban Development Subcommittee. His presence, his experience, his moderation, his knowledge, his collegiality, and his genius will certainly be missed, and we thank him for his phenomenal service to our country.

With that, I applaud the work that both he and Chairman LATHAM have done with the subcommittee FY 2013 legislation. Unfortunately, their sense of necessary bipartisanship does not extend to the leadership of this House.

I must reference the beginning of the appropriations process and the leadership's misguided decision to undermine the Budget Control Act of 2011. The result of our negotiations last summer created a bipartisan agreement, with discretionary programs having a spending cap of $1.047 trillion. However, the Republican leadership reneged on that deal, leaving us with $19 billion less for discretionary programs essential for the American public and the American economy during this crucial moment of economic recovery.

Despite the fact that they pulled the rug out from under the committee, on transportation, Amtrak is actually funded somewhat above the fiscal year 2012 level. You know, America has 300 million people today, a little bit over that. By 2050 she will have 500 million people. We simply need leadership in this country to know that we have to meet the needs of a new day. This bill moves us in that direction.

The legislation also provides renewal of housing contracts for every eligible individual and family currently receiving them, though for two-thirds of

them, they will not get the full year renewal. This is not the moment to undermine our Nation's housing market further.

Local community programs like CDBG and HOME are funded at less than adequate levels, but we did the best we could with the allocation. An important program, the HUD-Veterans Affairs Supportive Housing program, is fully funded at $75 million, which will provide housing vouchers for over 10,000 veterans, most of them homeless across our country.

Again, I want to thank Chairman LATHAM and Ranking Member OLVER, as well as the full committee Chairman ROGERS and Ranking Member DICKS for their work. This bill is constrained by budget realities that continue to reward Wall Street insiders at the expense of the middle class and the poor. I alone can't change that, but this bill demonstrates that the Appropriations Committee does its work of maintaining a stable Federal Government as fundamental to a stable society in this great Nation.

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

Mr. OLVER. Mr. Chairman, I now yield 3 minutes to the gentlewoman from California (Ms. LEE), who is a member of the Appropriations Committee.

Ms. LEE of California. Mr. Chairman, first, let me thank our ranking member for yielding. But also, I want to thank yourself and our subcommittee chair and the entire staff for their tireless effort to bring this appropriations bill to the floor.

I also want to say to the ranking member, Mr. OLVER, that I will miss your thoughtfulness. I will miss your real clarity of purpose on all of the issues. I will miss your attention to detail and the bipartisan spirit that you bring to this Appropriations Committee. I just have to say I wish you the best, as you close this chapter of your life and begin the next chapter, but I'm going to miss you deeply—as we've heard tonight and we will hear until you begin this next chapter. So thank you again so much for your service. And most importantly, I just want to thank you for your friendship.

Yes, as a member of the Appropriations Committee, I really understand the constraints which we have been working under, but I cannot support the inadequate sub-allocation in this bill.

Mr. Chairman, this bill does not meet the basic responsibilities that we have to the American people. It shortchanges key housing and transportation initiatives which would rebuild America and put construction workers back on the job. And in a time of great need, this bill does not include a single dollar for the TIGER grant program.

Like many communities across the Nation, including in my home district, especially in my city of Oakland, California, we continue to struggle with high unemployment and crumbling infrastructure. Smart investments in infrastructure, such as TIGER grants, create jobs and fix our infrastructure.

Tonight, Congresswoman MAXINE WATERS will offer an amendment to add $500 million in TIGER funding. I'm very proud to cosponsor this amendment. I appreciate Congresswoman WATERS bringing this forward because this is a very important amendment for us to support. So I hope all Members will support that $500 million increase in TIGER funding.

In addition to shortchanging our transportation needs, this bill fails to invest in our Nation's critical affordable housing stock. I know the chairman and Mr. OLVER remember in committee I tried to begin the debate on increasing the project-based section 8 voucher program because landlords and developers and tenants are going to be shortchanged if we don't fix this. Hopefully, that amount will be increased in the Senate.

Now, in the middle of a housing emergency, gutting support for affordable housing for our Nation's seniors, the disabled, families and children, that's just plain wrong. Republicans supported bailouts to Wall Street, but even the smallest programs to help families on Main Street like Choice Neighborhoods and Sustainable Communities, those initiatives are completely zeroed out.

This bill fails to fund the National Affordable Housing Trust Fund, which Senator SANDERS and myself initiated when we both were on the Banking Committee many years ago.

The CHAIR. The time of the gentlewoman has expired.

Mr. OLVER. I yield an additional minute to the gentlewoman.

Ms. LEE of California. Thank you very much.

This bill, as I said a minute ago, this fails to fund the National Affordable Housing Trust Fund—very important initiative. Senator SANDERS and myself, we initially put forth this idea when we were both on the Banking Committee. This was an excellent idea, it was an excellent bill, it was an excellent program which would build the desperately needed housing. It would create thousands of construction jobs, which would of course boost the entire economy.

□ 1950

This bill that we're debating tonight does not fund that, and that is really too bad. The American people need Congress to invest in our Nation's infrastructure. We cannot build a strong and prosperous Nation if our roads and bridges are crumbling beneath our feet. We cannot build a strong economy if we leave millions of Americans in poverty at the risk of homelessness and struggling to find a good-paying job.

So I urge Members to oppose this bill. But again, I want to thank the chairman and the ranking member for working on the subcommittee bill in the spirit of bipartisanship. But I think it just falls short for many of us to support.

Mr. LATHAM. Mr. Chairman, I continue to reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the ranking member, and I thank the chairman of the full committee, of the subcommittee, both chair and ranking member.

I do too want to take a moment to thank the ranking member for his long service to this Nation. As he has been a member of the Appropriations Committee, we can count his work inside this House. But I really think the American people, Mr. OLVER, owe you a moment of gratitude for the work and commitments that you've shown in making sure that those who need help can get help, and I want to pay tribute to you this evening.

I also want to indicate that we understand that we are living in difficult times. But I raise concerns about funding, living in the fourth largest city in the Nation, where we see enormous congestion, and the importance of transit dollars; $900 million, fortunately, came to Houston after a long, long wait to build a light-rail system. Those dollars need to continue.

Housing plays a very important role. In the city of Galveston, for example, they have been the recipient of $700 million after Hurricane Ike to use for the restoration of private housing, infrastructure and, of course, public housing. To cut those lines of funding will, in essence, impact communities around the Nation that are impacted by disaster. Losing the full funding of the TIGER grant—and I support the gentlelady from California, Ms. WATERS' amendment to restore those dollars—they create jobs.

So it is important, as we look at this bill, that we look at it from the perspective of solving the hurt of Americans who've been impacted by disaster, of improving mobility, ensuring that we put Americans back to work with funding for transportation and the infrastructure. I cite Galveston in particular because there is a conflict going on with respect to the importance of public and private housing.

The CHAIR. The time of the gentlewoman has expired.

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

Ms. JACKSON LEE of Texas. The situation in Galveston resulted from a unique impact of Hurricane Ike. Mr. Chairman, most think that the surge would come from the larger body of water, but the surge came from the bay and really impacted low-income individuals who didn't have any flood insurance or had already paid for their house, it had been in their families for years. And through the largesse of the Congress and HUD, a $700 million package was presented to restore that area and those houses and those families, many of whom I visited in tents.

We have a situation where there's a misunderstanding of the value of those Federal funds, but we do have those Federal funds; and it is in tribute to this Congress, and I want to see funds for public housing, for affordable housing continue.

With that, I would hope that we have an opportunity in the conference or have an opportunity to restore the funds that have had to be cut, because they create jobs, they provide a lifeline for those impacted by disaster, and they create the mobility and infrastructure rebuild that America needs.

Mr. OLVER. Mr. Chairman, I yield back the balance of my time.

Mr. LATHAM. Mr. Chairman, again, I want to congratulate my good friend, Mr. OLVER, and second what he said. The staff on both sides does an outstanding job for this subcommittee and for the country. It's a marvel to watch them work together and to come to this bill.

So with that, Mr. Chairman, I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

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

The amendment printed in section 3 of House Resolution 697 is adopted. During consideration of the bill for further amendment, the Chair may accord priority in recognition to a Member offering an amendment who has caused it to be printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 5972

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2013, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $108,277,000, of which not to exceed $2,635,000 shall be available for the immediate Office of the Secretary; not to exceed $992,000 shall be available for the Immediate Office of the Deputy Secretary; not to exceed $19,615,000 shall be available for the Office of the General Counsel; not to exceed $11,248,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed $12,825,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed $2,601,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed $27,095,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $2,034,000 shall be available for the Office of Public Affairs; not to exceed $1,701,000 shall be available for the Office of the Executive Secretariat; not to exceed $1,539,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $10,875,000 for the Office of Intelligence, Security, and Emergency Response; and not to exceed $15,117,000 shall be available for the Office of the Chief Information Officer: *Provided*, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: *Provided further*, That notice of any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That not to exceed $60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: *Provided further*, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107–71, there may be credited to this appropriation up to $2,500,000 in funds received in user fees: *Provided further*, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

AMENDMENT OFFERED BY MS. JACKSON LEE OF TEXAS

Ms. JACKSON LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 3, strike ''not to exceed''.

Page 3, line 11, after ''Secretary'' insert ''(except for the Office of Small and Disadvantaged Business Utilization)''.

The CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. JACKSON LEE of Texas. Mr. Chairman, again, as I rise to my feet, I do want to acknowledge both the staffs of the chairman of the subcommittee and the ranking member of the subcommittee for working with my office. And I again want to acknowledge the ranking member, Mr. OLVER, again for his service to the Nation, but also for the times that he has worked with Members over the years and for his commitment, again, to the most vulnerable.

This is a bill that really addresses the needs of Americans in their most deepening and expanded need, as I said earlier, mobility, housing, so crucial, infrastructure, and the ability to create jobs and to do good in our municipalities and rural areas. But it is also an opportunity to build capacity, to grow jobs and to build small businesses. And I know that firsthand, working consistently throughout a number of appropriations bills and authorization bills and as a ranking member on the Subcommittee on Transportation Security. In addition to our main task is to look to the needs and help build capacity in America's small businesses.

My amendment will ensure the necessary funds that are appropriated specifically for the Office of Small and Disadvantaged Business Utilization and the Minority Business Resource Center cannot be used by the Secretary for any other purpose.

Small businesses, women-owned businesses, minority-owned businesses represent more than the American Dream. They represent the American economy. Small businesses account for 95 percent of all employers, create half of our gross domestic product, provide three out of four new jobs in this country; and allocation reduction directly undermines the importance of small businesses, including women-owned businesses and minority-owned businesses to the success of our economy.

Mr. Chairman, many of our utilization, or the utilization of Federal funds, going to our local transit agency, for example, in the instance of Houston Metro, the structure of receiving the funds is something called ''design build.'' Many around the country are using that format, which means that the corporation or the retained contractor has overriding control over the distribution of those funds in the construction of that light rail.

I celebrate light rail. I celebrate the importance of light rail and have done so for the time that I've had the privilege of serving Houston and the 18th Congressional District. But in this instance, it's important to note that in the course of the design build for Houston Metro and HRT, they have dropped their commitment to small minority- and women-owned businesses.

□ 2000

What did I say?

Dropped the commitment—dropped it poorly, dropped it with a negative impact, dropped it impacting women-owned businesses and minority-owned businesses. We've got to get back in order to be able to show that the utilization of those businesses creates jobs. Small businesses have lost an estimated $13.8 billion in business opportunity because they cannot fairly compete for Federal contracts because larger companies are allowed to bundle contracts. In essence, HRT has self-performed instead of sharing those dollars.

The Department of Transportation created the Office of Small and Disadvantaged Business Utilization, OSDBU, as part of the Small Business Act because it recognizes the threat big businesses pose to small business success. Since the OSDBU's creation, it has been a voice for small business and disadvantaged business, ensuring these businesses are provided with the maximum ability to participate in the agency's contracting selection process for contract and subcontract jobs.

These office divisions are numerous. Each of the offices impacts America's entrepreneurs and business ventures in several key ways. For instance, the Women's Procurement Assistance Committee provides women-owned businesses with best practices of business growth and increases awareness of opportunities.

I met on the job, Mr. Chairman, a woman who had taken over the business of her husband, who had died of cancer. She had a household to lead, and she was trying to do this kind of construction work. At the time, she

had been given by HRT safety work, just holding up a sign. I'm glad because of the encouragement, the utilization of this particular office, our office pushing, that she now is more advanced in the contract that she is securing. But it has to be encouraged.

This amendment is to ensure that we don't leave out small disadvantaged, women-owned and minority-owned businesses. The office's short-term lending program is able to give qualifying small businesses loans with competitive interest rates for DOT contracts and subcontracts.

In conjunction with the OSDBU, the Minority Business Resource Center is responsible for promoting the use of small businesses. My home State of Texas was chosen as the headquarters for the OSDBU gulf region. In my home city of Houston, Texas, there are more than 60,000 women-owned businesses and more than 60,000 African American-owned businesses and thousands of other businesses—Asian and Latino.

I am asking my colleagues to support this amendment because it is an amendment that ensures that we put minority-, women-owned and disadvantaged small businesses to work under this legislation.

Mr. Chair, I rise today to offer my amendments to "the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act for Fiscal Year (FY) 2013." My amendments will assure the necessary funds that are appropriated specifically for the Office of Small and Disadvantaged Business Utilization and the Minority Business Resource Center cannot be used by the Secretary for another purpose, thereby protecting the funds for their intended use.

Small businesses represent more than the American dream—they represent the American economy. Small businesses account for 95 percent of all employers, create half of our gross domestic product, and provide three out of four new jobs in this country. An allocation reduction directly undermines the importance of small businesses including women-owned business and minority-owned business to the success of our economy.

Small businesses have lost an estimated $13.8 billion in business opportunity because they could not fairly compete for federal contracts because larger companies are allowed to bundle contracts.

The Department of Transportation created the Office of Small and Disadvantaged Business Utilization (OSDBU) as part of the Small Business Act because it recognizes the threat big businesses pose to small business success.

Since the OSDBU's creation, it has been a voice for small and disadvantaged business, ensuring these businesses are provided with the maximum ability to participate in the agency's contracting selection process for contract and subcontract jobs.

These office divisions are numerous; each of the offices impacts America's entrepreneurs and business ventures in several key ways. For instance, its Women's Procurement Assistance Committee (WPAC) provides women-owned businesses with best practices for business growth and increases awareness of the opportunities these businesses have to participate in transportation-related contracts and subcontracts.

The office's short term lending program is able to give qualifying small business loans with competitive interest rates for DOT contracts and subcontracts.

In conjunction with the OSDBU, the Minority Business Resource Center is responsible for promoting the use of small businesses in prime and subcontracting opportunities in accordance with Federal laws, regulations and policy.

Through its funding, the Center is able to offer several professional development services, including: market research, business training, counseling, technical assistance, and access to capital for transportation related projects.

My home state of Texas was chosen as the headquarters for the OSDBU gulf region program.

In my home city of Houston, Texas there are more than 60,000 women owned businesses, and more than 60,000 African American owned businesses.

The OSDBU supports qualifying businesses who attempt to secure contracts and subcontracts with the DOT. In addition, its women internship program sponsors 12 schools in the gulf region women's internship program.

Shifting funds for the OSDBU and the Minority Business Resource Center will hinder its ability to continue fair hiring practices, which will in turn affect small businesses' ability to secure top contracts, provide employment opportunities in their community and ultimately survive in the business world.

This will send the message that Congress is more concerned with the strength of big business, than assisting the DOT in partnering with everyday American business men and women who take pride in their companies, and only aspire to positively empower their communities and create economic stability in the nation. For these reasons and more I urge my colleagues to protect funds for the DOT's budget for the Minority Business Resource Center and the OSDBU.

Moreover, 99 percent of all independent companies and businesses in the United States are considered small businesses. They are the engine of our economy, creating two-thirds of the new jobs over the last 15 years. America's 27 million small businesses continue to face a lack of credit and tight lending standards, with the number of small businesses loans down nearly 5 million since the financial crisis in 2008.

According to the U.S. Small Business Administration, these small businesses account for 52 percent of all U.S. workers. These small businesses also provide a continuing source of vitality for the American economy. Small businesses in the U.S. produced three-fourths of the economy's new jobs between 1990 and 1995, and represent an entry point into the economy for new groups. Women, for instance, participate heavily in small businesses.

The number of female-owned businesses climbed by 89 percent, to an estimated 8.1 million, between 1987 and 1997, and women-owned sole proprietorships were expected to reach 35 percent of all such ventures by the year 2000. Small firms also tend to hire a greater number of older workers and people who prefer to work part-time.

A major strength of small businesses is their ability to respond quickly to changing economic conditions. They often know their customers personally and are especially suited to meet local needs.

There are tons of stories of start-up companies catching national attention and growing into large corporations. Just a few examples of these types of start-up businesses making big include the computer software company Microsoft; the package delivery service Federal Express; sports clothing manufacturer Nike; the computer networking firm America OnLine; and ice cream maker Ben & Jerry's.

We must always ensure that we place a high level of priority on small businesses.

It is equally important that we work towards ensuring that ALL small businesses receive the tools and resources necessary for their continued growth and development.

American small businesses are the heart beat of our nation. I believe that small businesses represent more than the American dream—they represent the American economy.

Small businesses account for 95 percent of all employers, create half of our gross domestic product, and provide three out of four new jobs in this country.

Small business growth means economic growth for the nation. But to keep this segment of our economy thriving, entrepreneurs need access to loans and programs.

Through loans, small business owners can expand their businesses, hire more workers and provide more goods and services.

I have worked hard to help small business owners to fully realize their potential. That is why I support my amendments which will ensure funding directed to entrepreneurial development offices and centers, such as the office of the Small Disadvantage Business Utilization and the Minority Business Resource Center are remained in tact. These initiatives provide counseling in a variety of critical areas, including business plan development, finance, and marketing. We must consider what impact changes in this appropriations bill will have on small businesses.

There are 5.8 million minority owned businesses in the United States, representing a significant aspect of our economy. In 2007, minority owned businesses employed nearly 6 million Americans and generated $1 trillion dollars in economic output.

Women owned businesses have increased 20% since 2002, and currently total close to 8 million. These organizations make up more than half of all businesses in health care and social assistance.

My home city of Houston, Texas is home to more than 6o,000 women owned businesses, and more than 60,000 African American owned businesses.

According to a 2009 report published by the Economic Policy Institute, "Starting in 2004, the Small Business Administration (SBA) set goals for small business participation in federal contracts. It encouraged agencies to award contracts to companies owned by women, veterans, and minorities or those located in economically challenged areas and gave them benchmarks to work toward. The targets are specific: 23% of contracts to small business, 5% to woman-owned small businesses, and 3% to disabled veteran-owned and HUBZone small businesses."

Women and minority owned businesses generate billions of dollars and employ millions

of people. They are certainly qualified to receive these contracts. A mandatory DOD outreach program would make women and minority owned businesses aware of all of the contract opportunities available to them.

FACTS: SMALL BUSINESS ARE IMPORTANT BECAUSE THEY:

(1) Represent 99.7 percent of all employer firms,

(2) Employ just over half of all private sector employees,

(3) Pay 44 percent of total U.S. private payroll,

(4) Generated 64 percent of net new jobs over the past 15 years,

(5) Create more than half of the nonfarm private gross domestic product (GDP),

(6) Hire 40 percent of high tech workers (such as scientists, engineers, and computer programmers),

(7) Are 52 percent home-based and 2 percent franchises,

(8) Made up 97.3 percent of all identified exporters and produced 30.2 percent of the known export value in FY 2007,

(9) Produce 13 times more patents per employee than large patenting firms and twice as likely as large firm patents to be among the one percent most cited.

Mr. LATHAM. Will the gentlewoman yield?

Ms. JACKSON LEE of Texas. I yield to the gentleman from Iowa.

Mr. LATHAM. Mr. Chairman, we will be more than happy to accept the amendment.

Ms. JACKSON LEE of Texas. I thank the gentleman for accepting the amendment.

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

The CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The amendment was agreed to.

The CHAIR. The Clerk will read.

The Clerk read as follows:

FINANCIAL MANAGEMENT CAPITAL

For necessary expenses for upgrading and enhancing the Department of Transportation's financial systems and re-engineering business processes, $10,000,000, to remain available through September 30, 2014.

AMENDMENT OFFERED BY MR. CONNOLLY OF VIRGINIA

Mr. CONNOLLY of Virginia. I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 6, after the first dollar amount, insert ''(reduced by $5,000,000)''.

Page 35, line 7, after the dollar amount, insert ''(increased by $5,000,000)''.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. CONNOLLY of Virginia. Mr. Chairman, my amendment underscores the point that we need to be doing more, not less, to combat the dangerous habit of distracted driving on our Nation's roadways.

Earlier this evening, we voted on a motion to instruct conferees on the highway bill to reject the Senate's bipartisan proposal to partner with the States on prevention strategies, and the bill before us now provides no additional funds to address what Transportation Secretary LaHood has identified as an epidemic in this country. Traffic accidents caused by distracted driving are on the rise in communities everywhere in this country.

In my home county, our police department in Fairfax County reported a 48 percent increase in the number of citations issued for distracted driving in the last year. A recent study by Virginia Tech Transportation Institute points out 80 percent of all crashes and 65 percent of all near crashes have involved driver distraction. Nationally, the Department of Transportation reports that more than 416,000 people were injured in distracted driving accidents in 2010. Tragically, Mr. Chairman, 3,100 of those people were killed.

According to a recent AAA Foundation for Traffic Safety survey, 94 percent of respondents recognized the risks of talking, texting, or emailing while driving and said such activities are unacceptable. And 87 percent said they supported laws against reading, typing, or sending text messages while driving. Yet more than one-third of those same drivers reported they still read or send texts or email while driving. In fact, the National Highway Traffic Safety Administration estimates that more than 100,000 drivers are texting and that more than 600,000 are using their cell phones at any given time on our Nation's roadways.

Sending or receiving texts diverts one's attention from the road for an average of 4.6 seconds. While that may not seem like a long time, at 55 miles per hour, it is the equivalent of driving the length of a football field without paying attention to the road. A report from the University of Utah goes so far as to say that using a cell phone to talk or text delays a driver's reaction time just as much as having a blood alcohol level of .08, the legal limit.

I congratulate the 39 States, the District of Columbia, and Guam for taking steps to ban text messaging for all drivers, but the force of these laws varies. In my home State of Virginia, for example, it is a secondary offense, so drivers cannot be pulled over or cited unless they're breaking some other law deemed more serious. That's why we need to beef up prevention efforts, particularly among younger drivers, Mr. Chairman.

I hosted a teen driving summit when I was chairman of Fairfax County a few years ago. Distracted driving is the number one killer of teen drivers in America. Alcohol-related accidents among teens has, thankfully, dropped. Teenage traffic fatalities have remained virtually unchanged, however, as a result of the growth of accidents caused by the distraction from texting or talking on the phone. What is shocking is that 35 percent of teens who talk or text while they're behind the wheel actually do not think they'll get hurt.

I hear my colleagues talk about their support for traffic safety and about efforts to discourage distracted driving, but I don't see any tangible actions to address this challenge in each of our communities.

In his blueprint for ending distracted driving, Secretary LaHood endorses efforts to work with the automakers to apply technology being marketed to block cells while one is in motion or to improve crash warning and driver monitoring systems to prevent accidents caused by distracted driving. The Secretary has also proposed partnering with States on tougher prevention efforts and public awareness campaigns.

Mr. Chairman, in today's mobile device-driven society, distracted driving is quickly becoming our greatest obstacle to ensuring safety on our Nation's roadways, and it will only get worse. I urge my colleagues to support this simple amendment. It's a modest transfer of funds from an administrative account to increase distracted driving research and prevention efforts. This will save lives.

Recently, there was a tragic accident in Iowa of a young lady who was driving while texting, which caused an accident and a fatality. In my home county of Fairfax, when I was chairman, I remember having to talk to the grieving parents of a young woman who had been texting while driving and who wrapped herself around a tree and died a few short blocks from her home. Looking in the face of a parent and having to explain why that could have been prevented is something I hope none of my colleagues ever have to do. I plead with my colleagues on the other side to accept this amendment and to save teenage lives.

I yield back the balance of my time.

Mr. LATHAM. I rise in opposition to this amendment.

The CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. Mr. Chairman, it takes $5 million from the DOT's Financial Management Capital account and puts it in Operations for Vehicle Safety. Let me say that there is no guarantee that DOT will use this money as the gentleman has talked about.

□ 2010

There's no dedication of funds here, obviously.

First, this would eliminate half of the funds the DOT has to make sure its financial systems are current. I don't need to tell anyone here how critical it is that DOT's financial systems, which govern the accurate disbursement of many billions of dollars each year, need to be kept in a good working state.

Second, this would increase the vehicle safety portion of NHTSA's operations. We're already giving this account $12 million more than last year, after it was frozen for the last 3 years straight. We simply don't need that additional increase.

Again, with these funds, there's no way to dedicate them to distracted driving.

With that, Mr. Chairman, I would urge a ''no'' vote, and I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, I find it a little bit difficult here where we're taking from one place and putting it into another place. I don't dispute what the chairman has said about not being certain that the money will be used for the right purpose at that point; however, the place where the offset is being made from the Financial Management Capital program under DOT, that amount leaves that account with the same amount that was in the account in 2012. That should not be a particularly onerous change on that score.

On the other hand, the issue that the gentleman from Virginia has raised, the issue of the distracted driving and how important it is, we are just losing a lot of young people to distracted driving. There seems to be no sense that being on a cell phone or an iPad or some other of the common IT programs that are now available, working with that doesn't seem to lead to any sense that their driving capacity has been impaired.

In 2010, NHTSA estimated that more than 3,000 people were killed and more than 400,000 were injured in distracted driving crashes. Secretary LaHood has made the elimination of distracted driving one of his key safety priorities and has requested funding in each of the last three budgets to do that. It seems to me, with the sense that NHTSA views this issue of 3,000 killed, as they say, in 2010, 2 years ago already, and more than 400,000 injured and the Secretary's very strong interest in the distracted driving issue, that this would be a perfectly reasonable thing to do.

With that, I will support the gentleman from Virginia's amendment, and I yield the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. CONNOLLY of Virginia. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

The Clerk will read.

The Clerk read as follows:

CYBER SECURITY INITIATIVES

For necessary expenses for cyber security initiatives, including necessary upgrades to wide area network and information technology infrastructure, improvement of network perimeter controls and identity management, testing and assessment of information technology against business, security, and other requirements, implementation of Federal cyber security initiatives and information infrastructure enhancements, implementation of enhanced security controls on network devices, and enhancement of cyber security workforce training tools, $6,000,000, to remain available through September 30, 2014.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $9,773,000.

AMENDMENT OFFERED BY MR. BROUN OF GEORGIA

Mr. BROUN of Georgia. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 22, after the dollar amount, insert ''(reduced by $389,000)''.

Page 150, line 9, after the dollar amount, insert ''(increased by $389,000)''.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. BROUN of Georgia. Mr. Chairman, my amendment is very straightforward. It would simply reduce the overall funding for the Office of Civil Rights within the Department of Transportation by $389,000.

This office is one of 13 in the underlying bill which are slated to receive increases for administrative expenses, despite the fiscal emergency that we're currently facing. The passage of this amendment would simply bring this account back to fiscal year 2012 levels.

I see my good friend from Texas, SHEILA JACKSON LEE. She knows we have fought together very hard for civil rights and civil liberties here in this House, in committee as well as on the floor, and believe very strongly that we need to protect our civil liberties and our civil rights. But the simple truth is that we're broke as a Nation, and this amendment would just simply keep funding at the current level instead of raising it. It would just turn it back—what's proposed in the underlying bill—to the current level of spending, but not reduce any functions of this office. It would not prohibit this office from doing any of its work. It would help, in a small way, to put us back into a more realistic fiscal state as a Nation because, Mr. Chairman, we just have to stop spending money that we don't have.

It's across the board. Every bureau, every office, every bit of the Federal Government needs to not have increases in their costs to the taxpayer, not have further borrowing of money that we just don't have. We've just got to stop spending money we don't have. This simple amendment keeps funding at our current level. That's all it does.

With that, I urge support of my amendment, and I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. I yield to the gentlelady from Texas.

Ms. JACKSON LEE of Texas. I thank the gentleman for yielding.

My good friend from Georgia knows we've had a lot of opportunities to work together on many different issues. It seems as if he is raising an issue that would have a sense of agreement, but I have to reluctantly and vigorously oppose the gentleman's amendment.

The Office for Civil Rights in the Department of Transportation losing the amount of money that he has suggested will deprive that office of viable and important staff and resources for compliance.

Frankly, this agency governs billions of dollars of Federal dollars. In addition, it governs actions that deal with accommodations, the utilization of dollars for small, minority, and disadvantaged businesses. The civil rights section has been a section that has ensured that the Federal dollars in transportation are used in a way that is not discriminatory.

I don't believe, in 2012, we need to be rising to eliminate opportunity. We need to expand opportunity. The civil rights section of the Department of Transportation has always been a consistent and efficient subsection of the agency that has been the guidepost of ensuring that our Federal dollars are used appropriately as it relates to Native Americans, used appropriately as it relates to Latinos, African Americans, Caucasians. It is a civil rights office that balances and ensures nondiscrimination, including nondiscrimination against the disabled.

□ 2020

And, frankly, I believe that because of the massiveness of that responsibility—particularly as we look at the needs of the disabled in transportation resources or transportation utilization—that it is crucial that we do not cut to the existing amount of dollars. This is not a lot.

So the impact is greater than what the gentleman believes he will have because he suggests that it is a small amount. It is a great impact. And I would ask the gentleman to consider this amendment as one that has a far-reaching impact and that at this point we do not want to make a statement that civil rights and the equal accommodations that are necessary and the utilization of Federal dollars is acceptable, meaning discrimination is acceptable. Nondiscrimination being, if you will, limited by the funding that has been cut through this amendment. I would ask that our colleagues oppose the amendment.

Mr. OLVER. Reclaiming my time at this point, I strongly oppose this amendment.

I think that in this instance, we should understand that the major task of the Office of Civil Rights is to ensure that discrimination doesn't occur in the implementation of DOT programs.

The chairman of the subcommittee has already carefully weighed the needs of the office and made, I think, a responsible judgment as to the correct funding amount. I urge Members to oppose the amendment.

I yield back the balance of my time.

Mr. LATHAM. I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. Before yielding to the gentleman, just let me make a quick statement here.

Just so everybody knows, the increase that's in the bill is a simple increase for inflation to pay for costs such as the GSA rent and one extra compensable workday. Transportation is important to all parts and all people in America.

I just don't think this is the right cut to make in this kind of a bill. And I think we should always keep in mind that on our allocations, we have written the total appropriation bills to the 1028 number, rather than 1047. This bill already cuts about $4 billion under last year's funding level.

So with that, I stress my opposition to the amendment, and I would gladly yield to the gentleman from Georgia.

Mr. BROUN of Georgia. I thank the gentleman from Iowa for yielding.

I believe in ''equal under the law.'' We all ought to be considered equal, no matter what color our skin is, no matter who the fathers of our own families are, et cetera. I think everybody should be treated equally under the law.

And, certainly, as I stated—I apologize if the gentlelady from Texas thought that I was insinuating that she would agree with this amendment, because I never had any dreams that she would, frankly.

But with that, I'm introducing a lot of amendments to this bill to reduce administrative expenses and salaries for many, many of the different pieces of this underlying bill. And this is just one of many. But I'm convinced that I need to withdraw this amendment.

I ask unanimous consent to withdraw the amendment.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $8,000,000.

AMENDMENT OFFERED BY MS. WATERS

Ms. WATERS. I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, after line 6, insert the following:

NATIONAL INFRASTRUCTURE INVESTMENTS

For capital investments in surface transportation infrastructure, $500,000,000, to remain available through September 30, 2014: Provided, That the Secretary of Transportation shall distribute funds provided under this heading as discretionary grants to be awarded to a State, local government, transit agency, or a collaboration among such entities on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area, or a region: Provided further, That projects eligible for funding provided under this heading shall include, but not be limited to, highway or bridge projects eligible under title 23, United States Code; public transportation projects eligible under chapter 53 of title 49, United States Code; passenger and freight rail transportation projects; and port infrastructure investments: Provided further, That the Secretary shall give priority to projects which demonstrate transportation benefits for existing systems or improve interconnectivity between modes: Provided further, That the Secretary may use up to 35 percent of the funds made available under this heading for the purpose of paying the subsidy and administrative costs of projects eligible for Federal credit assistance under chapter 6 of title 23, United States Code, if the Secretary finds that such use of the funds would advance the purposes of this paragraph: Provided further, That in distributing funds provided under this heading, the Secretary shall take such measures so as to ensure an equitable geographic distribution of funds, an appropriate balance in addressing the needs of urban and rural areas, and the investment in a variety of transportation modes: Provided further, That a grant funded under this heading shall be not less than $10,000,000 and not greater than $200,000,000: Provided further, That not more than 25 percent of the funds made available under this heading may be awarded to projects in a single State: Provided further, That the Federal share of the costs for which an expenditure is made under this heading shall be, at the option of the recipient, up to 80 percent: Provided further, That not less than $120,000,000 of the funds provided under this heading shall be for projects located in rural areas: Provided further, That for projects located in rural areas, the minimum grant size shall be $1,000,000 and the Secretary may increase the Federal share of costs above 80 percent: Provided further, That projects conducted using funds provided under this heading must comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: Provided further, That the Secretary shall conduct a new competition to select the grants and credit assistance awarded under this heading: Provided further, That the Secretary may retain up to $20,000,000 of the funds provided under this heading, and may transfer portions of those funds to the Administrators of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration and the Federal Maritime Administration, to fund the award and oversight of grants and credit assistance made under the National Infrastructure Investments program: Provided further, That the Secretary shall give priority to projects that require a contribution of Federal funds in order to complete an overall financing package.

Ms. WATERS (during the reading). Mr. Chair, I ask unanimous consent to dispense with the reading.

The CHAIR. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mr. LATHAM. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The Acting CHAIR. The gentleman from Iowa reserves a point of order.

The gentlewoman from California is recognized for 5 minutes.

Ms. WATERS. Mr. Chair, I thank my colleagues BETTY MCCOLLUM, BARBARA LEE, EMANUEL CLEAVER, KAREN BASS, LAURA RICHARDSON, BOBBY RUSH, and DORIS MATSUI all for cosponsoring this amendment. Our amendment will provide $500 million for the TIGER program, which creates jobs through investments in transportation infrastructure.

The economy is struggling to recover from the recession. The unemployment rate has remained above 8 percent nationally for 40 straight months and is even higher in minority communities and in many areas of the country. Meanwhile, the American Society of Civil Engineers' ''2009 Report Card for America's Infrastructure'' estimated that there is a $549.5 billion shortfall in investments in roads and bridges and an additional $190.1 billion shortfall in investments in transit.

TIGER, formally known as Transportation Investment Generating Economic Recovery, is a nationwide competitive grant program that creates jobs by funding investments in transportation infrastructure by States, local governments, and transit agencies. TIGER funds projects that will have a significant impact on our Nation's highway and transit infrastructure.

TIGER could finance a wide variety of innovative highway, bridge, and transit projects in urban and rural communities all across this country, provided there is sufficient funding. One such project is the Crenshaw/LAX transit corridor in Los Angeles County, a light-rail project that will run through my district. TIGER grants could be used to finance stations along this corridor in the communities of Leimert Park and Westchester, thereby ensuring that these communities have access to light rail.

According to Transportation Secretary Ray LaHood:

> These are innovative 21st-century projects that will change the U.S. transportation landscape by strengthening the economy and creating jobs, reducing gridlock and providing safe, affordable, and environmentally sustainable transportation choices.

TIGER received an appropriation of $500 million in fiscal year 2012, and the President requested $500 million for the program in funding year 2013. Unfortunately, THUD does not include any funding for TIGER. Our amendment would create jobs by funding TIGER at the requested level without cutting funding for other programs.

Last week, I introduced H.R. 5976, the TIGER Grants for Job Creation Act, which would provide a supplemental emergency appropriation of $1 billion over the next 2 years for the TIGER program; and 44 of my colleagues have already cosponsored this bill.

So I would ask my colleagues to take a look at what is happening in our economy. I think we can all agree this economy needs stimulating. And certainly I'm not talking about stimulating just for stimulating's sake. I'm talking about stimulating for job creation and for the repair of the infrastructure of this country.

We have too many bridges that have been rated unsafe. We saw what happened in Minnesota just a couple of

years ago when the bridge fell; and I want to tell you, when the bridges start to fall and the infrastructure simply disintegrates, we're all going to sit around and scratch our heads and say how sorry we are. We're going to go to our constituents and tell them, We will never let it happen again. We have the opportunity to get in the forefront of providing this stimulus to our economy and creating jobs.

Our constituents want to work. They want jobs. So I would urge my colleagues to support the TIGER amendment, invest in our crumbling infrastructure, and create good jobs in communities across the United States.

I would yield the balance of my time to the gentlelady from Ohio.

□ 2030

Ms. KAPTUR. I thank the gentlelady for yielding.

I rise in support of the Waters TIGER grant amendment. I agree with the gentlelady that there's no stronger job creator than investment in transportation: Bridges, transit systems, overpasses, passenger rail, port development. It makes America more efficient, and it makes us more competitive. And there's never been a more critical moment than now to do it.

As kids, we used to sing this song:

London bridge is falling down, falling down. London bridge is falling down. One, two, three, we all fall down.

Well, we saw what happened in Minnesota when that bridge fell down.

In Cleveland, the Inner Belt Bridge project did not receive the $125 million needed to continue to replace the aging I–90 bridge. The current bridge is being used well beyond its intended lifespan, and is the same design as the bridge that collapsed in Minneapolis in 2007.

In NW Ohio, there is a smaller project in need of funding. McCord Road in Holland, Ohio is the site of Nortfolk Southern's main line and Amtrak. Two high school students from Springfield High School were involved in a tragic accident there in 2009—one lost their life and one was permanently injured, having lost a leg.

The McCord Road project requested just $10 million. However, it did not receive funding with this round of TIGER grants.

There are thousands more projects like this across the Nation, both large and small, but all in great need of investment from the federal government.

I urge my colleagues to support this funding for National Infrastructure Investments. Let's build America's homeland forward and put America to work in the process.

POINT OF ORDER

Mr. LATHAM. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore it 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 gives affirmative direction in effect and imposes additional duties.

I ask for a ruling from the Chair.

The CHAIR. Does any Member wish to be heard on the point of order?

Ms. WATERS. Mr. Chairman, I rise to speak on the point of order.

The CHAIR. The gentlewoman from California is recognized.

Ms. WATERS. In the limited time that we have to speak on these important issues, I have tried to point out the high unemployment in this country and how we can put Americans to work repairing crumbling roads and building transit facilities across our great country. I don't see any need to have to expand on this anymore. I think the point is perfectly clear that we need to fund this TIGER grant.

With the economy still struggling to recover from the recession and millions of Americans looking for work, we should not be arguing about offsets. TIGER has always been funded through the appropriations process. TIGER was first created——

The CHAIR. The gentlewoman will suspend. The gentlewoman must speak to the point of order.

Ms. WATERS. A point of order has been raised because there is no offset. And I agree there is no offset. But I make the point that we have such a critical need for jobs and investment in our infrastructure and this economy that we should not stop this from going forward simply because of the offset. We can afford to fund investment in this country.

That's my opposition to the point of order.

The CHAIR. Does any other Member wish to be heard on the point of order?

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. First of all, I want to congratulate the gentlelady from California for an insightful amendment, and I understand the dilemma that the chairman of the subcommittee is in. But what I would suggest is that we are in such a crisis as relates to both jobs and the needs of urban America, rural America, that the point of order should be waived. And it can be waived. We have waived points of order on a number of occasions. In this instance, I think we have a moment when you have zeroed out for whatever the purposes or reasons for zeroing out, and there's not even minimal amounts of money in the TIGER funding. None at all.

Having just left my district on this past Friday, receiving $15 million in TIGER grants, the first that the city of Houston, the fourth-largest city in the Nation, has ever received, but in that granting there were urban and rural grantees that were able to create jobs.

The CHAIR. The gentlewoman will suspend. The gentlewoman must confine her remarks to the point of order.

Ms. JACKSON LEE of Texas. Thank you, Mr. Chairman.

And so my argument would be that because of the economic crisis, this is warranting a waiver of the point of order so the gentlelady's amendment can go forward: $500 million that will be utilized to create jobs to rebuild urban and rural America.

I would ask that the point of order be waived.

The CHAIR. Does any other Member wish to be heard on the point of order?

Ms. KAPTUR. I rise to speak against the point of order.

The CHAIR. The gentlewoman from Ohio is recognized.

Ms. KAPTUR. I wish to say it's amazing what we can find money for and what we can't find money for. When Wall Street came in here, in a flash in a weekend, $700 billion walked out the door—a thousand times more than the gentlelady is asking for. And it would seem to me that with this point of order, there's never been a more critical time in our country to waive it in order to do the job of America.

I mentioned the Minneapolis bridge that collapsed. Well, I can tell you we have one in Cleveland that's ready to do the same. It's the same design.

What could be more important than investing in this country, creating jobs, and meeting these unmet national needs. In western Ohio, we have McCord Road, the site of a major Norfolk Southern mainline in Amtrak, and young people were killed there at grade. And now they delayed that project decades rather than doing the kind of grade crossing that's needed.

Mr. Chairman, you can talk about points of order, but the most important point of order is keep the Nation in order. And I think the most important way we can do that is to keep this transportation funding flowing, making our Nation more competitive, creating jobs, and leaving a legacy to the future better than we found it. So I strongly support the gentlelady's amendment and object to the point of order and ask, along with my colleagues, that it be waived.

The CHAIR. Does any other Member wish to speak on the point of order? If not, the Chair is prepared to rule.

The Chair finds that this amendment includes language imparting direction to the Secretary of Transportation. 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.

The Clerk will read.

The Clerk read as follows:

WORKING CAPITAL FUND

For necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed $174,128,000 shall be paid from appropriations made available to the Department of Transportation: *Provided*, That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further*, That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further*, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without majority approval of the Working Capital Fund Steering Committee

and approval of the Secretary: *Provided further*, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, $418,000, as authorized by 49 U.S.C. 332: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $21,955,000.

In addition, for administrative expenses to carry out the guaranteed loan program, $867,388.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $3,234,000, to remain available until September 30, 2014: *Provided*, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, $114,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: *Provided*, That in determining between or among carriers competing to provide service to a community, the Secretary may consider the relative subsidy requirements of the carriers: *Provided further*, That no funds made available under section 41742 of title 49, United States Code, and no funds made available in this Act or any other Act in any fiscal year, shall be available to carry out the essential air service program under sections 41731 through 41742 of such title 49 in communities in the 48 contiguous States unless the community received subsidized essential air service or received a 90-day notice of intent to terminate service and the Secretary required the air carrier to continue to provide service to the community at any time between September 30, 2010, and September 30, 2011, inclusive: *Provided further*, That basic essential air service minimum requirements shall not include the 15-passenger capacity requirement under subsection 41732(b)(3) of title 49, United States Code: *Provided further*, That if the funds under this heading are insufficient to meet the costs of the essential air service program in the current fiscal year, the Secretary shall transfer such sums as may be necessary to carry out the essential air service program from any available amounts appropriated to or directly administered by the Office of the Secretary for such fiscal year.

AMENDMENT OFFERED BY MR. MCCLINTOCK

Mr. McCLINTOCK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, line 23, after the dollar amount, insert ''(reduced to $0)''.

Page 150, line 9, after the dollar amount, insert ''(increased by $114,000,000)''.

The CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. McCLINTOCK. If the House is to live up to the promises the Republican majority made to the American people to bring spending under control, some tough choices are going to have to be made. This amendment, however, is not one of them. This is about the easiest choice that the House could possibly make to put an end to the so-called ''Essential Air Service'' that lavishly subsidizes some of the least essential air services in the country.

This program shells out nearly $200 million a year, including $114 million of direct taxpayer subsidies, to support empty and near-empty flights from selected airports in tiny communities, most of which are just a few hours' drive from major airports. A reporter recently investigating this waste took one of these flights from Ely, Nevada, and was the only passenger on that flight. Our constituents paid $1.8 million for this air service that carried just 227 passengers during the entire year. Ely is a 3½-hour drive from Salt Lake City International Airport.

Thief River Falls, Minnesota, is considered an Essential Air Service airport, despite the fact that it's just a 1 hour and 9 minutes drive to Grand Forks International Airport in North Dakota. Hagerstown is just 75 miles from Baltimore, but subsidizing their air flights is considered an ''essential air service.''

Now it's true there are a few tiny communities in Alaska—like Kake's 700 hearty souls—that have no highway connections to hub airports, but they've got plenty of alternatives. In the case of Kake, Alaska, they enjoy year-round ferry service to Juneau. In addition, Alaska is well served by a thriving general aviation market and the ubiquitous bush pilot.

Rural life has both great advantages and great disadvantages, but it is not the job of hardworking taxpayers who choose to live elsewhere to level out the differences.

□ 2040

Apologists for this wasteful spending tell us it is an important economic driver for these small towns—and I'm sure that's so. Whenever you give away money, the folks you're giving it to are always better off. But the folks you're taking it away from are always worse off to exactly the same extent. Indeed, it is economic drivers like this that have driven Greece's economy right off a cliff.

An airline so reckless with its funds as to manage its affairs in such a ludicrous way would quickly bankrupt itself. As we can plainly see, the same principle holds true for governments.

This was a temporary program set up when we deregulated commercial aviation during the Carter administration. It was supposed to last a few years to give rural communities a chance to adjust. That was 34 years ago.

In 2010, in one of the most decisive congressional elections in American history, voters entrusted the House to Republicans with a crystal clear mandate: Stop wasting our money.

Last year, the House responded to this mandate by voting to eliminate Essential Air Service subsidies in the FAA reauthorization bill. So what's the response of the House Appropriations Committee? They do not eliminate funding for this wasteful program. They do not reduce funding for it. No, they increase funding by 11 percent in a single year to a new historic high.

Mr. Chairman, our Nation is borrowing 40 cents of every dollar that it is spending. It has lost its AAA credit rating. Its taxpayers are exhausted. Its treasury is empty. Our children are staggering under a mountain of debt that will impoverish them for years to come, and yet the House Appropriations Committee, in defiance of last year's decision by the House to eliminate this program, has just voted a double-digit percentage increase for a program that flies near empty planes across the country.

I think we can do better than that. I offer instead this amendment to stop fleecing taxpayers for this expensive folly. I believe that House Republicans will ultimately prove themselves worthy of the trust the American people have given them in this perilous hour in our Nation's history. I believe that House Republicans can summon the fortitude to save our country from financial wreck and ruin. And I offer this amendment to put that day to a modest test.

I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, I think what we have is a rather classical kind of situation. The gentleman from California, I suspect, has no Essential Air Service site in his district, but there are 100 communities, more than 100 communities around the country, some of them in very isolated circumstances. I don't know about the situation in the case of the one from Baltimore, but it must be somebody who is on the east shore and gets Essential Air Service out of Cambridge, Maryland, or some other place like that, that is of great significance to them and might be of some significance to the person who represents that eastern shore of Maryland.

He uses several times in several ways the example of Alaska. Alaska happens to be a territory with huge distances and relatively unpopulated, and they don't have any roads in much of Alaska and so the only way they can get in and out is by air, or maybe in the wintertime by dog sled. So I think it is really presumptuous of the gentleman from California to attack all of this program of essential air services covering services in a lot of the rural parts of this country.

I have none in my district. Many of the urban areas obviously do not have any in their area. But the Montanas and the much more rural States, elsewhere in the mountain States and so

on, there are numerous of them that use the Essential Air Service, and I think that the idea of simply zeroing this one out, in a petulance almost, is really quite inappropriate.

So I strongly oppose the amendment and hope that Members will not agree to this amendment.

I yield back the balance of my time.

Mr. LATHAM. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Essential Air Service program ensures that small and rural communities have access to the national air transportation system. This program plays a key role in the economic development of many rural communities by ensuring that air service continues. Does the program need reform? Absolutely. That's why last year we capped the program to existing communities and have removed the requirement that larger and more expensive planes must be used in the program.

In addition, the authorizers instituted a $1,000 per passenger subsidy cap and limited participation in the program to communities that have more than 10 enplanements per day.

This amendment would be devastating to at least 150 rural communities. In places like Iowa, it plays an essential role as far as the economic development of those communities.

With that, Mr. Chairman, I urge defeat of the amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. MCCLINTOCK).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. MCCLINTOCK. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

Ms. BASS of California. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. BASS of California. I rise to commend Congresswoman MAXINE WATERS for offering her TIGER grant amendment. The Transportation Investment Generating Economic Recovery, or TIGER, grant program invests in innovative road, rail, transit, and port projects.

Projects funded through TIGER strengthen the economy, create jobs, reduce traffic, and provide safe, affordable, and environmentally sustainable transportation choices. TIGER delivers projects faster and saves taxpayer dollars by reducing construction costs.

In my Los Angeles district, TIGER has provided significant opportunity. In fact, TIGER has provided resources for the Crenshaw/LAX Transit Corridor project, a light rail line that will connect key communities to the Los Angeles International Airport.

I look forward to continue working with my respected colleague, MAXINE WATERS, to advocate for a comprehensive and community-valued Crenshaw/LAX Transit Corridor project that will include a station at Vernon Avenue in the historic Leimert Park Village, a neighborhood which serves as the central arts and cultural hub of Los Angeles County's African American community.

The TIGER grant program is critical to the success of the Crenshaw/LAX light rail line, as well as many projects like it throughout the country.

I am sorry that the amendment was ruled out of order. I think that that was a mistake on our part.

I yield back the balance of my time.

The CHAIR. The Clerk will read.

The Clerk read as follows:

ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION

SEC. 101. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 102. The Secretary or his designee may engage in activities with States and State legislators to consider proposals related to the reduction of motorcycle fatalities.

SEC. 103. Notwithstanding section 3324 of title 31, United States Code, in addition to authority provided by section 327 of title 49, United States Code, the Department's Working Capital Fund is hereby authorized to provide payments in advance to vendors that are necessary to carry out the Federal transit pass transportation fringe benefit program under Executive Order 13150 and section 3049 of Public Law 109–59: *Provided*, That the Department shall include adequate safeguards in the contract with the vendors to ensure timely and high-quality performance under the contract.

SEC. 104. The Secretary shall post on the Web site of the Department of Transportation a schedule of all meetings of the Credit Council, including the agenda for each meeting, and require the Credit Council to record the decisions and actions of each meeting.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 108–176, $9,718,000,000, of which $4,682,500,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed $7,513,850,000 shall be available for air traffic organization activities; not to exceed $1,255,000,000 shall be available for aviation safety activities; not to exceed $16,700,000 shall be available for commercial space transportation activities; not to exceed $573,591,000 shall be available for finance and management activities; not to exceed $60,064,000 shall be available for NextGen and operations planning activities; and not to exceed $298,795,000 shall be available for staff offices: *Provided*, That not to exceed 2 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: *Provided further*, That no transfer may increase or decrease any appropriation by more than 2 percent: *Provided further*, That any transfer in excess of 2 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That not later than March 31 of each fiscal year hereafter, the Administrator of the Federal Aviation Administration shall transmit to Congress an annual update to the report submitted to Congress in December 2004 pursuant to section 221 of Public Law 108–176: *Provided further*, That the amount herein appropriated shall be reduced by $100,000 for each day after March 31 that such report has not been submitted to the Congress: *Provided further*, That not later than March 31 of each fiscal year hereafter, the Administrator shall transmit to Congress a companion report that describes a comprehensive strategy for staffing, hiring, and training flight standards and aircraft certification staff in a format similar to the one utilized for the controller staffing plan, including stated attrition estimates and numerical hiring goals by fiscal year: *Provided further*, That the amount herein appropriated shall be reduced by $100,000 per day for each day after March 31 that such report has not been submitted to Congress: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further*, That there may be credited to this appropriation as offsetting collections funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That of the funds appropriated under this heading, not less than $10,350,000 shall be for the contract tower cost-sharing program: *Provided further*, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund.

□ 2050

AMENDMENT OFFERED BY MR. CLARKE OF MICHIGAN

Mr. CLARKE of Michigan. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 18, after the dollar amount, insert ''(reduced by $10,000,000)''.

Page 9, line 25, after the dollar amount, insert ''(reduced by $5,000,000)''.

Page 10, line 3, after the dollar amount, insert ''(reduced by $5,000,000)''.

Page 49, line 9, after the dollar amount, insert ''(increased by $10,000,000)''.

Mr. LATHAM. Mr. Chairman, I reserve a point of order.

The CHAIR. A point of order is reserved.

The gentleman from Michigan is recognized for 5 minutes on his amendment.

Mr. CLARKE of Michigan. Mr. Chairman, my amendment would add $10 million to the Federal Transit Administration's formula and bus grants. I do this to give our elderly and physically disabled a chance to get around their community.

Many of our disabled and elderly aren't working. They don't have the money to afford a car, to afford car insurance, especially in the city of Detroit where insurance rates are really prohibitive for many people. This allocation of an additional $10 million would provide the elderly and our citizens who are physically disabled with the mobility that they need to enjoy their lives, and I urge your support.

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

POINT OF ORDER

Mr. LATHAM. Mr. Chairman, I must insist on my point of order.

The amendment proposes to amend portions of the bill that have not been read. The amendment may not be considered en bloc under clause 2(f) of rule XXI because the amendment does not propose to transfer funds among objects in the bill, as required by clause 2(f).

I ask for a ruling of the Chair.

The CHAIR. Does any Member wish to be heard on the point of order?

The gentleman from Michigan is recognized on the point of order.

Mr. CLARKE of Michigan. Mr. Chairman, I would request that the bill be read, to the extent that the gentleman had an issue about the bill not being read.

The CHAIR. Does the gentleman ask unanimous consent to reach ahead in the reading to allow the en bloc amendment?

Mr. CLARKE of Michigan. I do, Mr. Chairman.

The CHAIR. Is there objection to the request of the gentleman from Michigan?

Mr. LATHAM. I object.

The CHAIR. Objection is heard.

Does any Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

To be considered en bloc pursuant to clause 2(f) of rule XXI, an amendment must propose only to transfer appropriations among objects in the bill. Because the amendment offered by the gentleman from Michigan proposes also another kind of change in the bill, namely, increasing a limitation on obligations from the Highway Trust Fund, it may not avail itself of clause 2(f) to address portions of the bill not yet read. Therefore, the amendment is not in order and the point of order is sustained.

Ms. RICHARDSON. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. RICHARDSON. Mr. Chairman, I rise today in support of the Waters-McCollum-Lee-Cleaver-Bass-Richardson-Rush-Matsui amendment which, unfortunately, was not found in order. I would hope that the Members here, the leadership, would reconsider that decision.

I'm strongly in support of seeking to restore the $500 million for an additional year of the widely popular and highly successful, might I say, TIGER grant program.

As a member of the Committee on Transportation and Infrastructure and as a Representative of one of the most transportation-intensive infrastructure districts in the country, I know how important it is to maintain an efficient transportation infrastructure that will help our country remain competitive globally, throughout this country and in the world.

The TIGER program enables DOT to use a rigorous process to select projects with exceptional benefits to explore ways to deliver projects faster and to save on construction costs. It also enables us to make investments in our Nation's infrastructure and to make communities more livable and sustainable.

The 2012 TIGER IV program received 703 grant applications, requesting a total of $10.2 billion from all 50 States, including the U.S. territories and the District of Columbia. The first three TIGER programs received nearly 2,250 applications, requesting more than $95 billion.

Now, some might say certainly we must have our financial house in order and we have to really look at how we spend the dollars that are available. But I would argue before the committee today that TIGER grants was actually a program that was used, it was well monitored. The programs were brought forward, and they were done at a benefit not only for the funding initially of those programs, but for the jobs that they provided as well.

Clearly, there is a need for additional investment in our country's infrastructure. We have reports in my area, for example, in California of many of the roads and the highways where we receive a D grade due to the lack of the quality of infrastructure in our community.

Of the 47 projects that were funded in the most recent round of TIGER grants, nearly 16 percent went specifically to port infrastructure, according to the American Association of Port Authorities, which calculated $69.7 million would be directed to the ports.

Funding these projects is crucial to the U.S. port facilities. It supports 13.3 million jobs and accounts for $3.15 trillion in business activity that by having better roads and infrastructure we can continue, and the TIGER grants help us to do that.

In addition to restoring the full $500 million for the TIGER program, I believe that the conference report that comes before this body should contain the Senate's MAP–21 National Freight program and the Projects of National and Regional Significance program.

Since coming to Congress, I have advocated for a National Freight program and policy, and that's why I introduced H.R. 1122, the Freight FOCUS Act. The Freight FOCUS Act establishes the Office of Freight Planning and Development within the Department of Transportation to coordinate a national freight policy. By creating a national freight advisory committee, private and public sector entities would have direct input into funding priorities and planning.

The National Freight program would provide over $2 billion a year to upgrade our Nation's goods movement system. That equates to $336 million to the State of California, alone, over 2 years for freight infrastructure upgrades. These funds are critical to areas like mine, a district where over 40 percent of our entire Nation's cargo goes through the Port of Los Angeles and Long Beach and, ultimately, through my district.

In addition to MAP–21, which would authorize $1 billion for the Projects of National and Regional Significance, according to the Bloomberg Government report, the cost of congestion to the trucking industry totalled $23 billion in 2010, almost a quarter of the cost of congestion to the entire economy.

Investing in key intermodal links, such as the Gerald Desmond Bridge, which was a project that was funded through the Projects of National Significance, these links and the jobs that are associated to them are vital to us moving goods throughout this country.

Without programs like TIGER and PNRS, critical infrastructure like the Gerald Desmond Bridge—that has a diaper underneath it catching concrete, which Chairman MICA visited and saw himself—these types of bridges would continue to crumble and put a vital link to our Nation's largest seaports to consumers at risk.

I would like to encourage my colleagues to accept, even though it's been initially found out of order, to reconsider that effort, and hope, as we go forward, there will be a greater precedence, as the committee report comes out, for the National Freight program and the Projects of Regional Significance. I look forward to the decision and support in the future.

I yield back the balance of my time.

Mr. CLARKE of Michigan. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. CLARKE of Michigan. Mr. Chairman, I do understand the procedural limitations raised by the gentleman from Iowa on my amendment. My goal here was to provide those citizens with physical disabilities some way to get around their community because, many times, even if they can afford to buy a vehicle or auto insurance, they may not be able to drive that vehicle.

I look forward to working with the subcommittee chair, the gentleman from Iowa, on other ways that we could better serve our citizens who are elderly and who have physical disabilities.

Mr. LATHAM. If the gentleman would yield, I would just say that I would hope the authorizers come back with a robust number for you, and that we'll be happy to try to work with the gentleman.

Mr. CLARKE of Michigan. Thank you very much. I yield back the balance of my time.

□ 2100

The Acting CHAIR (Mrs. ROBY). The Clerk will read.

The Clerk read as follows:

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of national airspace systems and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading, including aircraft for aviation regulation and certification; to be derived from the Airport and Airway Trust Fund, $2,749,596,000 of which $480,000,000 shall remain available until September 30, 2013, and of which $2,269,596,000 shall remain available until September 30, 2015: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment, improvement, and modernization of national airspace systems: *Provided further*, That upon initial submission to the Congress of the fiscal year 2014 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2014 through 2018, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(INCLUDING RESCISSION OF FUNDS)

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $175,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2015: *Provided*, That there may be credited to this appropriation as offsetting collections, funds received from States, counties, municipalities, other public authorities, and private sources, which shall be available for expenses incurred for research, engineering, and development: *Provided further*, That, of the unobligated balances from prior year appropriations available under this heading, $26,183,998 are rescinded.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $3,400,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,350,000,000 in fiscal year 2013, notwithstanding section 47117(g) of title 49, United States Code: *Provided further*, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: *Provided further*, That notwithstanding section 47109(a) of title 49, United States Code, the Government's share of allowable project costs under paragraph (2) for subgrants or paragraph (3) of that section shall be 95 percent for a project that the Administrator determines is a successive phase of a multi-phased construction project for which the project sponsor received a grant in Fiscal Year 2011 for the construction project: *Provided further*, That notwithstanding any other provision of law, of funds limited under this heading, not more than $105,000,000 shall be obligated for administration, not less than $15,000,000 shall be available for the airport cooperative research program, and not less than $29,300,000 shall be available for Airport Technology Research.

ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

SEC. 110. None of the funds in this Act may be used to compensate in excess of 600 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2013.

SEC. 111. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: *Provided*, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on ''below-market'' rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

SEC. 112. The Administrator of the Federal Aviation Administration may reimburse amounts made available to satisfy 49 U.S.C. 41742(a)(1) from fees credited under 49 U.S.C. 45303: *Provided*, That during fiscal year 2013, any amount remaining in such account at the close of that fiscal year may be made available to satisfy section 41742(a)(1) for the subsequent fiscal year.

SEC. 113. Amounts collected under section 40113(e) of title 49, United States Code, shall be credited to the appropriation current at the time of collection, to be merged with and available for the same purposes of such appropriation.

SEC. 114. None of the funds limited by this Act for grants under the Airport Improvement Program shall be made available to the sponsor of a commercial service airport if such sponsor fails to agree to a request from the Secretary of Transportation for cost-free space in a non -revenue producing, public use area of the airport terminal or other airport facilities for the purpose of carrying out a public service air passenger rights and consumer outreach campaign.

SEC. 115. None of the funds in this Act shall be available for paying premium pay under subsection 5546(a) of title 5, United States Code, to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay.

SEC. 116. None of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card.

SEC. 117. The Secretary shall apportion to the sponsor of an airport that received scheduled or unscheduled air service from a large certified air carrier (as defined in part 241 of title 14 Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 41709) an amount equal to the minimum apportionment specified in 49 U.S.C. 47114(c), if the Secretary determines that airport had more than 10,000 passenger boardings in the preceding calendar year, based on data submitted to the Secretary under part 241 of title 14, Code of Federal Regulations.

SEC. 118. None of the funds in this Act may be obligated or expended for retention bonuses for an employee of the Federal Aviation Administration without the prior written approval of the Deputy Assistant Secretary for Administration of the Department of Transportation.

SEC. 119. Subparagraph (D) of section 47124(b)(3) of title 49, United States Code, is amended by striking ''benefit.'' and inserting ''benefit, with the maximum allowable local cost share capped at ''20 percent.''.

SEC. 119A. Notwithstanding any other provision of law, none of the funds made available under this Act or any prior Act may be used to implement or to continue to implement any limitation on the ability of any owner or operator of a private aircraft to obtain, upon a request to the Administrator of the Federal Aviation Administration, a blocking of that owner's or operator's aircraft registration number from any display of the Federal Aviation Administration's Aircraft Situational Display to Industry data that is made available to the public, except data made available to a Government agency, for the noncommercial flights of that owner or operator.

SEC. 119B. None of the funds appropriated or limited by this Act may be used to change weight restrictions or prior permission rules at Teterboro airport in Teterboro, New Jersey.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Contingent upon reauthorization, not to exceed $392,855,251, together with advances and reimbursements received by the Federal Highway Administration, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration for necessary expenses for administration and operation. In addition, not to exceed $3,220,000 shall be paid from appropriations made available by this Act and transferred to the Appalachian Regional Commission in accordance with section 104 of title 23, United States Code.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Contingent upon reauthorization, none of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $39,143,582,670 for Federal-aid highways and highway safety construction programs for fiscal year 2013: *Provided*, That within the $39,143,582,670 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $429,800,000 shall be available for the implementation or execution of programs for transportation research (chapter 5 of title 23, United States Code; sections 111, 5505, and 5506 of title 49, United States Code; and title 5 of Public Law 109–59) for fiscal year 2013: *Provided further*, That this limitation on transportation research programs shall not apply to any authority previously made available for obligation: *Provided further*, That the Secretary may, as authorized by section 605(b) of title 23, United States Code, collect and spend fees, to cover the costs of services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments and all or a portion of the costs to the Federal Government of servicing such credit instruments: *Provided further*, That such fees are available until expended to pay for such costs: *Provided further*, That such amounts are in addition to administrative expenses that are also available for such purpose, and are not subject to any obligation limitation or the limitation on administrative expenses under section 608 of title 23, United States Code.

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Contingent upon reauthorization, for carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $39,882,583,000 or so much thereof as may be available in and derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.

ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

SEC. 120. Contingent upon reauthorization, the following authorities shall apply for fiscal year 2013:

(a) The Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid highways amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; programs funded from the administrative takedown authorized by section 104(a)(1) of title 23, United States Code (as in effect on the date before the date of enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users); the highway use tax evasion program; and the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for previous fiscal years the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid highways, less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (9) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(10) for such fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4)(A) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2), for sections 1301, 1302, and 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; section 117 and section 144(g) of title 23, United States Code; and section 14501 of title 40, United States Code, so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for that section for the fiscal year; and

(B) distribute $2,000,000,000 for section 105 of title 23, United States Code;

(5) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4), for each of the programs that are allocated by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code, (other than to programs to which paragraphs (1) and (4) apply), by multiplying the ratio determined under paragraph (3) by the amounts authorized to be appropriated for each such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5), for Federal-aid highways and highway safety construction programs (other than the amounts apportioned for the equity bonus program, but only to the extent that the amounts apportioned for the equity bonus program for the fiscal year are greater than $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code, in the ratio that—

(A) amounts authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the amounts authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations:

(1) under section 125 of title 23, United States Code;

(2) under section 147 of the Surface Transportation Assistance Act of 1978;

(3) under section 9 of the Federal-Aid Highway Act of 1981;

(4) under subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982;

(5) under subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987;

(6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991;

(7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century;

(8) under section 105 of title 23, United States Code, as in effect for fiscal years 1998 through 2004, but only in an amount equal to $639,000,000 for each of those fiscal years;

(9) for Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that the obligation authority has not lapsed or been used;

(10) under section 105 of title 23, United States Code, but only in an amount equal to $639,000,000 for each of fiscal years 2005 through 2013; and

(11) under section 1603 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation.

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall, after August 1 of such fiscal year, revise a distribution of the obligation limitation made available under subsection (a) if the amount distributed cannot be obligated during that fiscal year, and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code.

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, and title V (research title) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds that—

(A) are authorized to be appropriated for such fiscal year for Federal-aid highways programs; and

(B) the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to

the imposition of any obligation limitation for such fiscal year.

(2) RATIO.—Funds shall be distributed under paragraph (1) in the same ratio as the distribution of obligation authority under subsection (a)(6).

(3) AVAILABILITY.—Funds distributed under paragraph (1) shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL LIMITATION CHARACTERISTICS.—Obligation limitation distributed for a fiscal year under subsection (a)(4) for the provision specified in subsection (a)(4) shall—

(1) remain available until used for obligation of funds for that provision; and

(2) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(g) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to limit the distribution of obligation authority under subsection (a)(4)(A) for each of the individual projects numbered greater than 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

SEC. 121. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid Highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall be subject to the obligation limitation for Federal-aid Highways and highway safety construction programs.

SEC. 122. Not less than 15 days prior to waiving, under his statutory authority, any Buy America requirement for Federal-aid highway projects, the Secretary of Transportation shall make an informal public notice and comment opportunity on the intent to issue such waiver and the reasons therefor: *Provided*, That the Secretary shall provide an annual report to the House and Senate Committees on Appropriations on any waivers granted under the Buy America requirements.

SEC. 123. (a) IN GENERAL.—Except as provided in subsection (b), none of the funds made available, limited, or otherwise affected by this Act shall be used to approve or otherwise authorize the imposition of any toll on any segment of highway located on the Federal-aid system in the State of Texas that—

(1) as of the date of enactment of this Act, is not tolled;

(2) is constructed with Federal assistance provided under title 23, United States Code; and

(3) is in actual operation as of the date of enactment of this Act.

(b) EXCEPTIONS.—

(1) NUMBER OF TOLL LANES.—Subsection (a) shall not apply to any segment of highway on the Federal-aid system described in that subsection that, as of the date on which a toll is imposed on the segment, will have the same number of nontoll lanes as were in existence prior to that date.

(2) HIGH-OCCUPANCY VEHICLE LANES.—A high-occupancy vehicle lane that is converted to a toll lane shall not be subject to this section, and shall not be considered to be a nontoll lane for purposes of determining whether a highway will have fewer nontoll lanes than prior to the date of imposition of the toll, if—

(A) high-occupancy vehicles occupied by the number of passengers specified by the entity operating the toll lane may use the toll lane without paying a toll, unless otherwise specified by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority; or

(B) each high-occupancy vehicle lane that was converted to a toll lane was constructed as a temporary lane to be replaced by a toll lane under a plan approved by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Contingent upon reauthorization, for payment of obligations incurred in the implementation, execution and administration of motor carrier safety operations and programs pursuant to section 31104(i) of title 49, United States Code, and sections 4127 and 4134 of Public Law 109–59, $244,144,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration: *Provided*, That none of the funds derived from the Highway Trust Fund in this Act shall be available for the implementation, execution or administration of programs, the obligations for which are in excess of $244,144,000, for ''Motor Carrier Safety Operations and Programs'' of which $8,543,000, to remain available for obligation until September 30, 2015, is for the research and technology program and $1,000,000 shall be available for commercial motor vehicle operator's grants to carry out section 4134 of Public Law 109–59: *Provided further*, That notwithstanding any other provision of law, none of the funds under this heading for outreach and education shall be available for transfer: *Provided further*, That the Federal Motor Carrier Safety Administration shall transmit to Congress a report on March 29, 2013 on the agency's ability to meet its requirement to conduct compliance reviews on mandatory carriers.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Contingent upon reauthorization, for payment of obligations incurred in carrying out sections 31102, 31104(a), 31106, 31107, 31109, 31309, 31313 of title 49, United States Code, and sections 4126 and 4128 of Public Law 109–59, $307,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $307,000,000, for ''Motor Carrier Safety Grants''; of which $212,000,000 shall be available for the motor carrier safety assistance program to carry out sections 31102 and 31104(a) of title 49, United States Code; $30,000,000 shall be available for the commercial driver's license improvements program to carry out section 31313 of title 49, United States Code; $32,000,000 shall be available for the border enforcement grants program to carry out section 31107 of title 49, United States Code; $5,000,000 shall be available for the performance and registration information system management program to carry out sections 31106(b) and 31109 of title 49, United States Code; $25,000,000 shall be available for the commercial vehicle information systems and networks deployment program to carry out section 4126 of Public Law 109–59; and $3,000,000 shall be available for the safety data improvement program to carry out section 4128 of Public Law 109–59: *Provided further*, That of the funds made available for the motor carrier safety assistance program, $29,000,000 shall be available for audits of new entrant motor carriers.

ADMINISTRATIVE PROVISION—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

SEC. 130. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107–87 and section 6901 of Public Law 110–28.

Mr. LATHAM (during the reading). Madam Chairman, I ask unanimous consent that the remainder of the bill through page 34, line 23, be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIR. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The Acting CHAIR. Are there any amendments to that portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under subtitle C of title X of Public Law 109–59 and chapter 301 and part C of subtitle VI of title 49, United States Code, $152,000,000, of which $20,000,000 shall remain available through September 30, 2014.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Contingent upon reauthorization, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, and chapter 303 of title 49, United States Code, $122,360,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2013, are in excess of $122,360,000, of which $118,244,000 shall be for programs authorized under 23 U.S.C. 403, and of which $4,166,000 shall be for the National Driver Register authorized under chapter 303 of title 49, United States Code: *Provided further*, That within the $122,360,000 obligation limitation for operations and research, $20,000,000 shall remain available until September 30, 2014 and shall be in addition to the amount of any limitation imposed on obligations for future years: *Provided further*, That $10,000,000 of the total obligation limitation for operations and research in fiscal year 2013 shall be applied toward unobligated balances of contract authority provided in prior Acts for carrying out the provisions of 23 U.S.C. 403, and chapter 303 of title 49, United States Code.

AMENDMENT OFFERED BY MR. BRALEY OF IOWA

Mr. BRALEY of Iowa. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 35, line 16, after the dollar amount, insert ''(reduced by $10,000,000) (increased by $10,000,000)''.

Page 35, line 21, after the dollar amount, insert ''(reduced by $10,000,000) (increased by $10,000,000)''.

Page 35, line 22, after the dollar amount, insert ''(reduced by $10,000,000) (increased by $10,000,000)''.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BRALEY of Iowa. Madam Chair, I want to make a specific point of emphasizing that I'm offering this amendment in honor of one of the gentleman from Iowa's constituents, a young, 7-year-old girl named Kadyn Halverson who, on May 10 of 2011, was struck and killed by a pickup truck while exiting a school bus.

And this particular section of the bill deals with the report language that talks about, among other things, the ability to talk about safety and pupil transportation relating to the National Highway Transportation Safety Administration. So to understand the purpose behind this amendment, it's important to know how this tragedy happened.

This young girl was crossing the street to board her school bus. The bus had its red lights flashing. The stop arm was activated, and a pickup truck traveling at 60 miles an hour struck and killed her. The driver tested positive for marijuana and later pleaded guilty to vehicular homicide and has been sentenced to 15 years in prison.

Now, this is one isolated incident in my home State, but statistics show that 13 million violations occur in this country every year of vehicles passing stopped school buses. It's obvious we have a serious problem, and my amendment would use this funding for the purpose of working with States to create tougher sanctions and tougher enforcement to reduce this alarming problem of people violating the law and passing stopped school buses.

The intent of my amendment is to require the National Highway Traffic Safety Administration, otherwise known as NHTSA, to prioritize at least $10 million for school bus safety work and, specifically, to work with State and local law enforcement to improve enforcement of State law concerning illegally passing stopped school buses.

My amendment would ensure that we are enforcing the laws on the books pertaining to stopping those school buses. It's a part of an ongoing effort to provide safety to kids who are going to school and returning every day; 13 million violations a year is way too many. We have an obligation to work with States. My amendment would do that by directing NHTSA to use this opportunity to help those States become more effective in preventing these tragedies.

It wasn't the only one that has become of significance in my State in the past year; 11-year-old Justin Bradfield of Janesville, Iowa, was tragically killed in 2011 after being struck by a school bus. That's why earlier this year I introduced Kadyn's Act in the House. The bill would encourage States to toughen their penalties for those found guilty of passing a stopped school bus.

I am honored to have the subcommittee chairman as a cosponsor of that legislation. I hope that my colleagues will support this amendment, and I urge them to work to pass both these bills to make it safer for our kids to get to school and back.

With that, I yield back the balance of my time.

Mr. LATHAM. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. I appreciate the intent of the amendment of the gentleman from Iowa. The gentleman introduced legislation that would require States to enact harsher penalties for reckless drivers who pass stopped school buses, and this amendment complements that legislation and, I think, sends a very, very important message.

The legislation named in memory of the little girl the gentleman spoke about from Iowa who was killed so tragically, this is extremely important, I think, to raise the profile. I would hope that the authorizing committee in conference on the highway bill would take this into consideration and act on this very provision.

As a cosponsor of the act, I commend the gentleman's effort and would accept the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. BRALEY).

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Contingent upon reauthorization, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, to remain available until expended, $501,828,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account): *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2013, are in excess of $501,828,000 for programs authorized under 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, of which $235,000,000 shall be for ''Highway Safety Programs'' under 23 U.S.C. 402; $25,000,000 shall be for ''Occupant Protection Incentive Grants'' under 23 U.S.C. 405; $34,500,000 shall be for ''State Traffic Safety Information System Improvements'' under 23 U.S.C. 408; $139,000,000 shall be for ''Alcohol-Impaired Driving Countermeasures Incentive Grant Program'' under 23 U.S.C. 410; $25,328,000 shall be for ''Administrative Expenses'' under section 2001(a)(11) of Public Law 109–59; $29,000,000 shall be for ''High Visibility Enforcement Program'' under section 2009 of Public Law 109–59; $7,000,000 shall be for ''Motorcyclist Safety'' under section 2010 of Public Law 109–59; and $7,000,000 shall be for ''Child Safety and Child Booster Seat Safety Incentive Grants'' under section 2011 of Public Law 109–59: *Provided further*, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures: *Provided further*, That not to exceed $500,000 of the funds made available for section 410 ''Alcohol-Impaired Driving Countermeasures Grants'' shall be available for technical assistance to the States: *Provided further*, That not to exceed $750,000 of the funds made available for the ''High Visibility Enforcement Program'' shall be available for the evaluation required under section 2009(f) of Public Law 109–59.

ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

SEC. 140. Contingent upon reauthorization, notwithstanding section 402(g) of title 23, United States Code, an additional $130,000 shall be made available to the National Highway Traffic Safety Administration, out of the amount limited for section 402 of title 23, United States Code, to pay for travel and related expenses for State management reviews and to pay for core competency development training and related expenses for highway safety staff.

SEC. 141. The limitations on obligations for the programs of the National Highway Traffic Safety Administration set in this Act shall not apply to obligations for which obligation authority was made available in previous public laws for multiple years but only to the extent that the obligation authority has not lapsed or been used.

SEC. 142. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $184,000,000, of which $20,360,000 shall remain available until expended.

AMENDMENT OFFERED BY MR. BROUN OF GEORGIA

Mr. BROUN of Georgia. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 39, line 4, after the dollar amount, insert ''(reduced by $5,404,000)''.

Page 150, line 9, after the dollar amount, insert ''(increased by $5,404,000)''.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BROUN of Georgia. Madam Chair, my amendment would simply reduce funding for administrative expenses within the Federal Railroad Administration by $5,404,000.

This office is one of 13 in the underlying bill which is slated to receive increases for administrative expenses, despite the fiscal emergency that we're facing as a Nation. This, like many of the amendments that I'm bringing, would just reduce funding back to current levels, back to the FY12 levels.

We have many sections of this bill that are slated to be increased. But as we face an economic emergency as a Nation, as we're spending money that we don't have—40 cents of every dollar we're spending is being borrowed—we just have to stop the outrageous spending that's going on here in Washington.

This amendment would simply bring the administrative expenses for the Federal Railroad Administration back to current levels. It would not reduce the functions of the administration. It

would just keep funding at the current levels.

It makes sense to just stop increasing, so I urge support of my amendment.

I yield back the balance of my time.

Mr. LATHAM. I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. Madam Chair, I must oppose the gentleman's amendment. This would not allow the Federal Railroad Administration to hire additional safety inspectors and fully implement the risk reduction program.

□ 2110

These investments have a proven record in reducing the number of crashes on our Nation's railways.

While we appreciate the gentleman's concern over the debt, this is an arbitrary way to budget, and it negates months of work on this committee to try and determine the proper funding levels for these different functions. The bill already cuts $4 billion from 2012, which is a very fiscally responsible level, so I would urge a ''no'' vote on the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROUN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. BROUN of Georgia. Madam 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 Georgia will be postponed.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $35,500,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING PROGRAM

The Secretary of Transportation is authorized to issue direct loans and loan guarantees pursuant to sections 502 through 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, such authority to exist as long as any such direct loan or loan guarantee is outstanding: *Provided*, That, pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2013.

OPERATING SUBSIDY GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for the operation of intercity passenger rail, as authorized by section 101 of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432), $350,000,000, to remain available until expended: *Provided*, That the amounts available under this paragraph shall be available for the Secretary to approve funding to cover operating losses for the Corporation only after receiving and reviewing a grant request for each specific train route: *Provided further*, That each such grant request shall be accompanied by a detailed financial analysis, revenue projection, and capital expenditure projection justifying the Federal support to the Secretary's satisfaction: *Provided further*, That not later than 60 days after enactment of this Act, the Corporation shall transmit, in electronic format, to the Secretary, the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation the annual budget and business plan and the 5-Year Financial Plan for fiscal year 2013 required under section 204 of the Passenger Rail Investment and Improvement Act of 2008: *Provided further*, That the budget, business plan, and the 5-Year Financial Plan shall also include a separate accounting of ridership, revenues, and capital and operating expenses for the Northeast Corridor; commuter service; long-distance Amtrak service; State-supported service; each intercity train route, including Autotrain; and commercial activities including contract operations: *Provided further*, That the budget, business plan and the 5-Year Financial Plan shall include a description of work to be funded, along with cost estimates and an estimated timetable for completion of the projects covered by these plans: *Provided further*, That the budget, business plan and the 5-Year Financial Plan shall include annual information on the maintenance, refurbishment, replacement, and expansion for all Amtrak rolling stock consistent with the comprehensive fleet plan: *Provided further*, That the Corporation shall provide semiannual reports in electronic format regarding the pending business plan, which shall describe the work completed to date, any changes to the business plan, and the reasons for such changes, and shall identify all sole-source contract awards which shall be accompanied by a justification as to why said contract was awarded on a sole-source basis, as well as progress against the milestones and target dates of the 2012 performance improvement plan: *Provided further*, That the Corporation's budget, business plan, 5-Year Financial Plan, semiannual reports, and all subsequent supplemental plans shall be displayed on the Corporation's Web site within a reasonable timeframe following their submission to the appropriate entities: *Provided further*, That these plans shall be accompanied by a comprehensive fleet plan for all Amtrak rolling stock which shall address the Corporation's detailed plans and timeframes for the maintenance, refurbishment, replacement, and expansion of the Amtrak fleet: *Provided further*, That said fleet plan shall establish year-specific goals and milestones and discuss potential, current, and preferred financing options for all such activities: *Provided further*, That none of the funds under this heading may be obligated or expended until the Corporation agrees to continue abiding by the provisions of paragraphs 1, 2, 5, 9, and 11 of the summary of conditions for the direct loan agreement of June 28, 2002, in the same manner as in effect on the date of enactment of this Act: *Provided further*, That none of the funds provided in this Act may be used to support any route on which Amtrak offers a discounted fare of more than 50 percent off the normal peak fare: *Provided further*, That the preceding proviso does not apply to routes where the operating loss as a result of the discount is covered by a State and the State participates in the setting of fares: *Provided further*, That the Corporation shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2014 in similar format and substance to those submitted by executive agencies of the Federal Government.

CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for capital investments as authorized by section 101(c) and 219(b) of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432), $1,452,000,000, to remain available until expended, of which not to exceed $271,000,000 shall be for debt service obligations as authorized by section 102 of such Act: *Provided*, That of the amounts made available under this heading, not less than $50,000,000 shall be made available to bring Amtrak served facilities and stations into compliance with the Americans with Disabilities Act: *Provided further*, That after an initial distribution of up to $200,000,000, which shall be used by the Corporation as a working capital account, all remaining funds shall be provided to the Corporation only on a reimbursable basis: *Provided further*, That of the amounts made available under this heading, not less than $500,000,000 shall be made available to fund high priority state-of-good-repair intercity infrastructure projects on infrastructure owned by the Corporation or States for the benefit of existing intercity passenger rail services: *Provided further*, That of the amount provided under the preceding proviso, $80,000,000 may be used to subsidize operating losses of the Corporation only after receiving and reviewing a grant request justifying the Federal support to the Secretary's satisfaction; *Provided further*, That such projects shall only include capital projects within the meaning of Section 24401(2)(A) of Title 49, United States Code: *Provided further*, That the Secretary shall approve funding for these projects only after receiving and reviewing a grant request for each project developed by Amtrak in conjunction with any state partners: *Provided further*, That the Federal share payable of the costs for such a project shall not exceed 80 percent: *Provided further*, That at least 30 days prior to the obligation of funds for such a project, the Secretary shall provide to the House and Senate Committees on Appropriations written notification of the approval of the project: *Provided further*, That the Secretary may retain up to one-half of 1 percent of the funds provided under this heading to fund the costs of project management oversight of capital projects funded by grants provided under this heading, as authorized by subsection 101(d) of division B of Public Law 110–432: *Provided further*, That the Secretary shall approve funding for capital expenditures, including advance purchase orders of materials, for the Corporation only after receiving and reviewing a grant request for each specific capital project justifying the Federal support to the Secretary's satisfaction: *Provided further*, Except as otherwise provided herein, none of the funds under this heading may be used to subsidize operating losses of the Corporation: *Provided further*, That except as otherwise provided herein, none of the funds under this heading may be used for capital projects not approved by the Secretary of Transportation or on the Corporation's fiscal year 2013 business plan: *Provided further*, That in addition to the project management oversight funds authorized under section 101(d) of division B of Public Law 110–432, the Secretary may retain up to an additional $3,000,000 of the funds provided under this heading to fund expenses associated with implementing section 212 of division B of Public Law 110–432, including the amendments made by section 212 to section 24905 of title 49, United States Code.

NEXT GENERATION HIGH-SPEED RAIL

(RESCISSION)

Of the funds made available for Next Generation High Speed Rail, as authorized by

sections 1103 and 7201 of Public Law 105–178, $1,973,000 are hereby permanently rescinded: *Provided*, That no amounts may be cancelled from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

(RESCISSION)

Of the funds made available for the Northeast Corridor Improvement Program, as authorized by Public Law 94–210, $4,419,000 are hereby permanently rescinded: *Provided*, That no amounts may be cancelled from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

SEC. 150. Hereafter, notwithstanding any other provision of law, funds provided in this Act for the National Railroad Passenger Corporation shall immediately cease to be available to said Corporation in the event that the Corporation contracts to have services provided at or from any location outside the United States. For purposes of this section, the word ''services'' shall mean any service that was, as of July 1, 2006, performed by a full-time or part-time Amtrak employee whose base of employment is located within the United States.

SEC. 151. The Secretary of Transportation may receive and expend cash, or receive and utilize spare parts and similar items, from non-United States Government sources to repair damages to or replace United States Government owned automated track inspection cars and equipment as a result of third-party liability for such damages, and any amounts collected under this section shall be credited directly to the Safety and Operations account of the Federal Railroad Administration, and shall remain available until expended for the repair, operation and maintenance of automated track inspection cars and equipment in connection with the automated track inspection program.

SEC. 152. Notwithstanding any other provisions of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 153. None of the funds provided to the National Railroad Passenger Corporation may be used to fund any overtime costs in excess of $35,000 for any individual employee: *Provided*, That the president of Amtrak may waive the cap set in the previous proviso for specific employees when the president of Amtrak determines such a cap poses a risk to the safety and operational efficiency of the system: *Provided further*, That Amtrak shall notify House and Senate Committees on Appropriations within 30 days of waiving such cap and delineate the reasons for such waiver.

SEC. 154. The unobligated balance of funds provided under sections 1101(a)(18) and 1307 of Public Law 109–59 shall be used for the elimination of hazards at railway-highway crossings described in section 104(d)(2) of title 23, United States Code, to remain available until expended.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $100,000,000: *Provided*, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: *Provided further*, That upon submission to the Congress of the fiscal year 2014 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on New Starts, including proposed allocations of funds for fiscal year 2014.

Mr. LIPINSKI. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. LIPINSKI. I rise to engage in a colloquy with my good friend from Iowa, the distinguished chairman, Mr. LATHAM.

First, I would like to acknowledge the difficult and challenging job the chairman has had in crafting this bill. I would also like to acknowledge all of the work of Ranking Member OLVER, not just this year but in years past here in Congress, and especially as head of this committee.

In 2008, Congress passed a mandate requiring commuter and freight railroads to implement Positive Train Control by 2015. While PTC provides a very significant safety improvement, it is also very costly. The Federal Railroad Administration has estimated that the total cost for PTC will be $13.2 billion industrywide.

In recognizing the cost when we were working on the bill in order to implement the mandate, I was able to add language authorizing the Rail Safety Technology Grant program at $50 million per year. Since the program was authorized, however, Congress has only appropriated $50 million for 1 year.

This mandate is especially hard on commuter railroads. In the Chicago region, Metra serves approximately 300,000 commuters every weekday. Metra estimates that PTC will cost $200 million, an amount the agency will struggle to afford. There are many other commuter railroads in this country facing similar situations and needing some help in implementing this safety technology.

Yet, in recognizing the difficult choices the chairman has had to make on this bill, I will not offer an amendment. I would ask, as this bill moves forward to conference and in future appropriations bills, that we work together to find some level of Federal support to help defray the costs for our Nation's railroads in order to implement PTC.

With that, I yield to Chairman LATHAM.

Mr. LATHAM. I thank the gentleman for his hard work in this area and for his efforts on the Transportation Committee.

Commuter railroads are an extremely important mode of transportation and are critical to many of our regional economies. I would be more than happy to work with the gentleman on ways to address the PTC funding issues as we go to conference and in the future.

Mr. LIPINSKI. In reclaiming my time, I thank the gentleman, and I look forward to working with him on this funding issue.

I yield back the balance of my time.

AMENDMENT OFFERED BY MR. BROUN OF GEORGIA

Mr. BROUN of Georgia. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 48, line 16, after the dollar amount, insert ''(reduced by $1,287,000)''.

Page 150, line 9, after the dollar amount, insert ''(increased by $1,287,000)''.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BROUN of Georgia. My amendment would reduce funding for the administrative expenses within the Federal Transit Administration by $1,287,000.

This office is one of 13 in the underlying bill which is slated to receive increases for administrative expenses despite the dire fiscal environment we have in our Nation, but we've got to stop the outrageous spending that government has been doing.

The passage of my amendment would simply bring the funding level for these administrative expenses that are within the Federal Transit Administration back to the level of this year. It would just reduce the increase back to current levels.

I urge the support of my amendment, and I yield back the balance of my time.

Mr. OLVER. Madam Chairman, I rise in opposition to this amendment.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. From what I understand of this amendment, the gentleman from Georgia is now removing a little over $1 million, $1,300,000 or thereabouts, from the $100 million that is assigned by Mr. LATHAM's bill for the administrative expenses of the FTA.

As I pointed out in my opening statement, 65 percent of all of our population in this country—and it's going up every census—is now living in metropolitan areas with populations of greater than a half a million people. The remarkable thing about this is that, among the 50 largest metropolitan areas, there is a 25 percent increase every decade in their populations.

Georgia has one of those major population areas—the whole Atlanta area—which is also growing by more than 25 percent every decade, but the gentleman is trying to constrain the dollars of the FTA, which is the agency that provides the development of transit services for all of these major metropolitan areas around the country.

I think that this is an exceedingly modest increase that has been proposed. Virtually everybody has metropolitan areas that are in need of this enormous increase in investments for transit services, for public transportation services, whether they be by commuter rail or by light rail—any one of those programs.

□ 2120

I just think that this is an exceedingly short-sighted amendment to be trying to impose upon the FTA, which has increased its total services to the urban parts of the country. Year after year, the number of grants that are being given out, the amount of the administration of those grants goes up, and it must continue to go up if we're going to continue to have growth in population, which we expect is going to continue at roughly 10 percent per decade, as it has in the last decade.

I strongly oppose this amendment and urge a ''no'' vote on the amendment. I think that it is clearly a counterproductive thing to be doing, no matter what our economic times may look like at the present time.

We have to get back to a growth program in this country. We have to get back to building more infrastructure and to administrate through the FTA the programs by which those infrastructure improvements get made in all of the metropolitan areas that are growing around the country.

With that, I yield back the balance of my time.

Mr. LATHAM. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. Madam Chairwoman, I rise to oppose the gentleman's amendment.

This is a minor 1.3 percent increase over the prior year with all of the increase going to uncontrollable costs, such as additional compensable workday, rent and IT maintenance costs. Further, we've already rejected $66 million of funds for new activities requested in the President's budget.

This is also one mode where we shouldn't cut funds. The FTA staffing has increased only 19.7 percent over the last 20 years, yet FTA funding has increased by 129 percent, and the number of grants that FTA administers and oversees has increased 118 percent. I'm not sure cutting S&E funding is the right thing to do in an agency that oversees this much of the Federal funds. We're talking about 0.0005 percent, the full-time equivalent for every thousand dollars that the grants are doled out.

I thank the gentleman for his interest in reducing spending. I would say we've already cut $66 million, and I will oppose any effort to reduce FDA's oversightability.

Again, I would ask for a ''no'' vote, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROUN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. BROUN of Georgia. Madam 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 Georgia will be postponed.

The Clerk will read.

The Clerk read as follows:

FORMULA AND BUS GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Contingent upon enactment of surface transportation authorization legislation, funds available in fiscal year 2013 for the implementation or execution of transit formula and bus grant programs authorized under title 49, United States Code, as amended by such authorization, shall not exceed total obligations of $8,360,565,000 from the Mass Transit Account of the Highway Trust Fund.

(LIQUIDATION OF CONTRACT AUTHORITY)

(HIGHWAY TRUST FUND)

Contingent upon enactment of surface transportation authorization legislation, $9,400,000,000, to remain available until expended and to be derived from the Mass Transit Account of the Highway Trust Fund, for payment of obligations incurred in carrying out mass transit programs authorized under title 49, United States Code, as amended by such authorization.

RESEARCH AND UNIVERSITY RESEARCH CENTERS

For necessary expenses to carry out 49 U.S.C. 5306, 5312–5315, 5322, and 5506, $44,000,000, to remain available until expended: *Provided*, That $6,500,000 is available to carry out the transit cooperative research program under section 5313 of title 49, United States Code, $3,000,000 is available for the National Transit Institute under section 5315 of title 49, United States Code, and $4,000,000 is available for the university transportation centers program under section 5506 of title 49, United States Code: *Provided further*, That $20,000,000 is available to carry out innovative research and demonstrations of national significance under section 5312 of title 49, United States Code.

CAPITAL INVESTMENT GRANTS

For necessary expenses to carry out section 5309 of title 49, United States Code, $1,816,993,000, to remain available until expended, of which $127,566,794 shall be available to carry out section 5309(e) of such title.

GRANTS TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For grants to the Washington Metropolitan Area Transit Authority as authorized under section 601 of division B of Public Law 110–432, $150,000,000, to remain available until expended: *Provided*, That the Secretary shall approve grants for capital and preventive maintenance expenditures for the Washington Metropolitan Area Transit Authority only after receiving and reviewing a request for each specific project: *Provided further*, That prior to approving such grants, the Secretary shall determine that the Washington Metropolitan Area Transit Authority has placed the highest priority on those investments that will improve the safety of the system: *Provided further*, That the Secretary, in order to ensure safety throughout the rail system, may waive the requirements of section 601(e)(1) of title VI of Public Law 110–432 (112 Stat. 4968) for fiscal year 2013.

AMENDMENT OFFERED BY MR. GARRETT

Mr. GARRETT. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 50, line 18, after the dollar amount, insert ''(reduced to $0)''.

Page 150, line 9, after the dollar amount, insert ''(increased by $150,000,000)''.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. GARRETT. It is the desire of this House and Members of this side of the aisle that we put an end to earmarks, and yet some might say that in this bill there contains $150 million solely for the benefit of one particular project, the Washington Metropolitan Area Transit Authority, or WMATA.

This is just one-tenth of the $1.5 billion that Congress intends to spend on the D.C. metro system over a 10-year period. This may not be considered your average earmark. The Heritage Foundation has dubbed this—according to Heritage—''the largest earmark in American history.''

Why? Well, the amendment before us is simple. It would eliminate the subsidy to WMATA that has been received since 2008. At a time of record budget deficits and debt, the American people cannot afford to provide a special subsidy, especially when it takes into consideration the fact that the D.C. metro area already receives funds from several different Federal transit programs. And given the performance of this agency, I really find it amazing. I find it astounding that this year the American people should be expected to give them another $150 million of their hard-earned money.

In addition to the daily service interruptions, the lax management, and the generally poor performance that we're all familiar with, Metro has a significant record of wasteful spending. In 2005, The Washington Post reported that Metro spent $382 million to rebuild cars only to have them break down more often than those that weren't overhauled. The Post also pointed out that when senior agency attorneys wanted two new window offices, they spent $270,000 just to accommodate them. Why not? It's just taxpayer dollars from across the rest of this country.

Earlier this year, it was reported that the Office of the Inspector General uncovered several personnel and unwarranted expenses on Metro's credit card, such as $2,000 worth of gift cards, three camcorders valued at $700, and even $180 just for headphones alone.

Madam Chair, we cannot afford to keep pouring our money into an Agency that clearly hasn't done its job of cleaning its own house.

Finally, it is curious to note that the $150 million this bill provides for is $15 million more than the President requested in his budget. Do we really want to be out-spending the President of the United States in this area?

Finally, hardworking taxpayers should not be forced to subsidize a transportation system that has basically failed over the years to get its own fiscal house in order. We owe it to the American people to do better than that.

With that, I yield back the balance of my time.

Mr. OLVER. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

□ 2130

Mr. OLVER. Madam Chairwoman, the amendment that is offered here in this instance is really quite a curious one, it seems to me.

The gentleman offering the amendment is from New Jersey, the largest overall metropolitan system, with its commuter rails, with its expansions needed, always repairing, always upgrading, always expanding the systems that serve the whole New York metropolitan area. It serves northern New Jersey, which partly serves people in his district.

Now, the amendment that is being proposed is an amendment that affects WMATA, the Washington/Virginia/Maryland metropolitan area, which is our sixth largest metro area, with somewhat over 5 million people. I don't know exactly—although my staff here is trying to figure it out—how many riders there are on WMATA each year.

The expenditure under consideration of $150 million a year was fully authorized by the PRIIA Act in 2008, signed by President Bush at that time. And this is about the third or fourth year of the $150 million guarantee, the commitment in the authorizing bill to do the $150 million per year in the whole system, no specific place, not in a specific congressional district, though there are several congressional districts in which WMATA functions. And it's matched dollar for dollar. It's 50 percent matching moneys. Maryland, Virginia, and D.C. have to match the $150 million along the way.

We do have, occasionally, safety problems. We have had some crashes here in Washington and some people who have been injured or killed in those crashes.

And I find it really quite curious that the gentleman from New Jersey would be trying to take away the money that is fully authorized——

Mr. GARRETT. Will the gentleman yield?

Mr. OLVER. I would be happy to yield to the gentleman from New Jersey.

Mr. GARRETT. I find it odd that I am in the position here of actually defending the President of the United States and defending what his recommendations are in this area, but I will gladly do so.

The President suggested that, with all of those factors that you have just played out taken into consideration, it was his opinion that we should not be spending this full amount of money. It was President Obama's suggestion that we actually curtail the money.

Mr. OLVER. Yes.

Reclaiming my time, it has been the position of our subcommittee looking at, realizing that the authorization in the PRIIA Act and the commitments that had been made to this metropolitan area, which many of us and many of our staff use for transportation. We have had serious safety problems, and a serious need has been shown through those safety problems for an upgrading of the equipment and systems that we use in this area.

So I think it is certainly my position, and I think it is the chairman of the subcommittee's position, that this is a choice well made, critically made, with critical thought to why this was being done for the safety of the people using the WMATA public transportation system all over Maryland, D.C., and northern Virginia.

Mr. GARRETT. If the gentleman will yield, then the question is: Are you suggesting that the President does not care for the safety of this administration? Are you suggesting that the President——

Mr. OLVER. I'm not suggesting any such thing.

I am suggesting that this is a legislative position, that this should be done, that it has been agreed to be done.

I now have the number of riders. We had 217 million riders in the WMATA system in 2011. That's a huge number of riders, and they deserve some consideration for the safety of the WMATA system.

I yield back the balance of my time.

Mr. WOLF. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. This language came about as a result of our former colleague from Virginia, Tom Davis.

There are many ideas behind it. I didn't know the amendment was coming up. I think that is part of the problem around here with the prefiling. It would be nice to let Members know what is coming up so they know. But I did see it, so I ran over.

One, the number of Federal employees. This serves the Pentagon. It serves most of the Federal agencies in the government. But if you looked at the Metro today, most of the people riding it today were tourists from New Jersey and from Texas and from other places like that around.

When you look at Metro with regard to the inauguration and many of the other events, that was the whole concept, that the administration, both Republican and Democrat—and this was a Republican amendment offered by Congressman Tom Davis to have this funding over a period of, I think, if my memory serves me, over a period of 10 years.

So I rise in strong opposition to the Garrett amendment and ask that Congress maintain the integrity of what Congressman Davis and many other Congresses have done in the past.

Mr. GARRETT. Will the gentleman yield?

Mr. WOLF. I yield to the gentleman from New Jersey.

Mr. GARRETT. I understand all the points that you raise as far as who is using the system, New Jersey people and New York people. But I can make that exact same argument about the New York/New Jersey metropolitan area and our transit area as well, and we don't have a $150 million extra earmark in for our area.

Already, the D.C. metro area is getting $1.5 billion from Congress, from the U.S. taxpayers from Colorado to Oklahoma to Tennessee for this system, and now they're getting $150 million more. But all the tourists that come up from all over the United States to visit my metropolitan area in New York/New Jersey, we're not getting an extra $150 million, and we have the same exact concerns as far as safety and maintenance and the rest.

So the constituents in my area are saying, Why is it that only the constituents down here get this extra earmark and we don't see the same thing for other metropolitan areas?

I thank the gentleman for yielding.

Mr. WOLF. I thank the gentleman.

This is the Nation's Capital. We are the Nation's Capital. People from all over the world come here.

And I want to be sure—things are thrown around on this floor many times that are not accurate. A large proportion of the New York system was paid for with Federal taxpayer money.

This was the agreement that was made by the Government Operations Committee, I think, in conjunction with Congressman Davis, Congressman HOYER, and others a number of years ago. Congressman Davis is no longer here, but that was the whole sentiment with regard behind it.

So I urge Members to vote ''no'' on the Garrett amendment and yield back the balance of my time.

Mr. OLVER. Madam Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Madam Chairwoman, I understand that since I claimed the time in opposition, I retain, then, the right to strike the last word, so I have struck the last word. Thank you very much.

Just to continue this one, New York, at the present time, is benefiting from enormous additional investments in two major projects. One reaches out into Long Island, the so-called East Side Access project, which you wouldn't know or care, perhaps, much about because it reaches to all the population out on Long Island—to the east, to that direction for you, to the east—and the Second Avenue Subway.

□ 2140

So that New York system has those two very large programs. Each one of them is about $2 billion. That's $2 billion going on concurrently with what this 10-year program is for the maintenance of the system here in Washington, when we have had clear evidence of safety difficulties and equipment difficulties that had not been taken into account. We were not putting enough investment into the maintenance of the Washington system.

And to add to the gentleman from Virginia's comment about this, our

constituents from every district all over the country come to Washington and deserve to have a really good public transportation system in Washington. So it is in all of our interests to make certain that that system is up to snuff on safety and the equipment is in good repair. So I have no apology whatsoever for supporting this one, and would strongly urge that we defeat this amendment.

I yield back the balance of my time.

Mr. CULBERSON. I move to strike the last word.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CULBERSON. Madam Chairman, I want to be sure to point out to the House that the account is authorized. Under the Passenger Rail Improvement Act, in order for the metropolitan D.C. area to receive the funds, Virginia, Maryland, and the District of Columbia have to match the money, which certainly helps. And I also note that the committee has included language, which is very important, that the Federal Government cannot provide more than 60 percent for the first time. That's important that the local communities do their fair share.

All of the money in the Passenger Rail Improvement Act for the D.C. area has to be used for safety and capital improvements only. They can use the money only to buy new cars and equipment to improve the safety of the system. And as my good friend from New Jersey has pointed out, if there's clearly evidence, apparently, of misuse of the funds, the inspector general can certainly investigate that and even bring criminal charges against those responsible for using the funds for a purpose other than that authorized by the Passenger Rail Improvement Act.

I think it's also important to point out that the bill, overall, cuts New Starts funding by $419 million and cuts the request for administrative funding for the FTA by $66 million.

These bills that Chairman ROGERS has presided over that all of us on Appropriations have worked so hard on, for the first time we've got a whole series of bills reducing spending year after year. There's much, much more to do. And while I'm certainly in philosophical agreement with the gentleman's amendment, because of the careful balance the bill strikes in funding an authorized program, it can only be used for a limited purpose that must be matched, and the committee would like to ask for a ''no'' vote on the gentleman's amendment.

Mr. GARRETT. Will the gentleman yield?

Mr. CULBERSON. I am happy to yield to my good friend from New Jersey.

Mr. GARRETT. I will just make three quick points. One is, again, it is really odd that here I stand with you next to the microphone and that I am actually defending the more conservative position and actually defending the position of the President of the United States, who says we should be spending less money.

Secondly, in a time when we all said, Let's eliminate earmarks, here we have, as Heritage says, the largest earmark in American history. Because this is not simply an issue of saying that this program has a safety need and no one else does. If it wasn't a grant application process where New York, New Jersey, or any other system around the country could have applied and say, Our safety needs are X times high or less than Washington, D.C., maybe there wouldn't be a concern. But that's not the case here.

All the other metropolitan transit systems in the country aren't being weighed as far as what their safety needs or what their maintenance needs are. It just simply made a decision here that Washington, D.C., and the congressional districts that it contains around it somehow or another merit greater service than do the other ones in Chicago or New York or New Jersey, what have you. I think that's where the difficulty lies.

Mr. CULBERSON. If I could reclaim my time, the gentleman and I worked together arm-in-arm on so many good conservative causes, and in this one area we do have a slight disagreement. I would point out that the statute requires that the metropolitan Washington transit entity has to submit a grant application. Under the law, they can't just automatically access these funds. They have to submit a grant application that complies with all the Federal Transit Administration's requirements. They have to demonstrate that the money will be used for the narrow purposes authorized by the act for safety and capital improvements, and they must comply with all of the other requirements that every other transit entity in the Nation complies with.

For all those reasons, to keep the careful balance the committee has struck, the overall reduction in funding, the committee would ask for a ''no'' vote on this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. GARRETT. Madam 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 New Jersey will be postponed.

The Clerk will read.

The Clerk read as follows:

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

(INCLUDING RESCISSION OF FUNDS)

SEC. 160. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 161. Notwithstanding any other provision of law, funds appropriated or limited by this Act under the Federal Transit Administration's discretionary program appropriations headings for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2015, and other recoveries, shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 162. Notwithstanding any other provision of law, any funds appropriated before October 1, 2012, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure, may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 163. Notwithstanding any other provision of law, unobligated funds made available for new fixed guideway system projects under the heading ''Federal Transit Administration, Capital Investment Grants'' in any appropriations Act prior to this Act may be used during this fiscal year to satisfy expenses incurred for such projects.

SEC. 164. Notwithstanding any other provision of law, unobligated funds or recoveries under section 5309 of title 49, United States Code, that are available to the Secretary of Transportation for reallocation shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 165. In addition to the amounts made available under section 5327(c)(1) of title 49, United States Code, the Secretary may use, for program management activities described in section 5327(c)(2), 1.5 percent of the amount made available to carry out section 5316 of title 49, United States Code: *Provided*, That funds made available for program management oversight shall be used to oversee the compliance of a recipient or subrecipient of Federal transit assistance consistent with activities identified under section 5327(c)(2) and for purposes of enforcement.

SEC. 166. Notwithstanding any other provision of law, none of the funds made available in this Act shall be available to carry out 49 U.S.C. 5309(m)(6)(B) and (C).

SEC. 167. Notwithstanding any other provision of law, none of the funds made available in this Act shall be used to enter into a full funding grant agreement for a project with a New Starts share greater than 60 percent.

SEC. 168. The Secretary shall conduct a formal adjudication in accordance with section 554 of title 5, United States Code, requiring any transit agency that during fiscal year 2008 was both initially granted a 60-day period to come into compliance with part 604, and then granted an exception from such part in this fiscal year to present evidence why it cannot come into compliance with such part: *Provided*, That any determination arising from the adjudication shall be sent to the House and Senate Committees on Appropriations for consideration: *Provided further*, That this section shall be obviated if there is an arrangement between such transit agency and charter bus providers that the Secretary considers appropriate in accordance with section 5323(d) of title 49, United States Code.

SEC. 169. For purposes of applying the project justification and local financial commitment criteria of 49 U.S.C. 5309(d) to a New Starts project, the Secretary may consider the costs and ridership of any connected project in an instance in which private parties are making significant financial contributions to the construction of the connected project; additionally, the Secretary may consider the significant financial contributions of private parties to the connected

project in calculating the non-Federal share of net capital project costs for the New Starts project.

SEC. 169A. Of the funds made available for the Formula Grants program, as authorized by Public Law 97-424, as amended, $70,867,394 are hereby permanently rescinded: *Provided,* That of the funds made available for the Formula Grants program, as authorized by Public Law 91-43, as amended, $699,307 are hereby permanently rescinded: *Provided further,* That of the funds made available for the Formula Grants program as authorized by Public Law 95-599, as amended, $928,838 are hereby permanently rescinded: *Provided further,* That of the funds made available for the University Transportation Research program, as authorized by Public Law 91-453, as amended, and by Public Law 102-240, as amended, $292,554 are hereby permanently rescinded: *Provided further,* That of the funds made available for the Job Access and Reverse Commute program, as authorized by Public Law 105-178, as amended, $14,661,719 are hereby permanently rescinded: *Provided further,* That of the funds made available for the Capital Investment Grants program, as authorized by Public Law 105-178, as amended, $11,429,055 are hereby permanently rescinded: *Provided further,* That of the funds made available for the Research, Training, and Human Resources program, as authorized by Public Law 95-599, as amended, $247,579 are hereby permanently rescinded: *Provided further,* That of the funds made available for the Interstate Transfer Grants program, as authorized by 23 U.S.C. 103(e)(4), $2,661,568 are hereby permanently rescinded: *Provided further,* That of the funds made available for the Washington Metropolitan Area Transit Authority, as authorized by section 14 of Public Law 96-184, as amended, and by Public Law 101-551, as amended, $523,000 are hereby permanently rescinded: *Provided further,* That of the funds made available for the Urban Discretionary Grants program, as authorized by Public Law 88-365, as amended, $578,353 are hereby permanently rescinded: *Provided further,* That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 169B. None of the funds in this Act may be available to advance a new fixed guideway capital project to final design or a full funding grant agreement as defined by 49 U.S.C. 5309 for the Metropolitan Transit Authority of Harris County, Texas if the proposed capital project is constructed on or planned to be constructed on Richmond Avenue west of Montrose Boulevard or on Post Oak Boulevard north of Richmond Avenue in Houston, Texas.

SEC. 169C. Notwithstanding any other provision of law, fuel for vehicle operations, including the cost of utilities used for the propulsion of electrically driven vehicles, shall be treated as an associated capital maintenance item for purposes of grants made under section 5307 of title 49, United States Code, in fiscal year 2013. Amounts made under this heading shall be limited to $100,000,000.

POINT OF ORDER

Mr. DUNCAN of Tennessee. Madam Chairwoman, I rise to raise a point of order against section 169C.

The Acting CHAIR. The gentleman will state his point of order.

Mr. DUNCAN of Tennessee. Madam Chairwoman, I raise a point of order against section 169C on page 56, lines 10 through 16. This section violates clause 2(b) of rule XXI. It changes existing law and therefore constitutes legislating on an appropriation bill in violation of House rules.

I would also note that the issue of when transit agencies can use Federal transit funds for operating expenses is part of conference negotiations on the highway bill, which hopefully will be resolved by the end of this week. The conference report will include a better, more targeted policy on this issue.

I request a ruling in favor of this point of order.

The Acting CHAIR. Does any other Member wish to be heard on the point of order? If not, the Chair will rule.

The Chair finds that this section explicitly supersedes existing law. The section therefore constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained and the section is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations, maintenance, and capital asset renewal of those portions of the St. Lawrence Seaway owned, operated, and maintained by the Saint Lawrence Seaway Development Corporation, $33,000,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $184,000,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $145,753,000, of which $11,500,000 shall remain available until expended for maintenance and repair of training ships at State Maritime Academies, and of which $2,400,000 shall remain available through September 30, 2014 for Student Incentive Program payments at State Maritime Academies, and of which not less than $14,000,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy: *Provided*, That amounts apportioned for the United States Merchant Marine Academy shall be available only upon allotments made personally by the Secretary of Transportation or the Assistant Secretary for Budget and Programs: *Provided further*, That the Superintendent, Deputy Superintendent and the Director of the Office of Resource Management of the United State Merchant Marine Academy may not be allotment holders for the United States Merchant Marine Academy, and the Administrator of the Maritime Administration shall hold all allotments made by the Secretary of Transportation or the Assistant Secretary for Budget and Programs under the previous proviso: *Provided further*, That 50 percent of the funding made available for the United States Merchant Marine Academy under this heading shall be available only after the Secretary, in consultation with the Superintendent and the Maritime Administrator, completes a plan detailing by program or activity how such funding will be expended at the Academy, and this plan is submitted to the House and Senate Committees on Appropriations.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $4,000,000, to remain available until expended.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the necessary administrative expenses of the maritime guaranteed loan program, $3,750,000 shall be paid to the appropriation for ''Operations and Training'', Maritime Administration.

□ 2150

AMENDMENT OFFERED BY MR. BROUN OF GEORGIA

Mr. BROUN of Georgia. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 59, line 7, after the dollar amount, insert ''(reduced by $10,000)''.

Page 150, line 9, after the dollar amount, insert ''(increased by $10,000)''.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BROUN of Georgia. Madam Chair, my amendment would reduce funding for the administrative expenses for the Maritime Guaranteed Loan program by $10,000. That's all. It doesn't sound like much, but it freezes spending at the current levels.

I believe very firmly that we ought to cut spending in this House. We've cut our MRAs, our own operating accounts for our own administrative expenses by 11 percent. What this amendment does, it freezes at the current fiscal year '12 levels. It is a minor amount of money to most folks, but still, $10,000 is a lot of money to this old Georgia boy.

So I urge adoption of my amendment, and I yield back the balance of my time.

Mr. LATHAM. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. I would just accept the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROUN).

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

SEC. 170. Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration: *Provided*, That payments received therefor shall be credited to the appropriation charged with the cost thereof and shall be available until expended: *Provided further*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

SEC. 171. None of the funds available or appropriated in this Act shall be used by the United States Department of Transportation or the United States Maritime Administration to negotiate or otherwise execute, enter into, facilitate or perform fee-for-service contracts for vessel disposal, scrapping or recycling, unless there is no qualified domestic ship recycler that will pay any sum of money to purchase and scrap or recycle a vessel owned, operated or managed by the Maritime Administration or that is part of the National Defense Reserve Fleet. Such sales offers must be consistent with the solicitation and provide that the work will be performed in a timely manner at a facility qualified within the meaning of section 3502 of Public Law 106–398. Nothing contained herein shall affect the Maritime Administration's authority to award contracts at least cost to the Federal Government and consistent with the requirements of 16 U.S.C. 5405(c), section 3502, or otherwise authorized under the Federal Acquisition Regulation.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

OPERATIONAL EXPENSES

(PIPELINE SAFETY FUND)

(INCLUDING TRANSFER OF FUNDS)

For necessary operational expenses of the Pipeline and Hazardous Materials Safety Administration, $23,030,000, of which $639,000 shall be derived from the Pipeline Safety Fund: *Provided*, That $1,500,000 shall be transferred to ''Pipeline Safety'' in order to fund ''Pipeline Safety Information Grants to Communities'' as authorized under section 60130 of title 49, United States Code.

AMENDMENT OFFERED BY MR. BROUN OF GEORGIA

Mr. BROUN of Georgia. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 60, line 25, after the first dollar amount, insert ''(reduced by $1,670,000)''.

Page 150, line 9, after the dollar amount, insert ''(increased by $1,670,000)''.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BROUN of Georgia. Madam Chair, this, like many amendments I'm offering tonight, would freeze spending at the FY12 levels. We've just got to stop spending money we don't have, Madam Chairman.

I recommend adoption of my amendment, and I yield back the balance of my time.

Mr. OLVER. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. What we are talking about here is pipeline safety inspectors. The increase in pipeline safety inspectors, and the agency is Pipeline and Hazardous Materials Safety Administration, that organization has, over the last few years, had an ever-increasing responsibility.

Just about 18 months ago, we had a Pacific Gas and Electric pipeline that ruptured in San Bruno, California. The ensuing fire and explosion leveled some 35 homes and killed eight people. The National Transportation Safety Board's investigation found that Pacific Gas and Electric's poor quality control and integrity management systems contributed to the cause of the pipeline rupture. It is a prime example of why we need strong enforcement and oversight of the Nation's ever-expanding, really already vast, but ever-expanding pipeline system.

Now, section 31 of the Pipeline Safety Reauthorization bill enacted on January 3 of this year authorized 10 additional pipeline inspection and enforcement personnel if the Pipeline and Hazardous Materials Safety Administration had filled all 135 of its existing positions by a certain deadline.

We need to be doing more rather than less on pipeline safety, and so I oppose this amendment very strongly.

I yield back the balance of my time.

Mr. LATHAM. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. I rise in strong opposition to this amendment.

This program was authorized just last year. The funds that are being cut here are for safety inspectors, and we've had explosions in Iowa.

The gentleman referred to very tragic pipeline explosions elsewhere around the country. We have seen a number of these explosion incidents. We simply cannot compromise safety in this regard. It's a small increase and consistent with the authorization that was just passed by this Congress.

I can tell you from personal experience, in a little town of Alexander, about 5 miles outside of town, it's been several years ago, but a pipeline exploded, and basically we had to evacuate about a 15-mile area, and it was a huge issue. Fortunately, no one was killed in that explosion.

But I'll just say that this is a very important function and that we need to have these inspectors. We need to have a focus on pipeline safety. And so again, I would recommend a ''no'' vote on this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROUN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. BROUN of Georgia. 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 Georgia will be postponed.

The Clerk will read.

The Clerk read as follows:

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, $42,546,000, of which $1,725,000 shall remain available until September 30, 2015: *Provided*, That up to $800,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approval functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

(PIPELINE SAFETY DESIGN REVIEW FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $111,252,000, of which $18,573,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2015; and of which $90,679,000 shall be derived from the Pipeline Safety Fund, of which $48,191,000 shall remain available until September 30, 2015; and of which $2,000,000, to remain available until expended, shall be derived as provided in this Act from the Pipeline Safety Design Review Fund, as authorized in 49 U.S.C. 60117(n): *Provided*, That not less than $1,058,000 of the funds provided under this heading shall be for the one-call State grant program.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5128(b), $188,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2014: *Provided*, That not more than $28,318,000 shall be made available for obligation in fiscal year 2013 from amounts made available by 49 U.S.C. 5116(i) and 5128(b)-(c): *Provided further*, That none of the funds made available by 49 U.S.C. 5116(i), 5128(b), or 5128(c) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses of the Research and Innovative Technology Administration, $13,500,000: *Provided*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of the Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $84,499,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5

U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: *Provided further*, That the funds made available under this heading may be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso: *Provided further*, That no funding through expenditure transfers shall be made between either the Federal Highway Administration, the Federal Aviation Administration, the Federal Transit Administration, or the National Transportation Safety Board, and the Office of Inspector General: *Provided further*, That: (1) the Inspector General shall have the authority to audit and investigate the Metropolitan Washington Airports Authority (MWAA); (2) in carrying out these audits and investigations the Inspector General shall have all the authorities described under section 6 of the Inspector General Act (5 U.S.C. App.); (3) MWAA Board Members, employees, contractors, and subcontractors shall cooperate and comply with requests from the Inspector General, including providing testimony and other information; (4) The Inspector General shall be permitted to observe closed executive sessions of the MWAA Board of Directors; (5) MWAA shall pay the expenses of the Inspector General, including staff salaries and benefits and associated operating costs, which shall be credited to this appropriation and remain available until expended; and (6) if MWAA fails to make funds available to the Inspector General within 30 days after a request for such funds is received, then the Inspector General shall notify the Secretary of Transportation who shall not approve a grant for MWAA under section 47107(b) of title 49, United States Code, until such funding is made available for the Inspector General.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $31,250,000: *Provided*, That notwithstanding any other provision of law, not to exceed $1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further*, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2013, to result in a final appropriation from the general fund estimated at no more than $30,000,000.

AMENDMENT OFFERED BY MR. BROUN OF GEORGIA

Mr. BROUN of Georgia. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 65, line 11, after the dollar amount, insert ''(reduced by $1,940,000)''.

Page 150, line 9, after the dollar amount, insert ''(increased by $1,940,000)''.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BROUN of Georgia. Madam Chair, my amendment will reduce funding for salaries and expenses for the Surface Transportation Board by $1,940,000. This office is one of 13 in the underlying bill which would receive increases for administrative expenses in this underlying bill. Passage of my amendment would simply bring funding levels back to current levels, fiscal year 2012.

Madam Chair, we are spending money we don't have. We have reduced our own operating expenses as Members of the House by 11 percent, over 11 percent, and this amendment would just freeze—would prevent any increase in the salaries and expenses for the Surface Transportation Board—to this year's level.

□ 2200

We've got to be fiscally responsible, Madam Chairman, as a Nation. We've got to stop the outrageous spending that's going on here in Washington. And this doesn't even stop it; this just freezes it at the current levels.

This, hopefully, is going to put a little spotlight on the fact that we need to stop spending money we don't have, stop borrowing 40 cents on every dollar the Federal Government spends. My amendment would just freeze spending at the current levels.

I urge support of my amendment, and I yield back the balance of my time.

Mr. LATHAM. I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. Madam Chairwoman, I accept the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROUN).

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

GENERAL PROVISIONS—DEPARTMENT OF TRANSPORTATION

SEC. 180. During the current fiscal year, applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 181. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 182. None of the funds in this Act shall be available for salaries and expenses of more than 110 political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 183. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 184. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's ''Federal-Aid Highways'' account, the Federal Transit Administration's ''Research and University Research Centers'' account, and to the Federal Railroad Administration's ''Safety and Operations'' account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 185. None of the funds in this Act to the Department of Transportation may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any project competitively selected to receive a discretionary grant award, any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more is announced by the department or its modal administrations from:

(1) any discretionary grant program of the Federal Highway Administration including the emergency relief program;

(2) the airport improvement program of the Federal Aviation Administration;

(3) any program of the Federal Railroad Administration;

(4) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs; or

(5) any funding provided under the headings ''National Infrastructure Investments'' in this Act: *Provided*, That the Secretary gives concurrent notification to the House and Senate Committees on Appropriations for any ''quick release'' of funds from the emergency relief program: *Provided further*, That no notification shall involve funds that are not available for obligation.

SEC. 186. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 187. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to a third-party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments; and

(2) to pay contractors for services provided in recovering improper payments or contractor support in the implementation of the Improper Payments Information Act of 2002: *Provided*, That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify to the House and Senate Committees on Appropriations of the

amount and reasons for such transfer: *Provided further*, That for purposes of this section, the term ''improper payments'', has the same meaning as that provided in section 2(d)(2) of Public Law 107–300.

SEC. 188. Notwithstanding any other provision of law, if any funds provided in or limited by this Act are subject to a reprogramming action that requires notice to be provided to the House and Senate Committees on Appropriations, said reprogramming action shall be approved or denied solely by the Committees on Appropriations: *Provided*, That the Secretary may provide notice to other congressional committees of the action of the Committees on Appropriations on such reprogramming but not sooner than 30 days following the date on which the reprogramming action has been approved or denied by the House and Senate Committees on Appropriations.

SEC. 189. None of the funds appropriated or otherwise made available under this Act may be used by the Surface Transportation Board of the Department of Transportation to charge or collect any filing fee for rate complaints filed with the Board in an amount in excess of the amount authorized for district court civil suit filing fees under section 1914 of title 28, United States Code.

SEC. 190. Funds appropriated in this Act to the modal administrations may be obligated for the Office of the Secretary for the costs related to assessments or reimbursable agreements only when such amounts are for the costs of goods and services that are purchased to provide a direct benefit to the applicable modal administration or administrations.

This title may be cited as the ''Department of Transportation Appropriations Act, 2013''.

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MANAGEMENT AND ADMINISTRATION

ADMINISTRATION, OPERATIONS, AND MANAGEMENT

For necessary salaries and expenses for administration, management and operations of the Department of Housing and Urban Development, $518,068,000, of which not to exceed $3,572,000 shall be available for the immediate Office of the Secretary; not to exceed $1,206,000 shall be for the Office of the Deputy Secretary and the Chief Operating Officer; not to exceed $1,711,000 shall be available for the Office of Hearings and Appeals; not to exceed $705,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $47,627,000 shall be available for the Office of the Chief Financial Officer; not to exceed $95,102,000 shall be available for the Office of the General Counsel; not to exceed $2,400,000 shall be available to the Office of Congressional and Intergovernmental Relations; not to exceed $3,502,000 shall be available for the Office of Public Affairs; not to exceed $247,535,000 shall be available for the Office of the Chief Human Capital Officer; not to exceed $47,500,000 shall be available for the Office of Field Policy and Management; not to exceed $16,563,000 shall be available for the Office of the Chief Procurement Officer; not to exceed $3,127,000 shall be available for the Office of Departmental Equal Employment Opportunity; not to exceed $1,404,000 shall be available for the Center for Faith-Based and Community Initiatives; not to exceed $2,360,000 shall be available for the Office of Sustainable Housing and Communities; not to exceed $4,884,000 shall be available for the Office of Strategic Planning and Management; and not to exceed $38,870,000 shall be available for the Office of the Chief Information Officer: *Provided*, That funds provided under this heading may be used for necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that support the housing mission area: *Provided further*, That the Secretary shall transmit to the House and Senate Committees on Appropriations a detailed budget justification for each office within the Department, including an organizational chart for each operating area within the Department: *Provided further*, That the budget justification shall include funding levels for the past 3 fiscal years for all offices: *Provided further*, that the budget submitted by the Department must also include a detailed justification for the incremental funding increases, decreases and FTE fluctuations being requested by program, activity, or program element: *Provided further*, That the Secretary shall provide the Committees on Appropriations quarterly written notification regarding the status of pending congressional reports: *Provided further*, That the Secretary shall provide all signed reports required by Congress electronically: *Provided further*, That not to exceed $25,000 of the amount made available under this paragraph for the immediate Office of the Secretary shall be available for official reception and representation expenses as the Secretary may determine.

AMENDMENT OFFERED BY MRS. CAPPS

Mrs. CAPPS. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 71, line 19, after the dollar amount, insert ''(reduced by $10,000,000)''.

Page 72, line 3, after the dollar amount, insert ''(reduced by $2,000,000)''.

Page 72, line 8, after the dollar amount, insert ''(reduced by $5,000,000)''

Page 72, line 20, after the dollar amount, insert ''(reduced by $3,000,000)''

Page 102, line 2, after the first dollar amount, insert ''(increased by $10,000,000)''.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Mrs. CAPPS. Madam Chair, this is a straightforward amendment to increase funding for the HUD Housing Counseling Assistance Program.

As we all know, the foreclosure crisis continues to ravage our families in many parts of the country. This is a problem in my home State of California, but also in many other States. Nevada, Florida, Ohio, Illinois, and Georgia all have foreclosure rates well above the national average.

There are many efforts aimed at solving this crisis, but local housing counseling agencies have proven to be among the most effective tools we have to help struggling families stay in their homes during these tough times. These local nonprofits are filled with dedicated staff who work tirelessly to help homeowners make informed decisions and stay in their homes. They provide a wide range of free counseling services, including post-purchase counseling, renter counseling, reverse mortgage counseling for senior homeowners, and counseling for homeless individuals and families seeking shelter. And they depend on Federal funding from HUD's Housing Counseling Assistance Program to provide these services.

Every dollar allocated to these local organizations helps to ensure that all homeowners in financial distress may have a trusted third-party resource to turn to free of charge. Recognizing the value and effectiveness of housing counselors, Congress more than doubled funding for this critical program from 2007 to 2010 to help combat the rapidly expanding foreclosure crisis, and that money was money well spent.

Local counseling agencies used the funding to create jobs by hiring additional counselors and expanding their services to meet the rapidly growing demand created by the recession. Sadly, however, funding for Housing Counseling Assistance was abruptly eliminated in FY 2011. This was a devastating blow to these local organizations, resulting in layoffs and, more important, elimination of a valuable and much needed service to homeowners who are in trouble. Thankfully, we were able to restore some of this funding last year, and I thank the chairman and the Appropriations Committee for maintaining last year's funding level in the bill before us.

But, frankly, this is not enough. The foreclosure crisis is far from over, and the need for this funding has never been greater.

Just last month, one in every 639 houses nationwide received a foreclosure notice. That's why my amendment would increase funding for HUD Housing Counseling Assistance by $10 million, matching the President's request of $55 million.

The amendment is fully paid for with a $10 million reduction in the administration's operations and management account. This additional funding will make a tremendous difference in the lives of middle class Americans in my district and across this country who are desperately trying to stay afloat.

In my district on the central coast of California, where the foreclosure rate remains well above the national average, every little bit makes such a difference. I know my local housing counselors, like SurePath Financial, like People's Self-Help Housing and Cabrillo Economic Development, they're going to be able to help many more of my constituents with this extra funding.

I know some States have been harder hit than others by the foreclosure crisis, but the benefits of counseling extend to all homeowners, not just those facing foreclosure. In a recently released study, HUD examined both families seeking to purchase their first homes and those struggling to prevent foreclosure. In the pre-purchase counseling study, HUD found that of those participants that became homeowners, all but one of them remained current on their mortgage payments after 18

months. This study shows that housing counseling is not only helping address the current foreclosure crisis, it's also helping prevent future crises by helping homeowners find mortgages that they can afford and fully understand.

When homeowners understand their mortgage and properly plan, they're much more likely to make their payments on time and avoid foreclosure in the future. The Housing Counseling Assistance Program helps to make that happen.

This program has broad national support from respected nonprofits like Catholic Charities, National Council on Aging, and the National Council of La Raza, and for-profit industry groups like the Mortgage Bankers Association. And it should have broad bipartisan support here in the House as well.

I'm willing to bet that most of my colleagues in this House have referred constituents in need of help to their local housing counseling agencies. I know I certainly have. I have no reservations about referring my constituents to local HUD-certified housing counselors because I know they will receive excellent advice and guidance. But as the foreclosure crisis has dragged on, demand for help has far exceeded the resources available. My amendment will not immediately solve this enormous program, but it will certainly help.

This shouldn't be a partisan issue. I know we must make tough choices to balance our budget, but we must also make smart choices. Voting for my amendment is a smart choice. It's also the right choice for Americans who are still struggling to stay afloat. So I urge my colleagues to support our local housing counselors and vote ''yes'' on my amendment.

Madam Chair, I yield back the balance of my time.

Mr. LATHAM. Madam Chairwoman, I rise in opposition to the gentlelady's amendment.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. Madam Chairwoman, again, I oppose the gentlelady's amendment.

This bill provides $45 million for housing counseling—the same as last year and $45 million more than in fiscal year 2011.

HUD just reorganized into the new Office of Housing Counseling. I would say that before we give additional resources to HUD's Housing Counseling, we need to make sure HUD has the capability to effectively implement this program. I think they ought to be able to walk before they run here.

Housing Counseling agencies are still complaining of the painstaking bureaucracy involved in applying and receiving these funds. On the other hand, people could get housing counseling from many government sources, including NeighborWorks.

□ 2210

NeighborWorks gets funding out the door quickly, has extensive metrics ensuring the proper use of the funds. We increased NeighborWorks by $10 million over last year.

We need HUD to do this thing right. So until they can prove to us they could, taking funding from HUD's salaries and expenses would not be an effective use of government resources.

Again, Madam Chair, I would urge a ''no'' vote.

I yield back the balance of my time.

Mr. OLVER. Madam Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. I am inclined to support the amendment that the gentlewoman from California has proposed, recognizing that the request on the part of the administration was for $55 million, and that it's an interesting juxtaposition, because the HUD counseling programming, the request is for $55 million. The request for the National Reinvestment Corporation, that's NeighborWorks, which does also counseling, that request was for $213 million, for a total of $268 million.

The other body, in the legislation that they put forward, with a much larger allocation than we had in our budget because of the position on what the discretionary expenditure limits would be on the House side, the other body gave 55, the President's request, but also gave 215 for the National Reinvestment Corporation's account, which put them on the other body's side account, to $2 million above.

In the wisdom of the chairman, on the House side, in our bill, we have $10 million less for the HUD Department's program, but $10 million more for the National Reinvestment Corporation's program. To my view, it doesn't make much difference there, but I will support the gentlewoman from California for her passion on this one.

I think it is certainly very clear that if the economy recovers, more Americans are going to be buying homes and that it is crucial that we have programs in place in both of those locuses that ensure that homeowners and new homeowners and people who are prospective homeowners do not repeat the same mistakes that led us into the financial crisis in the first place.

So I think it's a small difference, but I'm going to support the gentlewoman's amendment; and I hope the amendment will be adopted.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Mrs. CAPPS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mrs. CAPPS. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT OFFERED BY MR. GOSAR

Mr. GOSAR. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 71, line 19, after the dollar amount, insert ''(reduced by $24,437,268)''.

Page 71, line 20, after the dollar amount, insert ''(reduced by $168,491)''.

Page 71, line 21, after the dollar amount, insert ''(reduced by $56,887)''.

Page 71, line 23, after the dollar amount, insert ''(reduced by $80,708)''.

Page 71, line 25, after the dollar amount, insert ''(reduced by $33,255)''.

Page 72, line 2, after the dollar amount, insert ''(reduced by $2,246,566)''.

Page 72, line 3, after the dollar amount, insert ''(reduced by $4,485,961)''.

Page 72, line 5, after the dollar amount, insert ''(reduced by $113,208)''.

Page 72, line 7, after the dollar amount, insert ''(reduced by $165,189)''.

Page 72, line 8, after the dollar amount, insert ''(reduced by $11,676,226)''.

Page 72, line 10, after the dollar amount, insert ''(reduced by $2,240,575)''.

Page 72, line 11, after the dollar amount, insert ''(reduced by $781,277)''.

Page 72, line 13, after the dollar amount, insert ''(reduced by $147,501)''.

Page 72, line 15, after the dollar amount, insert ''(reduced by $66,227)''.

Page 72, line 17, after the dollar amount, insert ''(reduced by $111,321)''.

Page 72, line 18, after the dollar amount, insert ''(reduced by $230,378)''.

Page 72, line 20, after the dollar amount, insert ''(reduced by $1,833,498)''.

Page 150, line 9, after the dollar amount, insert ''(increased by $24,437,268)''.

Mr. GOSAR (during the reading). Madam Chair, I ask unanimous consent that the reading of the amendment be dispensed with.

The Acting CHAIR. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. GOSAR. Madam Chair, I rise today in support of my amendment to H.R. 5972, the Transportation, Housing and Urban Development and Related Agencies Appropriations Act for the Fiscal Year of 2013.

The purposes of my amendment are straightforward and simple. First, the amendment aims to hold one particular Federal agency accountable for its terrible mismanagement of resources, the Department of Housing and Urban Development, or HUD.

Second, the amendment saves over $24 million in taxpayer dollars during these trying economic times. I was perturbed to read that Appropriations Committee Report numbered 112–541 as it related to HUD's administrative operations and management. I will read an excerpt from page 71 here:

While the Committee appreciates the expanded Congressional Budget Justifications the Department submitted, the committee is appalled with the quality of the information the Department and administration provide throughout the year to explain and to justify their budget requests. HUD does not have adequate knowledge of the number of people

it takes to implement a program. Further, the information HUD provides is often wrong, contains mathematical errors, and calls into question HUD's entire Congressional Budget Justification and the Department's competence in managing its resources.

On the following page, the report goes on to show that HUD cannot account for much of its data regarding salary and benefit levels for its employees. HUD also violated the Anti-Deficiency Act multiple times in FY 2011, in which the Department hired more people than it had resources to pay.

Let me say that I do appreciate the committee's awareness of the situation and its desire to lower funding levels in this bill, as compared to last year's levels. But I believe that HUD's administrative, operations and management resources can and should be reduced to FY 2008 levels. This is a reasonable level of funding that allowed them to do their job during very troubling economic times. Unfortunately, we still live in such times; and that fact, combined with their negligence, means that they must operate with less. Business incompetence isn't an answer and cannot be rewarded within any budget.

For these reasons, I ask each Member of the House to support my amendment to the underlying bill. This is a win-win for the American taxpayer. You can cast a vote to hold government accountable and reduce the deficit, and you have the ability. Join me in supporting this commonsense amendment.

I yield back the balance of my time.

Mr. LATHAM. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. I'm very pleased that you've read our comments about HUD and the management problems that they've had down there. Obviously, they've got a long way to go. They are making some real strides and improvement. We worked closely with the Secretary to try and have some management involved finally.

But this amendment arbitrarily cuts S&E budgets to the 2008 levels. Just so everybody knows, we have already reduced funding by over $14 million from last year in this account. We've met the budget resolution levels and cut overall in the bill almost $4 billion from last year's appropriated levels.

While, again, we really appreciate the concern over the debt, this is really an arbitrary way to budget, unfortunately, and negates the months of work the committee has done in determining proper levels as far as funding.

But, again, I would love to have you read, again, the committee's comments because it has been an extraordinary problem at the Department. Again, they are making progress, not fast enough for any of us, and we have already, in the bill, cut $14 million from last year.

So with that, Madam Chair, I would urge a ''no'' vote.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. GOSAR).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. GOSAR. Madam 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 Arizona will be postponed.

AMENDMENT NO. 1 OFFERED BY MR. NADLER

Mr. NADLER. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 71, line 19, after the dollar amount insert ''(reduced by $2,000,000)''.

Page 72, line 20, after the dollar amount insert ''(reduced by $2,000,000)''

Page 88, line 23, after the dollar amount insert ''(increased by $2,000,000)''.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. NADLER. Madam Chair, before I get to the substance of the amendment, I cannot allow the occasion to pass because it may be my last comment on the floor on this bill, and the occasion is that this is the last time this bill will be shepherded by the gentleman from Massachusetts (Mr. OLVER), who's the ranking member and former chairman of the subcommittee, and who's done a wonderful job and has been a help to all of us and a help on amendments like this. And I just wanted to say that I regret that he will not be shepherding next year's bill and in the future.

Mr. LATHAM. Will the gentleman yield?

Mr. NADLER. I yield to the gentleman.

□ 2220

Mr. LATHAM. Due to the hour of the evening, we will accept the amendment. We don't need a lot of discussion. We want to get on with the series of votes, so we will gladly accept the amendment.

Mr. NADLER. Let me describe it in one sentence.

This amendment increases the HOPWA, which is the Housing Opportunities for Persons with AIDS, by $2 million. It offsets it with a harmless offset.

I appreciate the cooperation, and I yield back the balance of my time.

Madam Chair, HOPWA is a national safety net for people battling HIV/AIDS, providing housing support through competitive and formula grants to all fifty states, the District of Colombia, Puerto Rico and the Virgin Islands since 1992. At any given time, one-third to one-half of all Americans with HIV/AIDS are either homeless or in imminent danger of losing their homes. Research shows that stable housing leads to better health outcomes for those living with HIV. Inadequate or unstable housing is not only a barrier to effective treatment, but also puts people with HIV/AIDS at risk of premature death from exposure to other diseases, poor nutrition, stress, and lack of medical care. Housing interventions are critical in our continued fight against HIV/AIDS, and even modest investments in stable housing programs saves federal and state tax dollars.

It is because of the important and unique role HOPWA plays in battling AIDS that the program enjoys broad bipartisan support, and it's why I'm offering an amendment today that would restore $2 million to the program.

Unfortunately, this year's Transportation-HUD appropriations bill would fund the HOP WA program at $330 million—yet another cut to this successful program, this time in the amount of $2 million, and the third cut it's received in three years.

While the loss of another $2 million for HOPWA this year may seem small by federal budgeting standards, it is far from inconsequential. By restoring just $1 million to the HOPWA program, we can help provide stable, affordable housing for approximately 171 households grappling with HIV/AIDS. If you support my amendment, which would restore $2 million to the program and would maintain flat funding from FY12 to FY13, more than 340 households will have the guarantee of secure housing for another year.

Let me repeat that: my amendment only seeks to maintain FY12 funding levels. $332 million is far from what's needed to help every household eligible for the program, but for those 350 households it means everything.

To protect these households in need while adhering to House rules, my amendment is budget neutral reducing funding for the Chief Information Officer by $2 million. I support the work of the Chief Information Officer and believe that our constituents should know about, and can gain access to, the panoply of HUD-sponsors programs designed to help them and their families. But even after my amendment, the Chief Information Officer would still have almost $37 million to do its work. At a time when all families are struggling, those living with HIV/AIDS are particularly at risk. Nothing can be more important than keeping people in their homes and helping those struggling with disease to have a fighting chance. For me, the choice is simple, and I urge my colleagues to join me in supporting my amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

PROGRAM OFFICE SALARIES AND EXPENSES

PUBLIC AND INDIAN HOUSING

For necessary salaries and expenses of the Office of Public and Indian Housing, $206,500,000.

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:

An amendment by Mr. CONNOLLY of Virginia.

An amendment by Mr. MCCLINTOCK of California.

An amendment by Mr. GARRETT of New Jersey.

An amendment by Mrs. CAPPS of California.

An amendment by Mr. GOSAR of Arizona.

First amendment by Mr. BROUN of Georgia.

Second amendment by Mr. BROUN of Georgia.

Fourth amendment by Mr. BROUN of Georgia.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. CONNOLLY OF VIRGINIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 175, noes 222, not voting 35, as follows:

[Roll No. 416]

AYES—175

Altmire
Andrews
Baca
Baldwin
Barber
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Cuellar
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dent
Deutch
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Duncan (TN)
Edwards
Ellison
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Frank (MA)
Fudge
Garamendi
Gerlach
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Hahn
Hanabusa
Hastings (FL)
Heinrich
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lowey
Luján
Lynch
Maloney
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Perlmutter
Peters
Pingree (ME)
Platts
Polis
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Van Hollen
Visclosky
Walz (MN)
Waters
Watt
Waxman
Welch
Wilson (FL)
Yarmuth

NOES—222

Adams
Aderholt
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
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
DesJarlais
Diaz-Balart
Dreier
Duffy
Duncan (SC)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gibbs
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
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lance
Landry
Lankford
Latham
LaTourette
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
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
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (FL)
Young (IN)

NOT VOTING—35

Ackerman
Akin
Bilirakis
Clarke (NY)
Conyers
Crowley
Cummings
Engel
Flores
Gingrey (GA)
Gutierrez
Holden
Jackson (IL)
Johnson (IL)
Lamborn
Lewis (CA)
Lewis (GA)
Lofgren, Zoe
Markey
McCarthy (NY)
Meeks
Myrick
Pelosi
Peterson
Rangel
Sánchez, Linda T.
Stivers
Sullivan
Towns
Tsongas
Turner (NY)
Velázquez
Wasserman Schultz
Woolsey
Young (AK)

□ 2246

Messrs. HUIZENGA of Michigan, BILBRAY, and ROSS of Florida changed their vote from ''aye'' to ''no.''

Ms. HERRERA BEUTLER and Mr. PLATTS changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MCCLINTOCK

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. MCCLINTOCK) 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 164, noes 238, not voting 30, as follows:

[Roll No. 417]

AYES—164

Adams
Amash
Austria
Bachmann
Bachus
Barber
Barrow
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Boustany
Brady (TX)
Broun (GA)
Buchanan
Bucshon
Buerkle
Burton (IN)
Camp
Campbell
Canseco
Cantor
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Conaway
Connolly (VA)
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Doggett
Dold
Dreier
Duncan (SC)
Duncan (TN)
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Gowdy
Graves (GA)
Green, Gene
Griffith (VA)
Grimm
Guinta
Hanna
Harris
Hastings (WA)
Hensarling
Herger
Himes
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson, Sam
Jones
Jordan
Kingston
Kinzinger (IL)
Kline
Labrador
Lance
Landry
Lankford
Latta
LoBiondo
Long
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Neugebauer
Nugent
Nunes
Nunnelee
Olson
Paul
Paulsen
Pence
Petri
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quayle
Reed
Reichert
Renacci
Ribble
Rigell
Roe (TN)
Rohrabacher
Rokita
Rooney
Roskam
Ross (FL)
Royce
Rush
Ryan (WI)
Scalise
Schmidt
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stutzman
Terry
Thornberry
Tiberi
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Woodall
Yoder
Young (IN)

NOES—238

Aderholt
Alexander
Altmire
Amodei
Andrews
Baca
Baldwin
Barletta
Bartlett
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Bonner
Bono Mack
Boren
Boswell
Brady (PA)
Braley (IA)
Brooks
Brown (FL)
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clay
Cleaver
Clyburn
Cohen
Cole
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Diaz-Balart
Dicks
Dingell
Donnelly (IN)
Doyle
Duffy
Edwards
Ellison
Ellmers
Emerson
Eshoo
Farenthold
Farr
Fattah
Filner
Fitzpatrick
Fortenberry
Fudge
Gallegly
Garamendi
Gibbs
Gibson
Gonzalez
Gosar
Granger
Graves (MO)
Green, Al
Griffin (AR)
Grijalva
Guthrie
Hahn
Hall
Hanabusa
Harper
Hartzler
Hastings (FL)
Hayworth
Heck
Heinrich
Herrera Beutler
Higgins
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Huelskamp
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lipinski
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lynch
Maloney
Marino
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McKeon
McKinley
McMorris Rodgers
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Noem
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Pearce
Pelosi
Perlmutter
Peters
Pingree (ME)
Pitts
Platts
Price (NC)
Quigley
Rahall
Rehberg
Reyes
Richardson
Richmond
Rivera
Roby
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Tipton
Tonko
Van Hollen
Visclosky
Walz (MN)
Waters
Watt
Waxman
Welch
Wilson (FL)
Wolf
Womack
Yarmuth
Young (FL)

NOT VOTING—30

Ackerman
Akin
Burgess
Clarke (NY)
Crowley
Cummings
Engel
Gutierrez
Holden
Jackson (IL)
Johnson (IL)
Lamborn
Lewis (CA)
Lewis (GA)
Lofgren, Zoe
Markey
Meeks
Myrick
Peterson
Rangel
Sánchez, Linda T.
Stivers
Sullivan
Towns
Tsongas
Turner (NY)
Velázquez
Wasserman Schultz
Woolsey
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 2251

MR. CONNOLLY of Virginia changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GARRETT

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. GARRETT) 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 160, noes 243, not voting 29, as follows:

[Roll No. 418]

AYES—160

Adams
Alexander
Amash
Bachmann
Barletta
Barrow
Barton (TX)
Benishek
Biggert
Bilbray
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Camp
Campbell
Canseco
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Conaway
Costa
Cravaack
Denham
DesJarlais
Duffy
Duncan (SC)
Duncan (TN)
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Foxx
Franks (AZ)
Gardner
Garrett
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Griffin (AR)
Guinta
Guthrie
Hall
Harris
Hartzler
Hensarling
Herger
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
Kingston
Kinzinger (IL)
Kline
Labrador
Lance
Landry
Lankford
Latta
LoBiondo
Long
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McClintock
McCotter
McHenry
McIntyre
McKinley
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Renacci
Ribble
Roe (TN)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Roskam
Ross (FL)
Royce
Ryan (WI)
Scalise
Schmidt
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Smith (NE)
Smith (TX)
Southerland
Stearns
Stutzman
Terry
Tiberi
Upton
Walberg
Walsh (IL)
West
Westmoreland
Wilson (SC)
Woodall
Yoder
Young (IN)

NOES—243

Aderholt
Altmire
Amodei
Andrews
Austria
Baca
Bachus
Baldwin
Barber
Bartlett
Bass (CA)
Bass (NH)
Becerra
Berg
Berkley
Berman
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Calvert
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Edwards
Ellison
Ellmers
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Gibson
Gonzalez
Granger
Green, Al
Green, Gene
Griffith (VA)
Grijalva
Grimm
Hahn
Hanabusa
Hanna
Harper
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Israel
Issa
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
King (NY)
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lipinski
Loebsack
Lowey
Lucas
Luján
Lynch
Maloney
Matsui
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McKeon
McNerney
Meehan
Michaud
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Pitts
Platts
Polis
Price (NC)
Quigley
Rahall
Reed
Rehberg
Reichert
Reyes
Richardson
Richmond
Rigell
Rivera
Roby
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tierney
Tipton
Tonko
Turner (OH)
Van Hollen
Visclosky
Walden
Walz (MN)
Waters
Watt
Waxman
Webster
Welch
Whitfield
Wilson (FL)
Wittman
Wolf
Womack
Yarmuth
Young (FL)

NOT VOTING—29

Ackerman
Akin
Clarke (NY)
Crowley
Cummings
Engel
Gutierrez
Holden
Jackson (IL)
Johnson (IL)
Lamborn
Lewis (CA)
Lewis (GA)
Lofgren, Zoe
Markey
Meeks
Myrick
Peterson
Rangel
Sánchez, Linda T.
Stivers
Sullivan
Towns
Tsongas
Turner (NY)
Velázquez
Wasserman Schultz
Woolsey
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 2255

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MRS. CAPPS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Mrs. CAPPS) 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 184, noes 218, not voting 30, as follows:

[Roll No. 419]

AYES—184

Andrews
Baca
Bachmann
Baldwin
Barber
Barrow
Barton (TX)
Bass (CA)
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Cuellar
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dent
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Frank (MA)
Fudge
Garamendi
Gerlach
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Hahn
Hanabusa
Hastings (FL)
Heck
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lowey
Luján
Lynch
Maloney
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
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
Reyes
Richardson
Richmond
Rooney
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Turner (OH)
Van Hollen
Visclosky
Walz (MN)
Waters
Watt
Waxman
Welch
Wilson (FL)
Yarmuth

NOES—218

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

NOT VOTING—30

Ackerman
Akin
Clarke (NY)
Crowley
Cummings
Engel
Gutierrez
Holden
Jackson (IL)
Johnson (IL)
Lamborn
Lewis (CA)
Lewis (GA)
Lofgren, Zoe
Markey
Meeks
Myrick
Peterson
Rangel
Sánchez, Linda T.
Stearns
Stivers
Sullivan
Towns
Tsongas
Turner (NY)
Velázquez
Wasserman Schultz
Woolsey
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 2259

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. STEARNS. Madam Chair, on rollcall No. 419, I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. GOSAR

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. GOSAR) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 179, noes 224, not voting 29, as follows:

[Roll No. 420]

AYES—179

Adams
Alexander
Amash
Austria
Bachmann
Bachus
Barrow
Bartlett
Barton (TX)
Benishek
Bilbray
Bilirakis
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Camp
Campbell
Canseco
Cantor
Cardoza
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Conaway
Costa
Culberson
Denham
DesJarlais
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Gardner
Garrett
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Hanna
Harper
Harris
Hartzler
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
Kingston
Kline
Labrador
Lance
Landry
Lankford
Latta
Long
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Neugebauer
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reichert
Renacci
Ribble
Rigell
Roby
Roe (TN)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schmidt
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stutzman
Thornberry
Tipton
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Wilson (SC)
Wittman
Woodall
Yoder
Young (FL)
Young (IN)

NOES—224

Aderholt
Altmire
Amodei
Andrews
Baca
Baldwin
Barber
Barletta
Bass (CA)
Bass (NH)
Becerra
Berg
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bonamici
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Calvert
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Edwards
Ellison
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gerlach
Gibson
Gonzalez
Granger
Green, Al
Green, Gene
Grijalva
Grimm
Guinta
Guthrie
Hahn
Hall
Hanabusa
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
King (NY)
Kinzinger (IL)
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luján
Lynch
Maloney
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McKeon
McKinley
McNerney
Meehan
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Noem
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pearce
Pelosi
Perlmutter
Peters
Pingree (ME)
Platts
Polis
Price (NC)
Quigley
Rahall
Reed
Rehberg
Reyes
Richardson
Richmond
Rivera
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Simpson
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Tonko
Turner (OH)
Van Hollen
Visclosky
Walz (MN)
Waters
Watt
Waxman
Welch
Whitfield
Wilson (FL)
Wolf
Womack
Yarmuth

NOT VOTING—29

Ackerman
Akin
Clarke (NY)
Crowley
Cummings
Engel
Gutierrez
Holden
Jackson (IL)
Johnson (IL)
Lamborn
Lewis (CA)
Lewis (GA)
Lofgren, Zoe
Markey
Meeks
Myrick
Peterson
Rangel
Sánchez, Linda T.
Stivers
Sullivan
Towns
Tsongas
Turner (NY)
Velázquez
Wasserman Schultz
Woolsey
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 2303

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BROUN OF GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the first amendment offered by the gentleman from Georgia (Mr. BROUN) 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 173, noes 230, not voting 29, as follows:

[Roll No. 421]

AYES—173

Adams
Alexander
Amash
Bachmann
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Camp
Campbell
Canseco
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Conaway
Cravaack
Culberson
Denham
DesJarlais
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Gardner
Garrett
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Hanna
Hartzler
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
King (IA)
Kingston
Kline
Labrador
Lance
Landry
Lankford
Latta
LoBiondo
Long
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
Marino
Matheson
McClintock
McCotter
McHenry
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reichert
Renacci
Ribble
Rigell
Roe (TN)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Roskam
Ross (FL)
Royce
Rush
Ryan (WI)
Scalise
Schilling
Schmidt
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stutzman
Thornberry
Tiberi
Tipton
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Wilson (SC)
Wittman
Woodall
Yoder
Young (FL)
Young (IN)

NOES—230

Aderholt
Altmire
Amodei
Andrews
Austria
Baca
Bachus
Baldwin
Barber
Barletta
Bass (CA)
Becerra
Berg
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Bonner
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Calvert
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crawford
Crenshaw
Critz
Cuellar
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Edwards
Ellison
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Gibson
Gonzalez
Granger
Green, Al
Green, Gene
Grijalva
Grimm
Hahn
Hall
Hanabusa
Harper
Harris
Hastings (FL)
Hastings (WA)
Hayworth
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly
Kildee
Kind
King (NY)
Kinzinger (IL)
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lipinski
Loebsack
Lowey
Lucas
Luján
Lungren, Daniel E.
Lynch
Maloney
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McIntyre
McKeon
McKinley
McNerney
Meehan
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pearce
Pelosi
Perlmutter
Peters
Pingree (ME)
Platts
Polis
Price (NC)
Quigley
Rahall
Reed
Rehberg
Reyes
Richardson
Richmond
Rivera
Roby
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Tonko
Turner (OH)
Van Hollen
Visclosky
Walz (MN)
Waters
Watt
Waxman
Welch
Whitfield
Wilson (FL)
Wolf
Womack
Yarmuth

NOT VOTING—29

Ackerman
Akin
Clarke (NY)
Crowley
Cummings
Engel
Gutierrez
Holden
Jackson (IL)
Johnson (IL)
Lamborn
Lewis (CA)
Lewis (GA)
Lofgren, Zoe
Markey
Meeks
Myrick
Peterson
Rangel
Sánchez, Linda T.
Stivers
Sullivan
Towns
Tsongas
Turner (NY)
Velázquez
Wasserman Schultz
Woolsey
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 2307

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BROUN OF GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded

vote on the second amendment offered by the gentleman from Georgia (Mr. BROUN) 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 188, noes 215, not voting 29, as follows:

[Roll No. 422]

AYES—188

Adams
Alexander
Amash
Bachmann
Bachus
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Camp
Campbell
Canseco
Cantor
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Conaway
Cravaack
Crawford
Culberson
Denham
DesJarlais
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Gardner
Garrett
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
King (IA)
Kingston
Kinzinger (IL)
Kline
Labrador
Lance
Landry
Lankford
Latta
LoBiondo
Long
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McClintock
McCotter
McHenry
McIntyre
McMorris Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quayle
Reichert
Renacci
Ribble
Rigell
Roe (TN)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Roskam
Ross (FL)
Royce
Ryan (WI)
Scalise
Schilling
Schmidt
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stutzman
Terry
Thornberry
Tipton
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Woodall
Yoder
Young (FL)
Young (IN)

NOES—215

Aderholt
Altmire
Amodei
Andrews
Austria
Baca
Baldwin
Barber
Barletta
Bass (CA)
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Cuellar
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Edwards
Ellison
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Gibson
Gonzalez
Granger
Green, Al
Green, Gene
Grijalva
Grimm
Hahn
Hanabusa
Hastings (FL)
Hastings (WA)
Hayworth
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly
Kildee
Kind
King (NY)
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lipinski
Loebsack
Lowey
Lucas
Luján
Lynch
Maloney
Matsui
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McKeon
McKinley
McNerney
Meehan
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Platts
Price (NC)
Quigley
Rahall
Reed
Rehberg
Reyes
Richardson
Richmond
Rivera
Roby
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Tonko
Turner (OH)
Van Hollen
Visclosky
Walz (MN)
Waters
Watt
Waxman
Welch
Wilson (FL)
Wolf
Womack
Yarmuth

NOT VOTING—29

Ackerman
Akin
Clarke (NY)
Crowley
Cummings
Engel
Gutierrez
Holden
Jackson (IL)
Johnson (IL)
Lamborn
Lewis (CA)
Lewis (GA)
Lofgren, Zoe
Markey
Meeks
Myrick
Peterson
Rangel
Sánchez, Linda T.
Stivers
Sullivan
Towns
Tsongas
Turner (NY)
Velázquez
Wasserman Schultz
Woolsey
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 2310

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BROUN OF GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the fourth amendment offered by the gentleman from Georgia (Mr. BROUN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 138, noes 265, not voting 29, as follows:

[Roll No. 423]

AYES—138

Adams
Amash
Bachmann
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Bishop (UT)
Black
Blackburn
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Bucshon
Buerkle
Burton (IN)
Campbell
Canseco
Chabot
Chaffetz
Coble
Conaway
Crawford
Culberson
DesJarlais
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Foxx
Franks (AZ)
Garrett
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Hall
Hanna
Hartzler
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Johnson (OH)
Johnson, Sam
Jones
Jordan
King (IA)
Kingston
Kline
Labrador
Lance
Landry
Lankford
Latta
Long
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
McClintock
McCotter
McHenry
McMorris Rodgers
Miller (FL)
Miller (MI)
Mulvaney
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Palazzo
Paul
Paulsen
Pence
Petri
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Renacci
Ribble
Rigell
Roe (TN)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Roskam
Ross (FL)
Royce
Ryan (WI)
Scalise
Schilling
Schmidt
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Smith (NE)
Smith (TX)
Southerland
Stearns
Stutzman
Thornberry
Walberg
Walden
Walsh (IL)
Westmoreland
Wilson (SC)
Woodall
Yoder
Young (IN)

NOES—265

Aderholt
Alexander
Altmire
Amodei
Andrews
Austria
Baca
Bachus
Baldwin
Barber
Barletta
Bass (CA)
Becerra
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Bonner
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Buchanan
Burgess
Butterfield
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crenshaw
Critz
Cuellar
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle

Dreier
Edwards
Ellison
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Flores
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Gerlach
Gibson
Gonzalez
Granger
Green, Al
Green, Gene
Grijalva
Grimm
Guinta
Guthrie
Hahn
Hanabusa
Harper
Harris
Hastings (FL)
Hastings (WA)
Hayworth
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Israel
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly
Kildee
Kind
King (NY)
Kinzinger (IL)
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luján
Lungren, Daniel E.
Lynch
Maloney
Marino
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McIntyre
McKeon
McKinley
McNerney
Meehan
Mica
Michaud
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Murphy (CT)
Murphy (PA)
Nadler
Napolitano
Neal
Olson
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pearce
Pelosi
Perlmutter
Peters
Pingree (ME)
Pitts
Platts
Polis
Price (NC)
Quigley
Rahall
Reed
Rehberg
Reichert
Reyes
Richardson
Richmond
Rivera
Roby
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Tipton
Tonko
Turner (OH)
Upton
Van Hollen
Visclosky
Walz (MN)
Waters
Watt
Waxman
Webster
Welch
West
Whitfield
Wilson (FL)
Wittman
Wolf
Womack
Yarmuth
Young (FL)

NOT VOTING—29

Ackerman
Akin
Clarke (NY)
Crowley
Cummings
Engel
Gutierrez
Holden
Jackson (IL)
Johnson (IL)
Lamborn
Lewis (CA)
Lewis (GA)
Lofgren, Zoe
Markey
Meeks
Myrick
Peterson
Rangel
Sánchez, Linda T.
Stivers
Sullivan
Towns
Tsongas
Turner (NY)
Velázquez
Wasserman Schultz
Woolsey
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 2315

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. LATHAM. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEST) having assumed the chair, Mrs. ROBY, 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. 5972) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2013, and for other purposes, had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CLARKE of New York (at the request of Ms. PELOSI) for today.

ADJOURNMENT

Mr. LATHAM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 18 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, June 27, 2012, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

6617. A letter from the Acting Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Duane D. Thiessen, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

6618. A letter from the Acting Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral John M. Bird, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

6619. A letter from the Acting Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral James W. Houck, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

6620. A letter from the Acting Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Charles B. Green, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

6621. A letter from the Acting Under Secretary, Department of Defense, transmitting a letter on the approved retirement of General Gary L. North, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

6622. A letter from the Acting Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Dennis J. Hejlik, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

6623. A letter from the Acting Under Secretary, Department of Defense, transmitting a report on Special Compensation for Members fo the Uniformed Services with Catastrophic Injuries or Illnesses Requiring Assistance in Everyday Living Fiscal Year 2012 Report to Congress; to the Committee on Armed Services.

6624. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 12-31, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

6625. A letter from the Assistant Secretary, Department of Defense, transmitting a draft of proposed legislation; to the Committee on Foreign Affairs.

6626. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting determination related to Serbia under section 7072(c) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (Div. F, P.L. 112-74); to the Committee on Foreign Affairs.

6627. A letter from the Deputy Secretary, Department of Defense, transmitting the Department of Defense Inspector General Semiannual Report, October 1, 2011 — March 31, 2012; to the Committee on Oversight and Government Reform.

6628. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6629. A letter from the Acting Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's 2012 Annual Performance Plan, in accordance with the Government Performance and Results Act of 1993; to the Committee on Oversight and Government Reform.

6630. A letter from the Executive Vice President and Chief Financial Officer, Federal Home Loan Bank of Atlanta, transmitting the 2011 management report and statements on system of internal controls of the Federal Home Loan Bank of Atlanta; to the Committee on Oversight and Government Reform.

6631. A letter from the President and Chief Executive Officer, Federal Home Loan Bank of Cincinnati, transmitting the 2011 management report and statements on system of internal controls of the Federal Home Loan Bank of Cincinnati, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

6632. A letter from the Acting Administrator, General Services Administration, transmitting the Administration's semiannual report from the Office of the Inspector General during the 6-month period ending March 31, 2012, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

6633. A letter from the Chairman, Securities and Exchange Commission, transmitting the Semiannual Report of the Inspector General and a separate management report for the period October 1, 2011 through March 31, 2012, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

6634. A letter from the Administrator, Small Business Administration, transmitting the Administration's semiannual report from the office of the Inspector General for the period October 1, 2011 through March 31, 2012, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

6635. A letter from the Staff Director, Sentencing Commission, transmitting the Commission's report entitled, ''2011 Annual Report and Sourcebook of Federal Sentencing Statistics'', pursuant to 28 U.S.C. 997; to the Committee on the Judiciary.

6636. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness

Directives; Airbus Airplanes [Docket No.: FAA-2011-1066; Directorate Identifier 2011-NM-050-AD; Amendment 39-16917; AD 2012-01-05] (RIN: 2120-AA64) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6637. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Airplanes [Docket No.: FAA-2012-0534; Directorate Identifier 2012-CE-015-AD; Amendment 39-17053; AD 2012-10-04] (RIN: 2120-AA64) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6638. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2011-0998; Directorate Identifier 2011-NM-046-AD; Amendment 39-17042; AD 2012-09-07] (RIN: 2120-AA64) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6639. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Services B.V. Model [Docket No.: FAA-2011-1169; Directorate Identifier 2010-NM-050-AD; Amendment 39-17040; AD 2012-09-05] (RIN: 2120-AA64) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6640. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2011-0384; Directorate Identifier 2010-NM-058-AD; Amendment 39-17041; AD 2012-09-06] (RIN: 2120-AA64) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6641. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2011-0993; Directorate Identifier 2011-NM-018-AD; Amendment 39-17043; AD 2012-09-08] (RIN: 2120-AA64) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6642. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of VOR Federal Airways V-10, V-12, and V-508 in the Vicinity of Olathe, KS [Docket No.: FAA-2012-0055; Airspace Docket No. 11-ACE-12] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6643. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Rock Springs, WY [Docket No.: FAA-2010-0131; Airspace Docket No. 12-ANM-2] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6644. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Freer, TX [Docket No.: FAA-2011-0904; Airspace Docket No. 11-ASW-12] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6645. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Red Cloud, NE [Docket No.: FAA-2011-0426; Airspace Docket No. 11-ACE-7] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6646. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Leesville, LA [Docket No.: FAA-2011-0608; Airspace Docket No. 11-ASW-6] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6647. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Houston, MO [Docket No.: FAA-2011-0903; Airspace Docket No. 11-ACE-20] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6648. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; New Philadelphia, OH [Docket No.: FAA-2011-0607; Airspace Docket No. 11-AGL-15] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6649. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Eldon, MO [Docket No.: FAA-2011-1104; Airspace Docket No. 11-ACE-21] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6650. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Branson West, MO [Docket No.: FAA-2011-0749; Airspace Docket No. 11-ACE-15] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6651. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Monahans, TX [Docket No.: FAA-2011-1400; Airspace Docket No. 11-ASW-15] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6652. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Pender, NE [Docket No.: FAA-2011-1103; Airspace Docket No. 11-ACE-14] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6653. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Maryville, MO [Docket No.: FAA-2011-0434; Airspace Docket No. 11-ACE-9] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6654. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Baraboo, WI [Docket No.: FAA-2011-1403; Airspace Docket No. 11-AGL-29] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6655. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Springhill, LA [Docket No.: FAA-2011-0847; Airspace Docket No. 11-ASW-11] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6656. A letter from the Secretary, Department of Energy, transmitting a report entitled, ''Response to Findings and Recommendations of the Hydrogen and Fuel Cell Technical Advisory Committee (HTAC) during Fiscal Years 2010 and 2011''; jointly to the Committees on Energy and Commerce and Science, Space, and Technology.

6657. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 7(a) of the Jerusalem Embassy Act of 1995 (Pub. L. 104-45), a copy of Presidential Determination No. 2012-08 suspending the limitation on the obligation of the State Department Appropriations contained in sections 3(b) and 7(b) of that Act for six months as well as the periodic report provided for under Section 6 of the Act covering the period from December 5, 2011 to the present, pursuant to Public Law 104-45, section 6 (109 Stat. 400); jointly to the Committees on Foreign Affairs and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mrs. EMERSON: Committee on Appropriations. H.R. 6020. A bill making appropriations for financial services and general government for the fiscal year ending September 30, 2013, and for other purposes (Rept. 112–550). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 5889. A bill to amend title 18, United States Code, to provide for protection of maritime navigation and prevention of nuclear terrorism, and for other purposes (Rept. 112–551). Referred to the Committee of the Whole House on the state of the Union.

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. ROS-LEHTINEN:

H.R. 6018. A bill to authorize appropriations for the Department of State for fiscal year 2013, and for other purposes; to the Committee on Foreign Affairs.

By Ms. JACKSON LEE of Texas (for herself, Mr. SMITH of Texas, Ms. NORTON, Mr. RANGEL, Ms. RICHARDSON, Mr. LEWIS of Georgia, Ms. HAHN, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 6019. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the use of Juvenile Accountability Block Grants for programs to prevent and address occurrences of bullying and to reauthorize the Juvenile Accountability Block Grants program; to the Committee on the Judiciary.

By Mr. CONYERS:

H.R. 6021. A bill to amend part E of title IV of the Social Security Act to require States to follow certain procedures in placing a child who has been removed from the custody of his or her parents; to the Committee on Ways and Means.

By Mr. MCNERNEY (for himself, Mr. CARDOZA, and Mr. COSTA):

H.R. 6022. A bill to amend the Federal Crop Insurance Act to expand coverage under plans of insurance available under such Act to include losses to an insured commodity when, as a result of a federally-imposed quarantine, the commodity must be destroyed, and for other purposes; to the Committee on Agriculture.

By Mr. DEFAZIO:

H.R. 6023. A bill to restrict conflicts of interest on the boards of directors of Federal

reserve banks, and for other purposes; to the Committee on Financial Services.

By Mr. MARKEY (for himself and Mrs. NAPOLITANO):

H.R. 6024. A bill to authorize development of hydropower and efficiencies at existing Bureau of Reclamation facilities; to the Committee on Natural Resources.

By Mrs. MILLER of Michigan (for herself and Mr. FLAKE):

H.R. 6025. A bill to provide for annual reports on the status of operational control of the international land and maritime borders of the United States and unlawful entries, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RICHMOND:

H.R. 6026. A bill to modify the project for navigation, Mississippi River Ship Channel, Gulf of Mexico to Baton Rouge, Louisiana, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SIRES (for himself, Ms. HAHN, and Mr. MANZULLO):

H.R. 6027. A bill to provide for universal intercountry adoption accreditation standards, and for other purposes; to the Committee on Foreign Affairs.

By Mr. WALSH of Illinois:

H.R. 6028. A bill to authorize the Assistant Secretary of Homeland Security (Transportation Security Administration) to modify screening requirements for checked baggage arriving from preclearance airports, and for other purposes; to the Committee on Homeland Security.

By Ms. ROS-LEHTINEN (for herself, Mr. HASTINGS of Florida, Mr. DIAZ-BALART, Mr. RIVERA, Ms. WASSERMAN SCHULTZ, Ms. WILSON of Florida, Mr. WEST, and Mr. DEUTCH):

H. Res. 703. A resolution congratulating the Miami Heat on their 2012 National Basketball Association Championship; to the Committee on Oversight and Government Reform.

By Mr. MCDERMOTT (for himself, Ms. SCHAKOWSKY, Mr. RUSH, Mr. HINCHEY, Mr. GRIJALVA, Ms. NORTON, Ms. SPEIER, Ms. LEE of California, Ms. MCCOLLUM, Mr. FILNER, Mr. OLVER, Mr. BERMAN, Mr. MORAN, Ms. MOORE, Mr. COHEN, Mr. SCHOCK, Mr. JACKSON of Illinois, and Mr. MCGOVERN):

H. Res. 704. A resolution commending Rotary International and others for their efforts to prevent and eradicate polio; to the Committee on Foreign Affairs.

By Mr. BILBRAY (for himself, Mr. HUNTER, Mr. JONES, Mr. POSEY, Ms. JENKINS, Mr. FORTENBERRY, Mr. COBLE, Mr. FILNER, Mr. SCHILLING, Mr. MCCOTTER, Ms. KAPTUR, Mr. WOLF, Mr. RYAN of Ohio, and Mr. LOEBSACK):

H. Res. 705. A resolution expressing support for the designation of a ''Buy American Week''; to the Committee on Energy and Commerce.

By Mr. ISSA:

H. Res. 706. A resolution authorizing the Committee on Oversight and Government Reform to initiate or intervene in judicial proceedings to enforce certain subpoenas; to the Committee on Rules.

By Mr. LARSON of Connecticut:

H. Res. 707. A resolution electing Members to certain standing committees of the House of Representatives; considered and agreed to.

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. ROS-LEHTINEN:

H.R. 6018.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States

By Ms. JACKSON LEE of Texas:

H.R. 6019.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 1 of the United States Constitution.

By Mrs. EMERSON:

H.R. 6020.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: ''No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law . . . .'' In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: ''The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States . . . .'' Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

By Mr. CONYERS:

H.R. 6021.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1.

By Mr. MCNERNEY:

H.R. 6022.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the United States Constitution.

By Mr. DEFAZIO:

H.R. 6023.

Congress has the power to enact this legislation pursuant to the following:

Section 8, Article 5

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Mesures.

By Mr. MARKEY:

H.R. 6024.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8.

By Mrs. MILLER of Michigan:

H.R. 6025.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mr. RICHMOND:

H.R. 6026.

Congress has the power to enact this legislation pursuant to the following:

This bill is introduced pursuant to the powers granted to Congress under the General Welfare Clause (Art. 1 Sec. 8 Cl. 1), the Commerce Clause (Art. 1 Sec. 8 Cl. 3), and the Necessary and Proper Clause (Art. 1 Sec. 8 Cl. 18).

Further, this statement of constitutional authority is made for the sole purpose of compliance with clause 7 of Rule XII of the Rules of the House of Representatives and shall have no bearing on judicial review of the accompanying bill.

By Mr. SIRES:

H.R. 6027.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

By Mr. WALSH of Illinois:

H.R. 6028.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, 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.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. CHANDLER.
H.R. 24: Mr. CHANDLER.
H.R. 139: Mr. DOGGETT.
H.R. 300: Mr. CAPUANO.
H.R. 324: Mr. STIVERS.
H.R. 329: Mr. CHANDLER.
H.R. 459: Mr. SESSIONS, Mr. ADERHOLT, Mr. RENACCI, and Mr. REYES.
H.R. 561: Mr. HASTINGS of Florida.
H.R. 640: Mr. HOLT.
H.R. 679: Ms. SLAUGHTER.
H.R. 687: Mr. RANGEL, Mr. SABLAN, and Mr. AKIN.
H.R. 694: Mr. BOSWELL, Mr. COLE, and Ms. EDWARDS.
H.R. 718: Ms. RICHARDSON.
H.R. 719: Mr. GALLEGLY.
H.R. 733: Mr. SHERMAN, Mr. NUNNELEE, Mr. BONNER, Mr. KELLY, and Mr. DAVID SCOTT of Georgia.
H.R. 750: Mr. HENSARLING.
H.R. 812: Ms. BONAMICI and Mr. CHANDLER.
H.R. 860: Mr. FLORES, Mr. GUTHRIE, and Ms. WILSON of Florida.
H.R. 881: Mr. STEARNS.
H.R. 890: Mr. BILIRAKIS and Mr. WAXMAN.
H.R. 941: Mr. COHEN.
H.R. 965: Mr. RUSH.
H.R. 1092: Mr. CHANDLER.
H.R. 1167: Mr. HENSARLING.
H.R. 1206: Mr. GOHMERT.
H.R. 1351: Mrs. MILLER of Michigan.
H.R. 1370: Mr. MCCAUL and Ms. BUERKLE.
H.R. 1386: Ms. BONAMICI, Mr. HANNA, and Mr. LYNCH.
H.R. 1404: Ms. SLAUGHTER, Mr. JOHNSON of Georgia, Mr. GUTIERREZ, and Ms. WILSON of Florida.
H.R. 1464: Mr. BARTLETT.
H.R. 1475: Mr. STARK.
H.R. 1490: Mr. PEARCE.
H.R. 1519: Mr. HOLDEN.
H.R. 1585: Mr. MCCLINTOCK.
H.R. 1588: Mr. BUTTERFIELD.
H.R. 1681: Mr. CLAY.
H.R. 1737: Mr. MCCLINTOCK.
H.R. 1842: Ms. BORDALLO.
H.R. 1860: Ms. JACKSON LEE of Texas and Mr. CHABOT.
H.R. 2030: Mr. FARR.
H.R. 2077: Mr. KINZINGER of Illinois and Mr. NUNNELEE.
H.R. 2299: Mr. AUSTIN SCOTT of Georgia.
H.R. 2312: Mr. LOBIONDO.
H.R. 2353: Mr. CLAY.
H.R. 2437: Mr. RUNYAN.
H.R. 2499: Mr. CASSIDY, Ms. SLAUGHTER, and Ms. EDWARDS.
H.R. 2579: Mrs. HARTZLER.
H.R. 2649: Mrs. BLACKBURN and Mr. ROE of Tennessee.

H.R. 2696: Mr. COHEN.
H.R. 2697: Ms. SLAUGHTER.
H.R. 2706: Mr. KISSELL.
H.R. 2718: Mr. DOLD.
H.R. 2722: Mr. HINCHEY, Mr. GRIJALVA, Ms. KAPTUR, Ms. WOOLSEY, Mr. COSTELLO, Ms. SUTTON, Mr. DEFAZIO, Mr. GARAMENDI, and Mr. CLARKE of Michigan.
H.R. 2730: Mr. CHABOT, Mr. FILNER, and Ms. RICHARDSON.
H.R. 2746: Mr. DAVID SCOTT of Georgia and Ms. SCHAKOWSKY.
H.R. 2794: Mr. MEEKS, Mr. BERMAN, and Mr. DAVIS of Illinois.
H.R. 2866: Mr. CARSON of Indiana.
H.R. 2899: Mr. DIAZ-BALART.
H.R. 2962: Mr. JOHNSON of Ohio, Mr. RYAN of Ohio, and Mr. ROE of Tennessee.
H.R. 2969: Mr. JOHNSON of Ohio and Mrs. DAVIS of California.
H.R. 2997: Mr. CUELLAR.
H.R. 3036: Ms. MCCOLLUM.
H.R. 3057: Mr. OWENS.
H.R. 3187: Mrs. EMERSON, Ms. LINDA T. SÁNCHEZ of California, Mrs. MILLER of Michigan, Mr. COSTELLO, Mrs. SCHMIDT, Mr. FRANKS of Arizona, Mr. WALDEN, Mr. LATHAM, Mr. JONES, Mr. COBLE, Mr. BONNER, and Mr. LUCAS.
H.R. 3197: Mr. DICKS, Mr. LARSEN of Washington, Mr. MCDERMOTT, Mr. REICHERT, and Mr. HASTINGS of Washington.
H.R. 3264: Mr. MCCLINTOCK and Mr. CASSIDY.
H.R. 3341: Mr. HIMES.
H.R. 3395: Mr. MCKINLEY and Mr. ROGERS of Alabama.
H.R. 3429: Mr. KISSELL and Mr. NUNNELEE.
H.R. 3444: Mr. FLAKE.
H.R. 3485: Mr. HIGGINS.
H.R. 3497: Mr. PENCE and Ms. SUTTON.
H.R. 3510: Mr. STARK and Mr. CALVERT.
H.R. 3594: Mr. BENISHEK.
H.R. 3596: Ms. CASTOR of Florida.
H.R. 3627: Mr. RYAN of Ohio and Mr. HINCHEY.
H.R. 3643: Mrs. BLACKBURN, Mr. SCHWEIKERT, and Mr. NEUGEBAUER.
H.R. 3658: Mr. RIBBLE, Mr. SENSENBRENNER, Mr. TERRY, Mr. SMITH of New Jersey, Mr. PETRI, Mr. ROHRABACHER, Mr. CLARKE of Michigan, Mr. DAVIS of Kentucky, and Mr. REYES.
H.R. 3816: Mr. BOSWELL.
H.R. 4010: Mr. WATT.
H.R. 4066: Mrs. BONO MACK.
H.R. 4103: Mr. PETERS.
H.R. 4122: Mr. STARK.
H.R. 4154: Ms. WOOLSEY, Mr. KEATING, and Mr. CLARKE of Michigan.
H.R. 4160: Mr. GARRETT.
H.R. 4169: Mr. DEUTCH.
H.R. 4173: Ms. ZOE LOFGREN of California.
H.R. 4180: Mr. WOODALL and Mr. JOHNSON of Ohio.
H.R. 4215: Mr. WEST.
H.R. 4235: Mr. KING of New York and Mr. OWENS.
H.R. 4271: Mr. CLAY.
H.R. 4279: Mr. COHEN.
H.R. 4286: Mr. REYES.
H.R. 4287: Mr. COHEN, Mrs. EMERSON, Ms. SLAUGHTER, and Mr. PETERS.
H.R. 4296: Mr. KISSELL.
H.R. 4304: Mrs. LUMMIS.
H.R. 4317: Mr. ANDREWS.
H.R. 4323: Mrs. BLACKBURN.
H.R. 4367: Mr. BISHOP of Georgia, Mr. PERLMUTTER, and Ms. TSONGAS.
H.R. 4390: Mr. RUSH.
H.R. 4396: Mr. PEARCE.
H.R. 4403: Mr. DUNCAN of South Carolina.
H.R. 4405: Mr. DOGGETT.
H.R. 4631: Mr. KELLY.
H.R. 4816: Mr. BRADY of Pennsylvania.
H.R. 4965: Mr. DUNCAN of South Carolina.
H.R. 5542: Ms. SCHWARTZ, Mr. KUCINICH, and Mr. RYAN of Ohio.
H.R. 5684: Mr. LEVIN.
H.R. 5749: Mr. MCDERMOTT.
H.R. 5796: Mr. CLYBURN, Mr. AKIN, and Mr. JOHNSON of Ohio.
H.R. 5817: Mr. GRAVES of Missouri.
H.R. 5822: Ms. BUERKLE.
H.R. 5837: Mr. MEEKS, Mr. NADLER, and Mrs. LOWEY.
H.R. 5843: Mr. KING of New York, Mr. LONG, Mr. TURNER of New York, Mr. LUJÁN, and Mr. STARK.
H.R. 5845: Ms. BERKLEY and Mr. JOHNSON of Ohio.
H.R. 5850: Mr. TURNER of New York.
H.R. 5865: Mr. SHERMAN and Mr. RYAN of Ohio.
H.R. 5892: Mr. PLATTS and Mr. LUJÁN.
H.R. 5910: Mr. CARNEY, Mr. COBLE, and Mr. NEUGEBAUER.
H.R. 5925: Mr. YODER, Mr. TIPTON, Mrs. HARTZLER, and Mr. SCHILLING.
H.R. 5932: Mrs. ELLMERS and Mr. HARRIS.
H.R. 5939: Mr. FRANKS of Arizona, Mr. GRIJALVA, Mr. SCHWEIKERT, Mr. BARBER, Mr. FLAKE, and Mr. QUAYLE.
H.R. 5943: Mr. HIGGINS, Mr. ROSS of Arkansas, Mr. GIBSON, and Mr. MURPHY of Connecticut.
H.R. 5960: Mrs. NAPOLITANO and Mr. COSTA.
H.R. 5962: Mr. NADLER, Mr. GEORGE MILLER of California, Mr. RANGEL, Mr. MORAN, Mr. KIND, Mr. MICHAUD, and Ms. SLAUGHTER.
H.R. 5976: Mr. PETERS, Ms. CHU, and Mr. BLUMENAUER.
H.R. 5978: Mr. BLUMENAUER, Mr. BUTTERFIELD, Mr. CLEAVER, and Mr. FRANK of Massachusetts.
H.R. 6003: Ms. CHU, Mr. DAVIS of Illinois, and Mr. CARSON of Indiana.
H.R. 6015: Mr. COHEN, Mr. FATTAH, and Ms. SLAUGHTER.
H.R. 6016: Mr. GUINTA, Mr. WALSH of Illinois, Ms. BUERKLE, Mr. GOSAR, Mr. GOWDY, Mr. LANKFORD, Mr. FARENTHOLD, Mr. MARINO, Mr. BARLETTA, Mr. THOMPSON of Pennsylvania, Mr. BENISHEK, and Mr. MCHENRY.
H.J. Res. 97: Mr. COHEN.
H.J. Res. 103: Mr. ROGERS of Alabama.
H. Con. Res. 115: Mr. AUSTIN SCOTT of Georgia.
H. Con. Res. 129: Mr. NUNNELEE, Mr. CARSON of Indiana, Ms. SLAUGHTER, Mr. GINGREY of Georgia, Mr. KING of Iowa, Mr. RYAN of Ohio, Mr. JONES, Mr. JORDAN, Mr. FILNER, Mr. RUSH, Mr. LATHAM, Ms. BROWN of Florida, Mr. BLUMENAUER, Mr. SCHILLING, Mr. LONG, Mrs. CHRISTENSEN, Mr. COURTNEY, and Mr. NUGENT.
H. Res. 51: Mr. CLAY.
H. Res. 134: Mr. CARDOZA.
H. Res. 153: Mr. CLAY.
H. Res. 193: Ms. BUERKLE.
H. Res. 334: Mr. CLAY.
H. Res. 397: Mr. PAUL and Ms. WILSON of Florida.
H. Res. 589: Mr. CLAY.
H. Res. 623: Mrs. BLACK.
H. Res. 663: Ms. SCHAKOWSKY.
H. Res. 669: Mr. WEST.
H. Res. 674: Mr. HINCHEY.
H. Res. 687: Mr. SCHOCK and Ms. SLAUGHTER.
H. Res. 701: Mrs. EMERSON.
H. Res. 702: Mrs. EMERSON.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 5972

OFFERED BY: MR. NADLER

AMENDMENT NO. 3: Page 75, line 7, after the dollar amount, insert ''(increased by $460,000,000)''.

Page 75, line 14, after the dollar amount, insert ''(increased by $460,000,000)''.

H.R. 5972

OFFERED BY: MR. DIAZ-BALART

AMENDMENT NO. 4: Page 90, line 12, before the period insert the following:

Provided further, That unless explicitly provided for under this heading, not to exceed 25 percent of any grant made with funds appropriated under this heading may be expended for public services (as such term is defined for purposes of section 105 of the Housing and Community Development Act of 1974 (42 U.S.C. 5305))

H.R. 5972

OFFERED BY: MR. BACHUS

AMENDMENT NO. 5: Page 92, line 16, before the period insert the following:

: *Provided further*, That of the total amount provided under this heading, up to $200,000,000, to remain available until expended, shall be for necessary expenses for activities authorized under the HOME Investment Partnerships Act (42 U.S.C. 12721 et seq.) related to disaster relief, long-term recovery, restoration of housing and infrastructure, and economic revitalization in the most impacted and distressed areas resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in 2011: *Provided further*, That such disaster relief funds shall be awarded only to States and units of general local government that were awarded funds under section 239 of Public Law 112–55 (125 Stat. 703), shall be awarded directly to such States and units of general local government at the discretion of the Secretary, and shall be awarded in accordance with such formula or requirements as the Secretary shall establish, except that such formula or requirements shall give preference to awards based on a county's unmet housing needs for renter occupied units: *Provided further*, That prior to the obligation of such disaster relief funds a grantee shall submit a plan to the Secretary detailing the proposed use of all such funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure: *Provided further*, That such disaster relief funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: *Provided further*, That such disaster relief funds allocated under this heading shall not be considered relevant to the other non-disaster formula allocations under this heading: *Provided further*, That a State or subdivision thereof may use up to 5 percent of its allocation of such disaster relief funds for administrative costs: *Provided further*, That in administering such disaster relief funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by a State or subdivision thereof explaining why such waiver is required to facilitate the use of such funds or guarantees, if the Secretary finds that such waiver would not be inconsistent with the overall purpose of the HOME Investment Partnerships Act: *Provided further*, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to HOME Investment Partnerships Act no later than 5 days before the effective date of such waiver

H.R. 5972

OFFERED BY: MRS. CAPPS

AMENDMENT NO. 6: Page 71, line 19, after the dollar amount, insert ''(reduced by $10,000,000)''.

Page 72, line 3, after the dollar amount, insert ''(reduced by $2,000,000)''.

Page 72, line 8, after the dollar amount, insert ''(reduced by $5,000,000)''

Page 72, line 20, after the dollar amount, insert ''(reduced by $3,000,000)''

Page 102, line 2, after the first dollar amount, insert ''(increased by $10,000,000)''.

H.R. 5972

OFFERED BY: MR. TURNER OF OHIO

AMENDMENT NO. 7: 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 establish, issue, implement, administer, or enforce any prohibition or restriction on the establishment or effectiveness of any occupancy preference for veterans in supportive housing for the elderly that (1) is provided assistance by the Department of Housing and Urban Development, and (2)(A) is or would be located on property of the Department of Veterans Affairs, or (B) is subject to an enhanced use lease with the Department of Veterans Affairs.

H.R. 5972

OFFERED BY: MR. POSEY

AMENDMENT NO. 8: 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 for the for the international highway technology scanning program, a program within the international highway transportation outreach program under section 506 of title 23, United States Code.

H.R. 5972

OFFERED BY: MR. DENHAM

AMENDMENT NO. 9: 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 high-speed rail in the State of California or for the California High-Speed Rail Authority.

H.R. 5972

OFFERED BY: MS. WATERS

AMENDMENT NO. 10: Page 4, after line 2, insert the following:

NATIONAL INFRASTRUCTURE INVESTMENTS

For capital investments in surface transportation infrastructure, $500,000,000, to remain available through September 30, 2014: Provided, That the Secretary of Transportation shall distribute funds provided under this heading as discretionary grants to be awarded to a State, local government, transit agency, or a collaboration among such entities on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area, or a region: Provided further, That projects eligible for funding provided under this heading shall include, but not be limited to, highway or bridge projects eligible under title 23, United States Code; public transportation projects eligible under chapter 53 of title 49, United States Code; passenger and freight rail transportation projects; and port infrastructure investments: Provided further, That the Secretary shall give priority to projects which demonstrate transportation benefits for existing systems or improve interconnectivity between modes: Provided further, That the Secretary may use up to 35 percent of the funds made available under this heading for the purpose of paying the subsidy and administrative costs of projects eligible for Federal credit assistance under chapter 6 of title 23, United States Code, if the Secretary finds that such use of the funds would advance the purposes of this paragraph: Provided further, That in distributing funds provided under this heading, the Secretary shall take such measures so as to ensure an equitable geographic distribution of funds, an appropriate balance in addressing the needs of urban and rural areas, and the investment in a variety of transportation modes: Provided further, That a grant funded under this heading shall be not less than $10,000,000 and not greater than $200,000,000: Provided further, That not more than 25 percent of the funds made available under this heading may be awarded to projects in a single State: Provided further, That the Federal share of the costs for which an expenditure is made under this heading shall be, at the option of the recipient, up to 80 percent: Provided further, That not less than $120,000,000 of the funds provided under this heading shall be for projects located in rural areas: Provided further, That for projects located in rural areas, the minimum grant size shall be $1,000,000 and the Secretary may increase the Federal share of costs above 80 percent: Provided further, That projects conducted using funds provided under this heading must comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: Provided further, That the Secretary shall conduct a new competition to select the grants and credit assistance awarded under this heading: Provided further, That the Secretary may retain up to $20,000,000 of the funds provided under this heading, and may transfer portions of those funds to the Administrators of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration and the Federal Maritime Administration, to fund the award and oversight of grants and credit assistance made under the National Infrastructure Investments program: Provided further, That the Secretary shall give priority to projects that require a contribution of Federal funds in order to complete an overall financing package.

H.R. 5972

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 11: Page 90, line 15, after the dollar amount, insert ''(reduced to $0)''.

Page 150, Line 9, after the dollar amount, insert ''(increased by $6,000,000)''.

H.R. 5972

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 12: Page 89, line 13, after the dollar amount, insert ''(reduced to $0)''.

Page 89, line 15, after the dollar amount, insert ''(reduced by $3,344,000,000)''.

Page 89, line 24, after the dollar amount, insert ''(reduced by$60,000,000)''.

Page 90, line 2, after the dollar amount, insert ''(reduced by $3,960,000)''.

Page 150, line 9, after the dollar amount, insert ''(increased by $3,404,000,000)''.

H.R. 5972

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 13: At the end of the bill, before the short title, insert the following:

SEC. _____. None of the funds made available under this Act may be used for the Third Street Light Rail Phase 2 Central Subway project in San Francisco, California.

H.R. 5972

OFFERED BY: MR. QUIGLEY

AMENDMENT NO. 14: 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 administer any provision of law that requires that financial assistance for Federal-aid highway and highway safety construction projects be withheld from a State that has in effect a law or an order that limits the amount of money an individual, who is doing business with a State agency with respect to a Federal-aid highway project, may contribute to a political campaign.

H.R. 5972

OFFERED BY: MR. DIAZ-BALART

AMENDMENT NO. 15: Page 90, line 12, before the period insert the following:

: *Provided further*, That unless explicitly provided for under this heading, not to exceed 25 percent of any grant made with funds appropriated under this heading may be expended for public services (as such term is defined for purposes of section 105 of the Housing and Community Development Act of 1974 (42 U.S.C. 5305))

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158 WASHINGTON, TUESDAY, JUNE 26, 2012 No. 97

Senate

The Senate met at 10 a.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Gracious God, You have been faithful to help us when we have lifted our hearts in prayer. Thank You for Your providential care of this legislative body. Open the eyes and hearts of our lawmakers so that they will know and do Your will. Lord, guide them in the way they should go, providing them with wisdom to solve challenging problems by depending on Your guidance. Help them to think of each other as fellow Americans seeking Your best for our Nation rather than enemy parties seeking to defeat each other. Replace distrust in each other with a deep commitment to creative compromise.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 26, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. COONS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, we are currently considering the motion to concur in the House message to accompany the FDA bill postcloture. We hope to work something out on that so that we can move to it early evening.

The first hour of debate this morning will be equally divided and controlled, with the Republicans controlling the first half and the majority controlling the final half.

At 11:30 the Senate will proceed to executive session to consider the nomination of Robin Rosenbaum to be a district judge for the Southern District of Florida.

At noon there will be a rollcall vote on confirmation of the Rosenbaum nomination.

The Senate will recess today from 12:30 to 2:15, as we normally do on Tuesdays, for our weekly caucus meetings.

At 2:15 there will be 6 hours 15 minutes remaining on the motion to concur in the House message with respect to the FDA bill. We hope that a significant amount of time can be yielded back and that we can complete action on the bill today.

There is an all-Senators briefing at 5 o'clock. We are going to continue—that time will run. We are not going to recess during that period of time. That will be in the classified room down in the Visitor Center.

We have accomplished a lot. Everyone knows how grateful I am to Senators STABENOW and ROBERTS for working their way and our way through that very difficult farm bill.

We are watching very closely the great work of Senator BOXER, Senator INHOFE, the Finance Committee, the Commerce Committee, and the Banking Committee on helping us work through the highway bill. There is a possibility that we can get that bill done. I think the chances today are better than 50–50 that we can get a bill done, but we are still looking at Speaker BOEHNER to help us get that over the finish line. So we will see what happens on that.

As I have indicated, the FDA bill—we will complete that tonight. That is a very important accomplishment for us.

We have the student loan issue, and we are working on that. We hope to get that done soon. I think there is a general feeling that we have worked out a compromise on that that is acceptable, with the help of Senator BAUCUS, Senator HARKIN, and others. JACK REED, of course, has led the charge on that for some time.

I have talked about the highway bill. We need to get that done.

The remaining issue is flood insurance, and we are doing fine on flood insurance, except I was told last night that one of the Republican Senators wants to offer an amendment—listen to this one—wants to offer an amendment on when life begins. I have been very patient in working with my Republican colleagues and allowing relevant amendments on issues, and sometimes we even do nonrelevant amendments but, really, on flood insurance, are we going to have to start dealing as we did with the highway bill for weeks and weeks with contraception? Now we have another person who wants to deal with when life begins.

I don't understand what this is all about, but I want everyone to know that this flood insurance bill is extremely important. The big pushers of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper.

this bill are Republican Senators, veteran Republican Senators, and they better work on their side of the aisle because I am not going to put up with that on the flood insurance bill.

I can be condemned by outside sources. My friends can say: Let him have a vote on it. There will not be a vote on that on flood insurance. We will either do flood insurance with amendments that deal with flood insurance or we will not do it. We will have an extension. After all of the work that has been put into this bill, this is ridiculous, that somebody says: I am not going to let this bill go forward unless I have a vote on when life begins. I am not going to do that, and I think I speak for the majority of Senators.

Now, if the Republicans will not stand up to the person who is going to do that, I am not going to. I have tried my best to deal with these issues that have nothing to do with a piece of legislation, but with the end of the month staring us in the face we have too many important things we have to do. Student loans will be doubled if we do not get that done. Flood insurance will disappear if we do not get it done. The highway program will disappear if we do not get it done. The FDA bill—it will create all kinds of problems, if we do not get that done.

I think this is outlandish. It somebody feels really moved upon to talk about when life begins, have them come and give a speech.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

FOOD AND DRUG ADMINISTRATION SAFETY AND INNOVATION ACT—Resumed

The ACTING PRESIDENT pro tempore. The clerk will report the pending business.

The legislative clerk read as follows:

Motion to concur in the House amendment to S. 3187, an Act to amend the Federal Food and Drug and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes.

Pending:

Reid motion to concur in the amendment of the House to the bill.

Reid motion to concur in the amendment of the House to the bill, with Reid amendment No. 2461, to change the enactment date.

Reid amendment No. 2462 (to amendment No. 2461), of a perfecting nature.

Reid motion to refer the message of the House on the bill to the Committee on Health, Education, Labor, and Pensions, with instructions.

Reid amendment No. 2463, to change the enactment date.

Reid amendment No. 2464 (to (the instructions) amendment No. 2463), of a perfecting nature.

Reid amendment No. 2465 (to amendment No. 2464), of a perfecting nature.

The ACTING PRESIDENT pro tempore. Under the previous order, the following hour will be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MORAN. 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.

Mr. MORAN. Mr. President, I ask unanimous consent to address the Senate as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PUTTING AMERICA TO WORK

Mr. MORAN. Mr. President, we have had a lot of news in Washington, DC, and across the country over the last few days. There was a decision from the Supreme Court regarding immigration laws in Arizona. We are expecting and anticipating a decision by the Supreme Court later this week regarding the Affordable Care Act. Front and center are issues that are important to the country.

We were successful last week in approving on the Senate floor a so-called farm bill, an agricultural bill that, again, has an impact upon many in our Nation. I want to make certain we don't lose sight of what remains and, in my view, what should be front and center.

All the things people ask government to do and all the things they want to accomplish in their own lives can only occur if there is a good and growing economy in the United States. So while I certainly would not call any of the other issues we are addressing here a distraction—they are all important—I want to make certain my colleagues understand we have to come together to make certain that Americans, individuals across our country, can access a job, can feel secure in the job they already have, and can have a sense that they have a future where they are employed or that if there is a need for a change in job, that opportunity exists. Job creation is something the Federal Government cannot do in and of itself, but the decisions we make here affect very much whether the private sector can have a level of confidence in the general economy, a regulatory environment, and a Tax Code that is conducive toward the private sector, creating jobs in the United States economy.

This matters, certainly from my point of view as a Member of the Senate, in that with job growth, with a growing economy, we are better able to pay down our national debt. In my view, if we are going to get what I consider the most serious circumstance our country faces today—the deficit and the debt—under control, I don't foresee how that happens without a good growing economy, putting Americans to work.

Of course, from an individual's point of view, it is important as a component of our lives—something that is important to us, which is that we figure out how to earn a living, put food on the table, save for our kids' education, and save for retirement.

The issues being addressed in the Senate, across the country, and across the street at the U.S. Supreme Court matter so much. We must not and cannot lose sight of the fact that we have to create an environment where jobs are front and center. We know the economic statistics—the unemployment rate is 8.2 percent and has been above 8 percent now for a long time. The Presiding Officer in the Senate this morning and I have introduced legislation the primary function of which is to create an entrepreneurial environment where startup companies can grow and prosper, and, in the process, they can put people to work. It is growth that we need to continue to focus on. I appreciate the opportunity of working in that manner with the Senator from Delaware, Mr. COONS, and others, to see that we do that.

The topic I want to specifically address this morning is this. I was reading the Wall Street Journal last week, and this article caught my attention. I am of the view that for economic growth to occur—and especially in communities across Kansas, the State I represent—we are going to have to have strong and viable community banks. There is a regulatory environment that makes that much more difficult. The headline of the article the Wall Street Journal included that I want to speak about—at least briefly—this morning is this: ''Small Banks Put Up 'For Sale' Sign.''

The content of the article is very much about how small banks are now selling to other banks. The primary focus of this article is the reason that is happening—''a growing number of tiny community banks are deciding it's time to put out the 'for sale' sign . . . many executives of these small lenders are frustrated by costly new regulations.''

It talks about banks in Iowa, in Ohio, in Texas, and it talks about a number of banks in which the bank or the individuals who own the bank never had an intention of selling. This was their livelihood and what they expected to pass on to the next generation, the next set of stockholders. Because of the regulatory environment, the article quotes them talking about how it is no longer any fun. A 66-year-old CEO is quoted as saying:

I don't run a bank anymore. I run around trying to react to regulation and, frankly, that's no fun. This is certainly important for the people who own and run a bank, but it matters in communities in my State that there is access to a local lender, a relatively small financial institution that knows its customers, and that the farmer, rancher, and small business person have the opportunity

to develop a personal relationship with the individuals from whom they are borrowing money.

I know from my own circumstances of growing up and living in rural Kansas the likelihood of being able to get a loan from the community bank, the banker you know, who knows you, your ability, your creditworthiness, and your trustworthiness, is a pretty special relationship we have to be very careful we don't lose. If you are trying to borrow money from somebody you don't know, it is a different circumstance.

I want to highlight again this regulatory environment not just for banks but for all businesses in which the decisions are being made that they are not expanding—in this case, they are selling. The reality is that has consequences to every American and every American family. Job creation is going to be improved whenever we have a regulatory environment that encourages economic growth, not discourages it, and a regulatory environment that is certain. So much, particularly in the financial services industry, with banks and other financial lenders, the uncertainty exists in large part because of the passage of Dodd-Frank, and now its implementation, the uncertainty of whether more regulations are coming and what they are going to say and do, and they certainly can drive up the costs.

We certainly want to protect consumers, and we operate, in many instances, in a regulated environment. But these regulations need common sense and need to take into account the specific circumstances particularly of a small bank. My small banks in Kansas had virtually nothing to do with the financial debacle of 2008. Yet they are burdened with the responsibility of complying with a huge new set of regulations that resulted from the efforts to address the financial crisis of 2008.

In fact, this article, again, points this out regarding the board meeting at this small bank:

> The binder of information delivered to the bank's board before the last monthly meeting included 419 pages of information to be reviewed.

Banks more and more are having to put people on the payroll—compliance officers—as compared to those kinds of circumstances in which the bank is making loans. The cost of doing business and the cost of credit increases, and access to credit has diminished, and that is diminishing the chance for job creation.

One of the items under Dodd-Frank was the creation of the Consumer Financial Protection Bureau. This hit me while I was visiting one of my banks in Kansas. They told me the CFPB called and said they were sending 12 examiners and lawyers to come spend more than a month in this small bank, examining the bank. Again, these are banks that had little to do with the financial collapse of 2008. Almost without exception our community banks—certainly in Kansas—didn't make loans to people who were unlikely to repay the loans, and they didn't make loans to people who had no ability to repay the loans or without getting proper documentation and seeking the necessary creditworthiness of that borrower before making that decision. Yet the burden of these regulations falls directly upon them.

And while I guess I am speaking in support of trying to change this for the benefit of the bankers, who this is going to benefit, if we were to change the regulatory environment, is the person who wants to borrow money, who wants a buy an automobile or buy a home or who wants to buy a piece of commercial property. Yet they go to the banks in communities across Kansas and are told that because of the new regulatory environment, this is a loan we cannot make.

The Consumer Financial Protection Bureau, which has 12 examiners and 2 lawyers, is soon to visit a small bank in Kansas and intends to be there for more than a month. The regulations the Consumer Financial Protection Bureau—well, they haven't created their regulations yet. They are auditing a bank before their regulations are in place. My reaction, when the banker told me that, was I need to go back to Washington and see if I can do something, perhaps through the appropriations process. I am the ranking Republican member on the Appropriations subcommittee for financial institutions and financial services. I thought we need to rein in the CFPB through the appropriations process to get them kind of within their sphere of where they belong, in a much more commonsense, less intrusive way.

It occurred to me that I don't have that ability. I can be a member of the Appropriations Committee and a Member of the Senate, and I can be the lead Republican on the subcommittee responsible for financial services, but because of the way the CFPB was created, its money is an automatic draft from the Federal Reserve. We, as Members of the Senate and Congress in general, have no input into the level of funding of an agency that will have a dramatic effect upon the financial institutions of this country and, therefore, the individuals, the consumers those financial institutions serve.

In addition to that, there is only one person who administrates the program, who is the administrator of the Consumer Financial Protection Bureau. Unlike the CFTC and the SEC, where there is a commission and a board in which there is a collective decision made, there is only an administrator. I have introduced legislation and we have had this conversation on the floor before. I encourage my colleagues to look at this legislation that would reformulate the way the CFPB is managed and directed and would once again give Congress the opportunity to have input into how the CFPB functions.

I would never try to explain to Americans or to Kansans how great Congress does its job, but I do know the fact we are subject to election—the will of the people of America—every 6 years gives us the opportunity to have the input of the people into the administration and into the regulatory process that is so burdensome now upon so many businesses, including our financial institutions.

So my effort today is to highlight once again what we do in Washington, DC, and in this case particularly what the administration does today—what the Obama administration does today and what administrations have done in the past in regard to regulations—very much has a consequence upon whether Americans are going to live in a country with a growing economy in which there is a sense of security and people know what to expect or whether they are going to live in a country in which a business owner—a small business man or woman in Kansas or across the country—is holding back from hiring employees because they do not know what next is going to come from their own government in regard to regulations which are costly, drive up the cost of being in business, and reduce the chances of expansion in our economy, which reduce the chances that Americans can have good, solid employment opportunities.

I have two daughters graduating from college—one a couple of years ago and one this year—and the job market certainly is important to me as a parent and the ability for a young American to find a job and to pursue that job so they are able to pay back the cost of their education. That is something we need to seriously take into account. While I assume we are going to have a conversation again in the Senate this week on the cost of borrowing money for students and student loan interest rates, we ought not forget the most important thing we can do to help our students once they graduate, which is to make sure the economy is such that employment opportunities are available. It doesn't matter what the interest rate is if they can't find a job.

So we need to make certain we fulfill our responsibilities to the American people to see that the economy and job creation is front and center for the benefit of every American and for the benefit of our country's deficit. It is so important we create a growing economy.

I, again, would highlight how important it is for us to get the regulations under control and particularly criticize the circumstance in which legislation that does not pass Congress somehow takes effect because the executive branch concludes they can do by Executive order or by rule or regulation what we refuse to do. It is time for Congress to reassert its role, and it is time to make certain that in pursuing that role we create an environment in which jobs are front and center and the

American people can all pursue the American dream.

Mr. President, I appreciate the opportunity to address the Senate today, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

IMMIGRATION

Mr. KYL. Mr. President, I didn't hear all the remarks of my colleague from Kansas, but I think what I have to say will follow on directly.

I saw a prominent news magazine, the cover of which had a likeness of President Obama, and the title was ''The Imperial Presidency'' or ''The Imperial President,'' and the theme of it was this President seems to believe that by Executive order or Executive action he can simply do what he wants to do irrespective of whether the Congress has passed a law authorizing it or has in some other way directed the President to carry out a particular policy.

When the President takes his oath of office to see that the laws of the country are faithfully executed, that is a requirement of his job. Our three-branch government has the legislative branch and the President jointly deciding what the law is to be, when Congress passes the law and the President signs it into law. It then has the President required to execute those laws.

Now, he doesn't do it personally, of course. He does it with the Department of Justice. If it is something related to our national parks, then it would be the Department of the Interior, and so on. But the Department of Justice has a big role to play in this, as does the Department of Homeland Security in respect to immigration laws because the Department of Homeland Security has now taken over all of the immigration functions, and that relates to customs, to issuing visas and, of course, enforcing the laws against illegal immigration as well.

So it is not up to the Secretary of the Department of Homeland Security or the Attorney General or the President to decide whether to enforce a law of the country. That is their responsibility. Then the Supreme Court resolves differences about the meanings of the statutes, their application, and whether they are constitutional.

Earlier this week—yesterday—the Supreme Court determined the constitutionality of a law the State of Arizona had passed to deal with the problem of illegal immigration in my State of Arizona. It is a serious problem there. About half of all the people who cross the border do so in the Tucson sector, and the results of that on Arizona have been devastating over the years: the damage to the environment, creating forest fires; the problem of the people who try to cross the border in the summer and end up dying in the desert because of its very harsh environment; the people who are brought across the border by unscrupulous coyotes, they are called—the smugglers—who then badly mistreat them, hold them hostage from their families, perhaps in Mexico or Central America and brutally mistreat them in many cases; the problems of crime that law enforcement has to deal with, the hospitalization and medical treatment they are required to receive under the law. All of these things have had a dramatic negative impact on my State.

As a result, the State legislature said: To the extent the Federal Government is not enforcing the law in our State, we will try to help fill that gap in cooperation and coordination with the Federal Government. So they passed S.B. 1070. A key feature of that, which was the cooperation between law enforcement, was upheld by the Supreme Court. But what has been the Obama administration's reaction to that? The Obama administration has reacted by saying: Well, we don't like your ruling and, therefore, we are simply not going to cooperate with the State of Arizona as we have been in the past or any other State that has laws like Arizona, even if you, the Supreme Court, say it is constitutional.

The petulance and the arrogance of this are something the American people have to judge, but from a law enforcement perspective, to me, this suggests the administration is creating some very serious problems. It was one thing for the administration to say, as they did last week, as to the 800,000 or 900,000 students primarily who came here because their parents brought them here illegally, we are going to find a way, in effect, to suspend their deportation so they can go to school or work here; we are just not going to apply the law to them. But it is quite another for it to say: By the way, we are going to treat all the other illegal immigrants here the same way—the 10 million to 12 million people who have been in the United States for a while, those who crossed the border some time ago.

In effect, that is what the administration has said. Even if local law enforcement, such as the Phoenix Police Department, has the right to stop someone they see weaving down the road in the manner of a drunk driver, and they stop that individual and determine they are driving while intoxicated and then ask to see their driver's license; and if the individual cannot produce an Arizona driver's license—which is already a violation of Arizona law today—but if, for example, the individual says: Here is my Matricula card from the Mexican Embassy, that may be reason for the officer to believe that individual is not here legally.

So in addition to driving while intoxicated and not having a valid Arizona driver's license, the police officer, who now has reason to believe that individual may not be an American citizen, ordinarily then would take that individual's name, call it in to a Federal database—I think it is up in Vermont or New Hampshire—and there is verification that either the individual is or is not in the United States legally. If the person is not here legally and hasn't been convicted or accused of a major crime, they are turned over to Immigration and Customs Enforcement, ICE, which is the part of Homeland Security that is supposed to take these illegal immigrants and decide what to do with them. In most cases, they are simply removed from the United States or deported.

But now the administration is saying we are not going to do that anymore. We don't even want to know whether the individual is an illegal immigrant. We are not going to check, and we are not going to allow you access to the database to check. Up to now, the Phoenix Police Department or the Maricopa County or Cochise County Sheriff could call up the database and say: We have the name of an individual; is this person legal.

The administration is now saying it is not even going to allow Arizona to check. So, Mr. President, this is a condition which cannot be allowed to stand. Where the administration is not enforcing the laws, the Congress is going to have to take what action we need to take to ensure the President enforces the laws, as he is sworn to do.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The Senator from North Dakota.

ANSWERING ALLEGATIONS

Mr. CONRAD. Mr. President, I rise today to answer allegations made by the Washington Post in a front-page story in yesterday's edition. Here is the story: ''High-level Talks, then Changes to Holdings.''

First, I want to say I have great respect for the Washington Post. In many ways, the Post is a national treasure. But even great newspapers make mistakes, and in yesterday's story they made assumptions that are simply wrong.

The story said my wife and I shifted savings in her retirement accounts from mutual funds to lower risk money market accounts on August 14, 2007. That is true. They showed we made those changes a day after a call from Treasury Secretary Hank Paulson to me. That is also true. But their suggestion the two are related is absolutely false.

They have made the same error in logic we studied in college. The case and faulty logic involved an observer who noted people were fainting and street pavement was melting. That led the observer to conclude that melting pavement caused people to faint. Of course, that was wrong. It was 106 degrees outside. The proper conclusion was that heat was causing the pavement to melt and people to faint. That error in logic was about causality, and that is precisely the error the Washington Post made in their story with respect to me.

What the Washington Post missed in their graphic—and to be fair to them, they largely had the correct context in the story. If you read the whole story, it was fairly balanced. What was not

balanced was the graphics that accompanied that story.

Let me show the graphic. This is from the Washington Post of yesterday.

Here is a picture of me. Quite a nice picture. I appreciate that. It says:

Senator Conrad, Chairman of the Senate Budget Committee, was in contact with Paulson about the Nation's economy during the crisis.

That is true. They then show a timeline with only two points on the timeline. They show that on August 13 Secretary Paulson called me at 4:30, and they show the next day, August 14, that my wife and I shifted from her retirement accounts money from mutual funds to lower risk money market funds. That is true.

What they have not shown on the timeline is what was happening in the previous days. So let's go back to the Friday before. Here is what happened on the Friday before.

The Dow Jones Industrial Average dropped 200 points within minutes of the opening bell and closed the day down nearly 400 points. That is not on the timeline of the Washington Post. If they were going to be fair—and I don't begrudge them writing the story. I think if I were the editor I would certainly have written the story too. It certainly has appeal. Here are Members of Congress talking to people in influential positions and then changing their holdings. But to be fair, they have to provide the context within which those decisions were made.

The context within which my wife and I made our decisions were pretty clear. The Friday before, the market dropped nearly 400 points.

What the Washington Post also didn't put in their timeline is their headline on that Friday. ''Credit Crunch in U.S. Upends Global Markets.'' In that story the Friday before, they showed in the weeks leading up to our decision to diversify our investments in my wife's retirement account the market had dropped in 2 days more than 500 points, leading up then to the Friday where the markets dropped almost 400 points.

The Washington Post in their story also didn't put on the timeline what the headlines were in their own paper on the weekend leading up to our decision to make these changes.

This is just one of the headlines: ''Looking for Footing on Shaky Ground,'' talking about the turmoil we saw globally. The truth is that what made my wife and me decide over the weekend to shift some of her retirement accounts from mutual funds to less risky money market accounts was what was happening in the markets themselves. That is what led us to make these decisions.

The Paulson call was not about markets. Notes from my staff indicate Secretary Paulson was calling a number of members about the importance of raising the debt ceiling. The Secretary of Treasury was not calling me to give me stock market tips. He wasn't talking to me about the stock market. He was talking to me about the need for a debt limit increase.

I wish to say clearly and unequivocally, to my friends at the Washington Post and anybody who read the story, the call from Secretary Paulson had nothing—nothing—do with my wife's and my decision over the weekend to shift some of her assets into less risky money market accounts. Those decisions had everything to do with what was happening in the marketplace itself, which was widely reported, even on the pages of the Washington Post. What was happening in the markets was readily available to every investor. We were not shifting my wife's retirement accounts based on some secret inside information.

The Washington Post headline: ''Credit Crunch in U.S. Upends Global Markets.'' The stock market in 2 days, and the weeks leading up, dropped 500 points. On the Friday before the decisions we made over the weekend, the market dropped almost 400 points in 1 day. The Washington Post had a big story showing the Dow Jones industrial average dropped 200 points within minutes of opening and dropped almost 400 points for the day. Why didn't they put that in the timeline if they wanted to be fair? I didn't ask them not to run the story. I asked them to put in the context within which the decisions were made. Be fair.

The fact is there is nothing Mr. PAULson could have said to me about market risk that would have been more persuasive than the drop of almost 400 points in the market the previous Friday. That, along with the 500-point drop that had occurred several weeks before, provided all the motivation my wife and I needed to make a decision to move some of her retirement assets to lower risked investments.

To the Washington Post: I respect you. I have had a very good relationship with you for a long period of time. But your story was unfair to my family, it was unfair to me, and fundamentally it was unfair to your readers because the graphics you supplied with the story failed to provide a full or fair timeline and the full context that led to our decision. In fairness, if you read the whole story, much of the context is there. But the graphics—which, of course, is what most people are drawn to—have none of the context and don't have a timeline that in any way is fair.

Finally, I just wish to say, I am retiring. This is not going to affect me for the future. But the notion that Members of Congress should just stick with whatever investment decisions they made when they began investing or be accused of trading on insider information is, to me, absurd. Our trades should be public knowledge, and they are. How did the Washington Post know about these trades? Because my wife and I reported each and every one of them in our financial disclosure.

So trades of Members should be public—absolutely—and they are. The Washington Post and others should monitor for evidence of insider trading, and they do. But they should also provide context to their readers so they can fairly judge if any of us have taken action with our investments that are dishonorable. I have not, and that is the truth.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

PRESCRIPTION DRUG EPIDEMIC

Mr. MANCHIN. Mr. President, since we first began consideration of the FDA bill, I have stood on this floor again and again to highlight the importance of an amendment I offered to this legislation that is very significant to my fellow West Virginians and all Americans.

This amendment would put tighter control on drugs containing a substance known as hydrocodone, a highly addictive prescription painkiller that is destroying communities across this country and leaving families devastated by abuse and addiction.

It was a proud moment for me when the Senate came together across party lines on May 23 and unanimously adopted my amendment to reclassify hydrocodone as a schedule II substance from a schedule III. In practical terms, this means those who are using hydrocodone for illegitimate reasons would have a harder time getting their hands on it.

I cannot tell you how much this amendment means to the people of West Virginia and to every law enforcement group fighting the war on drugs across this Nation who believe very strongly that access to hydrocodone would give them a powerful tool in combating prescription drug abuse. So it pains me to stand here following last night's vote to move forward with the passage of the FDA bill, which did not contain this important amendment. That is because the influence of special interest groups suppressed the voices of the people—not just in the State of West Virginia but in Delaware and all across the country—who are begging us to do something about the prescription drug abuse epidemic.

According to the White House Office of National Drug Control Policy, prescription drug abuse is the fastest growing drug problem in the United States, and it is claiming the lives of thousands of Americans every year. Prescription drugs are responsible for about 75 percent of all drug-related deaths in the United States and 90 percent in West Virginia. These narcotic painkillers claim the lives of more Americans than heroin and cocaine combined.

But the groups opposed to my amendment have a huge financial stake in keeping these pills as accessible as possible, and I understand that. That is why my amendment was stripped from the FDA bill we advanced last night.

High-powered and well-funded lobbyists may have gotten their victory this time around, but I can assure you I will

not give up this fight. On a daily basis, I am hearing from my constituents in West Virginia and all around this country who are counting on us to do something about the prescription drug epidemic ravaging their communities.

Since I offered this amendment, I have heard from so many West Virginians who have seen a ray of hope because we might be able to do something about this problem. I will not pretend it will solve it completely, but it is sure a good step in the right direction. So I am coming to the floor to share the stories of the people of West Virginia, in the hopes of bringing people together around a solution to this terrible problem.

This is from Sheila from Charleston, who sent me this letter in support of my amendment after losing a close family member:

> Please continue to fight the drug companies and pharmacies regarding this issue. Our family in the last two months lost a beloved family member to prescription drug overdose. He was a promising young man that lost his life because of addiction to pain medication.
>
> Our family continues to be devastated, wondering how did this happen. He came from a highly-educated family that was involved in his treatment and cared deeply for him. His family spent $100,000+ in his recovery, but it was all too easy for him to obtain legal prescriptions.
>
> What truly makes it more painful is he was showing signs of overcoming his five-year battle.
>
> We are not blaming anyone but the system. We know we are each responsible for our own actions. I have thought for years that our health care system is far behind in technology and record keeping for doctor shopping and prescription dispensing. Please understand I am very much opposed to more government in our personal lives, however this is much needed in the medical arena.
>
> Please continue to fight this enormous battle for us.

That letter could have come from our constituents or any Congressman's home district from anywhere in this great country. The fact is I don't know of a person—whether it be in the Senate, our colleagues in Congress or anywhere in America—who hasn't been affected by the abuse of legal prescription drugs used in the wrong way. It touches everyone's life. It is of epidemic proportion.

I have said it before, and I will say it again. I understand that limiting access to illegitimate uses of hydrocodone pills doesn't necessarily fit into the model of selling more product, but there are times when even the best business plan can be altered while staying successful. Certainly, one of those times is when the health of our country and the public good is at stake.

In fact, the Huntington Herald Dispatch, the second largest newspaper in my State, located right on the border between West Virginia and Ohio, describes why this amendment is so important.

> Congress is missing out on an opportunity to close the spigot at least partway on the large volumes of commonly abused prescription drugs that flood the country and harm so many Americans.

In 2010, the most recent year for which data is available, a study showed there were 28,310 recorded instances of toxic exposures from hydrocodone. The same study showed that 24 million individuals have admitted to abusing hydrocodone drugs for nonmedical purposes—unbelievable.

A different study, put out by the Centers for Disease Control in November, showed that more than 40 people die every day from overdoses involving narcotic pain relievers such as hydrocodone. Isn't it worth doing something to get the pills out of the wrong hands?

My amendment may not have gone into this bill yesterday, but it is not going to go away—I think we all know that—and I am determined to see this through to the end.

While the people of West Virginia, Delaware, and elsewhere are disappointed in the outcome of the hydrocodone amendment, I do wish to highlight one measure that was included in the legislation that we are proud of and is important to me and everybody in this body. It would make the sale and distribution of synthetic marijuana and other synthetic substances, known as bath salts, illegal by placing them on the list of schedule I controlled substances under the Controlled Substances Act. These drugs are also taking a terrible toll on all our States, and I was proud to cosponsor this provision with my friend Senator SCHUMER. I want to thank Senator SCHUMER for his leadership in getting this passed.

Finally, I wish to close with one more story from my home State of West Virginia as a way to remind everyone what I am fighting for and why. This letter comes from Rebecca, a woman who started a group called Mothers Against Prescription Drug Abuse as a way to deal with the terrible realities that have accompanied her son's 5-year battle with prescription drug abuse:

> Jamie was a great kid growing up. He played basketball, football, and baseball. When he was 14 years old his team won the state tournament and went all the way to Wisconsin to play in Regionals. Jamie was always helping others and had such a kind heart. . .
>
> When Jamie got out of school he married his high school sweetheart and was employed in the mines.
>
> After that he just went downhill. He began abusing prescription drugs. For two years I tried everything to get help for him and tried to get him to stop. Things only got worse. He lost his wife, his home, his truck and then his freedom.
>
> My story is typical to so many families out there who are struggling with loved ones that are addicted. They just want someone to listen. They need to be able to reach out to someone who understands the nightmare that they go through daily, and know that they are not alone. The addict is not the only one who suffers. The family members carry around guilt, sadness, shame, anger, hopelessness, fear, anxiety, etc. . . . I could go on and on about how bad this experience has been for me and how it has not stopped.
>
> I will continue to fight prescription drug abuse for as long as I have a breath in my body. I will not give up on my son or anyone else who is addicted. Things need to change within our system. We cannot continue to allow just anyone to have access to prescription pain medicine. Parents need to be educated while their children are still at home. Communities need to be aware of crimes (drug dealers) and report them. Doctors need to stop prescribing pain pills to people on the street, and they need to be held accountable.
>
> What happened to our medical ethics when people who need pain medicine for a while are given strong addictive pain medicine, only to have to keep coming back to the doctor over and over again for refills? Is it greed that is behind the beginning of this growing epidemic? Doctors definitely profit from the addict's return visits, as well as the pharmaceutical companies that make the medicine. We know there is a problem but what are people going to do about it? I am doing what I can, but is it enough? Will you help?

For Rebecca and all the other mothers, fathers, sisters, and brothers out there who are pleading for help, we owe it to them to get this amendment agreed to.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of FLORIDA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF ROBIN S. ROSENBAUM TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination which the clerk will report.

The bill clerk read the nomination of Robin S. Rosenbaum, of Florida, to be United States District Judge for the Southern District of Florida.

The PRESIDING OFFICER. Under the previous order, the time until noon will be equally divided in the usual form.

Mr. LEAHY. Mr. President, the Republican efforts to shutdown Senate confirmations of qualified judicial nominees who have bipartisan support do not help the American people. This is a shortsighted policy at a time when the judicial vacancy rate remains almost twice what it was at this point in the first term of President Bush. Judicial vacancies during the last few years have been at historically high levels. Nearly one out of every 11 Federal judgeships is currently vacant. Their talk of shutting down confirmations for consensus and qualified circuit court nominees is not helping the overburdened Federal courts to which Americans turn for justice.

In a letter dated June 20, 2012, the president of the American Bar Association urged Senator REID and Senator MCCONNELL to work together to schedule votes on the nominations of William Kayatta, Judge Robert Bacharach and Richard Taranto, three consensus, qualified circuit court nominees awaiting Senate confirmation so that they may serve the American people. I ask unanimous consent that a copy of his letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN BAR ASSOCIATION,
Chicago, IL, June 20, 2012.

Hon. HARRY REID,
Majority Leader, U.S. Senate, Hart Senate Office Building, Washington, DC.

Hon. MITCH MCCONNELL,
Republican Leader, U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR MAJORITY LEADER REID AND REPUBLICAN LEADER MCCONNELL: Amid concerns that the judicial confirmation process is about to fall victim to presidential election year politics through the invocation of the ''Thurmond Rule,'' I am writing on behalf of the American Bar Association to reiterate our grave concern for the longstanding number of judicial vacancies on Article III courts and to urge you to schedule floor votes on three pending, noncontroversial circuit court nominees before July and on district court nominees who have strong bipartisan support on a weekly basis thereafter.

Three of the four circuit court nominees pending on the Senate floor are consensus nominees who have received overwhelming approval from the Senate Judiciary Committee. Both William Kayatta, Jr. of Maine, nominated to the First Circuit, and Robert Bacharach of Oklahoma, nominated to the Tenth Circuit, have the staunch support of their Republican senators. Richard Taranto, nominated to the Federal Circuit, enjoys strong bipartisan support, including the endorsement of noted conservative legal scholars. All three nominees also have stellar professional qualifications and each has been rated unanimously ''well-qualified'' by the ABA's Standing Committee on the Federal Judiciary.

As you know, the ''Thurmond Rule'' is neither a rule nor a clearly defined event. While the ABA takes no position on what invocation of the ''Thurmond Rule'' actually means or whether it represents wise policy, recent news stories have cast it as a precedent under which the Senate, after a specified date in a presidential election year, ceases to vote on nominees to the federal circuit courts of appeals. We note that there has been no consistently observed date at which this has occurred during the presidential election years from 1980 to 2008. With regard to the past three election years, the last circuit court nominees were confirmed in June during 2004 and 2008 and in July during 2000. In deference to these historical cut-off dates and because of our conviction that the Senate has a continuing constitutional duty to act with due diligence to reduce the dangerously high vacancy rate that is adversely affecting our federal judiciary, we exhort you to schedule votes on these three outstanding circuit court nominees this month.

We also urge you to continue to work together to move consensus district court nominees to the floor for a vote throughout the rest of the session, lest the vacancy crisis worsens in the waning months of the 112th Congress. With five new vacancies arising this month and an additional five announced for next month, this is not just a possibility; it is a certainty, absent your continued commitment to the federal judiciary and steady action on nominees.

Thank you for your past efforts and for your consideration of our views on this important issue.

Sincerely,

WM. T. (BILL) ROBINSON III,
President.

Mr. LEAHY. He writes:

Amid concerns that the judicial confirmation process is about to fall victim to presidential election year politics through the invocation of the ''Thurmond Rule,'' I am writing on behalf of the American Bar Association to reiterate our grave concern for the longstanding number of judicial vacancies on Article III courts and to urge you to schedule floor votes on three pending, noncontroversial circuit court nominees before July and on district court nominees who have strong bipartisan support on a weekly basis thereafter.

He observes that ''the Senate has a continuing constitutional duty to act with due diligence to reduce the dangerously high vacancy rate that is adversely affecting our federal judiciary.''

There is no good reason that the Senate should not vote on consensus circuit court nominees thoroughly vetted, considered and voted on by the Judiciary Committee. There is no reason the Senate cannot vote on the nomination of William Kayatta of Maine to the First Circuit, a nominee strongly supported by both of Maine's Republican Senators and reported nearly unanimously by the Committee 2 months ago. This is the same person who Chief Justice John Roberts recommended to Kenneth Starr for a position in the Justice Department.

There is no reason the Senate cannot vote on the nomination of Judge Robert Bacharach of Oklahoma to the Tenth Circuit, who was supported by Senator COBURN during Committee consideration, and also by the State's other Republican Senator, Senator INHOFE. Senator COBURN said that Judge Bacharach would make a great nominee for a Republican president. So why is the Republican leadership playing politics with his nomination?

There is also no reason the Senate cannot vote on Richard Taranto's nomination to the Federal Circuit. He was reported almost unanimously by voice vote nearly 3 months ago, and is supported by conservatives such as Robert Bork and Paul Clement.

And the one circuit court nominee who was reported out of Committee with a split rollcall vote—Judge Patty Shwartz of New Jersey—should not have been controversial, as seen by the bipartisan support she has received from New Jersey's Republican Governor Chris Christie.

Each of these circuit court nominees has been rated unanimously well qualified by the nonpartisan ABA Standing Committee on the Federal judiciary, the highest possible rating. These are not controversial nominees. They are qualified and should be considered as consensus nominees and confirmed. Senate Republicans are blocking consent to vote on superbly qualified circuit court nominees with strong bipartisan support. This is a new and damaging application of the Thurmond Rule.

It is hard to see how this new application of the Thurmond Rule is really anything more than another name for the stalling tactics we have seen for months and years. I have yet to hear any good reason why we should not continue to vote on well-qualified, consensus nominees, just as we did up until September of the last two Presidential election years. I have yet to hear a good explanation why we cannot work to solve the problem of high vacancies for the American people. I will continue to work with the Senate leadership to try to confirm as many of President Obama's qualified judicial nominees as possible to fill the many judicial vacancies that burden our courts and the American people across the country.

Last week, I spoke about the announcement from Senate Republican leadership that they would be shutting down the confirmation process for qualified and consensus circuit court nominees for the rest of the year. As I noted, Senate Republicans have become the party of ''no''—no help for the American people, no to jobs, no to economic recovery and no to judges to provide Americans with justice in their Federal courts. Although the public announcement that they would be blocking qualified and consensus circuit court nominees is recent, the truth is that Senate Republicans have been obstructing President Obama's judicial nominees since the beginning of his Presidency, beginning with their filibuster of his first nominee.

Senate Republicans used to insist that filibustering of judicial nominations was unconstitutional. The Constitution has not changed but as soon as President Obama was elected, they reversed course and filibustered President Obama's very first judicial nomination. Judge David Hamilton of Indiana was a widely respected 15-year veteran of the Federal bench nominated to the Seventh Circuit and was supported by Senator Dick Lugar, the longest-serving Republican in the Senate. They delayed his confirmation for 5 months. Senate Republicans then proceeded to obstruct and delay just about every circuit court nominee of this President, filibustering nine of them. They delayed confirmation of Judge Albert Diaz of North Carolina to the Fourth Circuit for 11 months. They delayed confirmation of Judge Jane Stranch of Tennessee to the Sixth Circuit for 10 months. They delayed confirmation of Judge Ray Lohier of New York to the Second Circuit for 7 months. They delayed confirmation of Judge Scott Matheson of Utah to the Tenth Circuit and Judge James Wynn, Jr. of North Carolina to the Fourth Circuit for 6 months. They delayed confirmation of Judge Andre Davis of Maryland to the Fourth Circuit, Judge Henry Floyd of

South Carolina to the Fourth Circuit, Judge Stephanie Thacker of West Virginia to the Fourth Circuit, and Judge Jacqueline Nguyen of California to the Ninth Circuit for 5 months. They delayed confirmation of Judge Adalberto Jordan of Florida to the Eleventh Circuit, Judge Beverly Martin of Georgia to the Eleventh Circuit, Judge Mary Murguia of Arizona to the Ninth Circuit, Judge Bernice Donald of Tennessee to the Sixth Circuit, Judge Barbara Keenan of Virginia to the Fourth Circuit, Judge Thomas Vanaskie of Pennsylvania to the Third Circuit, Judge Joseph Greenaway of New Jersey to the Third Circuit, Judge Denny Chin of New York to the Second Circuit, and Judge Chris Droney of Connecticut to the Second Circuit for 4 months. They delayed confirmation of Judge Paul Watford of California to the Ninth Circuit, Judge Andrew Hurwitz of Arizona to the Ninth Circuit, Judge Morgan Christen of Alaska to the Ninth Circuit, Judge Stephen Higginson of Louisiana to the Fifth Circuit, Judge Gerard Lynch of New York to the Second Circuit, Judge Susan Carney of Connecticut to the Second Circuit, and Judge Kathleen O'Malley of Ohio to the Federal Circuit for 3 months.

As a recent report from the nonpartisan Congressional Research Service confirms, the median time circuit nominees have had to wait before a Senate vote has skyrocketed from 18 days for President Bush's nominees to 132 days for President Obama's circuit court nominees. This is the result of Republican foot dragging and obstruction. In most cases, Senate Republicans have been delaying and stalling for no good reason. How else do you explain the filibuster of the nomination of Judge Barbara Keenan of Virginia to the Fourth Circuit who was ultimately confirmed 99–0? And how else do you explain the needless obstruction of Judge Denny Chin of New York to the Second Circuit, who was filibustered for 4 months before he was confirmed 98–0?

The only change in their practices is that Senate Republicans have finally acknowledged that they are seeking to shut down the confirmation process for qualified and consensus circuit court nominees. Three of the five circuit court judges finally confirmed this year after months of unnecessary delays and a filibuster should have been confirmed last year. The other two circuit court nominees confirmed this year were both subjected to stalling and partisan filibusters, which were thankfully unsuccessful.

The American people need to understand that Senate Republicans are stalling and filibustering judicial nominees supported by their home State Republican Senators. Just consider the states I have already mentioned as having circuit nominees supported by their home State Republican Senators unnecessarily stalled—Indiana, North Carolina, Utah, South Carolina, Georgia, and Arizona. Just 2 weeks ago we needed to overcome a filibuster to confirm Justice Andrew Hurwitz of the Arizona Supreme Court to the Ninth Circuit despite the strong support of Senators JON KYL and JOHN MCCAIN.

This year started with the Majority Leader having to file cloture to get an up-or-down vote on Judge Adalberto Jordan of Florida to the Eleventh Circuit even though he was strongly supported by his Republican home State Senator. And every single one of these circuit nominees for whom the Majority Leader was forced to file cloture this year was rated unanimously well qualified by the nonpartisan ABA Standing Committee on the Federal Judiciary, the highest possible rating. And every one of them was nominated to fill a judicial emergency vacancy. So when I hear some Senate Republicans say they are now invoking the Thurmond Rule and have decided they are not going to allow President Obama's judicial nominees to be considered, I wonder how the American people are supposed to be able to tell the difference from how they have been obstructing for the last 3½ years.

Personal attacks on me, taking quotes out of context, trying to repackage their own actions as if following the Thurmond Rule or what they seek to dub the Leahy rule do nothing to help the American people who are seeking justice in our Federal courts. I am willing to defend my record but that is beside the point. The harm to the American people is what matters. Republicans are insisting on being the party of no even when it comes to judicial nominees who home State Republican Senators support.

As Chairman and when I served as the ranking member of the Judiciary Committee, I have worked with Senate Republicans to consider judicial nominees well into Presidential election years. I have taken steps to make the confirmation process more transparent and fair. I have ensured that the President consults with home State Senators before submitting a nominee. I have opened up what had been a secretive blue slip process to prevent abuses. All the while I have protected the rights of the minority, of Republican Senators. If Republicans want to talk about the Leahy rules, those are the practices I have followed. And I have been consistent. I hold hearings at the same pace and under the same procedures whether the President nominating is a Democrat or a Republican. Others cannot say that.

And what were the results? In the last two Presidential election years, we were able to bring the number of judicial vacancies down to the lowest levels in the past 20 years. In 2004, at end of President Bush's first term, vacancies were reduced to 28, not the 74 at which they are today. In 2008, in the last year of President Bush's second term, we again worked to fill vacancies and got them down to 34, less than half of what they are today. In 2004, 25 nominees were confirmed from June 1 to the Presidential election. In 2008, 22 nominees were confirmed between June 1 and the Presidential election. So far, since June 1 of this year, only 4 judges have been confirmed and all required the majority leader to file cloture to end Republican filibusters.

In 2004, a Presidential election year, the Senate confirmed five circuit court nominees of a Republican President that had been reported by the committee that year. We have confirmed only two circuit court nominees that have been reported by the committee this year, and we had to overcome Republican filibusters in both cases. By this date in 2004 the Senate had already confirmed 35 of President Bush's circuit court nominees. So far, the Senate has only been allowed to consider and confirm 30 of President Obama's circuit court nominees—five fewer, 17 percent fewer—while higher numbers of vacancies remain, and yet the Senate Republican leadership demands an artificial shutdown on confirmation of qualified, consensus nominees for no good reason.

The nonpartisan Congressional Research Service recently released a report confirming that judicial nominees continue to be confirmed in the Presidential election years. The exceptions are when Republicans shut down the process because the President is a Democrat. In five of the last eight Presidential election years, the Senate has confirmed at least 22 circuit and district court nominees after May 31. The notable exceptions were during the last years of President Clinton's two terms in 1996 and 2000 when Senate Republicans would not allow confirmations to continue. In the 1996 session, Senate Republicans did not allow any circuit court nominees to be confirmed at all. Vacancies at the end of the Clinton years stood at 75 at the end of 1996 and 67 at the end of 2000. The third exception was in 1988, at the end of President Reagan's Presidency, when vacancies were at 28. According to CRS, the Senate confirmed 32 judges after May 31 in 1980; 28 in 1984; 31 in 1992; 28 in 2004 at the end of President George W. Bush's first term; and 22 after May 31 in 2008 at the end of President Bush's second term. So far since May 31 of this year, only 4 judges have been confirmed and all required the Majority Leader to file cloture to end Republican filibusters.

In the past five Presidential election years, Senate Democrats have never denied an up-or-down vote to any circuit court nominee of a Republican President who received bipartisan support in the Judiciary Committee. That is what Senate Republicans are now seeking to do by blocking votes on William Kayatta, Judge Bacharach and Richard Taranto. In fact, during the last 20 years, only four circuit nominees reported with bipartisan support have been denied an up-or-down vote during Presidential election year by the Senate; all four were nominated by

President Clinton and blocked by Senate Republicans. While Senate Democrats have been willing to work with Republican Presidents to confirm circuit court nominees with bipartisan support, Senate Republicans have repeatedly obstructed the nominees of Democratic Presidents. In the previous five Presidential election years, a total of 13 circuit court nominees have been confirmed after May 31. Not surprisingly, 12 of the 13 were Republican nominees. Clearly, this is a one-way street in favor of Republican Presidents' nominees.

Senate Republicans are fond of taking quotes of things I have said out of context. Look at what I have done. I have not filibustered nominees with bipartisan support after May of Presidential election years. As chairman of this committee, I have steadfastly protected the rights of the minority. I have done so despite criticism from Democrats. I have only proceeded with judicial nominations supported by both home State Senators. That has meant that we are not able to proceed on current nominees from Arizona, Georgia, Nevada, and Louisiana. I even stopped proceedings on a circuit court nominee from Kansas when the Kansas Republican Senators reversed themselves and withdrew their support for the nominee. I had to deny the Majority Leader's request to push a Nevada nominee through Committee because she did not have the support of Nevada's Republican Senator. I will put my record of consistent fairness up against that of any judiciary chairman and remind Senate Republicans that it is they who blatantly disregarded evenhanded practices when they were ramming through ideological nominations of President George W. Bush. They would proceed with nominations despite the objection of both home State Senators.

So those are the Leahy rules—respect for and protection of minority rights, increased transparency, consistency, and allowing for confirmations well into Presidential election years for nominees with bipartisan support.

Senate Republicans, on the other hand, have repeatedly asserted that the Thurmond Rule does not exist. For example, on July 14, 2008, the Senate Republican caucus held a hearing and said that the Thurmond Rule does not exist. At that hearing, the senior Senator from Kentucky, the Republican leader stated: ''I think it's clear that there is no Thurmond Rule. And I think the facts demonstrate that.'' Similarly, the Senator from Iowa, my friend who is now serving as ranking member of the Judiciary Committee, stated that the Thurmond rule was in his view ''plain bunk.'' He said: ''The reality is that the Senate has never stopped confirming judicial nominees during the last few months of a president's term.'' We did not in 2008 when we proceeded to confirm 22 nominees over the second half of that year.

We remain far behind in filling the judicial vacancies to provide the Federal judges that American people need to get justice in our Federal courts. A comparison of judicial vacancies during the first terms of President Bush and President Obama shows a stark contrast to the way in which we moved to reduce judicial vacancies during the last Republican presidency.

During President Bush's first term we reduced the number of judicial vacancies by almost 75 percent. When I became chairman in the summer of 2001, there were 110 vacancies. As chairman, I worked with the administration and Senators from both sides of the aisle to confirm 100 judicial nominees of a conservative Republican President in 17 months.

We continued when in the minority to work with Senate Republicans and confirm President Bush's consensus judicial nominations well into 2004, a Presidential election year. At the end of that presidential term, the Senate had acted to confirm 205 circuit and district court nominees. By June 2004 we had reduced judicial vacancies to 43 on the way to 28 that August.

By comparison, vacancies have long remained near or above 80 and while little comparative progress has been made during the 4 years of President Obama's first term. As contrasted to 43 vacancies in June 2004, there are still 74 vacancies in June 2012. If we could move forward to Senate votes on the 17 judicial nominees ready for final action, the Senate could reduce vacancies below 60 and make some progress. I noted last week that, compared to our progress under President Bush, we were 9 months later in confirming the 150th circuit or district judge to be appointed by President Obama. Another way to look at our relative lack of progress and the burden the Republican obstruction is placing on the American people seeking justice is to note that by mid-November 2002 we had reduced judicial vacancies to below where we are now with 74 vacancies. We effectively worked twice as efficiently and twice as fast. By that measure, the Senate is almost 20 months behind schedule. This is hardly then the time to be shutting down the process. In fact, when on November 14, 2002, the Senate proceeded to confirm 18 judicial nominees, vacancies went down to 60 throughout the country.

This is a true comparison of similar situations. The nonpartisan Congressional Research Service in its recent report likewise compares the first years of Presidential administrations. False comparisons are to take the end of a second term of a Presidency, when vacancies have already been significantly reduced and to contend that confirmation numbers for that period can be fairly compared to the beginning of a Presidential term when vacancies are high.

Today, the Senate will vote on the nomination of Robin Rosenbaum to fill a judicial emergency vacancy in the U.S. District Court for the Southern District of Florida. Judge Rosenbaum has the ''support of her home State Senators, Democratic Senator BILL NELSON and Republican Senator MARCO RUBIO. Her nomination was reported with near unanimous voice vote by the Judiciary Committee nearly 3 months ago, with the only objection coming from Senator LEE's customary protest vote. Judge Rosenbaum was rated unanimously ''well qualified'' by the ABA Standing Committee on the Federal judiciary, the highest possible rating.

Judge Rosenbaum is currently a United States Magistrate Judge in the district in which she has been nominated, and has served in that position for almost 5 years. She previously served for 9 years as a Federal prosecutor, including 5 years as a chief of the economic crimes section. After graduating from law school, she spent four years as a trial attorney in the civil division of the U.S. Department of Justice before serving as staff counsel in the office of the independent counsel for the investigation of former U.S. Secretary of Commerce Ron Brown. Judge Rosenbaum clerked for Judge Stanley Marcus of the Eleventh Circuit Court of Appeals. She is a terrific nominee and she has my support.

Last week, the Judiciary Committee also voted Judge Brian Davis out of committee favorably for a judicial emergency vacancy in the Middle District of Florida. Judge Davis is an exceptional nominee with a distinguished career in public service. He has been a State court judge for 18 years, and has also served as a prosecutor for 9 years. The ABA Standing Committee on the Federal judiciary has unanimously rated Judge Davis well qualified to serve on the district court, its highest possible rating. Judge Davis was selected based on a nonpartisan judicial selection commission appointed by Senators NELSON and RUBIO, and both of the home State Senators have supported moving forward with consideration of this nomination. We should move to confirm him without delay so that he can get to work for the people of Florida.

After today's vote, we need to continue confirming nominees. At a time when judicial vacancies remained historically high for 3 years, with 30 more vacancies and 30 fewer confirmations than at this point in President Bush's first term, I would hope the Senate Republican leadership would reconsider and work with us on filling these long-standing judicial vacancies to help the American people. We have well-qualified, consensus nominees with bipartisan support who can fill these vacancies. It is only partisan politics and continued tactics of obstruction that stand in the way.

Mr. GRASSLEY. Mr. President, I rise in support of the nomination of Robin S. Rosenbaum, to be U.S. district judge for the Southern District of Florida.

Although it is the practice and tradition of the Senate to not confirm circuit nominees in the closing months of

a Presidential election year, we continue to confirm consensus district judge nominees. We have now confirmed 151 nominees of this President to the district and circuit courts. We also have confirmed two Supreme Court nominees during President Obama's term.

I have heard some Members repeatedly ask the question, ''What is different about this President that he has to be treated differently than all these other Presidents?'' I won't speculate as to any inference that might be intended by that question, but I can tell you that this President is not being treated differently than previous Presidents. By any objective measure, this President has been treated fairly and consistent with past Senate practices.

For example, with regard to the number of confirmations, let me put that in perspective for my colleagues with an apples-to-apples comparison. The last time the Senate confirmed two Supreme Court nominees was during President Bush's second term. And during President Bush's entire second term the Senate confirmed a total of only 119 district and circuit court nominees. With Ms. Rosenbaum's confirmation today, we will have confirmed 32 more district and circuit nominees for President Obama than we did for President Bush in similar circumstances.

During the last Presidential election year, 2008, the Senate confirmed a total of 28 judges—24 district and 4 circuit. Today, we will exceed that number, as well. We have already confirmed 5 Circuit nominees, and this will be the 24th district judge confirmed this year. Those who say this President is being treated differently either fail to recognize history or want to ignore the facts.

After graduating from the University of Miami School of Law in 1991, Judge Rosenbaum worked as a trial attorney for the Federal Programs Branch of the Department of Justice. Her practice involved defending the constitutionality of Federal statutes and agency programs. In September 1995, she joined the Independent Counsel Office's investigation of former U.S. Secretary of Commerce Ronald Brown. She served as staff counsel, participating in the criminal investigation and providing advice to other team members. Upon closure of the investigation, Judge Rosenbaum joined the law firm of Holland & Knight LLP as an associate. While there, from 1996 to 1997, she worked on a variety of civil matters, including Federal employment law. Judge Rosenbaum then accepted a position as a law clerk for Judge Stanley Marcus on the U.S. Circuit Court of Appeals for the Eleventh Circuit, where she worked from January to October 1998.

After her clerkship, Judge Rosenbaum became an assistant U.S. attorney. She specialized in criminal prosecutions such as securities fraud, bank fraud, identity theft, tax fraud, telemarketing fraud, health care fraud, internet fraud, and computer crimes. In 2002, she became the chief of the Economic Crimes Section for the Central Division, Fort Lauderdale, which gave her supervisory responsibilities over 8 to 10 other assistant U.S. attorneys. She held that title until her appointment as a magistrate judge in 2007.

In 2007, the U.S. district judges for the Southern District of Florida appointed Judge Rosenbaum to be a U.S. magistrate judge. As magistrate judge in the District of Southern District of Florida, she manages all aspects of the pretrial process in civil and criminal cases: conducting evidentiary hearings, ruling on nondispositive motions, making reports and recommendations regarding dispositive motions, and issuing criminal complaints, search warrants, and arrest warrants.

The ABA Standing Committee on the Federal Judiciary unanimously rated Judge Rosenbaum as ''well qualified.''

Mr. NELSON of Florida. Mr. President, our Nation faces an alarming judicial vacancy rate. I am grateful that today we will be voting to confirm U.S. Magistrate Judge Robin Rosenbaum to fill a judicial emergency in the Southern District of Florida for a Federal district judgeship. She earned her undergraduate degree at Cornell, her law degree from Miami. She began her legal career in the U.S. Attorney General's Honors Program where she worked as a trial attorney in the Federal Programs Branch of the Civil Division. She has worked in private practice at Holland & Knight and as a law clerk to Judge Stanley Marcus, U.S. Circuit Court Judge for the 11th Circuit Court of Appeals, and she has worked as an Assistant U.S. Attorney down in the Southern District of Florida.

Our State has a great tradition of bipartisan support for our Federal judicial nominees going back a couple of decades. Of course, through this judicial nominating commission, she has come forth with their stamp of approval. The two Senators from Florida agree. I am happy to recommend her to the Senate.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Robin S. Rosenbaum, of Florida, to be U.S. District Judge for the Southern District of Florida.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Colorado (Mr. UDALL), and the Senator from Virginia (Mr. WEBB) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. HATCH) and the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 3, as follows:

[Rollcall Vote No. 167 Ex.]

YEAS—92

Akaka	Feinstein	Merkley
Alexander	Franken	Mikulski
Ayotte	Gillibrand	Moran
Barrasso	Graham	Murkowski
Baucus	Grassley	Murray
Begich	Hagan	Nelson (NE)
Bennet	Harkin	Nelson (FL)
Bingaman	Heller	Portman
Blumenthal	Hoeven	Pryor
Blunt	Hutchison	Reed
Boozman	Inhofe	Reid
Boxer	Inouye	Risch
Brown (MA)	Isakson	Roberts
Brown (OH)	Johanns	Rubio
Burr	Johnson (SD)	Sanders
Cantwell	Johnson (WI)	Schumer
Cardin	Kerry	Sessions
Carper	Klobuchar	Shaheen
Casey	Kohl	Shelby
Chambliss	Kyl	Snowe
Coats	Landrieu	Stabenow
Coburn	Lautenberg	Tester
Cochran	Leahy	Thune
Collins	Levin	Toomey
Conrad	Lieberman	Udall (NM)
Coons	Lugar	Vitter
Corker	Manchin	Warner
Cornyn	McCain	Whitehouse
Crapo	McCaskill	Wicker
Durbin	McConnell	Wyden
Enzi	Menendez	

NAYS—3

DeMint	Lee	Paul

NOT VOTING—5

Hatch	Rockefeller	Webb
Kirk	Udall (CO)	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be duly notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate shall resume legislative session.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:30 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

FOOD AND DRUG ADMINISTRATION SAFETY AND INNOVATION ACT OF 2012—Continued

The PRESIDING OFFICER. For the information of the Senate, cloture having been invoked on the motion to concur in the House amendment to S. 3187 yesterday, the motion to refer fell, being inconsistent with cloture.

Under the previous order, there will be 6 hours 15 minutes of debate, with 2 hours controlled by the Senator from Iowa, Mr. HARKIN; 4 hours controlled by the Senator from North Carolina, Mr. BURR; and 15 minutes controlled by the Senator from Kentucky, Mr. PAUL.

The Senator from Iowa.

Mr. HARKIN. Mr. President, again, we are on the Food and Drug Administration Safety and Innovation Act of 2012. As the chair just said, we have 6 hours 15 minutes of debate time. I am hopeful we don't utilize it all and that we can vote on this sometime later this afternoon.

We just considered this bill in the Senate a few weeks ago and passed it 96 to 1. Following the conference with the House, the House passed the bill unanimously last week. Today I trust that we will finish the job.

I am genuinely proud of this legislation. It will ensure that the FDA has the resources to speed market access to drugs and devices while continuing to ensure patient safety. For the first time, it will make new resources available to allow the FDA to clear its backlog of applications for generic drugs, which will help ensure that patients have access to less expensive medications. It will make sure the FDA has the funds to prevent there ever being a backlog in applications for biosimilars. These resources are vital to FDA's ability to do its job, to the medical products industry's ability to make these products and, most importantly, to patients who need both access to drugs and devices, and assurances that they are indeed safe.

This legislation has benefited from input from a diverse range of interested parties, Senators on both sides of the aisle, our colleagues in the House, industry stakeholders, consumer groups, and patient groups.

Over 1 year ago the parties started bringing policy ideas to the table. We worked together in bipartisan working groups to reach consensus on these policy measures. Where we could not achieve consensus, we didn't allow those differences to distract us from the critically important goal of producing a bill that could be broadly supported. As a result of this bipartisan process, we have a bill that advances our shared goals of patient safety, patient access, a well-functioning FDA, and strong and viable American businesses. We streamlined the device approval process while also enhancing patient protections. We modernized FDA's authority to ensure that drugs and drug ingredients coming to the United States from overseas are safe and to ensure that our domestic companies compete on a level field with foreign ones. We addressed the critical problem of drug shortages. We helped spur innovation and incentivized drug development for life-threatening conditions. We reauthorized and improved the incentives for studying drugs in children.

Finally, we increased accountability and transparency at FDA. So the bill strikes a balance. It will help keep our regulatory system in pace to adapt to technological and scientific advances. It will create the conditions to foster innovative advances in medical technologies. Again, it will do all of this without losing sight of the most important function of the FDA—ensuring patient safety.

So it has been a long road leading up to this moment. We have been working on this bill for well over 1 year and 3 or 4 months with the help of Senators on and off the committee.

Again, I thank my colleague, the ranking member of the Health Committee, Senator ENZI, for all of his diligent and hard work and that of his staff for helping to bring all the different parties together and making sure we had a consensus bill that responded to all of those inputs.

So we have had a great collaboration. I think we have an excellent bill. Again, I am hopeful we can have our comments and discussions this afternoon, but I urge all my colleagues to vote today to pass the FDA Safety and Innovation Act. It is critically important to the agency, the industry, and to the patients we get this done. This will be the final step.

As I said, the House passed it unanimously. If we pass it today, it can go to the President for his signature as soon as we pass it this afternoon.

Mr. President, I yield such time as he may consume to my good friend and colleague and ranking member, Senator ENZI.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank the chairman of the committee. I thank him for his kind words, but I also thank him for his leadership on this issue. We have had a great teamwork effort both between the Senators and between the staff. This isn't something that just came together a couple of weeks ago. This is something that has been worked on for about 1½ years, with pretty constant meetings on Fridays of all of the interested groups and then stakeholders. It takes a tremendous amount of work to put something like this together and have it be in a bipartisan way like this. It is largely because it came to committee.

In committee we took a look at all of the amendments that were suggested, we got the people together who had very similar amendments, and they usually were able to work out something to satisfy everybody in that instance, and we came up with a bill. As Senator HARKIN mentioned, it passed 96 to 1. Anytime we get something to pass, it is kind of a landmark success. But when we get something that bipartisan, it is even more landmark.

We have been trying to get this bill wrapped up before the Supreme Court decision came out on health care. The reason we have been trying to do that is, who knows what it is going to say or what kind of ideas people will come up with when that happens. This is a group of 100 idea generators, so we wanted this cleared up by that time. We are on a path to get that done right now and a path that will keep the people employed who are taking a look at new drugs and devices and generics and biosimilars and continue to get those on the market so people will have the latest innovations.

One of the things we included in the bill was some use of foreign clinical trials if they were approved by the FDA, and that should even speed up the process. Of course, when we went to conference there were a lot of things people wanted to have that they brought up as amendments. It is very critical in the bill, and we get some of them and we don't get others.

I know Senator ALEXANDER played a huge role; he had seven items in the bill and we got six of them. Senator BURR had 12 items in the bill, and we got 11 of them. I have to mention, of course, that the one we did not get is a particularly important but particularly difficult issue that is going to take more time to get worked out. It is one that deals with drug distribution security, and that is something we cannot avoid. We have to do it. But it is going to take longer to work that out. It deserves some extra time and some more understanding on both sides of the aisle on that one and in a number of different States. It doesn't just involve the Senate; it doesn't just involve the drug companies; it also involves the whole chain that these things have to go through, including the local pharmacist whom we don't want to overload with work, and the people who have to transport these drugs whom we don't want to overload with work or make it extremely complicated when they cross different State lines and have to do different kinds of reporting.

Senator ISAKSON had four amendments, and we were able to get three of them. Senator PAUL had two, and we got one. Senator HATCH had six, and he got all of them. Senator MCCAIN had two, and we got one. Senator ROBERTS had two, and we got both of those. Senator MURKOWSKI had two, and we got both of those. Senator KIRK had two, and we got one of those. Senator GRASSLEY had two, and we got one of those. Senator PORTMAN had two, and we got both of those. And Senator COBURN had two, and we got one of those. Senator CORKER had two, and we got both of those.

So there are a lot of things we did on the Senate side that became possible on the House side. There are a number of things they did on the House side that we couldn't agree with on this side either. But we did reach agreement—and we reached it in pretty much record time. We now have a bill that can go ahead and be passed and go to the President for signature to assure that the level of safety we have in our drugs not only continues but improves, and drugs can get on the market faster than they had before by streamlining the process and also making sure there are better foreign inspections so the ingredients that go into the drugs don't cause problems.

So this legislation reauthorizes the Food and Drug Administration's user

fee program, and it ensures that Americans get better access to safe innovative medicines and medical devices. It will make significant changes. It will improve the FDA's review and approval of new drugs and devices.

Unfortunately, FDA's current process for reviewing and approving medical devices too often creates delay and unpredictability. This in turn threatens patient access to the best possible treatments for their conditions. In some cases, this has forced American patients to travel overseas to obtain access to lifesaving new devices that FDA has not approved in the United States.

The bill goes a long way toward solving these problems and makes the most significant changes to the law of governing FDA's review of devices in decades.

This bill will speed the approval of devices by reducing the redtape associated with the ''least burdensome'' standard that FDA uses to approve such devices. The bill will also make it easier for FDA to approve devices for patients with rare diseases who might not otherwise be able to have their conditions treated most effectively. It will also enable FDA to expedite safety determinations, to resolve appeals, and to improve their postapproval surveillance activities to detect problems as they occur. It is not good enough to get them approved, we also want them watched after they are approved, and this will do it.

The bill also contains important reforms to foster drug innovation and patient access to new therapies. It modernizes the accelerated approval pathway for drugs to reflect advances in science over the past 20 years. It formalizes a new process to expedite the development and approval of breakthrough therapies. These changes are particularly important for patients with rare diseases where there are no therapies available, and it is not feasible or ethical to require large conventional clinical trials.

Nobody wants to be the one who is a test case when there might be something that would work for them, and there aren't the sizes of the populations to do the conventional clinical trial anyway. The patient community strongly supports these improvements because these will save lives.

The bill also contains important reforms that will help mitigate the problems associated with drug shortages. It will require better coordination within FDA as well as the other Federal agencies such as the DEA. It will also allow FDA to move faster, to take actions, and to address shortages through expedited reviews and approvals.

The bill also makes important changes to how FDA uses Risk Evaluation and Mitigation Strategies, REMS. REMS play a critical role in protecting patients and public health and this bill includes a provision that clarifies the process for modifying REMS—especially with regard to minor modifications.

The provision in the bill being passed today does not change Congress' expectation that a non-minor modification will generally be based on the best available science including an assessment demonstrating that the modification is necessary or appropriate. Nor does the clarification indicate that a modification should be approved if it would reduce the REMS' effectiveness in addressing the drug's known risks.

The bill follows what I call the 80 percent rule. When we focus on 80 percent of the issues on which we can reach agreement rather than focusing exclusively on the parts and the issues we can never resolve, we can achieve amazing results. Over 1 year ago staff began to work on identifying the 80 percent. A group of staff from Republican and Democratic offices on the Health, Education, Labor, and Pensions Committee began a series of standing meetings and proceeded to meet every week for several months. They met with stakeholders and discussed policy solutions that each member thought would solve the problem.

After much discussion of the benefits, costs, and possible unintended consequences, members agreed on a list of policy concepts. If there was not a consensus on a particular policy, it wasn't included. This is the 80 percent rural in action.

As this process has progressed, my staff also met with the Republican staff on the Health Committee for at least 2 hours every week to keep them informed and to seek their input. I also personally met with the members of the committee before markup to ensure I understood their priorities.

This bill reflects the work of every member of the Health, Education, Labor, and Pensions Committee. All of them have at least one provision included in this legislation. Many members of the committee worked with us to find consensus measures that addressed their priorities as well.

As I mentioned, not everyone got everything they wanted. We did, however, find the 80 percent of each solution that we could all agree would help solve the problem, and the bill passed the committee by a voice vote. This legislation could be a model for how the process can and should work regardless of the political environment. We followed this model as we transitioned from the committee process to the Senate floor. We worked with members who filed amendments in committee to address some of the concerns in the manager's amendment. We also worked with Members who filed amendments on the Senate floor.

We did the same thing in our discussions with the House. You can see that the results are very positive. We preserved and we improved policies to foster drug innovation and patient access, and to promote accountability and transparency at the FDA. We also made significant improvements to the Senate's medical device reforms for startup and emerging growth companies, and with respect to the 510(k) process.

We thank Senator HARKIN for his tireless effort on this bill. I know he spent countless hours and attended dozens of meetings, working with Senators and stakeholders and advocates to address their concerns. This bill would not have had such broad bipartisan support without all of his work.

Senator HARKIN's staff has also worked tirelessly on this bipartisan bill. Their knowledge, professionalism, their graciousness were instrumental in addressing all of the issues in this bill. They worked many late evenings, they worked through weekends, they worked through countless working group discussions to be able to get the bill where it is today.

Specifically, I want to recognize Elizabeth Jungman, Bill McConagha, Kathleen Laird, and Kate Wise for all their work. I thank Pam Smith, Senator HARKIN's staff director, for her leadership getting this bill to the finish line. I especially want to recognize Jenelle Krishnamoorthy, whose organization and diplomatic skills helped us resolve the most difficult challenges and made sure that the priorities of all the members of the committee are reflected in the bill.

I also wish to thank the staffs of the Legislative Counsel, the Congressional Budget Office, and the Federal Drug Administration for all of their technical assistance. Again, there are people in those groups who had to work through the weekends when we were finishing up.

Finally I would thank my staff—Keith Flanagan, Melissa Pfaff, Grace Stuntz, Katy Spangler, Rob Walton, and my health policy director, Chuck Clapton.

I would be really remiss if I didn't thank my staff director Frank Macchiarola for his work on this bill, especially as the bill progressed through the HELP Committee, the Senate floor, and discussions with the House. My staff has been working around the clock for many days, for weeks, and for months. I sincerely appreciate their dedication to getting this bill passed and for helping to work with the 80-percent rule.

I urge my colleagues to support this bipartisan bill that makes important changes to the FDA and I ask them to support this process that expedites getting the conference done. We will have a real and meaningful impact on millions of American patients.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, I wish to start off by thanking the chair and the ranking member for the great work they have accomplished with what has always been a very delicate piece of legislation. Their staffs have been tireless on both sides, trying to work out differences, and we would not be here today if it were not for their commitment to this legislation.

Let me say to the chair and the ranking member, I plan to go on for some time. If I were you, I would take the opportunity to leave for a while because I will go for an hour or two or maybe three. And it is not all going to pertain specifically to this legislation, but I have a lot to say because I have heard some of the opening statements. I have heard statements such as ''our goal is to finish before the Supreme Court.'' I have a question: Why? Why a crucial piece of legislation that affects so many Americans and so many patients around the world—why did it have to be done before the Supreme Court? I am not sure anybody can give an answer, but somebody started that as a goal and it sort of was adopted.

I heard the legislation was accomplished at record speed. I don't see that as something to herald. Speed is indicative of something that we rushed our way through. I know on behalf of the chairman's staff and the ranking member's staff, they have been working on this for a long time. So has my staff. But from a standpoint of when we marked up the legislation and came to the floor—how fast we went to the floor—we did it because there was an understanding that we were going to try to hold the Senate product together.

I don't want to take issue with the numbers. I had two amendments that were dropped in conference so I am not sure how I had 12 and got 11 but, regardless, the question we are here to answer, the purpose of this legislation, is that this is supposed to drive innovation in America and bring lifesaving drugs, devices, and biologics to patients—here in America first, but around the country, around the world. That is the goal behind this legislation.

I have to take issue with my ranking member. I don't think the 80-percent rule applies to health care. I can't look at a patient and say: If we can get 80 percent of the right policy, I am going to feel good. If I am in the 20 percent that is left out, I am going to be really pissed off.

One of the reasons our health care costs are so high today is that we have been able to innovate as a country to where we maintain disease extremely well. But we are right on the cusp of being able to cure things such as breast cancer and diabetes. It is not going to be cheap. It is not going to be fast. You are not going to find it in the 80-percent category. You are going to find it in the 20-percent category. It is going to take a while. It is going to take people investing capital and companies that are committed to their shareholders that they are not going to have the returns because they are invested in something important and that is the long-term future of our country and our country's health.

That is what I see in a 5-year PDUFA bill. This is not a 1-year reauthorization of something. Granted, this is not a piece of legislation that this committee drafted from scratch. It is important that everybody understands that for this legislation, in the negotiations between drugs, devices, biologics, generics industry with the Federal Drug Administration, there is not a Member of Congress and no staff of Congress in the room as they negotiate what fees they are going to pay to the FDA to actually process their applications. So the focus of this committee was to look at what happened in the negotiations and try to figure out how could we make this bill better—how could we assure ourselves there was a level of transparency we could understand, that the negotiations they had entered into in fact benefited American patients.

If this doesn't benefit the health care costs and the health care of Americans, then we have missed the mark. The whole objective is to put America in a better position after the passage of this bill.

I will be boring because some of what I am going to talk about a lot of people in this institution know. But I am not sure the American people understand the background that is here. The Federal Drug Administration is responsible for assuring the safety and efficacy and the security of human and animal medical products. One element of FDA's statutory mission is to promote the public health and the FDA accomplishes this mission in part by timely—timely—approving lifesaving, life-enhancing innovations that make medicine safer, more effective and in many cases more affordable.

FDA's broad regulatory authority crosses a range of products and has resulted in the agency overseeing products that amount to 25 cents of every dollar of the U.S. economy. Let me say that again. The FDA regulation extends to 25 cents of every dollar spent in the U.S. economy. Therefore, the FDA's review and decision process not only impacts our Nation's patients and innovators, their work has a significant impact on many sectors of our Nation's economy. As consumers and patients, the American people have serious interests in assuring that the FDA is accountable, transparent, efficient, and making sound decisions in as timely a fashion as possible.

You see, that is why I am on the floor today. If the goal is to have transparent, efficient, sound decisions in a timely fashion, you don't rush through it. You make sure that there is a matrix in place—not one that was designed by the agency and not one that was designed by the industry, but one that is designed by the body that is responsible to do oversight over Federal agencies, the Congress of the United States, the HELP Committee. It is our job. That is why concerns about timeliness and predictability of FDA's regulatory process must be taken seriously and they must be addressed.

Unfortunately, too often Congress is guilty of not paying close enough attention to how well things are working or not working at the FDA on behalf of the patients, the very people for whom the most is at stake. Every 5 years, drug and device industries negotiate their user fees that are then sent to Congress with the expectation that we will quickly act upon them to ensure the continuity of the agency. Let me assure you, this year is no exception. They dropped these agreements on Congress's lap and said: Would you pass these as quickly as you can with no changes? And to their credit, the chair and the ranking member said: No, Congress has a role to play. And staff has had tremendous input into what the final product was.

Unfortunately, rushing the bills through the House and the Senate has resulted in bipartisan track-and-trace provisions not being included in the bill we have before us today. As the ranking member said, I am very disappointed that these important bipartisan provisions were sacrificed as the expense to attain speed. I understand the difficulty of the lift. I acknowledge that to my colleagues and to their staff. But I also question how hard we tried, on an issue that we knew going in was tough. There is no such thing as spending too much time when it comes to getting something as important as drug distribution security right.

I assure all my colleagues that my friend from Colorado, Senator BENNET, and I will continue to work together to get these important provisions done. I might add, I have had the commitment from the chair and the ranking member to work with us on other legislation to try to address this.

But let me say today, it will not be any easier than it is right now. It may be tougher then because this was a vehicle that had to go, therefore people would have swallowed a lot more that is in this bill.

As my colleagues know, FDA and industry tell us not to make any changes because it would ''open up the agreement.'' Think about that. The industry and the FDA told Congress don't put anything else in here because we would consider that as opening up our agreement.

When did Congress become so irrelevant that a Federal agency would suggest that we not get involved? Yet it requires our passage for this to go in statute.

I have explained before, Congress is told to tiptoe around the agreements and we focus our efforts on the belt-and-suspenders policies to complement the agreement. This does not make for the most consistent and deliberative process in considering how Congress can work with FDA and industry to strengthen and improve FDA's drug and device work on behalf of our Nation's patients, but this is the process Members have to work within, which is why it is so important to assure that the right policy riders, including transparency and accountability, are included in the final package.

One thing that has been made quite clear over the past few years is the importance of FDA reporting on the right

matrix. I can predict with some confidence, since this is a 5-year bill, we will be here 5 years from now and hopefully there will be at least one Member of the Senate who steps up and says: How did the FDA hold up against what they said they were going to do in the agreements?

That is at the heart of transparency and accountability. If we do not have a matrix established that everyone understands here is where we are and here is where we promised we would get to, then how in the world 5 years from now do we measure this? How do you know then that if you raise the user fees, that it is justified, that the beneficiary of it is the American patient? I am going to say that is candidly obvious to everybody listening. When drug companies, device companies, biologic companies, generic companies pay more money to get their application approved, who pays for it? The consumers. The people who buy the drugs, use the devices, and buy the generics. This is the first time we have ever had a user fee for generic pharmaceuticals. Generics were called that because generics were created after the patent life expired so we could bring low-cost products to the market.

What are we doing? We are creating generic user fees which will raise the generic price for the American people. It may alter the fact whether it is cheaper for a person to pay for their generic prescription or whether it is cheaper to have their copayment do it on their insurance card. That is the reality of what we are dealing with. I am not suggesting it is bad, but why would we rush through it without understanding what the impact is? That is where we are today.

Reporting only on the negotiated user fees performance goals agreed to by the industry and the FDA has not provided a complete picture of how well the FDA is working to fulfill its mission on behalf of patients. The bottom line is what gets measured gets done. So it has to be measured.

In the Wall Street Journal op-ed earlier this year, former FDA Commissioner Andy von Eschenbach highlighted what is at stake if Congress does not get the user fee reauthorization package right and fix the underlying problems at the FDA. He writes:

> The stakes couldn't be higher for our health. The U.S. biomedical industry is one of the crown jewels of the American economy. It employs about 1.2 million people directly and over five million throughout its supply chain, with a total output of $519 billion in 2009 . . . Many of the firms are among the world's most innovative: From 2001 to 2010, the Milken Institute report shows, U.S.-based companies produced nearly 60% of the world's new medicines, up from 42% the previous decade.
>
> But U.S. firms won't continue to lead unless the FDA retains its role as the world's ''gold standard'' for evaluating new medical products.

Many people establish the gold standard as being the hurdle they have to pass in order to be approved. The gold standard is also how difficult the process is that they have to go through, and will the capital be there to finance the research and development so approval is something they see as a light at the end of the tunnel. These all have to be weighed in the policies they put in place, and I will say we have come up somewhat short.

Last year the National Venture Capital Association released a report that underscores America's risk of losing its standing as the world leader in medical innovation. Their survey clearly showed that the FDA's regulatory challenges, the lack of regulatory certainty, the day-to-day unpredictability, and unnecessary delays are stifling investment in the development of lifesaving drugs and devices. Instead of deterring investment and innovation in lifesaving treatments such as cardiovascular disease, diabetes, and cancer, we should accelerate it. Instead of deterring that capital to come in, we should be finding policies to accelerate that capital to chase cures in heart disease, diabetes and cancer and work with America's innovators on behalf of patients who are depending on the next breakthrough drug or device.

Our Nation's health care system is unsustainable. We all agree we must lower health care costs in America. Predictable regulatory pathways that facilitate innovative medical products that reach patients in as timely a manner as possible is key for lowering our health care costs. This survey is another serious call for the need to restore regulatory certainty and predictability at the FDA.

As we comb through this bill, we see the two amendments that were voted and accepted in the Senate markup of the bill were dropped and discarded because somebody was too concerned with requiring too many reports. There is a reason we get granular with what we put in legislation and, more important, what we require an agency to produce. Predictable regulatory pathways that facilitate innovative medical products reaching patients in a timely manner will lower our health care costs.

It is clear the FDA's global leadership in innovation is at risk. A 2011 report by the California Healthcare Institute and the Boston Consulting Group highlighted this point. The report found that in recent years the environment for medical innovation has deteriorated and the most critical factor has been the FDA, the Food and Drug Administration. Let me repeat that. The report found the environment for medical innovation has deteriorated and the most critical factor has been the Food and Drug Administration. The report states:

> . . . for the Agency's policies and activities exemplify President Obama's critique of a regulatory system whose ''rules have gotten out of balance, placing unreasonable burdens on business—burdens that have stifled innovation and have had a chilling effect on growth and jobs.''

Now, all of a sudden, we are talking about a piece of legislation we have rushed through the process because we wanted to beat the Supreme Court decision on Thursday. We did it at an accelerated pace, faster than we have ever done through the Senate, and we realize this legislation affects the economy and jobs. It is not just about health care. It is not just about patients. It is about jobs.

Dr. David Gollaher, president and CEO of the California Healthcare Institute, raises a clear alarm in his report we should all heed. He concludes:

> The result of uneven performance of the Agency has been to increase the risk associated with regulation, dampening investment in companies whose products face FDA regulation. Meanwhile, as global competition in high-tech industries has intensified, other nations have adapted their regulatory systems to out-compete the FDA. The flight of medical technology product launches to European Union countries should be a serious cause of concern for policymakers and patient advocates alike.

What does that mean in layman's terms? We are losing them here and the EU is attracting them there. Why? Because their policies are easier to understand. It is not that their threshold for safety and efficacy is any lower, but they carry on an honest partnership with the applicants, and most will say dealing with the FDA is akin to inviting your worst relative to spend the week with you in your house.

Exporting lifesaving innovation overseas—and the jobs that come with it—will not help patients or our economy here at home. It erodes our Nation's standing as the global leader in medical innovation and results in America's patients having to wait longer for lifesaving therapies or jeopardizing their access to them at all.

I am not sure in America we ever thought we would go to another country where they had approved a new therapy we couldn't get in the United States, but I would be willing to bet that every family in America knows somebody who has gone outside the country to get some type of treatment or some type of dosage of something we haven't approved here, and one might think they are not safe or effective. The likelihood is that those products have never even applied for FDA approval. Why? Because the process has become so unpredictable and so expensive that a company has to justify the potential sales of a product to meet the billion-dollar cost just to get through the FDA application process.

Exporting lifesaving innovation overseas and the jobs that come with it will not help our patients and will not help the economy. It erodes the Nation's economy and results in America's patients having to wait longer. I just said it.

The FDA is supported by both user fees and taxpayer dollars, so Congress has a critical oversight role in ensuring that the FDA is meeting its requirements under the law. Moreover, as elected representatives of the American people, Congress institutionally has a duty to ensure that the FDA is

broadly fulfilling its statutory mission and promoting the public health through its review and regulation on a range of medical products.

The reauthorization of the drug and device user fees agreement is an important opportunity for Congress to ensure that the FDA is fulfilling its mission. Why would we in any way water down the accountability and transparency if, in fact, we are the ones to ensure the FDA is fulfilling its mission? But closely examining these issues once every 5 years is not going to help address the underlying problems at the FDA that we all know must be fixed. The only way that is going to happen is with the FDA, Congress, patients, and innovators consistently working together with the right data points. The bottom line is we don't know what we don't measure. If we don't know it, how can we ensure that it is right?

Another report by the California Healthcare Institute and the Boston Consulting Group in 2012 underscores the importance of reliable data at the FDA and how FDA performance is a function of management. The report finds there would be great value in regularly gathering and analyzing the best possible data and updating performance metrics during this PDUFA cycle in order to track performance consistently and longitudinally with the goal of the most accurate possible measures of agency performance.

Do you sense a trend that every outside evaluation—not industry, not FDA, not Congress—of the user fee agreement is basically saying: Hey, Congress, don't miss this opportunity. If we want to track performance, then we have to set up the metrics and collect the data. Why in the world would we drop from the bill the transparency and accountability provisions that get the granular data we need to make this assessment? I guess we will never know.

Congressional oversight can help highlight the processes that are working well at the FDA, as well as reveal areas where the FDA needs to make improvements to ensure timely and predictable regulatory decisions on behalf of America's patients. Recently, the GAO reports over the past year have underscored these points and why the right metrics must be reported on to paint a full and complete picture. Now all of a sudden we have the General Accounting Office, the GAO, saying the same thing that all these third parties have said. Why? Because they are the ones we turn to when we want to ask them to do an evaluation of the FDA, and they are telling Congress: Hey, don't miss this opportunity to get this stuff in there. You actually can get the data we can't get because it is not in the statute.

Every 5 years when we pass the final user fee package, FDA's authority and responsibilities grow. Think about that. With more employees and higher costs, it seems like things would be getting better, but without the metrics, without the accountability, without transparency, we don't know. This bill is no exception. The FDA is going to get an unprecedented level of user fees and more new authority, billions in user fee dollars. With this unprecedented level of user fees, there must be unprecedented transparency, oversight, and accountability. It does not exist.

Let me be clear. There are good provisions in this bill that should help to improve transparency, accountability, and regulatory certainty. However, throughout the committee's work on various issues, I repeatedly raised the point that if we did not fix the underlying issues at the FDA, the new responsibilities and expectations we are going to create with this bill would not achieve the desired outcome. Quite simply, that is why I am disappointed that some key transparency and accountability provisions included in the Senate bill did not survive the final bill. While key GAO reporting provisions may have been removed from the final bill, I wish to take this opportunity to inform my colleagues and the FDA that I personally intend to pursue this oversight analysis outside of this bill. Just because it is not in this bill does not mean I am going to go away.

What has happened is that speed has trumped policy—the attempt to speed through this bill, the attempt to get it done before the Supreme Court announces its decision on ObamaCare. I have yet to have anybody explain to me why we are benefited by moving this before the Supreme Court ruling. If somebody has a concern that there is something in the bill that might be affected by what the Supreme Court ruling is, would we not be smart to delay this until after the ruling to see if there is some adverse reaction to what we have done? If I thought there was any reason to do that, I would be on the Senate floor pleading with my colleagues today. But the truth is that there is nothing that will come out in the Supreme Court decision that will affect the user fee relationship between drugs, devices, biologics, generics, and the Food and Drug Administration. But somebody wanted to finish it, and they set that as the goal that everybody could see.

(Mr. FRANKEN assumed the chair.)

Mr. BURR. Because of the hard work of my colleagues on both sides of the aisle, the final bill includes new incentives intended to help spur the next generation of lifesaving antibiotics. This is a good thing, and my colleagues should be commended for their bipartisan work on this important issue.

Unfortunately, the requirement for the FDA to submit a strategy and implementation plan that would have helped to ensure greater regulatory certainty and predictability regarding FDA's work with antibiotics was not included in the final bill. Yet we have all watched stories on TV about a young lady who was attacked by a virus that has eaten her hands and her feet—an infection. What does she need? She needs a breakthrough in antibiotic therapy.

This was a real opportunity for us to send a message out there that not only are we committed to doing it, we are committed to setting up a regulatory structure that allows it to happen.

Carefully drafted GAO reporting requirements intended to help FDA and Congress identify progress against regulatory challenges in this space have also fallen away. This had nothing to do with RICHARD BURR or MICHAEL BENNET, this was the General Accounting Office. Unfortunately, the reporting requirement that remains is not nearly as robust as the language passed by the Senate earlier this year. These requirements were intended to help identify and root out the regulatory challenges in this space to ensure that the incentives included in the final bill are as meaningful as possible and ultimately do achieve the goal of the next generation of novel antibiotics reaching patients. I cannot think of anything more important than for us to make sure.

I know the Presiding Officer comes from a State where devices are a key part of the economy.

Another reporting requirement that fell away is one my colleagues have heard me talk about a lot over the past year. The medical device user fee agreement includes reporting on the total time to decision in calendar days, not FDA days. This sounds a little bit like Disney World. What in the heck are FDA days? I know what calendar days are. Tomorrow is going to be one number higher than today, and yesterday was one number lower, and every 28 to 31 days, we switch and it becomes a new month and we start counting again. Not at the FDA. That is why it was important that calendar days be substituted for what we call FDA days at the FDA. Patients do not care about FDA days; patients care about how long it takes in calendar days for safe and effective products to reach them.

My colleagues may recall that last year the final Agriculture appropriations bill included a requirement for the FDA to report on calendar days because knowing the average number of calendar days it is taking FDA-approved therapies to reach patients is important for ensuring that we see the full picture of how well the FDA is working in a metric that the American people understand.

Last year, when the Senate considered the issue of counting calendar days for medical products, Dr. Paul Howard, a senior fellow and the director of the Manhattan Institute's Center for Medical Progress, described the importance of counting calendar days. He wrote:

> The PDUFA clock stops when the FDA requests more information from the sponsor . . . so repeated requests for information from the FDA can significantly draw out the time before a product reaches the market, even if the agency completes its review within the specified PDUFA timeframe. . . .

knowing actual calendar days that elapse from between the time that a sponsor submits an application to the time it is approved should give Congress some sense of how efficient—

How efficient—

the review process is. If the FDA is repeatedly asking for more information and lots of time is added to the approval process, it has important implications for patients (who wait longer for new therapies) and investors (who may perceive the regulatory process as arbitrary and time consuming).

Here again, another independent analysis of what should be important to the American health care system and an assessment that calendar days are absolutely vital to Congress's ability to understand how long it really takes at the FDA. And we are not even the person trying to finance the breakthrough.

I appreciate that the final bill will now require more granular reporting with respect to the prescription drug user fee agreement, which is a good thing, but I am baffled that a reporting requirement which Congress has supported in the past and which was included for generic drugs was not included in the final bill.

Talking about calendar days, how in the world could calendar days be important enough to put in the generic bill part and dropped from everything else? Why? Because FDA did not want it. FDA has gotten used to that little stopwatch they have. When they ask you for a little more information, they reset it, so they get to start again.

My dear colleague TOM COBURN and I both are disappointed that a provision offered by him, and which I supported, was removed from the final bill.

I have talked about a number of things removed from the final bill. I am not sure how the ranking member gave me a number at the beginning that I had interest in 12 things and that I had 11 accepted. I cannot count them as I am going through my presentation, but I think I am on three or four that have been dropped.

The medical device user fee agreement includes the requirement for an independent assessment of FDA's management of devices. Unfortunately, the assessment included in the prescription drug user fee agreement and final bill will look at only one-third of the FDA's work with drugs. Let me say that again. The medical device user fee agreement includes the requirement for an individual assessment of FDA's management of devices. Unfortunately, the assessment included in the prescription drug user fee agreement and final bill will look at only one-third of the FDA's work with drugs. Calendar days apply in one section. Generic drugs do not apply, and devices, drugs, biologics. Now, all of a sudden, we have an independent assessment of FDA's management of the devices industry where we are only applying that to one-third of the area of drug evaluation and not to generics and not to biologics.

Senator COBURN's provision, which was first introduced in a bill Senator COBURN and I introduced, the PATIENTS' FDA Act, would have ensured an independent assessment of all of FDA's drug work. Upon introduction of the PATIENTS' FDA Act, Dr. Paul Howard wrote that this provision was ''perhaps the most important provision'' because ''the outcome of that review may or may not be welcome by the FDA—but it will force Congress to pay attention and highlight the FDA's importance as the gateway for medical innovation not just in the U.S., but for the world.'' Paul Howard is no relation to me. This is, again, an independent doctor who makes a comment on a provision in an obscure bill that was introduced in Congress, and he says ''perhaps the most important provision.'' Yet it only applies now to one-third of the drug area, and all we wanted to do was to apply it to the whole thing. Not including this independent assessment is a missed opportunity for Congress, consumers, and patients to have a complete, independent, and objective look at FDA's management of its mission and resources with respect to drugs.

I understand that some of my colleagues are concerned about over-reporting, but I would come back to the basic point that you do not know what you do not measure. This is about how Congress and the FDA prioritize, and, given what is at stake, not including targeted reporting requirements that will help FDA to better achieve their mission on behalf of patients is a huge, huge missed opportunity. Why? Speed over policy.

I would also like to talk about a key provision in the Senate's upstream supply chain provisions that is not included in the final bill.

As many of my colleagues know, the globalization of the drug supply chain presents unique challenges in ensuring the safety of the drugs American patients receive. Quite a bit of time has understandably been devoted to this issue. Unfortunately, while the bill includes many bipartisan provisions that will help FDA better target inspections of drug facilities based on risk, the final bill falls short in addressing end-to-end supply chain security. That is sort of important. I think the American people sort of take for granted that we have that in place now.

In addition to not including bipartisan downstream provisions, the final bill does not include the Senate's bipartisan provision to accredit third-party auditors to conduct drug safety audits of drug establishments. To be clear, these third-party drug safety audits would not have replaced official FDA inspections, but they would have been an important risk-based tool for the FDA to leverage in taking steps to ensure a safer global prescription drug supply chain. I actually believe that America thinks we have that in place right now. Who could be opposed to such a commonsense solution? It was a bipartisan initiative. Was it the House that kicked it out? Was it the FDA that kicked it out? It really does not matter. This was smart to have in the bill. The only conclusion I can come to is that speed trumps policy, that our quest to get this done quickly meant we did not look closely enough at the things we should have done and could have done and we did not do.

Now, the ranking member talked about my disappointment and his disappointment on the downstream drug distribution security. I want to take a brief moment and comment on downstream. I thank Senator BENNET, from the other side of the aisle. We worked together. And because of his hard work and dedication to this issue, I think I can say that we are both disappointed that the final bill does not include bipartisan provisions that we have been working on together for the past few months.

My colleagues all know why this is an important issue. It is important for America's patients and consumers.

I remain committed to establishing a workable and reasonable traceability system that strengthens the integrity of the pharmaceutical distribution supply chain. It is critical that we replace the current patchwork of inconsistent, inefficient, and costly State laws with a predictable, workable, and appropriate Federal standard. I am committed to getting this done.

As I said to the ranking member and the chair, it is not going to be easy. We knew that when we took this on. You can't do it fast. I did not know we had a stopwatch on how quickly we could get this bill through the Senate and how quickly we could get through conference and how quickly we could get it passed. I remind my colleagues that the current user fee agreement does not expire until later this year. It did not have to be done now, but it was. And for now 45 minutes I have pointed out things we could have done, should have done, and did not do, and it is embarrassing. This could have been done. This was the right vehicle to put this in because it was a must-pass piece of legislation.

Now let me, if I could, talk about some of the provisions Senator COBURN and I introduced in the PATIENTS' FDA Act. I am pleased we were able to find a bipartisan path forward on some of these provisions which will put in place an unprecedented level of transparency and accountability at the FDA.

While FDA should have already done many of the things that will now be explicitly required of them, by ensuring that we hold FDA accountable to measures and reports on specific requirements, there is a greater chance that they are going to actually get done. There is no certainty without congressional oversight. Greater transparency and accountability provisions included in the package today will help to ensure greater regulatory certainty and timely decisions on behalf of America's patients, which is key to ensuring that America maintains its role as a world leader in medical innovation and that

our patients have access to the most cutting-edge therapies in as timely a fashion as possible.

FDA will be required to develop a regulatory science strategy and implementation plan with clear priorities and report on the progress made in achieving these priorities in fiscal year 2014 and fiscal year 2016. The current FDA Commissioner has acknowledged that the FDA is relying on 20th-century regulatory science to evaluate 21st-century medical products.

Let me read that again. The current FDA Commissioner has acknowledged that the FDA is relying on 20th-century regulatory science to evaluate 21st-century medical products. Let's stop. Let's get this right. Even the Commissioner of the FDA is saying: You know what. We are not even in the same century in how we do what we are trying to accomplish. In other words, the products the FDA is required to regulate are advancing faster than the agency's ability to regulate them. I will be honest. That is a big problem.

Former FDA Commissioner von Eschenbach was right when he said that the FDA must be capable of ensuring that its reviewers know just as much about advances in emerging sciences as the creators of the products they regulate.

Listen, I will be the first to say that at the Food and Drug Administration we have some of the best and the brightest. They are some of the most dedicated Federal workers. They are some of the smartest folks I have ever seen. But they process approvals. They are not on a bench doing research and development. They do not understand how medicine and science have changed since they themselves left the bench. There is every reason to believe that people should be required to go back and be innovators and not necessarily make a lifetime of work as a reviewer at the FDA.

There has been much talk about regulatory science, but it is hard to tell if these efforts are targeted and achieving the desired results of helping the FDA to apply the most cutting-edge scientific tools in their research and their review of medical products. The agency must have clearly defined goals and metrics against which their progress will be tracked. This is the only way to ensure that the advances in regulatory science are being applied and that FDA is prepared to regulate the most novel and cutting-edge medical products ever created.

GAO has well documented FDA's management challenges. The user fee agreement included in the final bill will further increase these challenges by adding more than 1,200 new FDA FTEs, or employees, and further growing the scope of the agency's mission and regulatory responsibilities.

Many of the concerns about the lack of predictability and uncertainty at the FDA are symptoms of unaddressed, systemic management issues. This is the agency that regulates 25 cents of every dollar of our economy.

A February 2010 GAO report found that FDA does not fully use established practices for effective strategic planning and management. FDA agreed with the GAO recommendation to take several actions to improve FDA's strategic planning and management, such as the development of a strategic management plan and working to make FDA's performance measures more results-oriented. I cannot think of a business in America that does not do that today. However, 2½ years later, FDA has failed to adopt many of the key recommendations.

To address this concern, the final bill requires the FDA to submit to Congress a strategic integrated management plan with specific accountability metrics as recommended by the GAO. Even though the FDA admitted to the GAO, based on their recommendations, that they needed to do this and that they would do it, 2½ years later we are now putting it in statute in the user fee bill.

GAO has well documented FDA's challenges to sufficiently and successfully utilize its information technology process. GAO has also noted how these challenges undermine FDA's ability to use accurate and timely information to augment its regulatory mission. GAO reports in 2009 and 2012 found that the FDA has made mixed progress in establishing the IT management capabilities essential to supporting the FDA's mission. That is the information technology. So an agency that is on the cutting edge of medical approval in this country in 2009 and 2012 was found to have made mixed progress in establishing the management capabilities essential through technology to complete its mission.

A comprehensive IT strategy plan is vital for guiding and helping to coordinate the FDA's IT activities. A comprehensive IT strategy plan, including results-oriented goals and performance measures, is vital for guiding and helping to coordinate the FDA's IT activities, especially since the user fee agreement includes specific IT goals. The final bill requires the FDA to report on their progress in developing and implementing the comprehensive IT package called for by the GAO. To ensure further congressional oversight, GAO will report on the progress FDA makes on meeting the results-oriented goals and performance measures set out in the IT plan they submit to Congress.

Enhanced reporting requirements with respect to biosimilars and generic drugs include key reporting on clearing the backlog of generic applications and will also provide important transparency in the FDA's work and serve as an early-warning indicator if the agreements are not being fulfilled.

I am also pleased we were able to find a path forward on important pro-patient provisions from the PATIENTS' FDA Act and provisions that will also reduce unnecessary regulatory burdens for innovators. I wish to thank my colleagues, Senators MIKULSKI, ALEXANDER, and HAGAN, for working with us to ensure that the unnecessary redtape does not get in the way of meeting patients' unique medical device needs.

The custom device provision in the bill provides an important path forward to ensure that doctors are able to meet patients' most unique medical device needs in as timely a manner as possible. The risk-benefit framework included in the user fee agreement and codified by the final bill will facilitate the balanced consideration of benefits and the risks of FDA's drug decision-making.

As innovators have increasingly turned to global markets and opportunities overseas, FDA's work with its global peer regulators has taken on an even greater significance. FDA's work with its global regulatory counterparts to encourage uniform clinical trials standards will optimize global clinical trials to ensure that the need to conduct duplicative clinical trials is minimized while FDA maintains the gold standard for approval.

I wish to thank Senator PAUL. I thank Senator PAUL for working with me to ensure that we have optimized global clinical trial work and that FDA works with global peer regulators as much as possible to reduce unnecessary regulatory hurdles.

Senator PAUL was a champion in the committee to say: Why don't we accept the data we get from trials in Europe for applications that are under review for approval in the United States? And the answer I gave him was that in 1997, when we wrote the food and drug cosmetic modernization bill, we gave FDA the authority to do that. And now some 15 years later it has never, ever, ever been used. As a matter of fact, the FDA will not even consult with a company that says: Tell us how we need to design our trial in Europe so you will accept our data. That has not happened. But you know what. It has to happen in the future if we want drugs to be cost-effective so people can afford them, if we want innovation to happen here as well as over there. If innovation and the place where it is ultimately approved is determined by whether you can recover the costs of your investment, I will assure you we are all going to shop somewhere else for our drugs, our devices, our biologics, and even our generics. It will not be here unless we learn how to share that data from continent to continent.

I wish to highlight some specific medical device regulatory improvements. There may be any number of reasons a sponsor wants to conduct certain clinical studies that are not directly to the classification or approval of medical devices by the FDA. However, some sponsors have noted the tendency of the FDA to effectively prejudge the approval of a medical device by basing its decision related to a request to conduct clinical investigations of a device on whether the FDA

believes the clinical study will be adequate to support the ultimate classification or approval of a device. If the FDA approves the investigational use of a device only using the more narrow regulatory standard of device approval or classification, clinical research in the United States could be unduly restricted. The final bill would return the investigational device exemption approval process to the standard authorized by the statute, which is a good thing for both patients and for innovators.

The final bill will also improve regulatory certainty, transparency, and accountability with respect to medical devices by requiring FDA to provide a substantive summary of the scientific or regulatory rationale for significant decisions.

As many of my colleagues know, section 510(k) of the Food, Drug, and Cosmetic Act requires device manufacturers to notify FDA of their intent to market a medical device at least 90 days in advance.

Medical device manufacturers are required to submit a pre-market notification if they intend to introduce a device into commercial distribution for the first time or reintroduce a device that will be significantly changed or modified to the extent that its safety or effectiveness could be affected. Such change or modification could relate to the design, material, chemical composition, energy source, or manufacturing process. There are legitimate concerns about recent guidance issued by FDA that could significantly increase the regulatory burden related to 510(k) modifications without clear benefit to patients. The final bill will go a long way in restoring regulatory certainty and balance with respect to the 510(k) modification process by making it clear that the 1997 guidance remains the standard until FDA issues new guidance, with appropriate input from stakeholders, on this subject.

While I wish that we could have gone further to strengthen and improve the device third-party review and inspection programs, the final bill does reauthorize these programs and includes a provision from the PATIENTS' FDA Act to set forth a process for reaccreditation and reauthorization of third-party reviews. This is a first and important step in enhancing the third-party review program.

Another thing we placed in the 1997 act is the hope that we would see academia in America actually be approved as third party evaluators—not for heart stints or that class of device, but how about things such as Band-Aids? How about those things on which we should not waste an FDA reviewer's time? Couldn't the company contract with an academic institution to reapprove and recredit? FDA chose to do that in-house. This is the first important step to enhance the third party review program.

Next is affirming the ''least burdensome'' requirements.

Also, the final bill underscores the importance of the ''least burdensome'' requirements we put into the 1997 law to streamline the regulatory process and reduce burdens to improve patient access to medical devices.

A central purpose of the FDA Modernization Act of 1997, or FDAMA as I like to call it, was to ensure the timely availability of safe and effective new products that will benefit the public and that our nation continues to lead the world in new product innovation and development. The goal was to streamline the regulatory process and reduce burden to improve patient access to breakthrough technologies. This law required FDA to eliminate unnecessary burdens that may delay the marketing of beneficial new products, but the statutory requirements for clearance and approval remained the same. The sections of the statute that capture these provisions are commonly referred to as the ''least burdensome'' provisions.

For years, FDA included ''least burdensome'' language in guidance documents and letters. Yet, toward the end of 2009 the ''least burdensome'' language disappeared only to reappear after Congress expressed significant concern regarding FDA's failure to consistently apply these requirements in its work with medical devices.

The lack of consistent application of the ''least burdensome'' requirements has added to regulatory uncertainty and unnecessary regulatory burden in a manner completely inconsistent with the law. It is sad that Congress needs to reaffirm a provision that has been the law since 1997, but I thank Senators KLOBUCHAR and BENNET for working with me to underscore the importance of affirming the ''least burdensome'' requirements in the final bill.

The final bill restores a more appropriate balance to FDA's conflicts of interest rules. This is an issue on which many patient groups have weighed and many members have worked because of its importance to patients and, ultimately, overall confidence in FDA's Advisory Committees. Ensuring that the FDA has access to the most qualified experts is vital to ensuring FDA's scientific capabilities and confidence in its regulatory decisions. It is critical that patients have the benefit of the very best expertise when weighing decisions that impact patient access to lifesaving products. Unfortunately, since 2007, increasingly complex and restrictive conflicts of interest rules have often resulted in the Agency being unable to consult with leading experts and difficulty in filling key advisory committee positions. These challenges are compromising the quality and timeliness of FDA's decision-making. The final bill should help to address these concerns and ensure FDA can draw upon the most knowledgeable experts.

Lastly, I'd like to highlight the Advancing Breakthrough Therapies for Patients Act, bipartisan legislation I was pleased to join Senators BENNET and HATCH in supporting because it will ensure patients have access to targeted, life-saving therapies as efficiently as possible. As former FDA Commissioner Von Eschenbach has rightly stated, ''breakthrough technologies deserve a breakthrough in the way the FDA evaluates them.'' This legislation is supported by Friends of Cancer Research and the National Venture Capital Association.

Earlier this year, an op-ed penned by former FDA Commissioner, Dr. Mark McClellan, and Ellen Sigal of Friends of Cancer Research, noted how the sequencing of the human genome has helped to unlock an even greater understanding of disease at the molecular level, helping to make personalized medicine become a reality. They note two main goals of the breakthrough legislation: First, to reduce the total development time and cost of the most promising ''breakthrough'' treatments; and second, to minimize the number of patients that would be given a ''control'' regimen or a currently available treatment that doesn't work well. They are right to underscore that in order to fulfill the promise of ''breakthrough'' therapies and this legislation, the regulators at FDA must be fully engaged, working with sponsors early on in the development and review process once a product has received the breakthrough designation.

More than 45 organizations representing patients, advocates, physicians, caregivers, consumers and researchers have weighed in with Congress urging the Advancing Breakthrough Therapies for Patients Act to be included in the final user fee package because they recognize that employing such an ''all hands on deck'' approach at FDA for these therapies will ultimately result in the most efficient development program and help to ensure that the most promising new treatments reach patients as safely and efficiently as possible.

Many would argue that the modernization of the accelerated approval and fast track pathways have been a long time coming since Congress has not significantly updated either pathway since 1997. Earlier this year, Dr. Paul Howard in writing about the breakthrough legislation noted that, ''the most important section of the legislation may be the clause that requires the Secretary of HHS to commission an independent entity to assess the 'quality, efficiency, and predictability' of how FDA has applied the directives in the legislation no later than four years after the bill passes.'' He goes on to say ''that may be the best way to ensure that we won't have to wait another 15 to 20 years to understand how well the FDA is utilizing the authority granted to it by Congress.'' Unfortunately, this independent assessment did not make it into the final bill. Speed trumps policy.

FDA faces unprecedented challenges today—challenges we could not have

envisioned a generation ago. Yet FDA still regulates a decade ago, based on the commission. The agreements and many of the provisions in the final bill are intended to help address these challenges. Unfortunately, the final bill does not bring to bear all of the tools that could have been included to ensure the greatest certainty, transparency, and accountability for patients and taxpayers. This is a missed opportunity.

I ask my colleagues where we will be if the provisions enacted as part of this bill—like the breakthrough therapy provision—do not achieve their stated purposes? Where will we be if Congress does not do our part to ensure accountability on the part of the Agency by carrying out consistent Congressional oversight?. Where will America's patients be in five years? Will FDA's regulatory standard still be the global gold standard?

Will America still lead the world in innovation? Will the world's leading drug and device innovators choose to innovate in America, or continue the disturbing trend of exporting great innovation and good jobs overseas in the continued face of regulatory uncertainty?

There are good provisions in this final bill, but more work remains to be done. America's patients and innovators are counting on Congress to conduct the proper oversight in the months and years ahead to ensure that these user fee agreements, authorities, and new responsibilities are implemented and fulfilled consistent with the law. They are also counting on Congress to complete the unfinished business of doing all that we can to ensure that FDA fulfills its mission on behalf of America's patients and our Nation's global leadership in medical innovation is restored. I commit to my colleagues, constituents, and the FDA that I intend to complete the unfinished business before us here today.

Mr. President, you have been patient. At this time, I will yield to my colleague Senator PAUL. When he concludes, I will continue with the 2½ additional hours I have reserved.

The PRESIDING OFFICER. The Senator from Kentucky.

FOREIGN AID

Mr. PAUL. Mr. President, I am not a big fan of foreign aid. We have a lot of problems in our country. I don't see how we can send billions of dollars overseas when we have bridges falling down in our country. Two bridges in my State were impassable. One was hit by a boat and has been impassable for 6 months. We have another bridge that is over 50 years old that was shut down for emergency repairs, and traffic stacked up for miles. Yet we send billions of dollars overseas when we don't have enough to fix our own bridges. It doesn't make any sense. We borrow $1 trillion a year from China to turn around and send it to some other country. It makes no sense.

I am not a big fan of sending our money overseas. But I am even less of a fan of sending our money to countries that don't seem to be our friends. Pakistan has worked with us on the war on terror. But recently Pakistan has chosen not to let any of our supplies—food and military supplies—traverse Pakistan. Recently, Pakistan has said we owe them $3 billion. We are giving them $2 billion a year, and they say we owe them $3 billion that is not included in that. Recently, Pakistan also said they want to charge us $5,000 per container of food that goes across their land.

For years bin Laden lived contentedly right in the middle of Pakistan underneath their noses. What is up with that? We are giving them $2 billion a year and bin Laden was twiddling his thumbs there and they are not letting our supplies go across and they are demanding a past payment of $3 billion for who knows what and we continue to pay them.

Recently, it has gotten even worse. Dr. Shakil Afridi is a doctor who helped us get bin Laden. Somehow his name was leaked. I don't know who leaked the name or if they were trying to puff themselves up and make themselves look as if they were strongly fighting terrorism, but by leaking Dr. Afridi's name, he is now in prison in Pakistan for 33 years.

Dr. Shakil Afridi is a Pakistani and they have put him in prison for 33 years. His life has been threatened. If he is released—which I hope he will be—his life has been threatened because his name is public. How did it become public? Somebody leaked his name. This is inexcusable. If this came from within our government, whoever leaked his name or this information should be held accountable. I mean put in prison in our country for leaking state secrets.

Dr. Afridi's name is now known in public, and he is being threatened, and his family is being threatened. Not only that, anybody around the world who wants to help us stop terrorism, who is willing to stand and help America, is now threatened. Do you think people are going to want to help us if they know their names will be printed in the New York Times? We have to have things that we don't divulge about people who are helping us. But Dr. Afridi is in prison for 33 years, and I am going to do what I can to free him.

We should not send Pakistan any more money. I say stop immediately. I am not saying take a small amount out next year; I say don't send them one more penny this year or next year. Don't send any of the $3 billion they want. We don't even have it to send to them. We have to borrow it from China. I would give them one chance. If they release Dr. Afridi, I would stand down.

My bill was blocked. I tried to have a vote on it last week, and the leadership said: No, you won't have that vote. But we have a process where if you get enough signatures from Senators, you can ask for a vote and get it. That is where we are now. I have enough signatures to have the vote.

I am going to be meeting with the Pakistani Ambassador, and meeting with President Obama's State Department, and what I will tell them is what I am telling you. This is not a secret. If Dr. Afridi is not successful with his appeal, which is coming up in the next 3 weeks, if he is not released and provided safe passage out of Pakistan, if he wishes, then I will have this vote. And I defy anyone in this body to stand here and vote to send U.S. taxpayer dollars to Pakistan when they are treating us this way. So we will have a vote in this body on ending all aid to Pakistan immediately if we don't get some results.

This doesn't mean I don't want to have diplomacy with Pakistan. Pakistan has been a friend over many years, and I see no reason to end that. Pakistan has many elements that are pro-Western and that want to engage in the world. I am all for that. But we shouldn't have to buy our friends. We shouldn't have to pay a ransom. We shouldn't have to lavish them with taxpayer dollars.

In fact, I think it encourages a disrespect when you give people so much money. Let's let them earn our respect. Let's work with them. Let's be friends with Pakistan. Let's have diplomatic ties to Pakistan. Let's try to help each other. Terrorism doesn't help Pakistan. They are threatened equally by it. I can list four Pakistani leaders who have been assassinated in the past 15 years. Why were they assassinated? Because of radical elements in their own country. So they should be with us in trying to stop extremism, on trying to stop this radicalism.

My words for the Senate today and for the American people are that I am watching out for your money. I realize we have needs here at home that must come first, but also that I will force a vote on this. I am not going to send any more of your money or try not to let the Senate send any more of your money to Pakistan unless they are willing to cooperate, unless they are willing to be friends with America, unless they are willing to release the man who helped us get bin Laden.

I will ask for a vote, it will come in the next few weeks, and I will keep everyone in America up to date on this.

I thank the Senate for allowing me this time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURR. 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. BURR. Mr. President, I thank Senator PAUL for relinquishing the microphone, and just for the purposes of Members who are planning, I think

we will be about another hour. We will know shortly, and I will put that word out, if in fact that is going to be the case, but I intend to make sure everybody is able to make a 5 o'clock briefing.

I have spent the first hour talking about the FDA user fee agreement bill, the history of it, what this bill did, and a lot about how this bill came up short. I would like to jog in a few different directions over the next period of time.

Of great interest to me, and great interest to a lot of Members, is the commitment we owe to our Nation's military heroes. Over four decades ago, at one of the two Marine Corps bases in America—Camp Lejeune in Jacksonville, NC—they experienced serious contamination of their water. That contamination is likely the worst environmental exposure incident on a domestic military installation in the history of the country, both in the magnitude of the population potentially exposed to volatile organic solvents and the duration of the contamination—estimated to be 30 years or longer, with hundreds of thousands of veterans, their families, along with civilian workers having cycled through Camp Lejeune from the busy years of World War II through the Vietnam conflict and into the mid 1980s as we rebuilt our modern military.

During these decades, unbeknownst to the base residents, the wells feeding the water supply on the base were drawing water from an aquifer contaminated with industrial chemicals that were dumped on the base, such as the degreasing solvent TCE, a known human carcinogen; and another carcinogen, benzene, from leaking underground fuel storage tanks; along with the dry cleaning solvent PCE; and a third human carcinogen, vinyl chloride. The Navy and Marine Corps began to test some of the base wells in the 1980s to comply with Federal regulations and, apparently, to also locate the source of various contaminations, yet it would take several more years and numerous warning signs before the Navy finally decided it should shut the wells down in 1985 through 1987.

As we know now, the Navy and Marine Corps had specific regulations of their own to maintain safe drinking water and test for contaminants. Had they adhered to their regulations, the many years of problems at Camp Lejeune might have been avoided. It is also important to note the source of those contaminations should never have been in question, since Lejeune's drinking water was then and is now solely derived from the wells located within the perimeters of Camp Lejeune, NC.

In 1989, the EPA designated Camp Lejeune a Superfund site, and in 1991 the CDC, via its Agency for Toxic Substances and Disease Registry—or ATSDR—began a statutorily mandated study of the contamination. Those studies continue to this day, in large part because the Navy's records of the contamination were not completely turned over to the ATSDR until 2009 and 2010. Scientists at the ATSDR and others involved in the review of the Navy's records have stated the levels of certain contaminants recorded in well samples taken by the Navy were at such high levels they have never been seen before, and in many cases they far exceed what we now consider to be safe levels for drinking water.

The Veterans Administration is awarding disability benefits to Lejeune veterans on a case-by-case basis today, but that is a slow and unpredictable process, while many are suffering without adequate health care. It is my hope in the coming weeks we will finally pass critical legislation in this Congress to require the VA to take care of these veterans and their family members. Many of them are ill from exposure-related conditions and have no other means of getting health care. They are rightly looking to the VA and to the Congress for help. If we can get this legislation passed, it will be a starting point on the road to doing the right thing for those who have sacrificed so much for our Nation.

I think it is absolutely a crime that some 40 years later we haven't even completed the studies to understand the severity of the problems we have. I might add that some of the servicemembers and some of the family members who served at Camp Lejeune during this time are no longer with us. It may be hard to reconstruct exactly why, but I can assure you, when some estimate there are 10 times the number of male breast cancer cases from people who lived on that base during that time, one might conclude it was a hotspot based upon its drinking water.

My hope is this Congress will move forward with a very small initial step, but also make a commitment to these family members and servicemembers to not quit until we do the right thing.

This week the Supreme Court is going to rule on the President's health care law. One would have to live under a rock not to realize it is going to happen Thursday morning at 10 o'clock. We have waited patiently every time the Supreme Court has rolled out their announcement for the last 3 weeks of cases they have decided as the Court comes to the end of their session this summer.

Two years ago, then-Speaker NANCY PELOSI told Americans, ''We have to pass the bill so that you can find out what's in it.'' Let me repeat that: ''We have to pass the bill so that you can find out what's in it.'' It seems fitting that we stop and take stock of what the American people have learned about the President's health care law over the past 2 years.

The American people have found they can't afford the President's health care law. The Medicare Chief Actuary, in his final estimate of the health care law, projected it will increase health care spending across the economy by $311 billion. That is a 10-year number, but understand the President promised the health care law would reduce cost. It wasn't a goal. He promised it would reduce cost. Unfortunately, it has made things worse by increasing health care costs. And I think the estimate given by Medicare's Chief Actuary is probably a very conservative estimate—an increase of $311 billion.

Growth in U.S. health care spending will almost double by 2014 due to the President's new law. This is at a time when we already are in a situation where we are on a financially unsustainable path. The predictions the President's health care law would increase insurance premiums are already being felt by the American people. Depending upon where you live, who you are an employee of, and whether you buy your own insurance depends on how hard you have been hit, but there is nobody in America who has not seen their premium go up since Congress passed this health care bill that was supposed to reduce the cost of health care.

The Congressional Budget Office estimated the new law will increase health insurance premiums by 10 to 13 percent. This means a family purchasing coverage on their own will have to pay $2,100 a year more because of the President's health care law. And by the way, 10 to 13 percent is what many Americans have felt as an increase on an annual basis.

New taxes. New taxes on lifesaving drugs, devices, and health plans. Think about that, with the hour I just finished. I talked about the fact Congress needs to be focused on the efficiencies of government, and how we bring innovative products, devices, pharmaceuticals, biologics, and generics to the marketplace. Yet embedded into ObamaCare are new taxes on drugs, devices, and health plans.

The American people haven't felt this yet. At a time we are supposed to be passing legislation to bring down health care costs, not only does the Congressional Budget Office say this is going to increase premium cost, not only does the President's Chief Actuary—CMS is under the executive side of government, not under Congress's authority—say health care spending across the economy, based upon the health care law, is going to be $311 billion, we have yet to kick in the new taxes on lifesaving drugs, devices, and health plans, which will drive up consumer cost and additionally drive up premium cost.

Just after passage of the new law in May 2010, the Director of the Congressional Budget Office said:

> Rising health costs will put tremendous pressure on the Federal budget. In CBO's judgment, the health legislation enacted earlier this year does not substantially diminish that pressure.

The question is what were we thinking? And now we have the Supreme Court that will decide whether this is constitutional. CBO's latest long-term fiscal outlook notes that spending on

health care has been growing faster than the economy for many years, posing challenges for Medicare, Medicaid, State and local government, and the private sector.

Sometimes this is missed by Members of Congress and our constituents. There is a tremendous cost that we shift to States and local governments depending upon how they share in the Medicaid State obligations for cost sharing. States are picking up a tremendous amount of additional cost because of the passage of the President's health care plan because we are doubling, through legislation, the amount of people who are on Medicaid.

So now you are going to get hit by the increase in your insurance premium; you are going to get hit by the increase in overall health care costs; you are going to get hit by the new taxes on lifesaving drugs, devices, and health care plans; and, oh, by the way, you are going to get hit in your State taxes because of the increased burden of Medicaid beneficiaries who are in part funded by the State and are going to now require States to find new ways to raise revenue, which is typically through our State taxes.

CBO was right to conclude that such rates of growth cannot continue indefinitely because total spending on health care would eventually account for all the country's economic output, which CBO concludes ''is an impossible outcome.''

We need real reform that actually lowers costs, not increases costs. We need real policy that institutes better outcomes, not rationing of care. The American people need to look at what the President promised when he created this legislation. He promised: If you like your plan, you get to keep it.

Unfortunately, the administration has estimated that up to 69 percent of all businesses could lose the ability to keep what they have as a result of the administration's grandfather health plan regulation. The former Director of CBO, Doug Holtz-Eakin, warned that the law ''provides strong incentive for employers and their employees to drop employer-sponsored health insurance for as many as 35 million Americans.''

Well, if employers drop their health care coverage, how can employees cash in on the President's promise to keep what they have?

Millions of seniors will lose access to their Medicare Advantage Plan. I am not quite there, but some of my colleagues have reached that magic number.

Do seniors not deserve choice? Is that what it is? Do we just want to give them one thing and no choice? The truth is we allowed—we didn't create it; the private sector created it, but we allowed the private sector to create Medicare choice years ago, and for many seniors they chose to take the private sector product. Why? Because it provided more coverage to them. It provided preventive care. They actually got covered physicals every year. In many cases they didn't have copayments. In many cases their prescriptions were covered long before we created Part D Medicare.

So what does the President's health care plan do? It tightens the requirements on Medicare Advantage to the point that some seniors who are on it today will lose it because it is no longer an option in the markets they live in. How in the world can someone do that and make the promise: If you like it, you get to keep it?

Health plans offered by religious-affiliated organizations will be compelled to offer products that violate the tenets of their faith—a new mandate that jeopardizes an employee's existing coverage and infringes on religious liberty. That is going into ground we have never entered, and I think there is a reason we have allowed people to hold to their moral standards they believe are important.

Then-Speaker of the House PELOSI said the health care law will create 4 million jobs—400,000 jobs almost immediately. Yet the Director of the Congressional Budget Office testified that the new law will reduce employment over the next decade by 800,000 jobs.

Think about that. Then-Speaker PELOSI said 4 million jobs—400,000 almost immediately—and the CBO Director testified we are going to lose 800,000. That is a difference of 4.8 million jobs in America.

The President said he was not going to touch Medicare. We heard that over and over. He said to seniors: I am not going to touch Medicare. He had already taken Medicare Advantage away as a choice, but he wasn't going to touch Medicare. The law took more than $500 billion out of Medicare, a health care plan that today is not financially sustainable, and the President, in his health care legislation, shifted $500 billion out of Medicare—not to put Medicare on a sustainable path but to fund new government programs the American people cannot afford.

Arbitrary cuts to providers that jeopardize access to care will not put Medicare on a sustainable path for current and future retirees. What does that mean? Doctor cuts. We cut the reimbursements to doctors, we cut the reimbursements to hospitals. We now have doctors who will not see Medicare beneficiaries. If you are 65 and you move to Raleigh, NC, the likelihood is you are not going to find a primary care doctor that is going to take you if you are on Medicare. To that person, to that senior, that is rationing. I don't care how you say it. And the reality is this bill caused that.

The President promised no family making less than $250,000 a year will see any form of tax increase. I just covered a second ago that the new health care law is riddled with new taxes and penalties that directly fall on the middle class and will harm small businesses. New taxes on lifesaving drugs, devices, and health plans are all going to be passed on to consumers. It is disingenuous to say everybody in the system is not going to feel the effects of taxes. They might not be directly on us, but they are on the products that constitute our health care system. We should be advancing policies that help small business to thrive in America, not policies that increase health care costs. We should not be advancing policies that encourage innovators to export innovation and good-paying jobs overseas. We should be advancing policies that focus on helping to get our economy back on track.

Unfortunately, the President's health care law does just the opposite. According to the U.S. Chamber of Commerce Survey on Small Business, 74 percent of small businesses said the health care spending law makes it harder for their firms to hire new workers. Thirty percent said they are not hiring due to the law.

There is only one issue in America: How do we get the American people back to work right now? How do we turn this economy around right now? We can have all the cuts we want to have from the standpoint of spending. But unless we are willing to put Americans back to work and get them productive and participating in the revenue collection of this country, we are not going to get on a pathway to financial sustainability.

This country wasn't created because people came here and said: Let's create a place called America where everything is free. It was created as an area of unlimited opportunity. That is why millions a year come here, for unlimited opportunity, not for unlimited handouts.

When de Tocqueville left the United States, he talked about ''the greatest country in the world,'' and he defined it this way: the capacity of the American people to give of their time and their resources for people who are in need. He never mentioned State or Federal Government.

He talked about a responsibility of the American people to help somebody that was down on their luck, hungry, homeless. Do you know what. For those of us who are adults, it is our responsibility to set the example for the next generation to come and assume the same individual responsibility. But now it seems as though all we talk about is legislation that inserts the Federal Government or the State government or the local government in the place of what historically made this country great, which was our willingness to assume the responsibility ourselves.

Let me assure you, we shouldn't be surprised by the results of the assessment that the government running health care means job loss and increased costs. We have to make sure we provide more choice, not less choice. We have to get the American people engaged in negotiating their health care costs, not letting the Federal Government negotiate their health care costs.

I came here for the first time 18½ years ago. I worked for a company of 50 employees. I came to the U.S. House of Representatives and chose the same plan I had with that small employer in Winston-Salem, NC. The only difference was that when I got here, the Federal Government paid 75 percent where my employer had paid 75 percent. I paid 25 percent here; I paid 25 percent there. I got exactly the same plan and the same coverage. Everything was identical.

When I left Winston-Salem to become a Member of the U.S. House of Representatives, my cost of that health care plan was $105. When the Federal Government got through negotiating my same health care plan, it went up to $160. I knew on day one I did not want the Federal Government negotiating my health care because it meant higher prices and no change in coverage.

I think many Americans have realized that about ObamaCare. My hope and my plea and my prayers are that Thursday the Supreme Court nullifies this bill and this Congress is challenged with going back and step by step or in a comprehensive fashion write a health care bill that includes the participation of the American people and puts responsibility on everybody. Everybody in America should have the responsibility to pay something when they go in to access it. It doesn't matter whether it is private insurance, it doesn't matter whether it is Medicare, it doesn't matter whether it is Medicaid.

If we want to solve the financial hole we are in in this country, then we have to income-test everything that comes out of the Federal Government. It means people who have more pay more. It means people who have less pay something. But we have to be a country of unlimited opportunity and not of unlimited handouts.

A February 2012 Gallup survey found that 48 percent of small businesses are not hiring because of the potential cost of health care. Studies indicate that the law's innovative tax killing on medical devices could cost an additional 43,000 jobs in America. The President's health care bill is the wrong prescription for America.

Regardless of the Supreme Court's decision this week, it is clear: We must advance commonsense sustainable reforms that actually fulfill the promise to lower health care costs. Without that America should be outraged and, I believe, will be outraged.

Also in the news in the last several weeks is an issue that is somewhat personal to me as a member of the Senate Intelligence Committee, as a former member of the House Intelligence Committee, as one who has dealt with the work of the Intelligence Committee since the year 2000, and as one who lived up close and personal with everything that has happened since 9/11. We have seen an incredible spree of security leaks—leaks of classified and sensitive information.

When I go home on the weekends and there is a news report on something, my wife will look at me and say: Why is this reported? There is no reason for the American people or for anybody in the world to know about that.

I can tell you it was not that long ago that even if the press found out, they would never print it. Today, routinely there are leaks of classified and sensitive information. Recently there has been a series of articles published that have described, in some cases in extreme detail, highly classified unilateral and joint intelligence operations.

I am not talking about suggesting that it might be there without detail, I am talking about specifics of what happened. To describe these leaks as troubling and frustrating is an understatement. They are inexcusable by whomever. Our intelligence professionals, our allies, and, most importantly, the American people, deserve better than what they have seen over the last several weeks. I am personally sick and tired of reading articles about sensitive operations based on ''current and former U.S. officials—individuals who were briefed on the discussions—officials speaking on condition of anonymity to discuss the clandestine programs—a senior American officer who received classified intelligence reports—according to participants in the program—according to officials in the room—and individuals none of whom would allow their names to be used because the evidence remains highly classified and parts of it continue today.''

That is the basis on which these front-page stories run. I am not confirming or denying that anything in it is accurate or inaccurate because as a member of the committee I sign an obligation that says no covert action will I even comment on. Any person who holds a secret compartmentalized clearance has an obligation to never acknowledge the existence of a program.

I asked, not long ago, was the drone program still a classified program? The answer I got is yes. But the White House Press Secretary for the last 3 weeks stood at the podium and talked about drone attacks—on a program that I technically cannot go out and acknowledge either exists or does not.

Our freedom, with understanding that politics trumps security, has reached a new level. It has to stop and it has to stop now. The unauthorized disclosure of classified intelligence at best violates trust and potentially damages vital liaison relationships and at worst it gets people killed. Clandestine operations are often, as I wrote with Senators COATS and RUBIO in the Washington Post, ''highly perishable and they depend on hundreds of hours of painstaking work and the ability to get foreigners to trust our Government. I strongly believe that these leakers are also violating the trust of the most important constituency of all—the American people.''

Even more troubling is that there appears to be a pattern to these stories and leaks, that they may be designed to make the administration look good on national security. It used to be that the good stuff was buried by the media and the worst was run. Not anymore. Truth be told, rarely have I seen a story that paints this administration in a bad light. Then, when we are about to, the administration invokes executive privilege. They can do that. That is OK. But there is a big difference between invoking executive privilege on not producing documents for Fast and Furious, and releasing classified information that puts at risk individuals who are embedded in terrorist organizations, who are doing their job to keep America safe.

This has crossed the line. I wish this administration was as concerned about preventing leaks of classified information as it is about keeping a lid on the information Congress is asking for. As a member of the Senate Intelligence Committee I understand firsthand the grave importance of keeping information secure. The unauthorized and reckless disclosure of classified information undermines the hard work of our intelligence officers and puts lives at risk, and it jeopardizes our relationship with overseas partners. Congress's intelligence oversight committees will not tolerate it, nor should the American people.

Simply, I come to the floor today to deliver a message to those individuals who were briefed on the discussions, who were part of the program, who were in the room, who are speaking on condition of anonymity: Stop talking. Whatever agenda you have, I can assure you it is not worth the damage you are causing and the lives you are putting at risk. We cannot continue to tolerate leaks at any level or branch of government.

My colleagues and I are considering every available legislative option to ensure the security of the intelligence community operations and the people who support them. If you have access to classified information and are tempted to leak that information for whatever reason, I ask you to remind yourself what you may be hurting and what trust you are violating and, more importantly, keep your mouth shut.

The Intelligence Committees on both sides of the Hill I think will take action in their authorization bill to try to address a structure that brings a new level of oversight and hopefully prosecution to those who choose to leak secrets. In the interim, I am still considering the fact that for any person who openly talks about a program that is secret or compartmentalized, the day they say one word about that program they lose their top secret clearance. I would love to see them lose their pension but I understand how problematic that is. But at least we can stop the bleeding by taking away their access to the conversations or the meetings they happen to be a participant in or the information they happen

to be entrusted with in a fashion that allows them to go out and publicly talk about that and jeopardize the lives of Americans, the lives of our partners and, more importantly, the security of the American people.

On August 5, 2011, Standard & Poor's downgraded the credit rating of the United States for the first time in our history and they cited out-of-control debt and lack of a serious plan to address it as its main reason. Nearly a year later the administration has done nothing to remedy this problem. As a matter of fact, sometime at the end of this year we are going to run out of our ability to borrow money. It is called the debt ceiling. I cannot tell you today, because we are not told, whether that is going to happen in October, November, December, January—but it doesn't go much past the end of the first of the year. I sort of pity the next President, whoever that is. They are probably going to get inaugurated one day and the next day they are going to have to come to Congress and ask for a $3 trillion increase in the national debt.

As difficult as it is for me to say, we are going to have to do it. The country has to have the capacity, the capabilities to borrow money to function. But you would think with this all known we would take the opportunity now to begin to change the grotesque spending habits, to begin to prioritize the investments we make, that we would attempt to reform the programs that cost us the most and lead to an unsustainable financial future for the United States—a country that will soon be $17.8 trillion in debt, a debt I will not be here to pay back but my children and my grandchildren will.

You have to ask yourself as a parent: Is that fair? The answer is it is not. Instead of doing anything, last year the debt ceiling needed to be increased by $2.1 trillion. We are about to blow through it. Why? Because we spend $1 trillion more on an annual basis than what we collect. There is no business, no family, no institution in the world that could spend $1 trillion more than they collect and be in business—nor can this country. The time is running out.

By the way, it is hard to put a calculation on $1 trillion. What is $1 trillion? It is 100 percent of the Federal investment in K–12 education, 100 percent of the Federal investment in higher education, it is 30 percent of the VA budget, it is 100 percent of the National Institutes of Health; it is 100 percent of the cost of the National Science Foundation, it is 100 percent of the Federal partnership with States and localities for infrastructure—bridges, roads, sidewalks. It is 100 percent of our national defense, it is all branches of the military, active and reserve, all bases of the military, domestic and foreign. It comes up to about $942 billion. If you want to balance this year's budget you have to cut everything I just talked about and find $60 billion more, just to balance this year's budget.

The take-away from this is we are not going to delete our national security. We are not going to decrease our investment in the National Institutes of Health, National Science Foundation. We are going to be a partner in K–12 and higher education. There are a lot of places we can cut and should prioritize and we can do it, but the take-away is we can't get there unless we are willing to reform entitlements, unless we are willing to look at where the majority of the money is spent. We cannot get there.

We have to do something. I tell you it starts with addressing the imbalance we have in spending and collection right now—not next year.

Consistent with this is the Senate still has not passed a budget. In fact, the President's own budget did not receive a single vote in Congress when we voted on it. I should not laugh. We are on track for another year with a $1 trillion deficit. How could anyone run their company on an annual basis without a budget, without a financial roadmap as to what they do? But now, for over 1,000 days the U.S. Senate has not passed a budget. And the law says we have to do it. That is incredible. It is absolutely incredible. Over the last 3½ years we have added $5 trillion to the national debt, more than in the previous 8 years combined, and current estimates by the CBO put Federal debt at 70 percent of our gross domestic product by the end of this year.

We are reaching irreversible levels of debt, as it relates to the size of our economy. It is unsustainable and it is dangerous for the fiscal health of our country. The status quo needs to change. Congress needs to address the impending fiscal cliff or risk another downgrade in the coming months.

We can accomplish this by passing a budget that moves us toward balance. We can accomplish this by reforming entitlements and not putting Band-Aids on issues for another time. Our debt will begin to decrease when we put the American people back to work and we get policies in place that encourage the investment of capital.

How about something novel? Why don't we reform our Tax Code? Give me the ability to go to a small business in North Carolina and tell them they are going to pay exactly the same thing GE pays. It is hard for me to explain how they pay 36 percent and GE paid nothing. I am not faulting GE, don't get me wrong. That is exactly what the Tax Code currently says. That doesn't make it right. It doesn't mean we have an obligation to leave it like that in the future. I look at it as an opportunity for us to bring equity. But as we bring equity, why don't we bring everybody's obligation—their rates—down. It is time for us to reform individual corporate taxes in America, to do away with loopholes and deductions, to flatten the rates for everybody, to broaden the participation by more Americans. Guess what. If we do that, we will be like a magnet for global capital. What does it take to create jobs in the United States? It takes an investment. Reform the Tax Code, flatten the rates, broaden the base, and we will attract capital that will flee to America and create jobs like we have never seen. At a time where the world continues to try to figure out how to get out of a hole, we have an option to do it.

I yield to the Senator from Iowa.

Mr. HARKIN. Madam President, I ask unanimous consent that Senator BURR have the time until 4:40 p.m.; that I be recognized for up to 5 minutes, following the remarks of Senator BURR; further, that after my remarks, all remaining time be yielded back, the motion to concur with an amendment be withdrawn, and the Senate proceed to vote on adoption of the motion to concur in the House amendment to 3187.

The PRESIDING OFFICER (Mrs. SHAHEEN). Is there objection? Without objection, it is so ordered.

Mr. HARKIN. I thank the Senator from North Carolina.

Mr. BURR. I thank the Senator from Iowa. So I just gave us a recipe for solving our economic crisis in America. Some might say it will not work. I don't know. I think it will. I can say this. What we are doing is not working. We are not putting anybody back to work. We are still losing. My State of North Carolina has 9.4 percent unemployment. How long does it have to continue before we look at it and say this might be a systemic problem? Can we recover from this?

How many law school graduates can we look at this year where 60 percent of the class of graduates from the first of May to the end of June doesn't have a job? As a parent, I always thought the toughest job was to make sure my kids got in school and that they graduated in 4 years. Now the greatest burden on a parent is to make sure when they get out, they get a job that has a paycheck and maybe that check puts them in a situation where they are self-sustainable. That is not the promise we made to our kids and that ought to be the driving force behind every adult in this country demanding a change.

Most of our kids did exactly what we asked them to do—stay in school, make good grades, go to college, get a major. If they do that, they will be guaranteed a job and an unlimited future. Now the seniors who graduate from college who are not finding a job, their experience is being questioned by their little brother or sister at home who is struggling to get through high school and wondering why they want to do 6 more years of education if their older sibling can't find a job.

It doesn't have to be like this. All we have to do is muster up the backbone we need to pass legislation that creates the atmosphere for capital to be invested in job creation.

I am not rich, but I am getting tired of us dividing America in as many

pieces as we can divide it. We already divide it based on political boundaries. Now we are trying to divide it on everything we can find. Yet for every politician when they give that big speech on TV, they boil it down to this is about America. But when we look at the campaign rhetoric out there, they slice it and dice it and try to divide it in many ways. Let me assure everyone, we are not going to solve this if America doesn't solve it. It is not going to be solved in the Halls of Congress unless the American people demand it. It is not just one segment of America; it is all segments of America.

I talked about de Tocqueville's definition of the greatness of America earlier. He didn't point out some Americans who did it good or did it right. He looked at America as one.

As a matter of fact, when we look historically at this country—and I realize I only have a couple minutes left; I will be brief. When the Capitol dome was torn off and the new construction started, it was because of the wing we are currently in, the Senate, and the identical wing that was built on the House side. When those wings were added, architecturally, the dome that was on top of the Capitol was out of proportion, and that dome was called a Bulfinch dome. In about 1851 or 1852, they started building the dome we see today, made of 9 million pounds of cast iron. As that dome was about one-third of the way finished, Abraham Lincoln was President, and they could actually watch the Civil War battles across the Potomac on the other side of the river.

Then came the end of the war and Lincoln was President and had every right to be punitive to the South because they lost. I challenge everybody to go back and read Lincoln's speeches after the Civil War. Remember, the first action was to let every southerner go and keep their gun because he knew they needed to eat. In every speech President Lincoln gave after the end of that conflict where he could have in his remarks been punitive to the South, President Lincoln talked about one Nation, one people. As the leader of the United States, he understood his single job was to bring this country back together. Even though he probably had the greatest reason to draw division in America, he refrained from that temptation and spent all his time redefining what makes America great; that is, a united country of people.

In the temptation to win elections and the temptation to show the highlights or successes of one party over the other, I will conclude with this: As leaders in the country, we have a real opportunity to set by example how we go forward. Let's quit the political divisions. Let's start it with the two Presidential candidates. Don't slice and dice America to where it is that group against this group and that group. Let's realize if we want to change the direction of this country, somebody has to stand and bring America together. My belief is we need to do it now or there may not be another opportunity.

I can look at my good friend Senator HARKIN and myself and we are at an age where we are not going to drastically change the future. We made the bed we are going to sleep in. But for our children and our grandchildren, the impact of what we do can drastically change the opportunities they have for a lifetime.

I would love to leave this institution believing we have had an impact that extends prosperity and opportunity for generations to come. But for a majority of the 2½-plus hours I have taken today, if we don't have the backbone to take it on, it is not going to happen. If we don't do it, nobody else will. Let's demand that the leadership we put in place is willing to show the leadership needed to bring this country back together for a common purpose. That purpose is to be a country of unlimited opportunities, where everybody is being treated fairly.

I thank the Presiding Officer for her attention.

I yield the floor.

NEW ANTIBIOTICS

Mr. MENENDEZ. Madam President, I ask to be recognized to engage in a colloquy with my good friend from Iowa, the Chairman of the HELP Committee, Senator HARKIN.

I want to thank the Chairman for his leadership on this bill, the Food and Drug Administration Safety and Innovation Act. This is a critically important piece of legislation and I am proud to support it. I wanted to ask the Senator to clarify something for me regarding language in the bill dealing with the development of new antibiotics. This bill contains language to incentivize the development of antibiotics, both for newly-discovered infections where antibiotics do not yet exist as well as for those resistant infections where currently available antibiotic treatments may no longer work. These incentives are available for qualified infectious disease products, that is, products intended to treat serious or life-threatening infections, including those caused by resistant gram positive pathogens and multidrug resistant gram negative bacteria. It is my understanding that products intended to treat serious or life-threatening infections caused by gram negative anaerobic bacteria are also considered qualified infectious disease products, and therefore eligible for the incentives contained in this provision. Is that the case?

Mr. HARKIN. I thank my friend from New Jersey for the opportunity to clarify this point. The Senator is correct that this provision aims to provide incentives in the form of extended market exclusivity for certain antibacterial and antifungal drugs that treat serious or life-threatening infections. He is also correct that the list of qualified pathogens in the legislation is illustrative, and not exhaustive. Products intended to treat serious or life threatening infections caused by gram negative anaerobic bacteria would be qualified infectious disease products and would therefore be eligible for the 5 years of extended market exclusivity.

Mr. MENENDEZ. I appreciate the Senator clarifying that point. As he knows, infections caused by gram negative anaerobic bacteria such as Bacteroides and Garnerella have a disproportionate impact on women of color and cause an increased risk of HIV infection and complications of preterm labor. I am pleased that this bill takes the steps necessary to ensure treatments for these infections can come to market and help those in need. Again, I thank the Senator for his leadership on this bill and for clarifying this point today.

Ms. MIKULSKI. Madam President, I come to the floor to talk about antibiotic resistance, a public health threat to Americans across the country. I have heard first hand from hospitals, health care providers, public health officials, scientists, and life sciences companies in Maryland that we need new antibiotics in our arsenal. Bacteria, like viruses, are crafty and constantly evolving to thwart existing treatments. Everyday, Americans are infected by multi-drug resistant microbes.

In most instances, antibiotics, much like vaccines, are not meant to be used everyday to treat a condition for months, years, or a lifetime. You use antibiotics sparingly, so you do not build up resistance. Yet, drug development for these infectious pathogens can take just as long as developing any other drug whether it is for HIV, heart disease, or cancer. Because antibiotics are used for a short period of time, they are not really profitable to the companies investing the time and money to develop the product. There are not many small start-up companies or big pharma companies that want to take the risk. Research and development costs hundreds of millions of dollars, so these companies are reluctant to invest in a safe and effective drug that doctors are told to use sparingly. Bottom line, developing a next generation Viagra pill is far more profitable for shareholders.

So, House and Senate Republicans and Democrats came together and worked on a bipartisan bicameral solution to incent development of drugs to treat serious or life-threatening bacterial infections. We need to get more antibiotics in the drug development pipeline. We are running out of antibiotics to treat MRSA, tuberculosis, acute pelvic infections, complicated urinary tract infections, or complicated intra-abdominal infections. There are many anaerobic gram negative and anaerobic gram positive bacteria that are fatal, cause lifelong injuries, increase the transmission of HIV and other sexually transmitted diseases, or affect the reproductive and gastrointestinal tracts.

Title VIII of our bill, provides incentives for the development of antibiotics to treat serious or life-threatening infections, including infections where tolerance and resistance to existing antibiotics make them ineffective. We need to clear up infections that can cause poor outcomes for patients or negatively impact the public's health.

This bill will increase exclusivity for manufacturers that invest the time as well as the research and development dollars to bring new antibiotics to the market that knock out infections that cause pre-term labor or target bacterial infections in patients with unmet needs.

Mr. LEAHY. Madam President, I am pleased that Congress will finally send to the President the bipartisan Food and Drug Administration Safety and Innovation Act, FDASIA. This legislation previously received overwhelming support in the Senate and was passed by the House of Representatives by a voice vote just last week. This final action by the Senate will reauthorize the prescription drug user fee program and medical device user fee which are set to expire on October 1, 2012. It will also authorize two new provisions to allow the FDA to review and approve generic drugs and biosimilar drugs in a timely manner. Importantly, this bill includes several provisions that I have supported to prevent access to dangerous drugs.

Passage of the FDASIA will help stop drug shortages that affect thousands of Americans. I have heard from a number of Vermonters concerned about the uncertainty of availability of lifesaving drugs and devices. While the FDASIA will not stop all drug shortages, I hope it will give Vermonters who depend on these medications relief knowing more steps are being taken to ensure these shortages don't happen.

This legislation also includes an important provision I have been proud to author to address the problem of counterfeit drugs. In March, the Senate passed by unanimous consent bipartisan legislation that I introduced with Senator GRASSLEY to deter the sale of counterfeit drugs. The Counterfeit Drug Penalty Enhancement Act, S. 1886, has the support of groups such as the Alliance for Safe Online Pharmacies, the Easter Seals, and the U.S. Chamber of Commerce. The legislation is consistent with recommendations from the Intellectual Property Enforcement Coordinator and the administration's Counterfeit Pharmaceutical Interagency Working Group. I am pleased that a compromise version of this legislation will become law as part of S. 3187.

I am also glad that the final bill includes important provisions addressing the issue of synthetic drugs. These provisions correspond to three bills that the Senate Judiciary Committee passed last year—the Combating Dangerous Synthetic Stimulants Act, S. 409; the Combating Designer Drugs Act, S. 839; and the Dangerous Synthetic Drug Control Act, S. 605. I was glad to move these bills through the committee last year and to work to try to pass them in the full Senate. They address substances commonly known as ''bath salts'' and other synthetic drugs that have no legitimate use and can too easily be obtained under current law. Bath salts have resulted in a number of reports of individuals acting violently in the United States, including in Vermont, and have led to injuries to those using them and to others.

I thank Senators KLOBUCHAR, GRASSLEY, PORTMAN, and SCHUMER for their leadership on this issue. I was glad to be able to work with them and with Senator HARKIN to support including these important provisions in the FDA bill and keeping them there in negotiations with the House. It is good that we are able to make real progress in this area.

I am also glad that we are moving forward on this issue in a responsible way after appropriate consideration. Adding chemicals to schedule I of the Controlled Substances Act has serious consequences and is not a step that we should undertake without careful consideration. We will continue to study this issue and consult with the DEA, FDA, and others going forward.

I note also that Senator PAUL has expressed serious concerns about the mandatory minimum sentences contained in the Controlled Substances Act, mandatory sentences that are expanded every time we schedule new substances. I appreciate those concerns. As more and more of our criminal justice budget goes to housing more and more people in prison for ever longer periods of time, rather than supporting prevention programs and law enforcement which can more efficiently and effectively reduce crime, we have to rethink our reliance on mandatory minimum sentences, particularly for nonviolent drug offenses. In the future, I intend to work with Senator PAUL and others on this vital issue.

Finally, I am pleased that the final FDASIA includes language to protect the public's ability to access information under the Freedom of Information Act, FOIA. This bill will allow the Food and Drug Administration, FDA, to obtain important information about drug inspections and drug investigations undertaken by foreign governments, while at the same time ensuring that the American public has access to information about potential health and safety dangers. This provision carefully balances the need for the government to keep some information confidential, with the need to ensure free flow of information in our democratic society. A number of Senators, including Senator HARKIN and Senator ENZI, and a number of open government and consumer groups, including OpenTheGovernment.org and Public Citizen, worked with me to protect the public's access to FDA information in this bill.

Sending this legislation to the President's desk will save lives. The Senate's action will also mitigate the uncertainty facing the FDA should these user fees expire. I am pleased to support this legislation and urge other Senators to do so as well.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, we are about to move to a vote on the FDA reauthorization bill, a bill which I have said earlier we spent more than 1 year working on in committee. It has had a lot of input from Senators on all sides, including industry stakeholders and consumer groups. This is the result of a wide collaboration on all these issues.

I wish to respond to a couple things my friend from North Carolina—and he is my friend—said earlier about the amendment he was concerned about on the track-and-trace amendment. The Senator from North Carolina talked about speed. He said we were rushing this through. The vote in the Senate was 96 to 1. The House vote was unanimous. That doesn't happen if a bill is being rushed through. Anybody who tries to rush a bill is not going to get 96 votes in the Senate or a unanimous vote in the House.

Again, my friend questioned how hard we tried to get the track-and-trace provision included in the conference report. I might turn the question around and question how hard the Senator from North Carolina and the Senator from Colorado worked to get this included. We have been working on this bill for over 1 year. My friend, a good member of the committee, and his staff has been very much involved in many aspects of this bill. So I wonder why the amendment was dropped on our staff 1 day before filing the bill at the midnight hour. I might also point out that on September 14, 2011, our committee had a hearing on the supply chain issue. The record will show that I, the chairman, was the only one to raise the issue of track and trace at that hearing.

Two weeks before markup, Senator BURR and Senator COBURN introduced an FDA bill. Senator ENZI's staff and my staff worked for 2 weeks to incorporate elements of this bill into the reauthorization. These are elements of the bill that were introduced 2 weeks before by the Senator from North Carolina, Mr. BURR, and Senator COBURN. So our staff spent 2 weeks trying to incorporate elements into the bill, and they did. We did incorporate a lot of elements. I would point out there was nothing that mentioned track or trace that was in that bill that was introduced 2 weeks before.

Again, I just say, if this was so important, why wasn't it in their bill? If it was so important, why did they wait until Sunday evening at 6:20 p.m., the day before filing, to get the language? Again, who is trying to rush what? We did not try to rush anything, but when we get something dropped in our lap at

6:20 p.m. the night before the filing, it is hard to build a consensus, and that is what this bill is. We did go to conference on this, but this issue involves a lot of different players, and we could not get that consensus.

So I say to my friend from North Carolina, we are still working on this. We will work on it in good faith, but we have the State of California, we have the pharmaceutical manufacturers, we have drugstores, we have consumers, we have a lot of people out there who have something to say about this, and we have to build that coalition in order to get a good track-and-trace bill through.

We are now about to vote on the critical FDA bill reauthorizing user fees, modernizing FDA's authority in several meaningful and targeted ways, addressing the drug shortage problem, streamlining the device approval process, enhancing our global drug supply chain authority and all the while maintaining and improving patient safety. Because this bill will directly benefit patients and the U.S. biomedical industry, it is critically important to the agency, industry, and most important to patients that we get this done.

I urge my colleagues to vote for final passage and pass this bill. It is the same bill the House passed unanimously. Once it is done here, we can send it to the President and get it signed and move ahead with a good reauthorization of the Federal Food and Drug Administration.

The PRESIDING OFFICER. Under the previous order, the motion to concur with amendment No. 2461 is withdrawn.

The question is on agreeing to the motion to concur in the House amendment to S. 3187.

Mr. HARKIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Colorado (Mr. UDALL) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. HATCH), the Senator from Illinois (Mr. KIRK), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 4, as follows:

[Rollcall Vote No. 168 Leg.]

YEAS—92

Akaka	Bennet	Brown (MA)
Alexander	Bingaman	Brown (OH)
Ayotte	Blumenthal	Cantwell
Barrasso	Blunt	Cardin
Baucus	Boozman	Carper
Begich	Boxer	Casey
Chambliss	Johanns	Portman
Coats	Johnson (SD)	Pryor
Cochran	Johnson (WI)	Reed
Collins	Kerry	Reid
Conrad	Klobuchar	Risch
Coons	Kohl	Roberts
Corker	Kyl	Rockefeller
Cornyn	Landrieu	Rubio
Crapo	Lautenberg	Schumer
DeMint	Leahy	Sessions
Durbin	Lee	Shaheen
Enzi	Levin	Shelby
Feinstein	Lieberman	Snowe
Franken	Lugar	Stabenow
Gillibrand	Manchin	Tester
Graham	McCaskill	Thune
Grassley	McConnell	Toomey
Hagan	Menendez	Udall (NM)
Harkin	Merkley	Vitter
Heller	Mikulski	Warner
Hoeven	Moran	Webb
Hutchison	Murkowski	Whitehouse
Inhofe	Murray	Wicker
Inouye	Nelson (NE)	Wyden
Isakson	Nelson (FL)	

NAYS—4

Burr	Paul
Coburn	Sanders

NOT VOTING—4

Hatch	McCain
Kirk	Udall (CO)

The motion was agreed to.

Mr. HARKIN. Mr. President, today, with final passage of the FDA Safety and Innovation Act and the reauthorization of the FDA user fee agreements, we have helped both the FDA and the biomedical industry ensure that they can get needed medical products to patients quickly. This legislation, now headed to the President for his signature, will ensure that the FDA can swiftly approve drugs and medical devices, save biomedical industry jobs, protect patient access to new therapies, and preserve America's global leadership in biomedical innovation. It will keep patients safer by modernizing the FDA's inspection process for foreign manufacturing facilities, while also improving access to new and innovative medicines and devices. It will reduce drug costs for consumers by speeding the approval of lower cost generic drugs and help prevent and mitigate drug shortages.

Finally, by improving the way FDA does business, increasing accountability and transparency, U.S. companies will be better able to innovate and compete in the global marketplace.

With the FDA Safety and Innovation Act ready to be signed into law, we have taken an important step to improve American families' access to lifesaving drugs and medical devices.

As I have said throughout this debate, the bipartisan process that produced this excellent bill has been a shining example of what can be achieved when we all work together in good faith. I worked very closely with my colleagues on both sides of the aisle, as well as industry stakeholders, patient groups, and consumer groups, to solicit ideas and improvements on the critical provisions in this bill. We have a better product thanks to everyone's input.

My colleague, Ranking Member ENZI, deserves special recognition, and I extend my sincerest gratitude to him. Without his strong leadership and cooperation in this open bipartisan process, we would not have the exceptional consensus measure we have today. So I thank Senator ENZI for his partnership and collaboration throughout the past almost year and a half.

I wish to specifically thank the staff of Ranking Member ENZI, as they have devoted countless hours to working with my staff and others throughout this process to build consensus for this legislation.

I thank Frank Macchiarola, Chuck Clapton, Keith Flanagan, Melissa Pfaff, Grace Stuntz, Katy Spangler, and Roley Swinehart. I sincerely thank them for their tireless efforts and loyal commitment to this cause.

I also thank all of the HELP Committee members as well as other Senate Members and their staffs who were thoroughly engaged with this process from the beginning as part of the bipartisan working groups. Each of you has contributed significantly to this legislation, and I am sincerely grateful for your contribution.

I also recognize Chairman UPTON and Representative WAXMAN, as well as their staffs, who worked tirelessly to reconcile the differences between the Senate and House legislation.

Of course, I thank my own staff on the HELP Committee, who have spent many a night and weekend with Senator ENZI's staff, other Members' offices, and our colleagues in the House working to come to consensus on the critical policy issues in this legislation.

First of all, I thank our staff director Pam Smith, and I especially want to note the tremendous work done by Jenelle Krishnamoorthy through this last almost 15 months or more, for pulling people together and working on weekends. I don't know how she does it, and she still has time for the twins. It is remarkable, but she does it, and it is done remarkably well, and I thank Jenelle especially for her great leadership.

I also thank Elizabeth Jungman, Bill McConagha, Kathleen Laird, Dan Goldberg, Justine Sessions, Kate Frischmann, Elizabeth Donovan, Frank Zhang, and Evan Griffis.

I also thank our former staff director Dan Smith, who left the committee as staff director a couple of months ago, but he was very much involved in this until the time of his departure.

I also thank the Congressional Budget Office for their knowledgeable and capable team that was willing to work around the clock sometimes to estimate the budgetary effect of the legislation.

We also owe our gratitude to the staff members in the Legislative Counsel's Office—specifically Stacy Kern-Scheerer and Kim Tambor. This bill is a result of tremendous effort by their team to draft and redraft provisions in this measure, as well as address technical issues well into the nights and over weekends. I thank them profusely for their dedication.

This bill's final passage is a victory for millions of Americans who need medicines or medical devices, a victory that would not have been possible without the dedicated work of our Senate family.

The PRESIDING OFFICER. The majority leader is recognized.

SMALL BUSINESS JOBS AND TAX RELIEF ACT—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 341, S. 2237.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 341, S. 2237, a bill to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes.

Mr. REID. Mr. President, I made a commitment to proceed to a 5-year flood insurance bill following the farm bill. We have done that. It is the right thing to do. It is an extremely important piece of legislation. So I have lived up to that commitment. I had hoped the broad support we have for this extremely important bill would allow us to reach an agreement and finish the bill in a relatively short period of time.

As everyone knows, the senior Senator from Arkansas has had some issues with the bill. I have suggested that he have a vote. From talking to my Republican friends, they do not have a problem with that, giving him a vote. Unfortunately, as happens around here more often than I would like, we have not been able to reach agreement because a small group of Republicans is stopping us from doing this.

So my options are really very limited at this stage. I can file cloture and put at risk our ability to complete action on student loans and the Transportation bill. That is what it would do because if I file cloture, we will have to have a cloture vote on this on Thursday. And I would have to file cloture twice because there is the bill and there is the substitute, which everybody agreed was the right thing to do to move forward on the substitute. That is two votes, so at least 60 hours. The flood bill is a very important piece of legislation. It is not something we have to complete the day after tomorrow, but it is something we have to complete a month from now. So do I file cloture and put at risk these important pieces of legislation, meaning the Transportation bill, the student loans—put everything at risk—or I can give supporters of this bill time to try to come to an agreement on limiting the number of amendments.

I really believe the right thing to do is to give the people who want this bill passed, Democrats and Republicans, people who support this extremely important piece of legislation, a day or two to figure out if they can get something done. I hope they can. I honestly do. So I am not filing cloture on this bill as I had really actually contemplated. I hope my Republican friends will work with us to get this bill done.

This is a bill that deals with flood insurance. I have spoken to a number of Republican Senators, including Senator VITTER, who is the person who has spoken out on this more than anyone else, and he acknowledges that there may be a few relevant amendments that we should have on this bill. I do not care. That is fine with me. Let's set up a list of amendments and finish this bill. So I hope we can get that done. I really do. We should not get in a legislative morass on a bill that is extremely important for the country no matter what part of the country you live in. The dry deserts of Nevada, this is an important piece of legislation; the wetlands of Florida and Louisiana, very important piece of legislation. So I hope we can get this done.

Let me just say another word or two. I am very pleased to say that we are close to an agreement to prevent student loan rates from doubling for 7 million young men and women. That would happen at the end of the week. So I appreciate the leadership of President Obama. He has pushed forward on this for a long time. He has given many public statements in this regard. He has been talking to students around the country. He was in New Hampshire yesterday talking to students. They waited in the rain to hear him talk. He has been working with leaders in Congress to ensure that students will not pay the extra $1,000 to get a degree.

I would remind my colleagues, the Republicans, including the Speaker, my friend, were willing to give up on this issue a few weeks ago. We are not willing to give up on this issue. I am glad my Republican colleagues have agreed we should not give up on this issue. We do not want to let the rates double. Leader CANTOR even said Republicans were done legislating. Remember that? But with the President's leadership and our persistence and the help of my valiant Republican friends, we are going to be able, with a little bit of good luck, to protect 7 million students. I hope that is, in fact, the case.

I appreciate the diligent work of the chairman of our committee, Senator HARKIN. Senator JACK REED has worked very hard on this, as have other Senators. I am leaving a few out, but I am certainly not doing that intentionally.

I hope everyone understands the legislative issues we have to work to toward the end of this week. I hope we can get it done. I hope we do not get trapped in one of these Senate procedural bogs where we are going to have to be here Friday, Saturday. You know, I hope we do not have to do that. There is no reason to. We can get all of our work done, but we do need a little bit of cooperation.

The PRESIDING OFFICER. The Senator from Tennessee.

FOOD AND DRUG ADMINISTRATION SAFETY AND INNOVATION ACT

Mr. ALEXANDER. Mr. President, I congratulate Senators HARKIN and ENZI, their staffs, and all who worked for 15 months on this important piece of legislation. I have watched the Senate for a long time—first as a staff member and then as a Senator—and it has always been a little messy and complicated. There are always disagreements. That is the purpose of the Senate, to work out arguments. But over the last few months, this Senate has done a much better job of operating in the way the American people expect us to operate. We are all here to try to get results after we state our positions. This bill especially affects the health and safety of millions of Americans. Almost every American family buys the prescription drugs and medical devices we are talking about in this legislation. I am glad to see this happen for two reasons—one, because of the result, and two, because of the way the Senate has worked. It is a fine example of what I hope to see happen more often.

I also thank the majority leader, Senator REID, and the minority leader, Senator MCCONNELL, for creating an environment in which we could have a large number of amendments, debate, and discussion. I think we all appreciate that very much and want to create an environment in which they can provide that kind of leadership.

I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

LAND GRANT UNIVERSITIES

Mr. ALEXANDER. Mr. President, on Monday, at the Library of Congress, was the 150th anniversary celebration of the creation of land-grant universities and the National Academy of Sciences. The assemblage also took a moment to throw a bouquet to Andrew Carnegie for founding so many free public libraries.

I am on the floor to ask this question: What was in the water in Washington, DC, 150 years ago, in 1862 and 1863? During the 2 years after the telegraph dispatched the Pony Express in 1861, Congress and President Lincoln enacted the Morrill Act creating land-grant colleges, authorized the Transcontinental Railroad—reducing the time for getting from New York to San Francisco from 6 months to 6 days—as well as the National Academy of Sciences, and enacted the Homestead Act. They also agreed on a conscription law with teeth, a National Banking Act, establishing a national currency, a new internal revenue law, and created the Department of Agriculture. To top it off, on December 2, 1863 the last section of the Statute of Freedom was put in place on top of the Capitol dome, with a great celebration.

Mr. President, if I were the Republican national chairman, I might suggest that this transforming burst of governing was simply a matter of turning the government completely over to

Republicans and sending home half of the Democrats. By the end of the 37th Congress in 1863, southern Democratic U.S. Senators could not obstruct any of these laws because their States had seceded from the Union and they could not to vote. According to the Senate Historian, that left 48 Senators voting at the end of that session—27 Republicans, 12 Democrats, and 9 Unionists, oppositionists, or Senators who called themselves the ''know nothings.''

Perhaps this burst of governing came from the energy of a new political party or the brilliance of the new President, Abraham Lincoln, or maybe a Congress that was simply more efficient in those days. The Morrill Act that created land-grant colleges passed both the Senate and House in the same week, in June 1862. The President signed the bill into law 2 weeks later. The National Academy of Sciences was introduced on February 20, 1863. It passed the Senate and the House and was signed by the President all on the same day, March 3. Back in those days, the President would obligingly travel down Pennsylvania Avenue and sit in an office in the Capitol waiting for bills to be brought to him for signature.

Maybe it was a result of the state of the American condition at the time—the absence of a 24-hour media, special interest groups, and instant communication on the Internet. Or maybe it was that Members of Congress had more time to think great thoughts while traveling to the sessions. It would take Senator Sam Houston 6 weeks to travel from his home in Texas to occupy his Senate desk in Washington, DC.

There is no doubt it helped that there was a crisis, the Civil War. Americans have always risen to our best in the midst of a crisis. Making the crisis worse, many thought the new President was incompetent. In January 1863, former Supreme Court Justice Benjamin R. Curtis ''reported general agreement on the utter incompetence of the President. He is shattered, dazed and utterly foolish.'' This is from David Herbert Donald's book ''Lincoln.'' The editor of the Cincinnati Commercial was more explicit when he wrote that President Lincoln was ''an awful, woeful ass. If Lincoln was not a damn fool, we could get along yet.'' The President, in turn, considered many of his generals incompetent. And he and Mrs. Lincoln were suffering a personal crisis at the time, grieving the death of their son, Willie. The war crisis clearly helped to enact transforming legislation in 1862 and 1863. One impetus for passage of the law creating land-grant colleges was to provide military training.

Among the first assignments of the National Academy of Sciences was to find some way to protect the iron hulls of the Union Navy warships from corrosion.

GEN Grenville Dodge told President Lincoln that the Transcontinental Railroad was a ''military necessity,'' even though Representative Justin Morrill, a visionary in other matters, said he saw no need for the railroad to go further than the silver mines in Nevada because it would only be traveling through uninhabited territories.

The war caused the bickering Republicans, who remained in Congress, to pull together. The editor of the Chicago Tribune explained:

> [If we fail], then all is lost. Union, party cause, freedom and abolition of slavery . . . let us first get the ship out of the breakers, then court martial the officers if they deserve it.

Mr. President, it helped to have a crisis.

Unfortunately, the formula for the passage of transforming legislation 150 years ago is not neatly explained as a crisis, plus a brilliant President, plus a high-minded Congress efficiently enacting big ideas developed in Washington, DC. The real story is much more American than that. As has usually been the case, these big American ideas came from outside Washington, they took a long time in coming, and enacting them into law was a long and messy process.

Jonathan Baldwin Turner's address before the Illinois Teachers Institute in 1850 proposed the creation of an ''industrial university'' 12 years before enactment of the Morrill Act. Representative Morrill first introduced the idea in 1857. After much struggle, it passed in 1959, but President Buchanan vetoed it. Two years later, Morrill succeeded. And even though the obstructionist Southerners were gone, eastern and western Republicans argued vigorously over land grants, as well as where the new Transcontinental Railroad should go.

The roots of the National Academy of Sciences can be traced to a group of Cambridge scientists meeting in the 1850s or to earlier philosophical organizations before that or even all the way back to Benjamin Franklin. California entrepreneurs and speculators and politicians—some of them were all three—were the ones who persisted in the 1850s until, in 1862, the Pacific Railroad Act became law.

So the formula for success for these transforming laws 150 years ago was typically American: big ideas bubbling up from around the country, plus entrepreneurial persistence, plus a crisis equals transforming results.

How does that formula apply today to improving the American condition? Well, to begin with, we have a handy crisis. Washington is borrowing 40 cents of every dollar it spends. By this rate, by 2025, every penny of tax revenue will go for Medicare, Medicaid, Social Security, and interest on the national debt, leaving nothing left—unless we borrow more—for national defense, national laboratories, national parks, research, or education. A second crisis, many fear, is that our country will be unable to compete in the future with the emerging Asian economies. So what transforming steps should the United States take to meet these new challenges?

My own view is that rather than creating new institutions, as America did in the 1850s and 1860s, it would be wiser for us to spend our time making the institutions we already have work.

Let me discuss just two examples—first, our basic governmental institutions. The new Foreign Minister of Australia, Bob Carr, a great friend of the United States, expressed recently in Washington, DC, that the United States is one budget deal away from reasserting its preeminence in the world. He means, of course, that the world is watching, actually hoping, that at the end of the year the United States will demonstrate that we actually can govern ourselves by resolving the fiscal mess we have in a way that reforms taxes, controls spending, and reduces debt. We do not need a new government to do this. We need for our newly elected President, whether his name be Romney or Obama, to lead.

President Lyndon B. Johnson's Press Secretary, George Reedy, once defined Presidential leadership as seeing an urgent need, developing a strategy to meet that need, and persuading at least half the people that you are right.

We don't need to change the rules of the United States Senate; we simply need a change in behavior—one that focuses less on playing games and more on getting results. The new Congress, next year's Congress, whether it be Republican or Democratic, must make its goal to dispute, amend, debate, vote upon the President's proposed agenda, and then help the President succeed, because if he succeeds our country succeeds.

We might well remember the words of that Chicago Tribune editorial writer in 1862 who said:

> Let us first get the ship out of the breakers . . . then court martial the officers if they deserve it.

The second institutions we should refurbish and make work are our colleges and universities—all 6,000 of them, not just the land-grant universities that we celebrate this week. Again, we do not need new institutions; we need to reassert the greatness of the ones we have. Our universities, along with our national labs, are our secret weapons for innovation, and innovation is our secret weapon for producing 25 percent of all the money in the world for just 5 percent of the world's population. The list of what it would take to strengthen our colleges and universities is short and mostly agreed upon. First, stop sending home every year 17,000 of the 50,000 international students who graduate from U.S. universities with advanced degrees in science, technology, engineering, and mathematics. Give them a green card and let them stay here to create jobs in the United States.

Next, double funding for advanced research, as the America COMPETES Act, which passed with huge bipartisan

support in the Senate, has already authorized.

Third, repeal the Federal Medicaid mandates that force States to spend money on Medicaid that otherwise would go to higher education. This has resulted in dramatic decreases in State support and increases in tuition to try to maintain quality.

Next, while Congress is repealing the Medicaid mandates, it should literally cut in half the stack of regulations that hampers institutional autonomy and wastes dollars that should be spent on students and research.

Finally, the institutions themselves should look for ways to save money, such as full utilization of facilities during the summer, 3-year degrees for some students, and reforms to teacher tenure.

In the 1960s, Mitt Romney's father, George Romney, offered this advice to the big three Detroit automobile manufacturers:

> Nothing is more vulnerable than entrenched success.

The big three did not pay attention to that advice, and we see what happened. It is good advice for universities today.

In conclusion, I wish to say a word about the Carnegie libraries. My experience is that most ideas fail for lack of the idea; or to put it positively, that a great idea eventually carries itself into reality. Andrew Carnegie's great idea was building public libraries. All of us know of their importance.

I remember when the New York Times wrote an article about me. They said, Mr. ALEXANDER grew up in a lower middle-class family at the edge of the Tennessee mountains. When I called home later that week to talk with my mother, she was reading Thessalonians to gather strength for what she considered to be a slur on the family. She said to me: Son, we never thought of ourselves that way. You had a library card from the day you were 3 and a music lesson from the day you were 4. You had everything you needed that was important.

Andrew Carnegie's gift and the Federal laws 150 years ago creating land grant universities and the National Academy of Sciences and the transcontinental railroad and the Homestead Act all have this in common. They were not command-and-control Federal Government actions from Washington, DC. They were big ideas that, when implemented, empowered Americans to do things for themselves—to travel, to own a home, to educate themselves, and to learn by using a library.

For example, my empowered mother took me to the A. K. Harper Memorial Library in Maryville, TN, when I was 3 years old in order to get my library card. ''Mrs. Alexander,'' the librarian said to her, ''we don't give library cards to 3-year-olds.'' ''Well, you should,'' she said to them. And they did.

So on this anniversary for the congressional enactment of transforming and empowering ideas, there should be more hope than despair. We still have most of the world's great universities. They still attract most of the brightest students from everywhere, insourcing brainpower and creating wealth.

According to a recent Harvard School of Business survey of 10,000 of its alumni on U.S. competitiveness, if you are in business in this country, it is still hard to beat America's entrepreneurial environment, proximity to customers, low levels of corruption, access to skilled labor, safety for people and property, and protection of intellectual property.

We have a remarkable system of government created by geniuses that many countries struggle to emulate. So why not celebrate this anniversary by taking steps to ensure that 25 or 50 or 100 years from now we have even more of the greatest universities in the world?

Let me read exactly what Australia's Foreign Minister, Bob Carr, a friend of the United States, said in his speech in April:

> America could be one budget deal away, in the context of economic recovery, one budget deal away from banishing the notion of American declinism. Think about that, one budget deal, an exercise of statesmanship up the road, in the context of an economic bounce-back and all of a sudden, with energy independence crystallizing, with technological innovation, resurgence of American manufacturing, people who spoke about American decline could be revising their thesis.

So as we celebrate the transforming legislation of 150 years ago, why not take the advice of our friend from Australia? Why not take advantage of our opportunity at the end of this year to enact a budget that will reassert Americans' preeminence in the world?

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

HONORING OUR ARMED FORCES

ARMY MASTER SERGEANT GREGORY CHILDS

Mr. BOOZMAN. Mr. President, as the son of a master sergeant in the Air Force, I grew up in a family that had values rooted in military tradition and patriotism. But you certainly don't have to be from a military family to love our country. We are encouraged to have a sense of American pride in our daily lives.

I remember reciting the Pledge of Allegiance and singing patriotic songs that reflect the love of our country. Students continue to do this and to learn these values passed down from generations of Americans before them. We have special days that recognize the people and symbols important to our country.

Two weeks ago, we celebrated Flag Day and next week we celebrate Independence Day. The 3 weeks between these patriotic holidays is known as Honor America Days. You most likely won't find these on your calendar, but Congress established these days and adopted it into the U.S. Code to encourage gatherings and activities that celebrate and honor our country.

While these days are not widely recognized, one of the ways Americans demonstrate our devotion to our country is by supporting our men and women in uniform. These troops have made enormous sacrifices to defend our country and our interests across the globe. These heroes are shining examples of the spirit, commitment, and bravery of our Nation.

During my time in Congress, I have had the opportunity to travel and meet with our troops across the globe and thank them personally for their sacrifices to make our world a better place. These men and women are always in my thoughts and prayers. I thank our military personnel and our veterans for their valued service and offer my sympathy to those families whose loved ones have given their all in defense of our Nation.

This includes the family of Arkansas soldier Army MSG Gregory Childs. Master Sergeant Childs died on May 4, 2012, while serving in Afghanistan in support of Operation Enduring Freedom. His family and the community of Warren, AR, paid their respects to Master Sergeant Childs, a father, a son, a brother and a friend, in a very moving ceremony.

Master Sergeant Childs graduated from Warren High School in 1992. He considered it an honor to serve his country in the military. For 20 years he served his country in locations around the globe, from Bosnia, Germany, Colombia, and two tours in Afghanistan. He excelled through the ranks of the Non-Commissioned Officer Corps and earned one of the highest ranks he could attain.

I ask my colleagues to keep his family—especially his young daughter Kourtlan—and his friends in their thoughts and prayers during these difficult times. I humbly offer my appreciation and gratitude to this patriot for his selfless sacrifice.

As the home to literally thousands of active-duty military personnel and even more veterans, Arkansas has experienced more than its share of grief and sacrifice for loved ones who serve our country. Our State has a rich history of service to our Nation. Troops stationed in Arkansas have served our country honorably even before it was admitted to the Union. Our men and women have always been willing to do their part to serve and to protect. Our troops stationed in Arkansas and our military facilities at the Little Rock Air Force Base and the 188th Fighter Wing are some of the best assets in our military. Arkansans' active-duty personnel and National Guardsmen have time and again proven their dedication, perseverance, and commitment to excellence in defending this country.

As we plan our Independence Day celebrations, let us remember the service men and women who embody the

ideals that make our country great. I know my fellow Arkansans share my gratitude and appreciation for our military personnel and their families who sacrifice at home while their loved ones are away.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

SYNTHETIC DRUG AND PDMP AMENDMENTS

Mr. PORTMAN. Mr. President, I rise to talk about a couple of amendments that were included in the legislation we voted on here this afternoon in the Senate. I am speaking of the Food and Drug Administration legislation. That legislation included two very important amendments that deal with combating legal drug abuse here in this country.

I want to start by thanking my colleagues, Senators SCHUMER, KLOBUCHAR, GRASSLEY, and ENZI, for helping to develop and promote this legislation over many months. The legislation addresses what is called synthetic drugs. I also want to thank them for helping see it through to passage as an amendment today.

Senator GRASSLEY actually shared with me a story a few weeks ago of a young man from Iowa, David Mitchell Rozga, an 18-year-old, who sadly took his life after using this synthetic drug known as K2, or spice. It is synthetic marijuana. He had purchased it legally at a local shopping mall.

In recent weeks, we have seen lots of news accounts of some of the savage acts committed by people high on these synthetic drugs, such as the widely reported cannibalism in Miami, FL. I saw today another horrible story about another man in Waco, TX. We have seen lots of deaths reported in my home State of Ohio due to synthetic drugs. Very recently we had a report of the Columbus, OH, police having to shoot two men who were high on what are called bath salts. One was shot fatally. There is synthetic marijuana out there, but also synthetic stimulants and synthetic hallucinogens. Unfortunately, people don't know they are dangerous because they are not illegal. So we need to act and act now, and we are doing so through this legislation today.

As I said, one of the drugs is called spice. It sounds like an ingredient you would find in a kitchen, something benign you would find on a shelf somewhere. The same with bath salts. Unfortunately, they are not benign at all. They are not what you think they are. They are dangerous compounds that can cause tremendous devastation, and we need to be sure we get the word out.

Users are led to believe they are getting a legal version of something that mimics marijuana, cocaine, LSD, or any other illegal street drug that is under what is called Schedule I of the Federal Food and Drug Administration. This means they are illegal drugs. But because these synthetic drugs are legal, again, users think they are safe. But they produce adverse reactions that are truly unexpected and sometimes bizarre. And like the street versions that are on Schedule I at the Federal level, the Drug Enforcement Agency and the FDA have both concluded none of these drugs has any currently accepted medical use in treatment in the United States.

It seems to me it is appropriate for us to list them under Schedule I. And again, that is what the Senate did today, following the House of Representatives. Because they are legal, they are accessible, particularly on the Internet. I have Googled a number of them, including K2, and it is alarming to see how easy it is to purchase them and how they are advertised. It is time to put them on Schedule I, just like street drugs, and by doing so we give the DEA the ability to prevent these drugs from being distributed or imported into the United States, and also allows them to pursue the manufacturers of these drugs.

A lot of families have suffered from synthetic drugs, and sometimes those families come to me. I have done a lot of work over the years in prevention and education of substance abuse. I started a coalition back home that continues to do great work in the greater Cincinnati area. I have been involved in encouraging community coalitions around the country, and I am hearing more and more about these synthetic drugs. Families come to me because they are hoping something positive will come out of the tragedies they have experienced; that the word will get out through these tragedies and other young people and adults won't lose their lives.

I heard one such story in the Senate about the family of Caleb Tanner Hixson in Riceville, TN.

Tanner was a student at Lee University in Cleveland, TN, majoring in exercise and health science. After graduating, he wanted to study for an advanced degree in physical therapy. Besides studying in that field, he was an avid athlete and outdoorsman. He had played competitive baseball his whole life, and he was also into hiking and canoeing. But all that promise was cut off on March 8 of this year when Tanner died as a result of a cardiac arrest after ingesting alcohol and a synthetic drug at a party in Chattanooga, TN. He was 22 years old. That drug is easily purchased on the Internet. In fact, it is identified on the Internet as being a ''research chemical.''

His cousin, Brandi White, was the one who told me about this incident on the Senate floor. Brandi actually works in the leadership office. I appreciated her sharing this story with me, and my heart goes out to her family. She said she called Tanner's mom to tell her about the legislation when we got it onto the bill, and she called her again today to tell her the legislation had passed. Although it is little comfort when you have lost a son, it is some comfort. I appreciate the fact that her family was willing to share that story so that other young people will not make that same mistake.

This legislation puts these dangerous drugs on what is called schedule I. We don't want one more young person to make one more bad decision and to die or have a serious health problem as a result of thinking these synthetic drugs are safe because Washington hasn't put them on the list to tell people they are unsafe.

If we want to do right by the safety and health of our children as well as our communities, closing this loophole, of course, was just something commonsense—and, by the way, something bipartisan, along the lines of what my colleague said earlier about how we ought to be operating in the Senate.

I am also proud to see bipartisan support for passage of another amendment today. This is legislation that I introduced with Senator WHITEHOUSE along with Congressman HAL ROGERS from Kentucky. This deals with the prescription drug problem we have. There is a prescription drug abuse problem throughout the country, but in Ohio we have been hit hard. One of the issues I found in going to a townhall in southern Ohio was the fact that the State prescription drug monitoring programs couldn't communicate and operate across State lines.

I did a townhall where Director Gil Kerlikowse of the Office of National Drug Policy kindly came to Portsmouth, OH, about 1 year ago in July 2011, which is in southern Ohio on the banks of the Ohio River, an area that has been in the center of prescription drug abuse and interstate drug trafficking. It is also right across the river from Kentucky and right near West Virginia, so it is an interstate area.

Prescription drug abuse has devastated the county in which Portsmouth sits, Scioto County, as well as other counties in the area. But because of the hard work of family members, community leaders, and Federal, State, and local law enforcement, there has been some momentum and we are beginning to turn things around. Pill shops are being closed. One critical tool they told me they needed was prescription drug monitoring programs that could work across State lines. This is a database that a lot of States use to monitor prescription drug abuse so when someone goes to ask for a prescription, the person responsible for implementing the program or someone at a pharmacy or a doctor knows what prescriptions this person has already received. These are very effective programs.

Forty-eight States have them, one territory has it, and they work well within the State but they don't communicate well within the States, between each other. Again, in a place such as Scioto County, where we have interstate traffic, this legislation will now protect our community and ensure that if someone gets a prescription in Ohio and then goes across to Kentucky to fill it once they have reached their

limit in Ohio, that there will be a monitoring program and a database available. So it succeeds by getting States' different programs to work together securely, reliably, and efficiently.

I would also like to thank the Alliance of States with Prescription Monitoring Programs, which has played a pivotal role in promoting national interoperability standards.

These are examples where the Senate acted to try to make our communities safer and to help ensure that young people can achieve their God-given potential. Working together, we have been able today to help ensure the health and well-being of our communities.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNET). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DURBIN. I ask unanimous consent the Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

FREEDOM OF INFORMATION ACT

Mr. LEAHY. Mr. President, on July 4, the Nation will celebrate the 46th anniversary of the enactment of the Freedom of Information Act, FOIA. The ''right to know'' is a cornerstone of our Democracy. For five decades, Americans have counted on FOIA to help shed light on the activities of their government.

As we reach this important milestone, there are many victories to celebrate. This week the Senate will enact the Food and Drug Administration Safety and Innovation Act, which includes important language that I helped craft to protect the public's ability to access information under FOIA. Section 710 of that bill will allow the Food and Drug Administration, FDA, to obtain information about drug inspections and drug investigations undertaken by foreign governments, while at the same time ensuring that the American public has access to information about potential health and safety dangers. I thank Senators HARKIN and ENZI and the many open-government and consumer groups—including OpenTheGovernment.org and Public Citizen—who worked with me to enact this FOIA provision.

Last year the Senate unanimously passed the Faster FOIA Act, a bill that I cosponsored with Republican Senator JOHN CORNYN. This legislation would create a bipartisan panel of government and outside experts to make recommendations on improving the FOIA process. Sadly, despite the overwhelming and bipartisan support for this good-government legislation, this bill has been languishing in the House of Representatives for almost a year.

During the 3 years since President Obama made a historic commitment to restoring the presumption of openness in our government, the Obama administration has also taken steps to strengthen FOIA. I especially want to commend the Office of Government Information Services—and the inaugural Director of the OGIS, Miriam Nisbet—for working with the Environmental Protection Agency and the Department of Commerce to develop an online FOIA Module designed to help agencies better meet their requirements under the FOIA. This new FOIA program reaffirms the President's commitment to transparency in our government and will make government information more accessible to the American people.

While these and other FOIA accomplishments give us good reasons to celebrate, many other threats to the public's right to access information under FOIA remain. In the coming weeks the Senate is expected to consider several legislative exemptions to FOIA in relation to cybersecurity legislation. As this legislative process unfolds, I intend to work with Members on both sides of the aisle to ensure that the American public's ability to access information about threats to their health and safety in cyberspace is protected.

Securing our Nation's critical infrastructure information is a pressing national priority. So, too, is protecting the rights of Americans to know what their government is doing. We must strike a careful balance between security and openness in our cybersecurity policies. The anniversary of FOIA's enactment provides a timely reminder of just how important it is for the Congress to get that balance right.

As I have said many time before, open government is neither a Democratic issue, nor a Republican issue—it is truly an American value and virtue that we all must uphold. It is in this bipartisan spirit that I will continue to work to fulfill FOIA's promise of openness in our government and that I join all Americans in celebrating the 46th anniversary of the Freedom of Information Act.

TRIBUTE TO THE U.S. ARMY INTELLIGENCE COMMUNITY

Mr. McCAIN. Mr. President, it is my distinct privilege to honor the outstanding men and women who have made lasting contributions to U.S. Army Intelligence over the years. On July 1, 2012, MG Gregg C. Potter, commanding general of the U.S. Army Intelligence Center of Excellence and Fort Huachuca, will officially recognize the 50th anniversary of the founding of the Military Intelligence Branch and the 25th anniversary of the Military Intelligence Corps at Fort Huachuca, AZ. This is a momentous occasion, and I congratulate all Army intelligence professionals—soldiers and civilians alike—on these distinguished achievements.

Timely and accurate intelligence information has always been critical to the success of our Armed Forces on the battlefield. Across all intelligence disciplines, Army intelligence professionals have collected, analyzed, and supplied this vital information to commanders at all levels—from the tactical to the strategic. The intelligence information they supplied has directly contributed to winning our Nation's wars and to saving lives. Army Intelligence professionals have carried out this mission with great courage, devotion, and skill since we declared our independence 236 years ago. We recognize this legacy and look forward to Army intelligence's continued success and service to our country in the future.

Two critical events shaped the Military Intelligence Corps into the organization that exists today.

On July 1, 1962, the Secretary of the Army signed a general order authorizing the creation of the Army Intelligence and Security Branch. With this authorization, all Army intelligence soldiers, including regular Army and Reserve officers, were placed into a distinct branch. It ended the practice of detailing officers from other branches into intelligence positions and facilitated the professionalization of the intelligence field. By establishing a branch equal to all others, the Army recognized the critical importance of military intelligence.

On July 1, 1987, the Military Intelligence Corps was activated at Fort Huachuca. With the activation of the Corps, all Army intelligence professionals, regardless of their discipline, were symbolically bound together into one unified organization under the U.S. Army Regimental System. Since its activation, the unity of purpose and mission of the Military Intelligence Corps has remained vital to the success of the Army.

Today, the U.S. Army Intelligence Center of Excellence at Fort Huachuca is the home of military intelligence. Every year, the center trains approximately 20,000 students in the intelligence field, including initial military training, professional military education courses for all ranks and intelligence specialties, mobile training teams, and foreign military students.

I am immensely proud of the men and women in the U.S. Army intelligence community. They work tirelessly to protect our Nation and deserve our deepest gratitude for the sacrifices they have made. As indicated by their motto ''Always Out Front,'' Military intelligence will remain a critical element of the readiness of our Armed Forces.

Again, congratulations on this proud occasion.

GUN SAFETY

Mr. LEVIN. Mr. President, our Nation reached an important milestone over the past few years. In 2010, according to a recent report by the Violence Policy Center, motor-vehicle-related fatalities dropped to their lowest level in decades, a 72 percent decrease in deaths per miles traveled from 1966 levels. But not all of the report's findings are encouraging. While our roads have become safer, other aspects of American life have become more dangerous. Over that same period, firearm-related deaths steadily increased around the country. In fact, in 2009, firearm-related fatalities exceeded motor vehicle fatalities in 10 States, and current trends indicate that firearm violence statistics are only getting worse. Congress has the ability to protect lives with commonsense safety legislation, just as it did with motor vehicle safety measures. But it has recently lacked the will.

In the 1960s, this Nation confronted a public health crisis on its streets and highways. Over 40,000 people died from motor vehicle crashes in 1960 alone. A 1999 study by the Journal of the American Medical Association found that from 1960 to 1966 this crash death rate ballooned from 49.2 to 55 deaths per billion miles of travel. In response, Congress took action by creating the National Highway Traffic Safety Administration, NHTSA, which it charged with the responsibility of developing and implementing vehicle safety initiatives.

In the decades since, the NHTSA has spearheaded numerous efforts that have saved and will continue to save countless lives. Today, we take things like vehicle head rests, energy-absorbing steering wheels, shatter-resistant windshields, and seat belts for granted. We expect our roads to have clearly delineated lanes, guardrails, and adequate lighting. But many of these things would not exist if Congress hadn't taken action to protect the public from the dangers of unregulated motorways.

Just like congressional action made our roads safer, countless studies have shown that commonsense gun safety legislation would protect our homes, our schools, and our families from violence. According to the Centers for Disease Control, in 2009, guns killed more than 30,000 Americans and injured over 65,000. But despite these statistics, Congress has done little to address this public health crisis. Today, almost anyone, including convicted felons or the mentally ill, can walk into a gun show and buy a firearm from a private dealer without any background check. Others can walk into a gun shop and walk out with military-style assault weapons and high-capacity ammunition magazines, weapons with no sporting purposes.

Legislation has been introduced in this Congress that would address both of these issues and would make our society safer. I am a cosponsor of the Gun Show Background Check Act of 2011, S.35, and the Large Capacity Ammunition Feeding Devices Act, S.32, bills that would close this gun show loophole and prevent the sale of military-style ammunition cartridges. Congress should take up and pass these measures. We should act, like we did in the 1960s, to protect American lives with commonsense safety legislation. The price of doing nothing is just too high.

BRINGING JUSTICE TO UGANDA

Mr. COONS. Mr. President, the war crimes of Joseph Kony and the Lord's Resistance Army, LRA, are well documented. For two decades, they have terrorized Uganda and its neighbors in central Africa, tearing apart families and demolishing whole villages. Their war crimes are unspeakable, and Joseph Kony and other leaders of the LRA must be held accountable.

As chair of the Senate Foreign Relations Subcommittee on African Affairs, I partnered with Senator JIM INHOFE to introduce S. Res. 402, a bipartisan resolution condemning the crimes against humanity committed by Joseph Kony and the LRA, supporting ongoing international efforts to remove Kony from the battlefield, and calling for the United States to continue to enhance its mobility, intelligence, and logistical support of regional forces protecting civilians and pursuing the LRA.

The most important thing about this resolution is not that it has earned the support of 46 Senators of both political parties nearly half the Senate. What is most important is that this resolution has earned the support of 215 citizen cosponsors, individual Americans who felt compelled to speak out against Joseph Kony and stand with the President and the international community in their work to bring Kony and his top lieutenants to justice.

In an unprecedented wave of grassroots engagement, thousands of young Americans were inspired to take action by a powerful video released earlier this year by Invisible Children, a California-based nonprofit organization. This video was viewed more than 100 million times in just under a week, making it the most viral video in history. Yet young people all over this country did more than just watch they took action. They called and wrote their elected officials, they posted on Facebook and Twitter, and their voices were heard.

Although many of us in the Senate have been working on issues related to Joseph Kony and the LRA for years, hearing directly from so many of our constituents has renewed our focus and our commitment. It has been decades since we have seen such intense engagement from young Americans on a humanitarian situation in Africa, making this a critical moment to recognize and sustain.

Mr. President, I ask that the CONGRESSIONAL RECORD reflect the names of each of the 215 Americans who have signed on to S. Res. 402 as citizen cosponsors and thank each of them for standing with members of Congress, the President, and the international community as we work toward bringing Joseph Kony and his top commanders to justice.

List of names: The List follows:

Eugene Kim, Diane Delaney, Richard Behenna, Joann O'Reilly, Wanda Miller, Michelle Comfort, Rachel Breaux, Kourtney Harper, Daimian Dunn, Mary Claire Smith, Shea Grubbs, Tamara Kaiser, Shannon Wheeler, Sheila Janca, Laura Cordovano, Kenny Allen, Maureen Strazdus, Karen Gillis, Katie Nuber, Alex Gernert, Lucas Chizek, Susan Tuberville, Danielle Neuman, Greg Simpson, Lindsey Williams, Cydnie Daniel, Jan Carr, Sarah Langlois, Christine Turo-Shields, Heidi Nelson, Erin Kenna, Spenser Hooks, Emily Gneiser, John Parkhurst, Paul Claus, Diane Adams, Lindsay Katai, Andrew Towarnicky, Phillip Teel, Debra Niederschulte, Elana Katz, Priscilla Brown, Rachel Whisenant, Austin Martino, Cheree Miller, Briana Arensberg, Tiffany Luu, Mike Boucher, Abigail Rings, Nicholas Blake, Melanie Lopez, Emily Poley, Mary Louise Bannerman, Leah Schult, Sandi Jean, Stephanie Carroll, Gwyn Seltzer, Lillian Grace Walton, Jayme Collings, Angus Dupee, Karl Nielsen, G. Morgan Timmis, Christopher Walton, Andrya Ryan, Laura Vandivort, Mary Ann Mastrolillo, Lena Dupee, Nikkolette Dykstra, Anna Kuralt-Fenton, Paige Weber, Zachary Landrum, Kathy Stracke, Sara Schlussler, Carol Gernert, Emmanuel Ojobaro, Jessica Lapsley, Kara Sewall, Autumn Nyagaya, Daniel Sherier, Amber Gonzalez, Alice Jo Cargo, Jane Ziegler, Jane Coufal, Nicola Archibald, Victor Pulido-Rojas, Bailey Cox, Kevin Weidert, Nicole Tacker, William Mattheis, Jessica Nicholson, Connor Regan, Susan Bjelajac, Nicole Munger, Dave Stracke, Spencer Dove, Lynette Heinz, Adam Webb, Hillary Granier, Patricia Camacho, Janine Kramer, Tracy Frank, Ricky Hankies, Michelle Benzenhoefer, Susan Pullen, Sadie Stone, Dawn Hendrickson, Terie Fightmaster, Vickie Myers, Marcel Adams, Alicia McClain, Claire Whillans, Jordan Garrett, Sierra Stahl, Pedro Manancero, Andrea Timberlake, Jessie Garrett, Brynn Doherty, Brittany Dunn, C. Reid Johnson, Angela Underwood, Kate Haselhoff, Rebecca Dale, Grace Rogers, Allana Alexander, Andrew Stanek, Kevin Febus, Amy Gernert, Melissa Franklin, Erik Nielsen, Tyler McDaniel, Stephen Mulrine, Wendy Atkins, Samantha Foster, Dean Ober, Jade Thiraswas, Danielle Discepoli, Carolyn Hunter, Andrea Forney, Brenna Garman, Emily Dimaio, Christopher Kleinsmith, Andrew Bruner, Michele Widd-Williams,

Mary Thomas, Lisa Dougan, Alejandra Rios-Gutierrez, Elena Adlon Place, Peter Moosman, Kaylee Galvez, Nicole Eneff, Annette Hearing, Nathan Keller, Eva Posner, Latrisha McGhee, Christina Harrington, Joshua Hampton, Noah Eckstein, D.J. Morgan, Maryanne Rieder, Katherine Sasser, Jaclyn Licht, Robin Uribe, Jonathan Main, Ian Koski, Kaitlyn Scott, Brett Stauner, Dawn La Bounty, Deepan Rajaratnam, Sarah Henn, Jaquelyn Musselman, Charles Coats, Vanessa Walters, Chelsie Asher, Daniel Underwood, Chandler Kemp, Matthew Bowen, Margo Cowan, Joseph Denny, Harrison McIntosh, Drew McKinnie, Jesse Jimenez, Nancy Floeter, Kimberleigh Allen, Jamie McKay, Amos Allen, Toni Glaess, Shayleen Kurtz, Matthew Gaby, Lucas Neuman, Danny Couto, Kathleen Barnett, Debra Zens, Micah Aumen, Sarah Lake, Maxim Gantman, Jonathan Rakofsky, Noelle Quanci, Jordan Green, Neil-Brian Samen, Annamarie Reese, Jeffrey Man, Willard Williams, Tammy Brown, Noor Tozy, Daniel Smith, Grace Bennett, James Daley, Akshay Chalana, Leisa Thompson, Carol Maynard, Casey Gordon, Christopher Hays, Earnest Miller, Carol Lee Saffioti-Hughes, Alan Solinger, Carol Solinger, Peter Russell, Michael Reed, Zachary Patten, Dustin Davis.

ADDITIONAL STATEMENTS

SACO, MAINE

• Ms. COLLINS. Mr. President, today I wish to commemorate the 250th anniversary of the City of Saco, ME, one of the oldest communities in New England and one that exemplifies the determination and resiliency of its people. In 1617, 3 years before the Pilgrims landed at Plymouth, the English explorer Richard Vines established a test winter settlement along a sheltered cove on the coast of Maine. That settlement where the Saco River meets the sea, grew, prospered, and eventually was incorporated in 1762.

The name ''Saco'' is derived from the Abenaki word for ''mouth of the tidal stream,'' and the sheltered cove, known today as Biddeford Pool, had been a thriving center of Native American villages and cultivated fields dating back to prehistoric times. Although some 37 English families—fishermen, traders, lumberjacks, and farmers—relocated there within 20 years of Mr. Vine's exploration, growth was stifled by frequent armed conflicts with the French during those early colonial times.

The conflicts subsided and in 1716 a young merchant named William Pepperrell purchased 5,000 acres along the Saco River for a lumber operation. The small village began to prosper. In 1752, Sir William Pepperrell, by then a war hero and the first person born in America to be made an English baronet, donated a parcel to be a village common, burial ground, and site for a meetinghouse. Ten years later, the settlers incorporated as the town of Pepperrellborough, in honor of their benefactor.

In 1805, the long name was replaced with the much shorter Abenaki word, but the vision and energy of William Pepperrell lived on. First with water power and then with steam, Saco and its sister city across the river, Biddeford, became leading manufacturing centers of the industrial age in North America. At Saco Falls, 17 sawmills supplied Maine's shipbuilders. On Factory Island, Saco Iron Works opened in 1811, followed shortly by foundries, harness makers, and machine shops. With the arrival of the railroad came the great engine of the community's economy—vast, bustling textile mills.

That Saco is a city built by the skilled hands of past generations is evident in the fine architecture cherished by the residents of today. Nine properties are listed on the National Register of Historic Places, including the First parish Congregational Church, City Hall, and many homes in the Georgian, Federal, Greek Revival, and Victorian styles.

The decline of American manufacturing in the late 20th century presented Saco with one of the greatest challenge in its history. It is a challenge that is being met with the same strength demonstrated by its early settlers. The abandoned mills on Factory Island are undergoing a transformation with residential, educational, and business uses, bringing an economic renessaince to the downtown. Today, Saco is a center for tourism, education, and the arts. Its skilled workers keep the city on the forefront of high-tech manufacturing, including invaluable contributions to our Nation's security in the defense industry. A community that once used waterfalls to power sawmills now uses clean, renewable wind energy to light its beautiful passenger rail station.

Mr. President, the yearlong celebration now underway is not merely about the passing of time. It is about human accomplishment. We celebrate the people who for more than 2½ centuries have pulled together, cared for one another, and built a great community. Thanks to those who came before, Saco, ME, has a wonderful history. Thanks to those here today, it has a bright future.•

RECOGNIZING THE GEORGIA PEANUT COMMISSION

• Mr. ISAKSON. Mr. President, today I wish to honor in the RECORD the 50th anniversary of the Georgia Peanut Commission.

In 1961, the Georgia Agricultural Commodity Commission for Peanuts was established under the Commodities Promotion Act. The Commission conducts programs in the areas of promotion, research and education, and it is funded by peanut producers.

Today, the Commission represents over 3,500 peanut farmers in our great State of Georgia who produce nearly half of our nation's peanuts. The Georgia peanut industry contributes an estimated $2 billion to our State's economy and provides more than 50,000 jobs, making it a vital component to the citizens of our State.

Georgia peanuts are simply delicious, and the Georgia Peanut Commission sends my Senate office and other Georgia congressional offices lots of its signature little red bags of Georgia peanuts to give out to our constituents. In fact, the Georgia Peanut Commission distributes an impressive 2 million bags of Georgia peanuts far and wide each year.

I am proud to honor the Georgia peanut industry, which is critically important to our State and Nation, and I congratulate the Georgia Peanut Commission on its 50th anniversary.•

EUREKA, SOUTH DAKOTA

• Mr. JOHNSON of South Dakota. Mr. President, today I wish to recognize the 125th anniversary of the founding of Eureka, SD. Eureka is a town with a remarkable history deeply intertwined with the State of South Dakota and the country at large.

At its founding in 1887, Eureka was merely the end of the line for one section of the Chicago, Milwaukee, and St. Paul Railroad, but its bountiful water supply and strategic location between Bismark, ND and Pierre, SD assured that within just 5 years it would become the largest primary wheat shipping point in the entire world. It also became a haven for ethnic Germans who fled the oppression of Czarist Russia, a cultural heritage which is proudly maintained today. During World War II, Eureka again proved its worth to the country, as its proud farmers worked hard to make sure America's Armed Forces overseas were well fed.

More modern town heroes include Kathryn Schulkoski, who served as the town's librarian for 42 years, and whose name is now borne by the library she dedicated her life to. The town has produced nationally known figures as well, including Al Neuharth, founder of USA Today, and Marlene Hagge, a founding member of the LPGA and inductee to the World Golf Hall of Fame.

Today, Eureka keeps its heritage alive with events such as the annual Schmeckfest, first started by the town's Germans from Russia chapter in 1987, which continues to be a major draw for visitors; the Eureka Pioneer Museum, which gives visitors a wonderful look at the town's history and features a famous 37 foot tall wheat stalk statue; and of course kuchen, the delicious pastry dish which, after successful lobbying by the town, became the official dessert of the State of South Dakota.

Eureka will celebrate its quasquicentennial with carnivals, a parade, concerts, and a fireworks display

over Lake Eureka. These events will bring the town's residents together and remind them of their long and rich history.

Once again, I congratulate Eureka on reaching this milestone and all it has accomplished in the process. I also join its residents in believing that the town's best days lie ahead.●

ORIENT, SOUTH DAKOTA

● Mr. JOHNSON of South Dakota. Mr. President, today I wish to pay tribute to the 125th anniversary of the founding of Orient, SD. Orient is a warm and tight knit community, and residents are proud of their town's legacy of accomplishment. The people of Orient will be celebrating the quasquicentennial anniversary of their community on the weekend of July 6–8.

Orient was founded when a small group of Civil War veterans moved westward in hopes of establishing their own town in the Dakota Territory. Having fought in the Battle of Gettysburg, they originally hoped to name their new home Gettysburg, but soon realized that a town by that name was located less than three miles east. Although the exact origins of the name Orient are unknown, it is believed that Donald McKary and L. J. Jones decided on the final name for the nascent town. Orient was officially recognized as a town on October 3, 1887.

Orient flourished as a result of the railroad that ran through the town at the time of its founding. In its first years as a small, vibrant community, it rightfully earned the nickname, ''The Metropolis of the Great Ree Valley.'' Early Orient was home to its own literary society, singing school, attorney, drug store, and many other small businesses, including the town newspaper, ''The Weekly Pioneer.'' The hardy community weathered many challenges, including fires, tornadoes, and some of the most severe blizzards in American history, but through these obstacles, Orient remained optimistic and determined.

Residents of Orient plan to commemorate their town's anniversary with a weekend of events, including a school reunion, parade, softball tournament, and dance. The celebration will also include digging up the 1987 Time Capsule, buried on the centennial anniversary of Orient's founding, as well as a reflection of ''Life in Orient,'' which will bring together residents of the town from 25, 50, and 75 years ago.

Orient was founded by a coalition of veterans, dreaming of a friendly and energetic community they could call home. To this day, that legacy lives on, and towns like Orient represent the foundation of South Dakota, embodying the values our State holds dear. I am proud to congratulate the people of Orient on reaching this historic milestone.●

REMEMBERING OLIVER BROWN WOLF

● Mr. JOHNSON of South Dakota. Mr. President, today I wish to recognize Oliver Phillip Brown Wolf, a World War II veteran of the Cheyenne River Sioux Tribe in South Dakota. Brown Wolf passed away on May 28, 2012. The community of Eagle Butte, SD and the Cheyenne River Indian Reservation has lost a war hero and friend.

Oliver Brown Wolf was born on February 4, 1924 in Ziebach County, SD. At the age of 18 years old, Oliver enlisted in the United States Army in 1943 and served during World War II. Brown Wolf was a part of the U.S. Army 42nd Infantry Division and served as infantry scout and was involved in the liberation of the Dachau Concentration Camp. Oliver received three Bronze Stars for his service in World War II and was honorably discharged in March of 1946.

Oliver Brown Wolf continued his service as an appointed tribal veterans service officer for the Cheyenne River Sioux Tribe, which he held for more than 25 years. Brown Wolf also was a member of the American Legion Post #308 and the Veterans of Foreign Wars. Oliver dedicated his life to ensuring that veterans received the honor and recognition that they deserved for their military service.

Throughout his life, Oliver was also committed to his culture and his family. Oliver was a member of many cultural organizations on the Cheyenne River Indian Reservation. He enjoyed sharing his Lakota way of life with the community. Oliver played a vital role in starting a cultural center and the International Sundance for the community.

Oliver Brown Wolf's family is very proud of his service to his country, tribe, and fellow veterans. This untiring service will surely be missed by those who had the opportunity to meet and work with Oliver. At the center of each Tribal community, strong leaders are present to provide guidance and advice, and the Cheyenne River Sioux Tribe certainly benefited from Oliver's contributions.●

TRIBUTE TO GARY AND MARSHA TANKENOFF

● Ms. KLOBUCHAR. Mr. President, today I wish to pay tribute to a truly remarkable couple from my home State of Minnesota, a husband and wife who have gone above and beyond in their dedication to the causes of justice, equality and opportunity.

Over the years, Gary and Marsha Tankenoff have poured their time and energy into a wide range of community-oriented causes, from religious organizations to educational institutions. The strength of their commitment to Tzedakah is matched only by the depth of their devotion to one another.

Through the Tankenoff Families Foundation, Gary and Marsha have touched the lives of countless Minnesotans. They are a shining example of the way we in Minnesota have always come together to lift up our neighbors in need.

As a family of strong Jewish faith, the Tankenoffs have been a driving force behind the Minneapolis Jewish Federation, the Jewish Community Relations Council and Herzl Camp. They are active members of Minnesota's Jewish community and tireless advocates for the core causes and values of their faith.

Minnesota is a more decent, inclusive, and forward thinking State because of people like Gary and Marsha Tankenoff.●

EUREKA, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I wish to recognize Eureka, SD. The town of Eureka will commemorate the 125th anniversary of its founding this year.

Platted on October 3, 1887, at the ''end of the track,'' Eureka began as a railroad town. As was common in the area, Eureka was founded primarily by Russian-German immigrants, who learned to adapt and survive in the harsh and unsettled State of South Dakota. These steadfast settlers dealt with severe weather from blizzards to droughts.

With determination, the settlers built a strong agricultural economy. In the late 1890s, it was often called the Wheat Capital as it was one of the world's largest inland wheat centers. In 1892, more than 3,300 train cars of wheat from 35 elevators and warehouses were exported from Eureka. In 1977, a strain of wheat was even named Eureka in honor of the town. Today Eureka takes pride in its beautiful recreational opportunities and its active and engaged community.

Eureka has been a successful community for the past 125 years, and I am confident it will continue to serve as an example of South Dakota values and traditions. I would like to offer my congratulations to the citizens of Eureka on this landmark occasion and wish them continued prosperity in the years to come.●

FULTON, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I wish to recognize Fulton, SD. The town of Fulton will commemorate the 125th anniversary of its founding this year.

Fulton sits in the northwest section of Hanson County and became a town in June of 1887. Originally part of the Great American Desert, Fulton began as a railroad town during the early days of Dakota Territory. The first settlers in Fulton withstood numerous hardships such as troublesome horse thieves, prairie fires, and the devastating blizzard of October 14, 1880, whose sudden and devastating force tied up the railroad service and marooned every settlement in the area.

Fulton prides itself on its excellent pheasant hunting and fertile farmland. The area was described by an early surveyor as ''an attractive place to one seeking a good farm or a pleasant home,'' and Fulton still maintains that appearance today.

Fulton has been a successful community for the past 125 years, and I am confident it will continue to serve as an example of South Dakota values and traditions. I would like to offer my congratulations to the citizens of Fulton on this landmark occasion and wish them continued prosperity in the years to come.●

MONROE, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I wish to recognize Monroe, SD. The town of Monroe will commemorate the 125th anniversary of its founding this year.

First known as Warrington, Monroe was named after the fifth President of the United States, James Monroe. The first settlers, predominantly German and Dutch, came to Monroe to build a community for their children and future generations.

Most settlers lived in sod houses and relied on agriculture because the land was fertile. As did many young communities during that time, Monroe felt more than its fair share of hardships, including a fire that destroyed many businesses on Main Street in 1915. With hardships, there also came success. With community cooperation, the tenacious town rebuilt and now celebrates 125 years of hard work and dedication.

Monroe has been a successful community for the past 125 years, and I am confident it will continue to serve as an example of South Dakota values and traditions. I would like to offer my congratulations to the citizens of Monroe on this landmark occasion and wish them continued prosperity in the years to come.●

ORIENT, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I wish to recognize Orient, SD. The town of Orient will commemorate the 125th anniversary of its founding this year.

Orient was platted on October 3, 1887. Known as the southern terminus of the Roscoe and Orient branch of the Chicago, Milwaukee, and Saint Paul Railroad, Orient grew in the coal and lumber trade. As is the case with many South Dakota communities, Orient maintains ample opportunities for outdoor activities such as pheasant and duck hunting. Orient's close proximity to the Lake Louise recreational area provides its residents with beautiful hiking trails, camping areas, and fishing. The residents of Orient have built a welcoming and close-knit community.

Orient has been a successful community for the past 125 years, and I am confident it will continue to serve as an example of South Dakota values and traditions. I would like to offer my congratulations to the citizens of Orient on this landmark occasion and wish them continued prosperity in the years to come.●

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–102. A resolution adopted by the House of Representatives of the State of Alaska in support of providing TRICARE program health care benefits to United States Coast Guard and military retirees as promised; to the Committee on Armed Services.

HOUSE RESOLVE NO. 10

Whereas recruiting and maintaining a high-quality, all-volunteer, effective military force to safeguard national security is a primary goal of the United States Department of Defense; and

Whereas persons who volunteer for military service are at risk of mortal harm throughout the time they serve; and

Whereas the people of the state and nation rely on the men and women who serve in the military to execute faithfully that service; and

Whereas it is reasonable for the men and women who serve in the military to rely on promises made to them by the people of the state and nation; and

Whereas men and women who serve in the military and the United States Coast Guard have been promised they will receive military retiree health care benefits from the TRICARE program of the United States Department of Defense Military Health System (10 U.S.C. 55) after they perform 20 or more years of honorable military service; and

Whereas breaking that promise would be dishonorable; be it

Resolved that the House of Representatives supports providing to military retirees who have kept their oaths of office and served the people of the state and nation the TRICARE program health care benefits they were promised in exchange for that service without their being required to participate in health care programs that are more expensive to them than the TRICARE program and without their eligibility for TRICARE program health care benefits being made subject to means testing.

POM–103. A resolution adopted by the Senate of the State of Massachusetts supporting the inclusion of Taiwan in international organizations and agreements; to the Committee on Foreign Relations.

RESOLUTION

Whereas, Taiwan, a beacon of freedom and democracy in the Asia-Pacific region, held a successful general election on January 14, 2012, during which it elected a president, vice-president and members of its legislature; and

Whereas, the recently re-elected president Ma Ying-Jeou has worked tirelessly to uphold democratic principles in Taiwan, ensure the prosperity of the people of Taiwan, promote Taiwan's international standing as a responsible member of the international community, increase participation in international organizations, dispatch humanitarian missions abroad and further improve relations between the United States and Taiwan; and

Whereas, the commonwealth has enjoyed an especially close relationship with Taiwan, marked by strong bilateral trade, educational and cultural exchange and scientific and technological development; and

Whereas, on November 12, 2011, United States President Barack Obama and the leaders of 8 Transpacific partnership countries announced the establishment of broad outlines for a 21st century Transpacific partnership agreement to forge close linkages among the partner countries' economies, enhance competitiveness and benefit consumers; and

Whereas, the latest data indicates that 8,797 companies exported goods from Massachusetts in 2009, rendering the Asia-Pacific market the Commonwealth's largest export market in the world; and

Whereas, thirteen billion dollars, or 50 per cent, of Massachusetts' total exports went to markets in the Asia-Pacific region, supporting an estimated 134,000 jobs; and

Whereas, the United Nations framework convention on climate change is the world's leading response to global clmate change and Taiwan has expressed a keen interest in being included in the convention's work and in contributing to the global effort addressing climate change; and

Whereas, Taiwan serves as a critical air transport hub in the Asia-Pacific region and the Taipei flight information region under Taiwan's jurisdiction covers an area of 176,000 square nautical miles, through which 1.35 million controlled flights pass each year; and

Whereas, the travelling public would benefit from the inclusion of Taiwan in the International Civil Aviation Organization; now therefore be it

Resolved, That the Massachusetts General Court hereby congratulates the people of Taiwan on their recent elections and further expresses its support for Taiwan's inclusion in international organizations and agreements; and be it further

Resolved, that a copy of these resolutions be transmitted forthwith by the clerk of the Senate to the President of the United States, the presiding officer of each branch of Congress and to the members thereof from the Commonwealth, to the Honorable Deval Patrick, Governor of the Commonwealth, to the Honorable Ma Ying-Jeou, president of Taiwan and to Anne Hung, Director-General of the Taipei Economic and Cultural Office in Boston.

POM–104. A concurrent resolution adopted by the Legislature of the State of Arizona opposing sections of the National Defense Authorization Act as being in violation of the limits of federal power; to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION NO. 1011

Whereas, the Congress of the United States passed the National Defense Authorization Act, 2011 Public Law 112–81, (''2012 NDAA'') for fiscal year 2012 on December 15, 2011; and

Whereas, the President of the United States signed the 2012 NDAA into law on December 31, 2011; and

Whereas, section 1021 of the 2012 NDAA purports to authorize, but does not require, the President of the United States to use the armed forces of the United States to detain persons the President suspects were part of, or substantially supported, Al-Oaeda, the Taliban or associated forces; and

Whereas, section 1021 of the 2012 NDAA purports to authorize, but does not require, the President of the United States, through the armed forces of the United States, to dispose of such detained persons according to the Law of War, which may include: (1) indefinite detention without charge or trial until the end of hostilities authorized by the 2001 Authorization for Use of Military Force Against Terrorists, 2001 Public Law 107–40:

(2) prosecution through a military commission; or (3) transfer to a foreign country or foreign entity; and

Whereas, section 1021 of the 2012 NDAA seeks to preserve existing law and authorities pertaining to the detention of United States citizens, lawful resident aliens of the United States and any other person captured in the United States, but does not specify what such existing law or authorities are; and

Whereas, section 1021 of the 2012 NDAA purports to enlarge the scope of the persons the Office of the President may indefinitely detain beyond those responsible for the September 11, 2001 terrorist attacks, and those who harbored them, as purportedly authorized by the 2001 Authorization for Use of Military Force Against Terrorists, to now include ''[a] person who was a part of or substantially supported Al-Oaeda, the Taliban, or associated forces that are engaged in hostilities against the United States or its coalition partners, including any person who has committed a belligerent act or has directly supported such hostilities in aid of such enemy forces''; and

Whereas, section 1022 of the 2012 NDAA requires the armed forces of the United States to detain, pending disposition according to the Law of War, any person involved in, or who provided substantial support to, terrorism or belligerent acts against the United States, and who is a member of Al-Qaeda or an associated force; and

Whereas, the exemption for citizens of the United States in section 1022 of the 2012 NDAA only exempts them from a requirement to detain and reads as follows, ''The requirement to detain a person in military custody under this section does not extend to citizens of the United States''; and

Whereas, unlike section 1022 of the 2012 NDAA, section 1021 makes no specific exclusion for United States citizens and lawful resident aliens for conduct occurring within the United States; and

Whereas, the specific exclusion of application to United States citizens and lawful resident aliens contained in section 1022 of the 2012 NDAA, and the absence of such an exclusion in section 1021 of the NDAA, strongly implies that the provisions of section 1021 are intended to apply to all people, including United States citizens and lawful resident aliens. whether or not they are captured in the United States; and

Whereas, the Office of the President of the United States, under the administrations of both George W. Bush and Barack Obama, has asserted that the 2001 Authorization for the Use of Military Force Against Terrorists allows the Office of the President to indefinitely detain without charge persons, including United States citizens and lawful resident aliens, who are captured in the United States; and

Whereas, United States Senator Carl Levin declared on the floor of the United States Senate that the original 2012 NDAA provided that section 1021 (then section 1031 prior to final drafting) specifically would not apply to United States citizens, but that the Office of the President of the United States had requested that such a restriction be removed from the 2012 NDAA; and

Whereas, during debate in the Senate and before the passage of the 2012 NDAA, United States Senator Mark Udall introduced an amendment intended to forbid the indefinite detention of United States citizens, which was rejected by a vote of 38–60; and

Whereas, United States Senator John McCain and United States Senator Lindsey Graham declared on the floor of the United States Senate that section 1021 of the 2012 NDAA authorized the indefinite detention of United States citizens captured within the United States by the armed forces of the United States; and

Whereas, United States Senator Lindsey Graham declared on the floor of the United States Senate that the United States homeland is now part of ''the battlefield''; and

Whereas, policing the United States by the armed forces of the United States, as purportedly authorized by the 2012 NDAA, overturns the posse comitatus doctrine and is repugnant to a free society; and

Whereas, sections 1021 and 1022 of the 2012 NDAA, as they purport to authorize the detainment of persons captured within the United States without charge or trial, military tribunals for persons captured within the United States and the transfer of persons captured within the United States to foreign jurisdictions, violate the following rights enshrined in the Constitution of the United States:

Article I, section 9, clause 2 right to seek a writ of habeas corpus.

The First Amendment right to petition the government for a redress of grievances.

The Fourth Amendment right to be free from unreasonable searches and seizures.

The Fifth Amendment right to be free from charge for an infamous or capitol crime until presentment or indictment by a grand jury.

The Fifth Amendment right to be free from deprivation of life, liberty or property without due process of law.

The Sixth Amendment right in criminal prosecutions to enjoy a speedy trial by an impartial jury in the state and district where the crime was allegedly committed.

The Sixth Amendment right to be informed of the nature and cause of the accusation.

The Sixth Amendment right to confront witnesses.

The Sixth Amendment right to counsel.

The Eighth Amendment right to be free from excessive bail and fines, and cruel and unusual punishment.

The Fourteenth Amendment right to be free from deprivation of life, liberty or property without due process of law.

Whereas, the members of the Legislature of Arizona have taken an oath to uphold the Constitution of the United States and the Constitution of the State of Arizona; and

Whereas, this Legislature opposes any and all rules, laws, regulations, bill language or executive orders that amount to an overreach of the federal government and that effectively take away civil liberties; and

Whereas, it is indisputable that the threat of terrorism is real and that the full force of appropriate and constitutional law must be used to defeat this threat, yet winning the war against terror cannot come at the great expense of mitigating basic, fundamental constitutional rights; and

Whereas, undermining our own constitutional rights serves only to concede to the terrorists' demands of changing the fabric of what made the United States of America a country of freedom, liberty and opportunity; therefore be it

Resolved by the Senate of the State of Arizona, the House of Representatives concurring:

1. That the Members of the Legislature condemn sections 1021 and 1022 of the 2012 NDAA as they purport to repeal posse comitatus and authorize the President of the United States to use the armed forces of the United States to police American citizens, to indefinitely detain persons captured within the United States without charge until the end of hostilities as purportedly authorized by the 2001 Authorization for Use of Military Force, to subject persons captured within the United States to military tribunals, and to transfer persons captured within the United States to a foreign country or foreign entity.

2. That the Members of the Legislature find that the enactment into law by the United States Congress of sections 1021 and 1022 of the National Defense Authorization Act of 2012 is inimical to the liberty, security and well-being of the people of Arizona and that those sections were adopted by Congress in violation of the limits of federal power in the United States Constitution.

3. That the Secretary of State of the State of Arizona transmit copies of this Resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM–105. A resolution adopted by the Legislature of Rockland County, New York, urging Algonquin Gas Transmission Corporation to prepare and submit to the Federal Energy Regulatory Commission (FERC) an additional means of access to the pipeline and facilities operating in and through Kakiat Park, and urging FERC to reject any application for expansion or modification of Algonquin's facilities absent a plan for emergency access; to the Committee on Energy and Natural Resources.

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 (for himself, Mr. RUBIO, and Mr. CARDIN):

S. 3341. A bill to require a quadrennial diplomacy and development review, and for other purposes; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MENENDEZ (for himself and Ms. SNOWE):

S. Res. 505. A resolution congratulating His Holiness Dorje Chang Buddha III and The Honorable Benjamin A. Gilman on being awarded the 2010 World Peace Prize; to the Committee on the Judiciary.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 506. A resolution to authorize legal representation in Bilbrey v. Tyler; considered and agreed to.

By Mr. RUBIO (for himself and Mr. NELSON of Florida):

S. Res. 507. A resolution congratulating the Miami Heat for winning the National Basketball Association Championship; considered and agreed to.

By Mr. BLUNT (for himself, Mrs. MCCASKILL, and Mr. NELSON of Florida):

S. Res. 508. A resolution recognizing the teams and players of Negro League Baseball for their achievements, dedication, sacrifices, and contributions to baseball and the Nation; considered and agreed to.

By Mr. BLUNT (for himself and Mrs. MCCASKILL):

S. Res. 509. A resolution recognizing Major League Baseball as an important part of the cultural history of American society, celebrating the 2012 Major League Baseball All-Star Game, and honoring Kansas City, Missouri, as the host city of the 83rd All-Star Game; considered and agreed to.

By Ms. MIKULSKI (for herself and Ms. MURKOWSKI):

S. Res. 510. A resolution designating the month of June 2012 as ''National Cytomegalovirus Awareness Month''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 362

At the request of Mr. WHITEHOUSE, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 362, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 434

At the request of Mr. COCHRAN, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 434, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 693

At the request of Mr. MCCAIN, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 693, a bill to establish a term certain for the conservatorships of Fannie Mae and Freddie Mac, to provide conditions for continued operation of such enterprises, and to provide for the wind down of such operations and dissolution of such enterprises.

S. 941

At the request of Mr. REED, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 941, a bill to strengthen families' engagement in the education of their children.

S. 1299

At the request of Mr. MORAN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1747

At the request of Mrs. HAGAN, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 1747, a bill to amend the Fair Labor Standards Act of 1938 to modify provisions relating to the exemption for computer systems analysts, computer programmers, software engineers, or other similarly skilled workers.

S. 1843

At the request of Mr. ISAKSON, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 1843, a bill to amend the National Labor Relations Act to provide for appropriate designation of collective bargaining units.

S. 1935

At the request of Mrs. HAGAN, the names of the Senator from Kansas (Mr. MORAN), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. 1989

At the request of Ms. CANTWELL, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Ohio (Mr. BROWN) 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. 1994

At the request of Mr. SCHUMER, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1994, a bill to prohibit deceptive practices in Federal elections.

S. 2036

At the request of Mrs. GILLIBRAND, the name of the Senator from Wisconsin (Mr. JOHNSON) was withdrawn 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.

At the request of Mrs. GILLIBRAND, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 2036, supra.

S. 2099

At the request of Mr. JOHNSON of South Dakota, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2099, a bill to amend the Federal Deposit Insurance Act with respect to information provided to the Bureau of Consumer Financial Protection.

S. 2165

At the request of Mrs. BOXER, the names of the Senator from Minnesota (Mr. FRANKEN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2165, a bill to enhance strategic cooperation between the United States and Israel, and for other purposes.

S. 2189

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2189, a bill to amend the Age Discrimination in Employment Act of 1967 and other laws to clarify appropriate standards for Federal antidiscrimination and antiretaliation claims, and for other purposes.

S. 2239

At the request of Mr. NELSON of Florida, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2239, a bill to direct the head of each agency to treat relevant military training as sufficient to satisfy training or certification requirements for Federal licenses.

S. 2241

At the request of Mrs. MURRAY, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 2241, a bill to ensure that veterans have the information and protections they require to make informed decisions regarding use of Post-9/11 Educational Assistance, and for other purposes.

S. 2364

At the request of Ms. SNOWE, the name of the Senator from South Dakota (Mr. JOHNSON) 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. 2374

At the request of Mr. BINGAMAN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2374, a bill to amend the Helium Act to ensure the expedient and responsible draw-down of the Federal Helium Reserve in a manner that protects the interests of private industry, the scientific, medical, and industrial communities, commercial users, and Federal agencies, and for other purposes.

S. 3179

At the request of Mr. REED, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 3179, a bill to amend the Servicemembers Civil Relief Act to enhance the protections accorded to servicemembers and their spouses with respect to mortgages, and for other purposes.

S. 3199

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 3199, a bill to amend the Immigration and Nationality Act to stimulate international tourism to the United States and for other purposes.

S. 3204

At the request of Mr. JOHANNS, the name of the Senator from Kansas (Mr. MORAN) 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. 3206

At the request of Mr. BOOZMAN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 3206, a bill to amend title 38, United States Code, to extend the authorization of appropriations for the Secretary of Veterans Affairs to pay a monthly assistance allowance to disabled veterans training or competing for the Paralympic Team and the authorization of appropriations for the Secretary of Veterans Affairs to provide assistance to United States Paralympics, Inc., and for other purposes.

S. 3237

At the request of Mr. WHITEHOUSE, the name of the Senator from New York (Mrs. GILLIBRAND) 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. 3270

At the request of Mr. WYDEN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor 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.

S. 3274

At the request of Mr. KERRY, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of 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.

S. 3280

At the request of Mr. JOHANNS, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 3280, a bill to preserve the companionship services exemption for minimum wage and overtime pay under the Fair Labor Standards Act of 1938.

S. 3308

At the request of Mr. HELLER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 3308, a bill to amend title 38, United States Code, to improve the furnishing of benefits for homeless veterans who are women or who have dependents, and for other purposes.

S. 3313

At the request of Mrs. MURRAY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 3313, a bill to amend title 38, United States Code, to improve the assistance provided by the Department of Veterans Affairs to women veterans, to improve health care furnished by the Department, and for other purposes.

S. 3328

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3328, a bill to provide grants for juvenile mentoring.

S. 3340

At the request of Mrs. MURRAY, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 3340, a bill to improve and enhance the programs and activities of the Department of Defense and the Department of Veterans Affairs regarding suicide prevention and resilience and behavioral health disorders for members of the Armed Forces and veterans, and for other purposes.

S. CON. RES. 48

At the request of Mr. LEAHY, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KERRY) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of S. Con. Res. 48, a concurrent resolution recognizing 375 years of service of the National Guard and affirming congressional support for a permanent Operational Reserve as a component of the Armed Forces.

S. RES. 496

At the request of Mr. PRYOR, his name was added as a cosponsor of S. Res. 496, a resolution observing the historical significance of Juneteenth Independence Day.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself, Mr. RUBIO, and Mr. CARDIN):

S. 3341. A bill to require a quadrennial diplomacy and development review, and for other purposes; to the Committee on Foreign Relations.

Mr. KERRY. Mr. President, I rise today along with my colleagues from Florida and Maryland, Senator RUBIO and Senator CARDIN, to introduce the Quadrennial Diplomacy and Development Review Act of 2012.

This legislation demonstrates Congress's commitment to strengthening the accountability and effectiveness of our foreign aid programs. With the United States facing critical foreign policy and development priorities worldwide, it is vital that we update our foreign aid programs to reflect the new challenges of the 21st century.

The first-ever quadrennial review on diplomacy and development provided an important roadmap for increasing the effectiveness and efficiency of our diplomatic and development agencies. I applaud Secretary Clinton for her leadership in bringing this valuable planning tool to the State Department.

The purpose of our bill is straightforward: In keeping with the practice of undertaking quadrennial reviews by various departments, including the Department of Defense, it creates the statutory basis for conducting periodically scheduled reviews to guide the mission of the State Department and USAID.

The Quadrennial Diplomacy and Development Review Act will strengthen our diplomacy and development efforts in several key ways. Let me cite just a few specifically:

First, this bill clarifies the measures by which we assess and evaluate our diplomacy and development efforts. Developing clear metrics will further the effective and results-oriented diplomacy and development efforts that I view as essential for protecting and advancing our national security interests.

Second, this bill will focus our diplomacy and development efforts in the most effective ways possible, getting the biggest bang for our scarce foreign assistance dollars.

Third, it will help ensure that Congress and the Administration, working together, can set clear priorities for diplomacy and development. As we face multiple crises and major challenges, setting priorities will be absolutely critical to our shared success going forward. We must continue to foster inclusive and sustainable economic growth and vibrant civil societies. We must also focus on areas where we have comparative strengths, including public health, humanitarian aid and food security.

Fourth, this bill will put our diplomacy and development efforts on a sustainable path. It streamlines the process for working with the Department of Defense and it will help us bring all the tools of the United States government to bear in meeting the complex challenges of this new century.

Finally, we all know that we need to strengthen our professional diplomatic expertise and capacity, target our investments and untie the hands of our aid workers. The QDDR process and our bill provides the Secretary and President with a comprehensive and analytically sound basis for doing just that.

Returning diplomacy and development to their rightful place cannot be achieved through words alone. This legislation translates words into deeds. And if that helps promote U.S. national security interests and keeps us safe, as I believe it will, then it's time and effort well spent.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 505—CONGRATULATING HIS HOLINESS DORJE CHANG BUDDHA III AND THE HONORABLE BENJAMIN A. GILMAN ON BEING AWARDED THE 2010 WORLD PEACE PRIZE

Mr. MENENDEZ (for himself and Ms. SNOWE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 505

Whereas the World Peace Prize Awarding Council has recognized His Holiness Dorje Chang Buddha III (referred to in this preamble as ''H.H. Dorje Chang Buddha III'') for his devotion to an immensely wide scope of humanitarian activities directed at people from communities throughout the world;

Whereas, through his wisdom and benevolence, H.H. Dorje Chang Buddha III embraces people of all races, ethnicities, cultures, and religions through an approach of kindness, peace, and equality toward all people;

Whereas H.H. Dorje Chang Buddha III has received numerous awards, including the United States Presidential Gold Medal Award that the Chairman of the President's Advisory Commission on Asian Americans and Pacific Islanders presented on behalf of President George W. Bush to H.H. Dorje Chang Buddha III for the outstanding contributions of H.H. Dorje Chang Buddha III to the arts, medicine, ethics, Buddhism, spiritual leadership, and United States society;

Whereas the World Peace Prize Awarding Council has recognized The Honorable Benjamin A. Gilman for being a life-long champion of human rights who has fought world hunger, narcotics abuse, and narcotics trafficking;

Whereas The Honorable Benjamin A. Gilman has helped facilitate prisoner exchanges that have freed citizens of the United States who were being held in East Germany, Mozambique, Cuba, and several other countries; and

Whereas The Honorable Benjamin A. Gilman served 15 terms in the United States House of Representatives, during which time he served—

(1) as Chairman of the Committee on International Relations of the United States House of Representatives;

(2) as a congressional delegate to the United Nations under Ambassador Jeane Kirkpatrick;

(3) on the United States Commission on the Ukraine Famine; and

(4) as Chairman of the House Select Committee on Missing Persons in Southeast Asia: Now, therefore be it

Resolved, That the Senate—

(1) congratulates His Holiness Dorje Chang Buddha III and The Honorable Benjamin A. Gilman on being awarded the 2010 World Peace Prize; and

(2) commends His Holiness Dorje Chang Buddha III and The Honorable Benjamin A. Gilman for their humanitarian contributions to society in the United States.

SENATE RESOLUTION 506—TO AUTHORIZE LEGAL REPRESENTATION IN BILBREY V. TYLER

Mr. REID of Nevada (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 506

Whereas, in the case of Bilbrey v. Tyler, No. 18C04–1111–SC–2209, pending in Delaware Circuit Court No. 4, Small Claims Division, in Muncie, Indiana, the plaintiff has sought testimony from former Senator Evan Bayh and an unnamed employee of his former Senate office;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent former Members and former employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senator Bayh and former employees of his Senate office in Bilbrey v. Tyler and related proceedings.

SEC. 2. Senator Bayh's former director of constituent services, Karen Railing, is authorized to submit a declaration in this case.

SENATE RESOLUTION 507—CONGRATULATING THE MIAMI HEAT FOR WINNING THE NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP

Mr. RUBIO (for himself and Mr. NELSON of Florida) submitted the following resolution; which was considered and agreed to:

S. RES. 507

Whereas, on June 21, 2012, the Miami Heat defeated the Oklahoma City Thunder by a score of 121 to 106 in Miami, Florida, winning the second National Basketball Association (NBA) Championship in the history of the Miami Heat franchise;

Whereas, during the 2012 NBA Playoffs, the Heat defeated the New York Knicks, the Indiana Pacers, the Boston Celtics, and the Oklahoma City Thunder;

Whereas the Heat became the first team to win an NBA title after trailing in three different postseason series;

Whereas, after losing the first game of the NBA Finals, the Heat came back to win 4 games in a row, which earned the team an overall record of 62-27 and the right to be named NBA champions;

Whereas LeBron James, who averaged 28.6 points during the Finals, was named the Most Valuable Player of the NBA Finals;

Whereas Dwyane Wade and Udonis Haslem have been integral players on both Miami Heat championship teams;

Whereas Chris Bosh returned from serious injury to contribute significantly to the team;

Whereas each member of the Miami Heat roster, including Joel Anthony, Shane Battier, Chris Bosh, Mario Chalmers, Norris Cole, Eddy Curry, Terrel Harris, Udonis Haslem, Juwan Howard, LeBron James, James Jones, Mike Miller, Dexter Pittman, Ronny Turiaf, and Dwyane Wade, played an essential role in bringing a second NBA Championship to Miami;

Whereas Erik Spoelstra and his assistant coaches Bob McAdoo, Keith Askins, Ron Rothstein, David Fizdale, Chad Kammerer, Octavio De La Grana, Bill Foran, as well as trainers Jay Sabol, Rey Jaffet, and Rob Pimental, worked with the Miami Heat players and maintained a standard of excellence;

Whereas owner Micky Arison has built a first-class sports franchise and provided unwavering commitment to bringing another championship to the city of Miami;

Whereas, over his 17 seasons with the Miami Heat, team President Pat Riley has provided the team with an unprecedented level of dedication and leadership; and

Whereas the Miami Heat brought the city of Miami, the State of Florida, and their fans around the world a second ''white hot'' NBA Championship: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Miami Heat on its victory in the 2012 National Basketball Association Championship; and

(2) requests the Secretary of the Senate to transmit for appropriate display an enrolled copy of this resolution to—

(A) the owner of the Miami Heat, Micky Arison;

(B) the President of the Miami Heat, Pat Riley; and

(C) the coach of the Miami Heat, Erik Spoelstra.

SENATE RESOLUTION 508—RECOGNIZING THE TEAMS AND PLAYERS OF NEGRO LEAGUE BASEBALL FOR THEIR ACHIEVEMENTS, DEDICATION, SACRIFICES, AND CONTRIBUTIONS TO BASEBALL AND THE NATION

Mr. BLUNT (for himself, Mrs. MCCASKILL, and Mr. NELSON of Florida) submitted the following resolution; which was considered and agreed to:

S. RES. 508

Whereas, prior to 1947, Major League Baseball excluded African Americans from playing professional baseball, but could not suppress their desire to play the sport;

Whereas African Americans began organizing their own professional baseball teams in 1885;

Whereas, between 1920 and 1960, African Americans organized 6 separate baseball leagues, known collectively as the Negro Leagues;

Whereas the Negro Leagues included exceptionally talented athletes who played baseball at the sport's highest level;

Whereas, on May 20, 1920, the first Negro League, the Negro National League, played its first game;

Whereas, prior to the inclusion of African Americans in Major League Baseball, the Negro Leagues and their players were extraordinarily successful and popular throughout the United States;

Whereas the skills and abilities of players in the Negro Leagues contributed to the realization by Major League Baseball of the need to integrate African Americans into the sport;

Whereas Major League Baseball was not fully integrated until July 1959;

Whereas the Negro Leagues Baseball Museum in Kansas City, Missouri, was founded in 1990, to honor those who played in the Negro Leagues as a result of segregation in the United States;

Whereas the Negro Leagues Baseball Museum is the only public museum in the Nation that exists for the exclusive purpose of interpreting the experiences of players in the Negro Leagues from 1920 through 1960;

Whereas there remains a need to preserve evidence of the honor, courage, sacrifice, and triumph in the face of segregation that African Americans displayed while playing in the Negro Leagues;

Whereas the Negro Leagues Baseball Museum seeks to educate a diverse audience through its comprehensive collection of historical materials, important artifacts, and oral histories of the players in the Negro Leagues, as well as inform the public on the impact of segregation on the lives of those African-American players and their fans; and

Whereas the Negro Leagues Baseball Museum, through its invaluable resources, presents a great opportunity to teach children and others by providing on-site visits, traveling exhibits, classroom curriculum, distance learning, and other educational initiatives: Now, therefore, be it

Resolved, That the Senate—

(1) honors the teams and players of Negro League Baseball for their achievements, dedication, sacrifices, and contributions to baseball and the Nation;

(2) supports the designation of the Negro Leagues Baseball Museum in Kansas City, Missouri, as ''America's National Negro Leagues Baseball Museum'', including the museum's future and expanded exhibits, collections library, archives, artifacts, and education programs;

(3) commends the efforts of the Negro Leagues Baseball Museum to recognize and

preserve the history of the Negro Leagues and the impact of segregation on the Nation;

(4) recognizes that the continued collection, preservation, and interpretation of the historical objects and other materials at the Negro Leagues Baseball Museum enhances the knowledge and understanding of the experience of African Americans during segregation;

(5) calls on every American to join in celebrating the Negro Leagues Baseball Museum and its mission of preserving and interpreting the legacy of the Negro Leagues; and

(6) encourages present and future generations of Americans to understand the important issues surrounding the Negro Leagues, the role of the Negro Leagues in shaping Major League Baseball and the Nation, and how the sacrifices of Negro League players helped establish baseball as a national pastime of the United States.

SENATE RESOLUTION 509—RECOGNIZING MAJOR LEAGUE BASEBALL AS AN IMPORTANT PART OF THE CULTURAL HISTORY OF AMERICAN SOCIETY, CELEBRATING THE 2012 MAJOR LEAGUE BASEBALL ALL-STAR GAME, AND HONORING KANSAS CITY, MISSOURI, AS THE HOST CITY OF THE 83RD ALL-STAR GAME

Mr. BLUNT (for himself and Mrs. MCCASKILL) submitted the following resolution; which was considered and agreed to:

S. RES. 509

Whereas Major League Baseball's All-Star Game, the Midsummer Classic, occurs once a year between players from the American and National Leagues, allowing baseball fans, players, and managers to select players to represent each league;

Whereas the first All-Star Game, held as part of the 1933 World's Fair in Chicago, Illinois, at Comiskey Park was intended to be a one-time event, yet its widespread success led to the establishment of the game as an annual tradition;

Whereas the Major League Baseball All-Star Game showcases the best baseball players in the major leagues and all across the world, giving baseball fans the opportunity to select the starting players;

Whereas, since 1933, the Major League Baseball All-Star Game has taken place every year but one, 1945, in the midst of World War II;

Whereas the 83rd edition of the Major League Baseball All-Star Game for the 2012 season will be held on July 10, 2012, at Kauffman Stadium in Kansas City, Missouri, the home of the Kansas City Royals;

Whereas the event will mark the third time the All-Star Game has been played in Kansas City, with Kauffman Stadium, then named Royals Stadium, last hosting the event in 1973, the stadium's inaugural year;

Whereas the event was also held at Municipal Stadium in 1960, when it was the home of the Athletics;

Whereas the illustrious baseball history of Kansas City, Missouri, includes the Royals' 1985 World Series Championship, the contributions of Jackie Robinson, Buck O'Neil, and others to the Kansas City Monarchs, and Lou Gehrig's final three innings of play in a 1939 exhibition against the Kansas City Blues;

Whereas, as part of Major League Baseball's All-Star Summer celebration, Major League Baseball will host a number of events in the Greater Kansas City region leading up to the All-Star Game, benefitting the Kansas City community as a whole;

Whereas Major League Baseball and the Kansas City Royals will hold numerous charity events throughout the region, including an All-Star Game Charity 5K & Fun Run, with all Major League Baseball proceeds being donated equally between three cancer charities, Stand Up To Cancer, the Prostate Cancer Foundation and Susan G. Komen for the Cure, Greater Kansas City;

Whereas, as part of the All-Star Summer celebration, Major League Baseball will provide funding to help renovate two baseball fields owned by the Kansas City Missouri Parks and Recreation Department, Mulkey Square Park and Satchel Paige Stadium;

Whereas the fields will be used regularly by local Reviving Baseball in Inner Cities leagues and by Guadalupe Center Youth Baseball;

Whereas Kansas City, Missouri, has worked to preserve the history of the Negro Baseball Leagues by establishing the Negro Leagues Baseball Museum, and as part of the All-Star Game summer events, funding will be provided for a new traveling exhibit focusing on Negro League Players who, after Jackie Robinson broke the baseball color barrier, began participating in All-Star Games in 1949;

Whereas Kansas City, Missouri, known for world-class barbeque, rich jazz history, and a legacy of professional sports, including the Royals' 1985 World Series Championship, will play host to the 83rd All-Star Game, and will be showcased in the forefront of baseball history as the All-Star Game is broadcast world wide; and

Whereas the 2012 Major League Baseball All-Star Game in Kansas City, Missouri, will be a unique and unforgettable experience for baseball fans across the State of Missouri and throughout the country: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes Kansas City, Missouri, as the host city for the 83rd Major League Baseball All-Star Game and supports efforts to achieve an unforgettable Midsummer Classic baseball experience for all fans; and

(2) recognizes Major League Baseball for sponsoring the All-Star Game and for its efforts in energizing the Kansas City community by hosting a number of baseball-related events that benefit numerous charities, focusing on fan appreciation and youth involvement, and emphasizing the continued appreciation of baseball as America's favorite pastime.

SENATE RESOLUTION 510—DESIGNATING THE MONTH OF JUNE 2012 AS ''NATIONAL CYTOMEGALOVIRUS AWARENESS MONTH''

Ms. MIKULSKI (for herself and Ms. MURKOWSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 510

Whereas congenital Cytomegalovirus (referred to in this preamble as ''CMV'') is the most common congenital infection in the United States, with 1 in 150 children born with congenital CMV;

Whereas congenital CMV is the most common cause of birth defects and childhood disabilities in the United States;

Whereas congenital CMV is preventable with behavioral interventions such as practicing frequent hand washing with soap and water after contact with diapers or oral secretions, not kissing young children on the mouth, and not sharing food, towels, or utensils with young children;

Whereas CMV is found in bodily fluids, including urine, saliva, blood, mucus, and tears;

Whereas congenital CMV can be diagnosed if the virus is found in urine, saliva, blood, or other body tissues of an infant during the first week after birth;

Whereas CMV infection is more common than the combined metabolic or endocrine disorders currently in the United States core newborn screening panel;

Whereas most people are not aware of their CMV infection status, with pregnant women being 1 of the highest risk groups;

Whereas the American College of Obstetricians and Gynecologists and the Centers for Disease Control and Prevention recommend that OB/GYNs counsel women on basic prevention measures to guard against CMV infection;

Whereas, in 1999, the Institute of Medicine stated that development of a CMV vaccine was the highest priority for new vaccines;

Whereas the incidence of children born with congenital CMV can be greatly reduced with public education and awareness; and

Whereas a comprehensive understanding of CMV provides opportunities to improve the health and well-being of our children: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of June 2012 as ''National Cytomegalovirus Awareness Month'' in order to raise awareness of the dangers of Cytomegalovirus (referred to in this resolution as ''CMV'') and reduce the occurrence of congenital CMV infection; and

(2) recommends that more effort be taken to counsel women of childbearing age of the effect that CMV can have on their children.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2480. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1940, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table.

SA 2481. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 1940, supra; which was ordered to lie on the table.

SA 2482. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 1940, supra; which was ordered to lie on the table.

SA 2483. Mr. BARRASSO (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1940, supra; which was ordered to lie on the table.

SA 2484. Mr. BARRASSO (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1940, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2480. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1940, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. STUDY AND REPORT ON WAIVERS OF THE PROHIBITION ON DEVELOPMENT ON FILL IN V ZONES.

(a) DEFINITIONS.—In this section—

(1) the term ''detrimental change in the effect of wave forces'' means a significant increase in wave forces or transportation of shore materials; and

(2) the term ''eligible area'' means an area designated as Zone V1–30, VE, or V on a National Flood Insurance Program rate map.

(b) STUDY.—

(1) STUDY REQUIRED.—The Administrator shall conduct a study assessing the feasibility of granting a waiver of regulations of the Federal Emergency Management Agency (including any legislative proposals that may be necessary to enable the Administrator to grant a waiver) to a community—

(A) to allow new construction within an eligible area located seaward of the reach of the mean high tide if the community demonstrates that the new construction—

(i) will withstand wave forces, currents, and debris impact associated with the base flood; and

(ii) will not increase the elevation of the base flood at any point within the community or cause a detrimental change in the effect of wave forces on properties in the community;

(B) to allow new construction within an eligible area located seaward of the reach of the mean high tide if the community demonstrates that the new construction will not increase the water surface elevation of the base flood at any point within the community;

(C) to allow the use of fill for structural support of buildings within an eligible area if—

(i) the community demonstrates that the effect of the proposed fill will not increase the elevation of the base flood at any point within the community; and

(ii) a licensed engineer having sufficient qualifications and experience demonstrates that—

(I) the substrate on which the fill will be placed will not be eroded during the base flood predicted for the site of the buildings; and

(II) the placed fill is adequately protected from erosion during the base flood event; or

(D) to allow the use of fill for structural support of buildings within an eligible area if the community demonstrates that the effect of the proposed development will not increase the water surface elevation of the base flood at any point within the community.

(2) ADEQUATE PROTECTION OF FILL.—For purposes of paragraph (1)(C)(ii)(II), a licensed engineer shall demonstrate adequate protection of fill by calculations that the fill—

(A) will not settle below the elevation of the base flood; and

(B) will resist forces of scour, erosion, and differential settlement.

(3) ADDITIONAL CONSIDERATIONS.—The study required under paragraph (1) shall evaluate the appropriateness of limiting the waivers described in paragraph (1) to locations where—

(A) the main flooding source—

(i) is wave overtopping of the upland; and

(ii) is not surge inundation; and

(B) the breaking wave height in the base flood event is less than 10 feet.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that contains the results of the study under subsection (b).

(d) REVISIONS OF CERTAIN CITY ORDINANCES.—The Administrator may not require revisions to section 49.70.400(f)(6) of the Code of Ordinances of the City and Borough of Juneau, Alaska as a condition of continued participation in the National Flood Insurance Program before the date that is 1 year after the date on which the Administrator submits the report under subsection (c).

SA 2481. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 1940, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, strike line 19 and all that follows through page 8, line 11, and insert the following:

''(A) any residential property which is not the primary residence of an individual; or

''(B) any business property; and''; and

On page 12, lines 1 and 2, strike ''(A) through (E)'' and insert ''(A) and (B)''.

SA 2482. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 1940, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. ___. FINANCIAL HARDSHIP WAIVER.

Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015), as amended by this Act, is amended by adding at the end the following:

''(j) FINANCIAL HARDSHIP WAIVER.—

''(1) WAIVER.—Notwithstanding subsection (e)(2), the Administrator shall establish a risk premium rate for a policyholder with respect to a property described in subparagraph (B), (C), or (E) of section 1307(a)(2) that is equal to the risk premium rate that would have applied to the property if the Administrator were not required to increase risk premium rates under subsection (e)(2), if the Administrator determines that an increase in the risk premium rate under subsection (e)(2) would cause undue financial hardship for the policyholder.

''(2) CONSIDERATIONS.—In making a determination under paragraph (1) with respect to a policyholder, the Administrator shall take into consideration the cost of living in the area where the property is located.''.

SA 2483. Mr. BARRASSO (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1940, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, between lines 7 and 8, insert the following:

(3) CLIMATE SCIENCE.—The term ''climate science''—

(A) means natural climate variability; and

(B) does not include the study of anthropogenic climate change.

On page 50, beginning on line 24, strike ''and the potential'' and all that follows through ''warming'' on page 51, line 2.

SA 2484. Mr. BARRASSO (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1940, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

On page 44, strike line 8 and all that follows through page 45, line 10.

On page 50, strike line 19 and all that follows through page 51, line 2, and insert the following:

related hazards; and

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MANCHIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 26, 2012 at 10 a.m., to conduct a committee hearing entitled ''Empowering and Protecting Servicemembers, Veterans and Their Families in the Consumer Financial Marketplace: A Status Update.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MANCHIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 26, 2012, at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MANCHIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on June 26, 2012, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Prohibiting the Use of Deceptive Practices and Voter Intimidation Tactics in Federal Elections: S. 1994,''

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MANCHIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 26, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. ENZI. Mr. President, I ask unanimous consent that Sergio Perez, Peter Bautz, Bill McConnaughay, and Sean O'Connor of my staff be granted floor privileges for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING ROTARY INTERNATIONAL

Mr. DURBIN. I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 434, S. Res. 473.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 473) commending Rotary International and others for their efforts to prevent and eradicate polio.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 473) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 473

Whereas polio is a highly infectious disease that primarily affects children and for which there is no known cure;

Whereas polio can leave survivors permanently disabled from muscle paralysis of the limbs and occasionally leads to a particularly difficult death through the paralysis of respiratory muscles;

Whereas polio was once one of the most dreaded diseases in the United States, killing thousands annually in the late 19th and early 20th centuries and leaving thousands more with permanent disability, including the 32nd President of the United States, Franklin Delano Roosevelt;

Whereas severe polio outbreaks in the 1940s and 1950s caused panic in the United States, as parents kept children indoors, public health officials quarantined infected individuals, and the Federal Government restricted commerce and travel;

Whereas 1952 was the peak of the polio epidemic in the United States, with more than 57,000 people affected, 21,000 of whom were paralyzed and 3,000 of whom died;

Whereas safe and effective polio vaccines, including the Inactivated Polio Vaccine (commonly known as ''IPV''), developed in 1952 by Jonas Salk, and the Oral Polio Vaccine (commonly known as ''OPV''), developed in 1957 by Albert Sabin, rendered polio preventable and contributed to the rapid decline of polio incidence in the United States;

Whereas polio, a preventable disease that the United States has been free from since 1979, still needlessly lays victim to children and adults in several countries where challenges such as active conflict and lack of infrastructure hamper access to vaccines;

Whereas the eradication of polio is the highest priority of Rotary International, a global association that was founded in 1905 in Chicago, Illinois, is currently headquartered in Evanston, Illinois, and has 1,200,000 members in more than 170 countries;

Whereas Rotary International and its members (commonly known as ''Rotarians'') have contributed more than $1,000,000,000 and volunteered countless hours in the global fight against polio;

Whereas the Federal Government is the leading public sector donor to the Global Polio Eradication Initiative and provides technical and operational leadership to this global effort through the work of the Centers for Disease Control and the United States Agency for International Development;

Whereas Rotary International, the World Health Organization, the United States Government, the United Nations Children's Fund (commonly known as ''UNICEF''), and the Bill and Melinda Gates Foundation have joined together with national governments to successfully reduce cases of polio by more than 99 percent since 1988, from 350,000 reported cases in 1988 to fewer than 700 reported cases in 2011;

Whereas polio was recently eliminated in India and is now endemic only in Nigeria, Pakistan, and Afghanistan; and

Whereas the eradication of polio is imminently achievable and will be a victory shared by all of humanity: Now, therefore, be it

Resolved, That the Senate—

(1) commends Rotary International and others for their efforts in vaccinating children around the world against polio and for the tremendous strides made toward eradicating the disease once and for all;

(2) encourages the international community of governments and non-governmental organizations to remain committed to the elimination of polio; and

(3) encourages continued commitment and funding by the United States Government to the global effort to rid the world of polio.

RESOLUTIONS SUBMITTED TODAY

Mr. DURBIN. I ask unanimous consent the Senate proceed to immediate consideration en bloc of the following resolutions, which were submitted earlier today: S. Res. 506, S. Res. 507, S. Res. 508, S. Res. 509, and S. Res. 510.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, this resolution, S. Res. 506, on behalf of myself and the distinguished Republican leader, Mr. MCCONNELL, concerns a request for representation in a pro se civil action pending in Indiana small claims court. In this action, the plaintiff seeks damages from a former Member of the Indiana House of Representatives arising out of plaintiff's efforts to obtain Social Security benefits. Plaintiff has issued trial subpoenas to former Senator Evan Bayh and an unnamed employee of his former Senate office for testimony arising out of their Senate duties.

This resolution would authorize the Senate Legal Counsel to represent Senator Bayh and employees of his former Senate office in this case to seek to quash the subpoenas on the ground that the Senator and his former staff lack personal knowledge of the relevant events and other legal bases. The resolution would also authorize the former constituent services director for Senator Bayh to submit a declaration in support of the motion to quash attesting that she has no knowledge of anyone in the former Senator's office who has any information relevant to this case.

Mr. DURBIN. I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 506

To authorize legal representation in Bilbrey v. Tyler

Whereas, in the case of Bilbrey v. Tyler, No. 18C04–1111–SC–2209, pending in Delaware Circuit Court No. 4, Small Claims Division, in Muncie, Indiana, the plaintiff has sought testimony from former Senator Evan Bayh and an unnamed employee of his former Senate office;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent former Members and former employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senator Bayh and former employees of his Senate office in Bilbrey v. Tyler and related proceedings.

SEC. 2. Senator Bayh's former director of constituent services, Karen Railing, is authorized to submit a declaration in this case.

S. RES. 507

Congratulating the Miami Heat for winning the National Basketball Association Championship

Whereas, on June 21, 2012, the Miami Heat defeated the Oklahoma City Thunder by a score of 121 to 106 in Miami, Florida, winning the second National Basketball Association (NBA) Championship in the history of the Miami Heat franchise;

Whereas, during the 2012 NBA Playoffs, the Heat defeated the New York Knicks, the Indiana Pacers, the Boston Celtics, and the Oklahoma City Thunder;

Whereas the Heat became the first team to win an NBA title after trailing in three different postseason series;

Whereas, after losing the first game of the NBA Finals, the Heat came back to win 4 games in a row, which earned the team an overall record of 62-27 and the right to be named NBA champions;

Whereas LeBron James, who averaged 28.6 points during the Finals, was named the Most Valuable Player of the NBA Finals;

Whereas Dwyane Wade and Udonis Haslem have been integral players on both Miami Heat championship teams;

Whereas Chris Bosh returned from serious injury to contribute significantly to the team;

Whereas each member of the Miami Heat roster, including Joel Anthony, Shane Battier, Chris Bosh, Mario Chalmers, Norris Cole, Eddy Curry, Terrel Harris, Udonis Haslem, Juwan Howard, LeBron James, James Jones, Mike Miller, Dexter Pittman, Ronny Turiaf, and Dwyane Wade, played an essential role in bringing a second NBA Championship to Miami;

Whereas Erik Spoelstra and his assistant coaches Bob McAdoo, Keith Askins, Ron Rothstein, David Fizdale, Chad Kammerer, Octavio De La Grana, Bill Foran, as well as trainers Jay Sabol, Rey Jaffet, and Rob Pimental, worked with the Miami Heat players and maintained a standard of excellence;

Whereas owner Micky Arison has built a first-class sports franchise and provided unwavering commitment to bringing another championship to the city of Miami;

Whereas, over his 17 seasons with the Miami Heat, team President Pat Riley has provided the team with an unprecedented level of dedication and leadership; and

Whereas the Miami Heat brought the city of Miami, the State of Florida, and their fans around the world a second ''white hot'' NBA Championship: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Miami Heat on its victory in the 2012 National Basketball Association Championship; and

(2) requests the Secretary of the Senate to transmit for appropriate display an enrolled copy of this resolution to—

(A) the owner of the Miami Heat, Micky Arison;

(B) the President of the Miami Heat, Pat Riley; and

(C) the coach of the Miami Heat, Erik Spoelstra.

S. RES. 508

Recognizing the teams and players of Negro League Baseball for their achievements, dedication, sacrifices, and contributions to baseball and the Nation

Whereas, prior to 1947, Major League Baseball excluded African Americans from playing professional baseball, but could not suppress their desire to play the sport;

Whereas African Americans began organizing their own professional baseball teams in 1885;

Whereas, between 1920 and 1960, African Americans organized 6 separate baseball leagues, known collectively as the Negro Leagues;

Whereas the Negro Leagues included exceptionally talented athletes who played baseball at the sport's highest level;

Whereas, on May 20, 1920, the first Negro League, the Negro National League, played its first game;

Whereas, prior to the inclusion of African Americans in Major League Baseball, the Negro Leagues and their players were extraordinarily successful and popular throughout the United States;

Whereas the skills and abilities of players in the Negro Leagues contributed to the realization by Major League Baseball of the need to integrate African Americans into the sport;

Whereas Major League Baseball was not fully integrated until July 1959;

Whereas the Negro Leagues Baseball Museum in Kansas City, Missouri, was founded in 1990, to honor those who played in the Negro Leagues as a result of segregation in the United States;

Whereas the Negro Leagues Baseball Museum is the only public museum in the Nation that exists for the exclusive purpose of interpreting the experiences of players in the Negro Leagues from 1920 through 1960;

Whereas there remains a need to preserve evidence of the honor, courage, sacrifice, and triumph in the face of segregation that African Americans displayed while playing in the Negro Leagues;

Whereas the Negro Leagues Baseball Museum seeks to educate a diverse audience through its comprehensive collection of historical materials, important artifacts, and oral histories of the players in the Negro Leagues, as well as inform the public on the impact of segregation on the lives of those African-American players and their fans; and

Whereas the Negro Leagues Baseball Museum, through its invaluable resources, presents a great opportunity to teach children and others by providing on-site visits, traveling exhibits, classroom curriculum, distance learning, and other educational initiatives: Now, therefore, be it

Resolved, That the Senate—

(1) honors the teams and players of Negro League Baseball for their achievements, dedication, sacrifices, and contributions to baseball and the Nation;

(2) supports the designation of the Negro Leagues Baseball Museum in Kansas City, Missouri, as ''America's National Negro Leagues Baseball Museum'', including the museum's future and expanded exhibits, collections library, archives, artifacts, and education programs;

(3) commends the efforts of the Negro Leagues Baseball Museum to recognize and preserve the history of the Negro Leagues and the impact of segregation on the Nation;

(4) recognizes that the continued collection, preservation, and interpretation of the historical objects and other materials at the Negro Leagues Baseball Museum enhances the knowledge and understanding of the experience of African Americans during segregation;

(5) calls on every American to join in celebrating the Negro Leagues Baseball Museum and its mission of preserving and interpreting the legacy of the Negro Leagues; and

(6) encourages present and future generations of Americans to understand the important issues surrounding the Negro Leagues, the role of the Negro Leagues in shaping Major League Baseball and the Nation, and how the sacrifices of Negro League players helped establish baseball as a national pastime of the United States.

S. RES. 509

Recognizing Major League Baseball as an important part of the cultural history of American society, celebrating the 2012 Major League Baseball All-Star Game, and honoring Kansas City, Missouri, as the host city of the 83rd All-Star Game

Whereas Major League Baseball's All-Star Game, the Midsummer Classic, occurs once a year between players from the American and National Leagues, allowing baseball fans, players, and managers to select players to represent each league;

Whereas the first All-Star Game, held as part of the 1933 World's Fair in Chicago, Illinois, at Comiskey Park was intended to be a one-time event, yet its widespread success led to the establishment of the game as an annual tradition;

Whereas the Major League Baseball All-Star Game showcases the best baseball players in the major leagues and all across the world, giving baseball fans the opportunity to select the starting players;

Whereas, since 1933, the Major League Baseball All-Star Game has taken place every year but one, 1945, in the midst of World War II;

Whereas the 83rd edition of the Major League Baseball All-Star Game for the 2012 season will be held on July 10, 2012, at Kauffman Stadium in Kansas City, Missouri, the home of the Kansas City Royals;

Whereas the event will mark the third time the All-Star Game has been played in Kansas City, with Kauffman Stadium, then named Royals Stadium, last hosting the event in 1973, the stadium's inaugural year;

Whereas the event was also held at Municipal Stadium in 1960, when it was the home of the Athletics;

Whereas the illustrious baseball history of Kansas City, Missouri, includes the Royals' 1985 World Series Championship, the contributions of Jackie Robinson, Buck O'Neil, and others to the Kansas City Monarchs, and Lou Gehrig's final three innings of play in a 1939 exhibition against the Kansas City Blues;

Whereas, as part of Major League Baseball's All-Star Summer celebration, Major League Baseball will host a number of events in the Greater Kansas City region leading up to the All-Star Game, benefitting the Kansas City community as a whole;

Whereas Major League Baseball and the Kansas City Royals will hold numerous charity events throughout the region, including an All-Star Game Charity 5K & Fun Run, with all Major League Baseball proceeds being donated equally between three cancer charities, Stand Up To Cancer, the Prostate Cancer Foundation and Susan G. Komen for the Cure, Greater Kansas City;

Whereas, as part of the All-Star Summer celebration, Major League Baseball will provide funding to help renovate two baseball fields owned by the Kansas City Missouri Parks and Recreation Department, Mulkey Square Park and Satchel Paige Stadium;

Whereas the fields will be used regularly by local Reviving Baseball in Inner Cities leagues and by Guadalupe Center Youth Baseball;

Whereas Kansas City, Missouri, has worked to preserve the history of the Negro Baseball Leagues by establishing the Negro Leagues Baseball Museum, and as part of the All-Star Game summer events, funding will be provided for a new traveling exhibit focusing on Negro League Players who, after Jackie Robinson broke the baseball color barrier, began participating in All-Star Games in 1949;

Whereas Kansas City, Missouri, known for world-class barbeque, rich jazz history, and a legacy of professional sports, including the Royals' 1985 World Series Championship, will play host to the 83rd All-Star Game, and will be showcased in the forefront of baseball history as the All-Star Game is broadcast world wide; and

Whereas the 2012 Major League Baseball All-Star Game in Kansas City, Missouri, will be a unique and unforgettable experience for baseball fans across the State of Missouri and throughout the country: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes Kansas City, Missouri, as the host city for the 83rd Major League Baseball All-Star Game and supports efforts to achieve an unforgettable Midsummer Classic baseball experience for all fans; and

(2) recognizes Major League Baseball for sponsoring the All-Star Game and for its efforts in energizing the Kansas City community by hosting a number of baseball-related events that benefit numerous charities, focusing on fan appreciation and youth involvement, and emphasizing the continued appreciation of baseball as America's favorite pastime.

S. RES. 510

Designating the month of June 2012 as ''National Cytomegalovirus Awareness Month''

Whereas congenital Cytomegalovirus (referred to in this preamble as ''CMV'') is the most common congenital infection in the United States, with 1 in 150 children born with congenital CMV;

Whereas congenital CMV is the most common cause of birth defects and childhood disabilities in the United States;

Whereas congenital CMV is preventable with behavioral interventions such as practicing frequent hand washing with soap and water after contact with diapers or oral secretions, not kissing young children on the mouth, and not sharing food, towels, or utensils with young children;

Whereas CMV is found in bodily fluids, including urine, saliva, blood, mucus, and tears;

Whereas congenital CMV can be diagnosed if the virus is found in urine, saliva, blood, or

other body tissues of an infant during the first week after birth;

Whereas CMV infection is more common than the combined metabolic or endocrine disorders currently in the United States core newborn screening panel;

Whereas most people are not aware of their CMV infection status, with pregnant women being 1 of the highest risk groups;

Whereas the American College of Obstetricians and Gynecologists and the Centers for Disease Control and Prevention recommend that OB/GYNs counsel women on basic prevention measures to guard against CMV infection;

Whereas, in 1999, the Institute of Medicine stated that development of a CMV vaccine was the highest priority for new vaccines;

Whereas the incidence of children born with congenital CMV can be greatly reduced with public education and awareness; and

Whereas a comprehensive understanding of CMV provides opportunities to improve the health and well-being of our children: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of June 2012 as ''National Cytomegalovirus Awareness Month'' in order to raise awareness of the dangers of Cytomegalovirus (referred to in this resolution as ''CMV'') and reduce the occurrence of congenital CMV infection; and

(2) recommends that more effort be taken to counsel women of childbearing age of the effect that CMV can have on their children.

ORDERS FOR WEDNESDAY, JUNE 27, 2012

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, June 27; 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 until later in the day; that the majority leader be recognized; and that the first hour of debate be equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Mr. President, we will continue to debate the flood insurance bill tomorrow. I hope we can come to an agreement to complete action on that bill. We will also consider the transportation bill and the student loan extension before the recess later this week.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:28 p.m., adjourned, until Wednesday, June 27, 2012, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate June 26, 2012:

THE JUDICIARY

ROBIN S. ROSENBAUM, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA.

EXTENSIONS OF REMARKS

HONORING THE NATIONAL BLACK HOME EDUCATORS

HON. BILL CASSIDY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. CASSIDY. Mr. Speaker, I rise today in honor of the National Black Home Educators, which is located in Louisiana's Sixth Congressional District. This week they celebrate their annual banquet marking twelve years of service both locally and nationally.

Founded in July 2000, the National Black Home Educators supports families who are actively involved in their children's education. The NBHE is comprised of more than 5,000 families, organizations, and companies which offer services, tools and resources to assist in children's education. The NBHE assists and equips families to best educate children at home while empowering children, with the support of their families, to achieve academic excellence. NBHE acts as a cornerstone in the homeschooling community by facilitating a supportive environment for all black home educators through field trips, meetings, and conferences.

Mr. Speaker, I heartily commend the National Black Home Educators in their success and efforts in supporting and facilitating parents who are whole-heartedly invested in their children's education. The National Black Home Educators are an important asset to Louisiana's Sixth Congressional District as well as the rest of the nation. I wish them continued success in their mission to promote and support the homeschooling community.

RECOGNIZING THE SERVICE OF POLICE CHIEF RICHARD J. BRADY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. GERLACH. Mr. Speaker, I rise today to congratulate Richard J. Brady, Montgomery County, Pennsylvania on his retirement after his outstanding service and career in law enforcement, most recently as Chief of Police of Montgomery Township. Chief Brady has served with the Montgomery Township Police Department since 1970. He rose through the ranks from patrol officer to Detective (1976), Detective Sergeant (1980), Deputy Chief of Police, and finally was promoted to Chief of Police in 1982. As Chief, Richard Brady presided over the Department's growth from 11 officers in 1982 to its current compliment of 36 officers. Chief Brady established the Department's Special Operations Unit and helped to usher in a new era of technological crime-fighting devices including: computers in patrol cars, live scan fingerprinting, photo imaging, video arraignment, and in-car video systems. Under Chief Brady's leadership, the Montgomery Township Police Department became just the 22nd police department in the state to be awarded P.L.E.A.C. Accreditation status by the Pennsylvania Chiefs of Police Association.

Chief Brady is a member in good standing of many law-enforcement commissions and organizations including: Pennsylvania Municipal Officers Education and Training Commission, Advisory Committee on Wrongful Convictions, Montgomery County Emergency Medical Services Advisory Council, Montgomery County Child Death Review Team, Montgomery County Community College Municipal Police Academy Advisory Committee, and the U.S. Congress' National Children's Study. Chief Brady also serves as the Vice Chairman of the Montgomery County Local Emergency Preparedness Council and on the Board of Directors of the Volunteer Medical Service Corps of Lansdale.

Mr. Speaker, in light of his years of exemplary service to his community and litany of sterling accomplishments too long to record, I ask that my colleagues join me today in recognizing Chief Richard J. Brady for his invaluable contributions to the quality of life of the citizens of Montgomery Township, Montgomery County, Pennsylvania.

LETTER OF COMMENDATION HONORING CONNECTICUT STATE REP. MARIE LOPEZ KIRKLEY-BEY

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. LARSON of Connecticut. Mr. Speaker, on June 14th, Connecticut State Representative Marie Lopez Kirkley-Bey received a Community Service Award during the 14th anniversary celebration of Hartford Communities That Care, a local non-profit organization dedicated to strengthening families, and developing youth leaders across the greater Hartford area.

I was proud to present the following letter of commendation to Ms. Kirkley-Bey in recognition of her efforts:

JUNE 13, 2012.

DEAR REPRESENTATIVE KIRKLEY-BEY: I would like to commend you for your dedication to making Connecticut and the City of Hartford better places to live and work, and to recognize your numerous accomplishments and awards during your ten-term service in the Connecticut House of Representatives.

Your strong work ethic and commitment to giving back to Connecticut is perfectly illustrated in your journey to becoming Deputy Speaker and a leader on a number of State Legislatures and Committees. You built your career from the ground up, calling on your inner strength and motivation to advance from an entry-level job with Aetna, to management positions, and finally to the House of Representatives, all the while remembering your roots, hardships, and concerns in order to empathize with and better assist your constituents. Your negotiation skills and relationship with your constituents will be missed.

With a focus on quality of life issues, you were able to address the needs of Connecticut's most vulnerable citizens, namely homeless and unemployed mothers, children and seniors. In a time when a quality education is more difficult to attain due to rising costs, your work on increasing access to and quality of education served as a crucial step to helping Hartford residents become more self-sufficient. Your success in working toward this goal is best portrayed in the Temporary Assistance to Needy Families (TANF) legislation, which continues to help single parents find a balance between work, education and raising a family.

Additionally, I appreciate your commitment to rejuvenating Hartford's appearance and work and enrichment opportunities. By negotiating the contract compliance portion of the Adriaen's Landing Bill, you ensured that Hartford-based minority contractors and laborers were employed, while your contributions to the Project Labor Agreement (PLA) enabled non-union minority contractors to receive fairer contracts. Finally, the creation of the Construction Jobs Funnel re-emphasized your commitment to the community and education. You recognized that in order to be employed, people need to know and have confidence in certain basic job skills. These three initiatives truly helped better Hartford.

I applaud your hard work, time and dedication in pursuit of a better Hartford and Connecticut and wish you the best of luck in your future endeavors.

All the Best,

JOHN B. LARSON,
Member of Congress.

ENTREPRENEUR DAY IN KC

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. GRAVES of Missouri. Mr. Speaker, please join me as I rise today to recognize June 26th as Entrepreneur Day in Kansas City.

The Greater Kansas City Chamber of Commerce and the Kauffman Foundation have a unique vision to make Kansas City America's Most Entrepreneurial City. In turn, they are hosting One Week KC, a nine-day celebration of innovators and job creators in our region that will encourage community entrepreneurs to come together, get inspired, learn and connect.

The final day of this celebration, June 26th, will be known as Entrepreneur Day at the K. Over 40 local mayors from both Missouri and Kansas will attend this event at Kauffman Stadium to declare June 26th as Entrepreneur Day in their cities. Entrepreneurs are the foundation of the American economy, and I applaud our local leaders for recognizing and encouraging entrepreneurism in our region.

Mr. Speaker, I ask that you join me in the celebration of Kansas City's entrepreneurs. I

commend the Greater Kansas City Chamber of Commerce and the Kauffman Foundation for leading the initiative to make Kansas City America's Most Entrepreneurial City, and I look forward to demonstrating the strength of entrepreneurship in our region to the rest of the nation.

HONORING MARTIN J. INGRAM

HON. ROBERT L. TURNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. TURNER of New York. Mr. Speaker, I rise to honor my friend and neighbor Martin J. Ingram, who is retiring after more than 34 years of federal service.

Marty spent 30 years with the Air Force on active duty and with the Air National Guard and Air Force Reserve. He was a rescue helicopter pilot in the USAF Air Rescue Service, served as mission commander on multiple types of rescue aircraft and held key management positions as Instructor Pilot, Helicopter Flight Commander and Wing Chief of Safety. In May and June of 1996, he also flew combat support operations for Operation Provide Comfort in Turkey and northern Iraq.

In his civilian career, Marty flew as First Officer aboard Sikorsky S-61 helicopters for New York Airways, which included rooftop landings at the famed heliport atop the Pam Am Building. He holds an Airline Transport Pilot Rating in multi-engine and rotary aircraft, including the Boeing 747, Grumman Gulfstream G-II and Sikorsky SK-61 and SK-58 aircraft. He is a certified flight instructor in single and multi-engine aircraft and instruments, and is a certified Dispatcher and Flight Engineer with a Turbojet rating.

Marty began working with the Federal Aviation Administration in 1978 as an Air Traffic Controller at New York Center in Ronkonkoma, Long Island. In 1984, he launched his Flight Standards Service career by becoming an Aviation Safety Inspector (Operations) at the Farmingdale Flight Standards District Office (FSDO). He later served as a General Aviation and Air Carrier Safety Inspector, Principal Operations Inspector, and was Manager of the Charlotte FSDO and Executive Officer for the Southern Region Flight Standards Division. He is retiring as the Assistant Manager for the FAA Eastern Region Flight Standards Division at John F. Kennedy Airport in New York City.

I would like to offer a heartfelt "Thank You" to Marty for his military service to our country, a public service career well spent and all that he has done to keep our airlines and passengers safe over the years. I wish him many successful, happy and healthy years to come.

A TRIBUTE TO WALTER J. ZABLE

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. ISSA. Mr. Speaker, I rise today to recognize the life of Walter J. Zable upon his passing. Mr. Zable was a leader, job creator, and a great contributor to the San Diego community.

In 1951, Mr. Zable formed the Cubic Corporation in Southern California. Today it employs over 8,000 people worldwide in the field of defense systems, mission support services and transportation systems for government and commercial customers. Mr. Zable served as the chairman, president, and CEO of the corporation for five decades.

Prior to forming Cubic, Mr. Zable attended the College of William and Mary in Williamsburg, Virginia studying physics and mathematics while enjoying football. It is during this time that he married his beloved wife, Betty.

Excelling in football, he played on scholarship at William and Mary and credited the sport to helping him get through the Great Depression. Mr. Zable later played professional football with the Richmond Arrows and the New York Giants. Multiple sports awards followed, including the 1962 Sports Illustrated Silver Anniversary All-American Team. Today, the William and Mary football stadium bears the Zable name.

Mr. Zable began putting his engineering skills to work in the early 1940s in Southern California. His drive and determination led to the creation of Cubic Corporation. Regular growth has led the company to great success including worldwide offices and the public trading of its stock on the NYSE.

Our military relies on the work of Cubic as a provider of realistic combat training systems, cyber technologies, asset tracking solutions, and defense electronics. Many of the world's public transportations systems rely on Cubic for collection systems and services.

At the age of 97, Mr. Zable's passing marks a lifetime of great accomplishments. His legacy lives on in the continued achievement of the Cubic Corporation and his personal philanthropy. In 1971, he established the San Diego Chapter of the National Football Foundation and College Hall of Fame (NFFCHF). NFFCHF assists student athletes in achieving their full individual potential.

Mr. Zable is an example of the American Dream fulfilled. Through hard work, dedication, and a deep sense of community, he lived a full and inspiring life. Today we remember his contributions to San Diego and our country.

RECOGNIZING HEATH HAWKS STATE CHAMPIONSHIP WIN

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. HALL. Mr. Speaker, I rise today in recognition of the Rockwall Heath Hawk's baseball team which brought home the title of "State Champions" this year in the University Interscholastic League Class 4A Texas baseball championship. Led by Coach of the Year Greg Harvey, the Heath Hawks had an exceptional season and playoff run before achieving victory over Cleburne for a 10-1 win for the state title. After making regional finals the past two years, this year is a culmination of the hard work and dedication of these young men.

The Heath Hawks' record testifies they are successful competitors, but what makes them great is their work ethic, teamwork, and good attitude. These admirable character traits will carry these men far in life.

The seniors in every team hold a special responsibility, and the eleven graduating seniors on this team should be congratulated for the leadership they provided throughout the season. Seniors Jovan Hernandez and Jake Thompson were specifically recognized this year for their skill and leadership. Jovan Hernandez was named State Tournament MVP and All-District Pitcher of the Year. Jake Thompson was named All-District MVP and was drafted in the Major League's second round by the Detroit Tigers as their first pick.

I am proud of Coach Harvey, his aide, and the Heath Hawks baseball team for their accomplishment in achieving the State Championship. I look forward not only to cheering for the Heath Hawks in the future, but to cheering on the men of this year's team as they pursue their goals in the years to come. I have every confidence that they will succeed.

Mr. Speaker, I ask those here to join me in honoring Texas State Champions, the Heath Hawks, and in wishing them success in their future endeavors.

IN RECOGNITION OF GERTRUDE KNOWLTON

HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. KEATING. Mr. Speaker, I rise today to honor Gertrude Knowlton of Oak Bluffs, Massachusetts, who celebrated her 100th birthday this year.

Gertrude was born on January 13, 1912. The youngest of four children, she grew up in the greater Boston area. She lived and raised her family there, eventually relocating to Southborough. In 1990, she moved to Martha's Vineyard with her daughter and has lived on the island ever since. There, Gertrude enjoys displaying her watercolor paintings in local fairs, as well as reading new bestsellers as soon as they arrive in the local library. Even as a centenarian, she has maintained a very active and busy life on the Vineyard.

Born just months before the Titanic sank and Fenway Park opened, Gertrude's story is truly a living history of major American events. She has lived through two world wars, Prohibition and the Depression, the Cold War and the Civil Rights Movement. She recalls seeing five-cent silent movies and attending big-band concerts led by Guy Lombardo and Rudy Valee. She remembers being voted "best dancer" in high school and of dressing in the flapper style of the 1920s as a teenager. During World War II, she worked at a drugstore lunch counter in Milford. Gertrude grew up in a time before automobiles or airplanes were commonplace and before most people had landlines or radios in their homes, but lived to see a man walk on the moon and the establishment of instant worldwide connectivity through the Internet.

Gertrude raised six children—five of her own as well as a teenage girl who she took in—and has seen her family grow by four generations. She has three surviving children, thirteen grandchildren, twenty-eight great grandchildren and four great-great grandchildren. Gertrude believes that the secret to living to the age of 100 is always to have a good attitude toward life, and I couldn't agree more.

Mr. Speaker, I am proud to honor Gertrude Knowlton as she celebrates this joyous occasion. She is an extraordinary member of our

community and I ask that my colleagues join me in wishing her many more years of health and happiness.

FINANCIAL NET WORTH DECLARATION

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. SENSENBRENNER. Mr. Speaker, through the following statement, I am making my financial net worth as of March 31, 2012, a matter of public record. I have filed similar statements for each of the thirty-three preceding years I have served in the Congress.

ASSETS

REAL PROPERTY

Single family residence at 609 Ft. Williams Parkway, City of Alexandria, Virginia, at assessed valuation. (Assessed at $1,350,288). Ratio of assessed to market value: 100% (Unencumbered): $ 1,364,555.00.

Condominium at N76 W14726 North Point Drive, Village of Menomonee Falls, Waukesha County, Wisconsin, at assessor's estimated market value. (Unencumbered): $139,600.00.

Undivided 25/44ths interest in single family Residence at N52 W32654 Maple Lane, Village of Chenequa, Waukesha County, Wisconsin, at 25/44ths of assessor's estimated market value of $1,465,700: $ 832,784.09.

Total real property: $ 2,336,939.09.

Common & preferred stock	# of shares	$ per share	Value
Abbott Laboratories, Inc.	12200	61.29	$747,738.00
Alcatel-Lucent	135	2.27	306.45
Allstate Corporation	370	32.92	12,180.40
AT&T	6752.771461	31.23	210,889.05
JP Morgan Chase	4539	45.98	208,703.22
Benton County Mining Company	333	0.00	0.00
BP PLC	3604	45.00	162,180.00
Centerpoint Energy	300	19.72	5,916.00
Chenequa Country Club Realty Co.	1	0.00	0.00
Comcast	634	30.01	19,026.34
Darden Restaurants, Inc.	2160	51.16	110,505.60
Discover Financial Services	156	33.34	5,201.04
Dun & Bradstreet, Inc.	1250	84.73	105,912.50
E.I. DuPont de Nemours Corp.	1200	52.90	63,480.00
Eastman Chemical Co.	540	51.69	27,912.60
Eastman Kodak	1080	0.32	345.60
El Paso Corp.	150	29.51	4,426.50
Exxon Mobil Corp.	9728	86.73	843,709.44
Frontier Comm.	470.451694	4.17	1,961.78
Gartner Inc.	651	42.64	27,758.64
General Electric Co.	15600	20.07	313,092.00
General Mills, Inc.	5760	39.45	227,232.00
GenOn Energy	236	2.08	490.88
Hospira	1220	37.39	45,615.80
Imation Corp.	99	6.19	612.81
Kellogg Corp.	3200	53.63	171,616.00
Merck & Co., Inc.	8203	38.40	314,995.20
3M Company	2000	89.21	178,420.00
Medco Health Solutions, Inc.	8218	71.85	590,463.30
Monsanto Corporation	2852.315	79.76	227,500.64
Moody's	5000	42.10	210,500.00
Morgan Stanley	312	19.64	6,127.68
NCR Corp.	68	27.71	1,884.28
Newell Rubbermaid	1676	17.81	29,849.56
JP Morgan Cash	345.12	1.00	345.12
PG & E Corp.	175	43.41	7,596.75
Pfizer	30415	22.65	688,899.75
Century Link (Formerly Qwest)	95	38.65	3,671.75
Sandusky Voting Trust	26	1.00	26.00
Solutia	72	27.94	2,011.68
Tenneco Inc.	182	37.15	6,761.30
Unisys, Inc.	16	19.72	315.52
US Bancorp	3081	31.68	97,606.08
Verizon	1796.367277	38.23	68,675.12
Vodafone Group PLC	323	27.67	8,937.41
Wisconsin Energy	2044	35.18	71,907.92
Total common & preferred stocks & bonds			$5,833,307.72

Life insurance policies	Face $	Surrender $
Northwestern Mutual #4378000	12,000.00	102,638.40
Northwestern Mutual #4574061	30,000.00	246,909.07
Massachusetts Mutual #4116575	10,000.00	14,830.32
Massachusetts Mutual #4228344	100,000.00	386,190.35
American General Life Ins. #5–1607059L	175,000.00	42,706.25
Total life insurance policies		$793,274.39

Bank & IRA accounts	Balance
JP Morgan Chase Bank, checking account	$20,610.04
JP Morgan Chase Bank, savings account	41,468.07
M&I Bank, checking account	7,726.64
Burke & Herbert Bank, Alexandria, VA, checking account	1,481.66
JP Morgan, IRA accounts	151,175.38
Total bank & IRA accounts	222,461.79

Miscellaneous	Value
2007 Chevrolet Impala	$8,174.00
1994 Cadillac Deville—retail value	1,678.00
1996 Buick Regal—retail value	2,006.00
Office furniture & equipment (estimated)	1,000.00
Furniture, clothing & personal property (estimated)	180,000.00
Stamp collection (estimated)	150,000.00
Deposits in Congressional Retirement Fund	214,651.34
Deposits in Federal Thrift Savings Plan	431,418.50
Traveler's checks	7,800.00
17 ft. Boston Whaler boat & 70 hp Johnson outboard motor (estimated)	5,000.00
20 ft. Pontoon boat & 40 hp Mercury outboard motor (estimated)	8,000.00
Total miscellaneous	1,009,727.84
Total assets	10,195,710.83

Liabilities: None.

Net worth: $10,195,710.83.

STATEMENT OF 2011 TAXES PAID

Federal Income Tax	$130,442.00
Wisconsin Income Tax	44,972.00
Menomonee Falls, WI Property Tax	2,379.00
Chenequa, WI Property Tax	22,126.00
Alexandria, VA Property Tax	13,476.00

I further declare that I am trustee of a trust established under the will of my late father, Frank James Sensenbrenner, Sr., for the benefit of my sister, Margaret A. Sensenbrenner, and of my two sons, F. James Sensenbrenner III, and Robert Alan Sensenbrenner. I am further the direct beneficiary of five trusts, but have no control over the assets of either trust. My wife, Cheryl Warren Sensenbrenner, and I are trustees of separate trusts established for the benefit of each son.

Also, I am neither an officer nor a director of any corporation organized under the laws of the State of Wisconsin or of any other state or foreign country.

F. JAMES SENSENBRENNER, Jr.,
Member of Congress.

PERSONAL EXPLANATION

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. GEORGE MILLER of California. Mr. Speaker, on June 21, 2012, I was unavoidably absent for rollcall votes 408, 409, 410, and 411.

Had I been present, I would have voted "yea" on rollcall no. 408, the amendment to fully fund the Commodity Futures Trading Commission to limit speculation in energy markets.

I oppose the irresponsible H.R. 4480. I would have voted "yea" on rollcall no. 409, and I would have voted "no" on rollcall no. 410.

Finally, had I been present, I would have voted "no" on rollcall no. 411, the motion to instruct transportation conferees to supersede the EPA's authority to permit coal waste disposal sites.

HONORING LIEUTENANT COMMANDER STEPHANIE MORRISON, U.S. COAST GUARD, FOR HER SERVICE AS DEPUTY LIAISON TO THE HOUSE OF REPRESENTATIVES

HON. RICK LARSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. LARSEN of Washington. Mr. Speaker, I rise today to recognize the service, dedication and professionalism of Lieutenant Commander (LCDR) Stephanie Morrison, who has served as the Coast Guard's Deputy Liaison to the House of Representatives from August 2009 through June 2012. The consummate professional, LCDR Morrison exemplified the Coast Guard's motto ''Semper Paratus'' or Always Ready, as she coordinated staff and Member briefings, worked with Committee staff and Coast Guard leadership to prepare for critical operations, acquisitions, and policy hearings, and helped respond to hundreds of constituent issues from around the country. She was an integral part of the Coast Guard's Congressional Affairs team that supported my Subcommittee's efforts in the passage of the Coast Guard Authorization Act of 2010, and has continued to be an invaluable resource as we move forward to support the Coast Guard's vital recapitalization and modernization efforts during the 112th Congress. In addition to her numerous duties and responsibilities here in Washington, D.C., LCDR Morrison also deployed to the Gulf Coast in the Spring of 2010 during the Deepwater Horizon oil spill response, where she assisted numerous congressional staff and Members of Congress with detailed briefings and site visits, which were vital to Congress' ability to execute its oversight responsibilities during this tragic event.

As the Ranking Member of the Coast Guard and Maritime Transportation Subcommittee, I am honored to represent the fine women and men of the United States Coast Guard not only from my District, but everyone who has accepted the challenge and endured the sacrifice necessary to serve. The men and women who serve as Congressional Liaisons take on a particularly difficult challenge; one which can easily be overlooked but is nonetheless as important to the success of the Coast Guard as the cutter and aircraft crews who protect our waterways every day. I would like to thank LCDR Morrison for her dedication and service in this challenging position. She has been a tremendous help to me and my staff, and I wish her well as she transitions to her new assignment as the Chief of Waterways Management at Coast Guard Sector Baltimore.

HEALTHCARE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. BURGESS. Mr. Speaker, I would like to submit the following:

DALLAS HEALTHCARE POLICY CONFERENCE

Congressman Pete Sessions, Congressman Michael Burgess, MD., Congressman John Fleming, MD, and Congressman Bill Cassidy, MD.

STATEMENT OF PRINCIPLES

Safety Net

We support a healthcare safety net, which guarantees all Americans access to healthcare that is consistently and adequately funded by a rational system that ensures coverage regardless of employment or economic status to encourage maximum participation by physicians. Funding for this safety net should be government subsidized without mandates.

Patient/Doctor Relationship

The sanctity of the patient-physician relationship must be the foundation of healthcare in America and is the product of every individual's right to choose. This bond is freely chosen and based upon mutual trust, informed consent, and privileged confidentiality involving every citizen. This sacred trust must not be violated.

Personal Responsibility

In order to have a sustainable healthcare system every patient has to have a personal investment in the cost and maintenance of their care. The patient should be empowered to responsibly choose the best use of their health care resources.

Choice (Physicians and Patients)

Patients are entitled to the maximum possible freedoms in choosing how to care for themselves and their families. Physicians and healthcare professionals are entitled to the maximum possible freedoms in choosing how they provide care for their patients, manage their practice, and compete in the market.

Privacy (Digital and EMR)

Privacy must stand at the core of the trusted and inviolable patient/physician relationship in order to maximize the quality of care we provide our patients. Patient's personal information, particularly digital, must be protected. That information must be owned by the patient. It is the only the patients' to share with their informed consent and must be protected from all third parties including the government.

Patient Ownership/Portability

Health insurance may be purchased across state lines consistent with interstate commerce. Each American deserves the opportunity to own their individual healthcare policy with guaranteed renewability and community rating that is appropriate for their family needs, not contingent upon a specific job, and irrevocable except by personal choice or cases of fraud.

Payment and Price Transparency

Transparency should be encouraged by all those who participate in the healthcare marketplace. It is the patient's right to know the cost of care and the payment provided by insurance or government. It is the core of the free market for consumers and professionals to know the true costs and prices of all goods and services provided.

Funding (Premium Support/Defined Contributions)

Individual citizens should be permitted to own a Health Liberty Account (HLA) that may receive defined contributions from employer or government, or a tax-deductible contribution from any source, that is dedicated to the purchase of healthcare coverage and payment for healthcare services. Those unable to fund their own HLA would be eligible for adequate funding for annual healthcare coverage with a defined contribution from the government.

Tax Parity (Deductions)

The purchase of health benefits are should be tax deductible whether purchased by the employer or individual, regardless of income. Charitable healthcare should be a tax deductible item by the physician.

Fraud, Waste and Abuse (Inefficiency)

Physicians are committed to protecting the taxpayers by stopping fraud (e.g. phantom billing, home health, and medical equipment fraud) and considering methods to accomplish this goal, including smart cards. Physicians are committed to strengthening and reinvigorating the peer review system. Physicians and their professional scientific organizations should continue to seek efficiencies by eliminating wasteful healthcare spending that does not improve outcomes.

Liability Reform

The fear of lawsuits drives up the cost of medical care due to the practice of defensive medicine. Tort reform will lower inefficient spending and help to ease the upward pressure on healthcare costs. Examples of such reforms include caps on non-economic damages and the formation of expert medical panels to evaluate and when indicated compensate significant adverse outcomes to eliminate costly litigation.

THE TEN CANNOTS

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. WILSON of South Carolina. Mr. Speaker, on Sunday at the Patriotic Sunday service of Grace Baptist Church in West Columbia, South Carolina, Dr. Bill Egerdahl, the Church's Pastor quoted an extraordinary pamphlet which has real meaning today:

''In 1916, a minister and outspoken advocate for liberty, William J. H. Boetcker, published a pamphlet entitled ''The Ten Cannots'':

You cannot bring about prosperity by discouraging thrift.

You cannot strengthen the weak by weakening the strong.

You cannot help the poor man by destroying the rich.

You cannot further the brotherhood of man by inciting class hatred.

You cannot build character and courage by taking away man's initiative and independence.

You cannot help small men by tearing down big men.

You cannot lift the wage earner by pulling down the wage payer.

You cannot keep out of trouble by spending more than your income.

You cannot establish security on borrowed money.

You cannot help men permanently by doing for them what they will not do for themselves.

Simply put, the central government cannot give to anybody what it does not first take from somebody else.''

CONGRATULATING THERESA LOU BOWICK

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Ms. SLAUGHTER. Mr. Speaker, I rise today to congratulate Theresa Lou Bowick, BSN, RN

upon the realization of her vision and to recognize her for her dedication to the Rochester, New York community.

July 7, 2012 will mark the official kick off of the Conkey Cruisers, a free neighborhood ''biking to better health'' program that will journey throughout the northeast crescent of Rochester, otherwise known as the Conkey-Clifford Neighborhood. The Conkey Cruisers is an official 501(c)(3) non-profit organization that has singlehandedly unified an inner city neighborhood by addressing two important factors: crime and health.

Just one year ago, Ms. Bowick was out running in her neighborhood when she had two disturbing encounters. First, a young boy called out to her, ''Hey, lady! Are you on probation?'' He assumed that Ms. Bowick was running from the police, as he apparently had little understanding of any other reason for running in that particular neighborhood. Soon after, an older man accused Ms. Bowick of being an undercover cop, boldly stating, ''She is the police, because nobody exercises in this neighborhood!''

These encounters inspired Ms. Bowick to start an exercise program in the ConkeyClifford Neighborhood. The program advocates ''Getting fit, one street, one person, one bike at a time.'' As a registered nurse, Ms. Bowick understands the health benefits of regular exercise, particularly at a time when our nation is experiencing an epidemic of obesity. Her efforts are getting an entire neighborhood up and moving, all the while restoring safety and a sense of home back to the residents.

The signature black, yellow and white Conkey Cruiser t-shirts can now be seen daily on the streets of Conkey Avenue, as neighbors both young and old exercise on their bikes. Beginning July 7th, youth from the Conkey-Clifford neighborhood will participate in the six-week, five days a week free Conkey Cruisers program, which provides an introduction to safe bicycling and healthy eating, as well as an opportunity to earn President Obama's Active Lifestyle Award.

I am proud that such dedicated individuals call my district home, and that they have committed themselves to improving their neighborhoods, increasing safety, and pursuing health for all of our residents. I ask my colleagues to join me in honoring Theresa Lou Bowick and the Conkey Cruisers.

IN RECOGNITION STEVEN ROLLINS

HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. KEATING. Mr. Speaker, I rise today to recognize Stephen Rollins upon his retirement after twenty-five years of public service as Town Administrator and Town Manager of Hanover.

Mr. Rollins' career in public service began in 1973 when he worked for the Illinois Department of Local Government Affairs following his graduation from The University of Vermont. Since then, he has proved himself to be an innovative and efficient administrator in a variety of public service roles. He was a leader in the centralization of the Hanover town government, and was instrumental in streamlining the town's process for grants and expenditures. Mr. Rollins has received national recognition for his work on Hanover's health plan and local praise for his simplification of the town's yearly budget.

As town administrator, Mr. Rollins demonstrated his flexibility and leadership ability. Not only were these characteristics seen in the day-to-day operations of local government, but they were also evident in crisis situations—perhaps, most memorably, when Hanover's town hall was severely damaged in a fire. As de facto contractor overseeing the town hall's renovations, Mr. Rollins repeatedly demonstrated his ability to improvise and assume unconventional roles when necessary. It was therefore very fitting when he was given the title of Town Manager in August of 2010, and became the town's first person to occupy this position. In his role as a representative of Hanover, Mr. Rollins typified the best of what the town has to offer. Always putting the community first, he dedicated his career to making local government work for the people.

Mr. Speaker, I am proud to honor Stephen Rollins on this remarkable occasion. I ask that my colleagues join me in wishing him a wonderful retirement and many years of happiness, as well as in thanking him for working tirelessly to build the town of Hanover into the beautiful community we know today.

THE INTRODUCTION OF THE REHAB AND AHMED AMER FOSTER CARE IMPROVEMENT ACT OF 2012

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. CONYERS. Mr. Speaker, today, I introduced the Rehab and Ahmed Amer Foster Care Improvement Act of 2012. The Act will enhance the existing federal policy of encouraging state foster care programs to place children in the care of willing and able relatives.

This legislation accomplishes that goal by requiring States that receive federal funding for foster care programs to add certain procedural enhancements to their foster care programs so as to ensure a more fair placement decision-making process.

Specifically, my bill requires that, within 90 days after a State makes a foster care placement decision, the State must provide notice of such decision to the following affected parties:

the child's parents;

relatives who have informed the State of their interest in caring for the child;

the guardian;

the guardian ad litem of the child;

the attorney for the child;

the attorney for each parent of the child;

the prosecutor involved; and

the child if he or she is able to express an opinion regarding placement.

Additionally, States must establish procedures that:

allow any of the parties who receive notice of the State's placement decision to request, within five days after receipt of the notice, documentation of the reasons for the State's decision;

allow the child's attorney to petition the court involved to review the decision; and

require the court to commence such review within seven days after receipt of the petition and conduct such review on the record.

The harrowing story of Rehab and Ahmed Amer of Dearborn, Michigan prompted me to craft this bill.

In 1985, the Amers lost two of their children to Michigan's foster care system after Rehab had been subject to criminal charges related to the death of her two-year-old son Samier, who died because of head injuries resulting from a fall in a bathtub.

Although Rehab had been acquitted in August 1986 of any criminal wrongdoing in connection with Samier's death, the State refused to return the Amers' other two children to them and, in fact, removed a third child from the Amers' custody four months after Rehab's acquittal.

As a temporary alternative, Rehab's brother petitioned to be a foster parent to the Amers' three children, but was denied his petition even though he had previously served as a foster parent for other children.

It is important to note that the Amers are Muslim. Nevertheless, the State, rather than placing the Amers' children with a foster family of the same faith and cultural background, sent them to live with an evangelical Christian family, which re-named the Amers' children—Mohamed Ali, Sueheir, and Zinabe—with Christian names and raised them as Christians.

Today, only the oldest of the Amers' three living children, Mohamed Ali, now known as Adam, communicates with them.

In reaction to the Amers' story, Michigan enacted what became known as the Amer Law. That law requires foster care placement agencies in Michigan to consider and give special preference for relatives when making a foster care placement decision.

The Amer Law is consistent with federal foster care policy, which also seeks to give preference to a child's relatives and, for Native American children, a family of the same cultural background as the child, when making placement decisions.

The Amer Law, however, has several provisions that go beyond current federal law to ensure due process. In sum, this law gives parents, relatives, guardians, and the child in certain cases additional procedural rights, including the right to written notice and an explanation of a placement decision. In addition, it authorizes judicial review of a placement decision by a foster care agency.

My legislation simply adds these enhanced due process features of the Amer Law to existing federal foster care law.

The best interests of the child should always be the overriding consideration when making foster care placement decisions. That standard, however, should also require foster care agencies to give special preference to placing a child with relatives, where the child can be raised in the same culture or religion as his or her own, all other things being equal.

I thank Rehab and Ahmed Amer for bringing this issue to light and for their tireless efforts to make the foster care placement process fairer for everyone, first in Michigan, and, now, nationally.

HONORING GUS MACHADO FOR HIS DEDICATION TO THE SOUTH FLORIDA COMMUNITY

HON. DAVID RIVERA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. RIVERA. Mr. Speaker, I rise to honor the outstanding accomplishments of Mr. Gus Machado, who exemplifies the virtues of hard work, dedication, and contribution to the community.

Mr. Machado was born in Cuba, and came to the United States when he was only fifteen years old where he studied at the Edwards Military Institute in North Carolina and Greenville College before working for the Caterpillar Tractor Company in Illinois.

In 1956, he moved to Miami with no more than a few thousand dollars. He used the money to get stared in the automotive business by investing in a gas station and sending used cars to Cuba until Castro established himself as the nation's dictator and targeted free enterprise. Nevertheless, Mr. Machado persevered by refocusing his business operations to the Cuban exile community in South Florida. He began concentrating on the retail aspect of car sales and utilized his keen insight to business to identify and cater to the emerging demands of the market. For example, in 1973, he began a business that exported vehicles to Puerto Rico to fulfill the high demand in the area. Soon after, the only other General Motors distributer in Puerto Rico closed down, leaving Mr. Machado as the main dealer in the market.

Throughout the following years, his business endeavors multiplied and he established himself as one of the most successful automotive dealers in the country. In 1984, he purchased a Ford dealership in Hialeah and quickly became the #1 Ford dealer in Miami-Dade County.

Today, Mr. Gus Machado is one of the most respected and successful car dealers in the country. When the recession hit, the future of the auto industry looked very grim. Like many other Americans, Mr. Machado's business faced unprecedented hardship. Nevertheless, he took a bold risk by expanding his domain and buying another Ford dealership in Kendall. Like many of his other ventures, this too proved fruitful. He continues to provide his services to the community, and has been honored with countless awards for his work, including the Ford Motor company's highest honor, the President's Award.

Furthermore, Mr. Machado has established himself as one of the most generous philanthropists in South Florida. His endeavors include the establishment of the Gus Machado Family Foundation, which provides hundreds of children with backpacks and school supplies every year, and the founding of the Gus Machado Classic Charity Golf Tournament benefiting the American Cancer Society, among many, many others.

Mr. Machado has also worked hard to promote the transition to democracy in his native Cuba, the most oppressive nation in the Western Hemisphere. His dedication to the cause of liberty and freedom is truly remarkable.

Due to his hard work, his ambition, and his generosity, Mr. Machado embodies the American Dream. He is a model citizen for aspiring businessmen and civic leaders because he reminds us of what it truly means to be an American.

However, I doubt that he could have made it this far without the support of his wonderful family and particularly his loving wife Lilliam who has organized many charitable events in our community.

On June 29th, the community will show its appreciation by dedicating "Gus Machado Way" in his honor. On behalf of the South Florida community, I thank Mr. Machado for everything he has done for this community, and I take great pride in being a part of this celebration.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 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 $15,782,570,144,097.96. We've added $5,155,693,095,184.88 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.

Forty-nine years ago today, John F. Kennedy delivered his Ich bin ein Berliner speech in West Berlin. At that time, America had the economic security to challenge her communist foe. We must rid ourselves of this crippling debt.

CONGRATULATORY REMARKS FOR OBTAINING THE RANK OF EAGLE SCOUT

HON. SANDY ADAMS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mrs. ADAMS. Mr. Speaker, I would like to congratulate Austin N. Krohne for achieving the rank of Eagle Scout.

For his Eagle Scout project, Austin coordinated an oyster reef restoration project to benefit marine flora and fauna, and to improve water quality within the Indian River Lagoon. Throughout the history of the Boy Scouts of America, the rank of Eagle Scout has only been attained through dedication to concepts such as honor, duty, country and charity. By applying these concepts to daily life, Austin has proven his true and complete understanding of their meanings, and thereby deserves this honor.

I offer my congratulations on a job well done and best wishes for the future.

IN RECOGNITION OF THE PATRIOT LEDGER'S 175TH ANNIVERSARY

HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. KEATING. Mr. Speaker, I rise today to celebrate the 175th birthday of The Patriot Ledger, the long-standing newspaper of record for Massachusetts' South Shore communities.

Headquartered and published in Quincy since its inception, The Patriot Ledger is one of Massachusetts' oldest local daily newspapers and serves twenty-six communities on the South Shore with approximately 55,000 residents in its circulation. Founded on January 7, 1837, the paper was originally known as the Quincy Patriot and was once the hometown newspaper of President John Quincy Adams. When Adams was serving in the House of Representatives following his presidency, he frequently wrote letters to the editor regarding the many issues that the House was facing at the time, such as the abolishment of slavery, the admission of Texas as a state, and the heated debates that Members of Congress often had with one another. The Patriot Ledger has served as a trusted chronicler of local and national news ever since, and it continues to be one of the region's most popular daily papers.

In addition to providing important and reliable news to the South Shore every day, The Patriot Ledger has frequently been at the forefront of many aspects of newspaper production and technology. In the 1950's, experimentation by the paper's printing staff led to the development of the first practical photo-typesetting machine, an innovation that attracted the attention of newspaper executives around the world. The paper was also among the first in the nation to establish zoned editions for local news and advertising, and it paved the way in establishing many other modern features of the print news industry. Such features pioneered by The Patriot Ledger include the use of 35-millimeter photography, the transmission of daily editions to the printer via facsimile, the use of a computer editing system, and the installation of a two-way radio system for spot news coverage. While many newspapers struggle with the technological advancements of the twenty-first century, The Patriot Ledger continues to grow and move forward.

As a result of its excellence in reporting and its frequent innovation, The Patriot Ledger has been the recipient of many awards throughout its 175-year tenure. It was named as the New England Press Association's Newspaper of the Year in 2005 and 2006, and won the title of the New England Newspaper Association's Newspaper of the Year in 2007. Among the awards The Patriot Ledger received in 2011 were seven national journalism awards from Suburban Newspapers of America and six additional awards from the New England Associated Press News Executives Association. Already this year, the paper has been awarded two national prizes from the Society of American Business Editors and Writers, including the General Excellence award for the paper's business section. Notably, The Patriot Ledger was the only daily paper with a circulation of less than 100,000 to be recognized.

Mr. Speaker, it brings me great pride to honor The Patriot Ledger as the newspaper celebrates 175 years of publication. I fondly remember reading it when I was young and look forward to reading it for many more years to come. I urge my colleagues to join me in recognizing this great paper that has long been woven into the fabric of our country's history.

COMMENDING ROTARY INTERNATIONAL AND OTHERS FOR THEIR EFFORTS TO PREVENT AND ERADICATE POLIO

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. McDERMOTT. Mr. Speaker, I rise today to commemorate Rotary International and others for their efforts in vaccinating children around the world against polio. I also rise to encourage continued commitment and funding by the U.S. Government to the global effort to eradicate polio. In this regard, I want to thank Senator DICK DURBIN for his leadership in bringing this timely resolution to the Senate.

Polio is a highly infectious disease that primarily affects children and for which there is no known cure. It can leave survivors permanently disabled or paralyzed. Eradication of polio is a high priority for Rotary International, whose membership extends across the country and in more than 170 countries. I am proud to represent the Rotarians of the 7th congressional district of Washington, who have generously given their time and financial support to the global fight against polio.

The U.S. Government is the leading public sector donor to the Global Polio Eradication Initiative. The Centers for Disease Control and the United States Agency for International Development have been at the forefront in the U.S. Government's work to eradicate polio both nationally and internationally. Polio is now endemic only in Afghanistan, Nigeria, and Pakistan.

Over the past week, it has become more difficult for international organizations to distribute polio vaccines to children in Pakistan. There is a critical lesson for the U.S. Government to learn. When humanitarian workers are used for intelligence collecting purposes, as we saw in Dr. Shakil Afridi's case, it erodes trust and undermines legitimate humanitarian work.

The immediate and long-term consequences of the CIA's ill-conceived project with Dr. Afridi are grave. The immediate consequence of Dr. Afridi's bogus vaccination program run by the CIA was that the Pakistani Taliban in northern Waziristan have since used it as an excuse to ban polio vaccinations to 161,000 children. The long-term impact is that it will be fodder for conspiracy theorists that American espionage is everywhere and that medical programs could have sinister motives.

The tragic impact of CIA's operation is that thousands of Pakistan's children who could have been vaccinated will suffer or die from polio.

As we recognize our achievements in eradicating polio, I urge my colleagues to look at countries where polio is still endemic and work to ensure that intelligence agencies are not using medical workers as tools to collect information.

CONGRATULATING GALVESTON BAY FOUNDATION ON THEIR 25TH ANNIVERSARY

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to honor the Galveston Bay Foundation for their 25 years of dedication and continual service to preserving, protecting, and enhancing Galveston Bay and its surrounding communities.

Since 1987, the Galveston Bay Foundation has demonstrated a lasting commitment to the conservation of our environment and community through the institution of essential and effective environmental programs. These programs continue to collectively improve the environment and well-being throughout our community. In doing so, the foundation has established a reputation of unyielding excellence and as a result earned accolades such as the Texas Environmental Excellence Award, a 5-Star Award from the Environmental Protection Agency, and many more.

Through conscious action the Galveston Bay Foundation continues to promote environmental responsibility and provide a safe coastal environment that enhances the welfare of the community, economy, and environment. The continuous service of the Galveston Bay Foundation has made an enduring impact on our community and for their continued efforts I am proud to support the Galveston Bay Foundation.

I congratulate the board of trustees, staff, and volunteers at the Galveston Bay Foundation for all of their hard work and dedication to the conservation of the Galveston Bay and surrounding communities.

COMMENDING THE TRANSLATIONAL GENOMICS RESEARCH INSTITUTE

HON. PAUL A. GOSAR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. GOSAR. Mr. Speaker, I join with my colleagues from Arizona to commend the Translational Genomics Research Institute for a decade of biomedical research success.

TGen was founded in Arizona in 2002 to leverage new scientific discoveries from the mapping of the human genome, and its establishment promptly accelerated the state into the era of genomics and personalized medicine.

Significant to TGen's establishment was the confluence of support from all sectors of the state to attract this new institute to base its operations in Arizona as well as recruit the renowned geneticist, Dr. Jeffrey Trent to lead it, and position the state as a worldwide leader in bioscience and medical discovery. Academic, business, philanthropic and government leaders all joined forces in a statewide campaign within a matter of months to strategically assemble the necessary support. The members of Arizona's delegation also rallied behind this collective vision.

What most excited Arizona leaders was the vision put forth by Dr. Jeff Trent, to accelerate and translate scientific discovery into more immediate and effective benefits for patients, all made possible with the new information from the human genome and rapidly developing technology.

It was on this day ten years ago, June 26, 2002, with high expectations and hopes, that Governor Hull and state leaders announced the successful launch of TGen and the genomics era in Arizona. A decade of exciting growth and new research discoveries has since transpired, with TGen's rising tide lifting all boats.

Investment into TGen and the biosciences spurred growth across the state, catalyzing the launch of the Critical Path Institute and Bio5 in southern Arizona, to ASU's Biodesign Institute and a northern Phoenix bio campus, and TGen North and expansion of W.L. Gore in northern Arizona. The bioindustry has flourished over the past ten years, even during economic downturns, becoming a significant high-performing sector of the Arizona economy.

For patients, TGen is offering hope where there had been none with novel treatments offered only in Arizona. By partnering with clinical entities like the Mayo Clinic and Scottsdale Healthcare, TGen is focusing on utilizing genomic analyses to improve and customize patient treatments. Patients with pancreatic cancer and rare diseases like basal cell carcinoma are finding answers to their treatment struggles, improving quality of patient lives and allowing more years to spend with loved ones. Whether it's sequencing anthrax or the plague, investigating H1N1 or Valley Fever; finding new clues to triple-negative breast cancer or Alzheimer's disease; or, leading new collaborative research partnerships addressing pediatric and canine cancers, TGen's research has made substantial inroads over the past ten years.

More than a decade ago, the mapping of human genome represented a challenge to the world to make use of this new knowledge for the benefit of humankind. Arizona answered this challenge and now TGen is leading the model to fuse modern medicine with the power of translational research to fuel the next wave of treatments for all manner of human diseases.

As the tenth-year anniversary of TGen's launch is celebrated today, I applaud Dr. Trent and the scientists at TGen for their unwavering commitment to make a difference for patients and lead innovative research for Arizona into the next decade.

CELEBRATING THE 25TH ANNIVERSARY OF THE ROLLING THUNDER DEMONSTRATION RUN

HON. ALLEN B. WEST

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. WEST. Mr. Speaker, it is my honor to recognize the 25th Anniversary of the Rolling Thunder Demonstration Run, held annually over Memorial Day weekend in Washington, DC.

Rolling Thunder was founded in 1987 by Vietnam veterans Ray Manzo, Walt Sides, John Holland and Ted Sampley to bring attention and awareness to unaccounted for servicemen and women at the conclusion of the Vietnam War.

Exercising their First Amendment rights under the United States Constitution to assemble, these proud veterans organized a motorcycle rally to take place in our Nation's Capital to ensure that we, as a nation, demand a full accounting of our members of the armed forces held as Prisoners of War (POW's) and those still Missing in Action (MIA's).

This moving tribute to our American war heroes started in 1988 when an estimated 3,000 to 5,000 bikers rode in the streets surrounding the United States Capitol, to bring awareness to the POW/MIA issue.

Over the last 25 years, their efforts to increase the awareness of the POW/MIA issue and honoring all military veterans has grown; so have the days since the last solider left Vietnam.

Over Memorial Day 2012, on the 25th Anniversary Rolling Thunder Run, an estimated 1.3 million people and 500,000 motorcycles participated making it the largest one-day event in our Nation's Capital, and one of the largest one-day events in the world.

Mr. Speaker, as this dome of the United States Capitol stands as a beacon of liberty, freedom and democracy throughout the world, it is only fitting for the last quarter century that the men and woman who have ridden their motorcycles in the shadow of this building send a message from our shores and beyond that our American POW's/MIA have served honorably and will never be forgotten.

I would like to add my voice in commending Rolling Thunder for their efforts to honor America's POW's/MIA's, and also raise awareness around the issues facing the brave men and women who have served and currently serve in this nation's military.

RECOGNIZING JOANNE LANE FOR HER ACHIEVEMENTS AS A UNITED HEALTH FOUNDATION DIVERSE SCHOLAR

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. SMITH of Washington. Mr. Speaker, I rise to honor Joanne Lane for her achievements and for being named a United Health Foundation Diverse Scholar.

As a student in Diagnostic Imaging and Radiology at Tacoma Community College, it is evident that Joanne is dedicated to her education in the health care field and to improving the quality of care patients receive. She is learning how best to learn and carefully meet individual patients' emotional, physical, and cultural needs. Joanne has shown great enthusiasm toward offering patients the best medical treatment regardless of their gender, race, religion, sexual orientation, or income, and she will undoubtedly apply these beliefs as she prepares to begin her career.

Joanne has used the United Health Foundation Diverse Scholars Initiative to devote her time to her rigorous course work. She has learned new skills through interactions with a variety of people and has gained a new appreciation for people from different backgrounds. In an ever-changing field, Joanne's adaptability gives her the skills to learn continuously evolving methods for helping her future patients.

The United Health Foundation Diverse Scholars Initiative helps increase the number of students from multicultural backgrounds in higher education working towards degrees and careers in the health care sector. Since 2007, more than $3.5 million in scholarship funds have been awarded to high-achieving and promising students. Students like Joanne will help to increase cultural relevance in health care and improve the care of all patients, including those from underrepresented populations.

Mr. Speaker, it is with great pleasure that I recognize Joanne Lane. Her dedication to patient care will undoubtedly lead her to great success in her career and to the improved wellbeing of her community and all of those who call it home.

CONGRATULATING TGEN ON THEIR 10TH ANNIVERSARY

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. FRANKS of Arizona. Mr. Speaker, I join my colleagues from Arizona in commending the Translational Genomics Research Institute (TGen) for a decade of biomedical research success.

TGen was founded in Arizona in 2002 to leverage new scientific discoveries from the mapping of the human genome, and its establishment promptly accelerated the state into the era of genomics and personalized medicine.

Mr. Speaker, significant to TGen's establishment was the confluence of support from all sectors of the state to attract this new institute to base its operations in Arizona, as well as recruit the renowned geneticist Dr. Jeffrey Trent to lead it, and position the state as a worldwide leader in bioscience and medical discovery. Academic, business, philanthropic, and government leaders all joined forces in a statewide campaign to strategically assemble the necessary support.

What most excited Arizona leaders was the vision put forth by Dr. Jeff Trent, to accelerate and translate scientific discovery into more immediate and effective benefits for patients, all made possible with the new information from the human genome and rapidly developing technology.

Mr. Speaker, it was on this day ten years ago, June 26, 2002, with high expectations and hopes, that Governor Hull and state leaders announced the successful launch of TGen and the genomics era in Arizona. A decade of exciting growth and new research discoveries has since transpired.

Investment into TGen and the biosciences spurred growth across the state, catalyzing the launch of the Critical Path Institute and Bio5 in southern Arizona, Arizona State University's Biodesign Institute, a northern Phoenix bio campus, TGen North and the expansion of W.L. Gore in northern Arizona. The bioindustry has flourished over the past ten years, even during economic downturns, becoming a significant high-performing sector of the Arizona economy.

For patients, TGen is offering hope where there had been none, with novel treatments offered only in Arizona. By partnering with clinical entities like the Mayo Clinic and Scottsdale Healthcare, TGen is focusing on utilizing genomic analyses to improve and customize patient treatments. Patients with pancreatic cancer and rare diseases like basal cell carcinoma are finding answers to their treatment struggles, improving quality of patient lives and allowing more years to spend with loved ones. Whether it's sequencing anthrax or the plague, investigating H1N1 or Valley Fever; finding new clues to triple-negative breast cancer or Alzheimer's disease; or, leading new collaborative research partnerships addressing pediatric and canine cancers, TGen's research has made substantial inroads over the past ten years.

More than a decade ago, the mapping of the human genome represented a challenge to the world to make use of this new knowledge for the benefit of humankind. Arizona answered this challenge and now TGen is a leading model for fusing modern medicine with the power of translational research to fuel the next wave of treatments for all manner of human diseases.

Mr. Speaker, as the tenth-year anniversary of TGen's launch is celebrated today, I applaud Dr. Trent and the scientists at TGen for their unwavering commitment to make a difference for patients and lead innovative research for Arizona into the next decade.

IN RECOGNITION OF STEVEN PATRICK MOYNIHAN

HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. KEATING. Mr. Speaker, I rise today to recognize Steven Patrick Moynihan for being awarded a James Madison Fellowship.

This extremely competitive fellowship is directed toward current and prospective teachers of American history and civic studies, and it supports such individuals as they study the principles of the Constitution of the United States. Founded by Congress in 1986 and named in honor of the fourth president of the United States—the credited ''Father of our Constitution and Bill of Rights,'' the award aims to recognize distinguished teachers and to strengthen their knowledge of the origins and progression of American constitutional governance.

This year, only 58 fellowships were awarded and Mr. Moynihan, a teacher at Barnstable High School in Hyannis, Massachusetts, was selected for one among the applicants from across the nation. The James Madison Fellowship will fund up to $24,000 of Mr. Moynihan's course of study toward an advanced degree.

Mr. Speaker, it always brings me great pride to honor a dedicated and deserving teacher, such as Steven Patrick Moynihan. I congratulate him for being awarded a James Madison Fellowship and urge my colleagues to join me in recognizing the importance of this award and of Mr. Moynihan's service to the students of Barnstable.

COMMENDATION OF MR. DONALD PATA

HON. HANSEN CLARKE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. CLARKE of Michigan. Mr. Speaker, I rise today to recognize Mr. Donald Pata, a physics teacher at Grosse Pointe North High School (Grosse Pointe North), for receiving the 2011 Presidential Award for Excellence in Mathematics and Science Teaching (PAEMST).

The PAEMST is awarded annually to outstanding K–12 science and mathematics teachers across America. After an initial state-level selection process, the PAEMST winners are chosen by a panel of distinguished scientists, mathematicians, and educators. Mr. Pata, the only teacher to receive the PAEMST from Michigan this year, is a Grosse Pointe native. He graduated from Wayne State University with a Bachelor's degree in Chemistry and later returned to get a teaching certificate and Masters Degree in Physics Education.

Shortly after earning his undergraduate degree, Mr. Pata joined the Peace Corps and taught biology, chemistry, physics, and mathematics in Ghana. Mr. Pata later returned to Grosse Pointe and began teaching a wide range of physics classes at Grosse Pointe North, including conceptual physics and AP Physics. He also serves as the Science Department Chairperson and is the faculty advisor for the school district's FIRST Robotics Team.

Mr. Pata appreciates the value of effective teaching. Mr. Pata creates a positive ''hands-on'' classroom atmosphere where students feel free to contribute to discussion and construct their own knowledge. He leads by example and empowers his students to achieve their highest potential. Mr. Pata seeks out opportunities to develop his knowledge of teaching methodology and physics, and travels across the United States attending advanced physics teaching workshops and classes.

As a member of the House of Representatives Committee on Science, Space, and Technology, I know how important it is to have dedicated, innovative, and engaged science teachers working in our schools. Mr. Pata is teaching our children to think creatively, be open to new ideas, and embrace scientific and technological change.

I recognize Mr. Pata as a leader in science education in Metro Detroit and thank him for his commitment to his students and community.

CONSERVATION AND ECONOMIC GROWTH ACT

SPEECH OF

HON. RON BARBER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 2578) to amend the Wild and Scenic Rivers Act related to a segment of the Lower Merced River in California, and for other purposes:

Mr. BARBER. Mr. Chair, I rise today to raise concerns about H.R. 2578. I support the goal of the provision (H.R. 1505) which will strengthen our efforts to secure the border, but I believe it was overreaching.

I have long believed that securing our border is of paramount importance to the safety of the people who live and work along the border, but I do not believe that this end needs to be achieved at the expense of maintaining a strong commitment to our environment and the regulations that ensure its protection. I would have preferred that we consider a standalone bill which specifically responded to the expressed needs of the Department of Homeland Security regarding access to public lands.

I do not support those provisions of H.R. 2578 which seek to privatize public land and significantly reduce the scope of existing laws which protect those lands.

I am against the rule specifically because I believe that amendments should have been heard to improve this bill.

THE TEXAS AGGIES—NO ONE QUITE LIKE 'EM

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. POE of Texas. Mr. Speaker, the sun was lazily rising on the horizon. It was around breakfast time on a stunning Sunday morning. It was quiet, peaceful, calm. People felt secure. There was a small tropical breeze as the American flag was being raised on a nearby flagpole.

Suddenly over the horizon, a large formation of aircraft darkened the glistening sky. They broke formation and dove down from the sky, unleashing a fury of deadly, devastating bombs and torpedoes on a quiet place called Pearl Harbor in the Pacific Ocean. It was on that day, 70 years ago, when sailors, soldiers, airmen, and marines saw war declared on America. It was December 7, 1941.

Over 5,000 miles away from terror stood a small, quiet town covered in maroon décor known as College Station, Texas. College Station is not only home to Texas A&M University's Fightin' Texas Aggies, but also to the patriotic Corps of Cadets. Around campus you can spot the Corps of Cadets marching in sync wearing the uniform that matches their rank whether it is brown leather boots or trousers made of serge material.

December usually holds a brisk chill in the air in College Station, but the Texas sun kept the weather from being unbearable. Word traveled fast of chaos on the Pacific as America became engaged in another world war. Aggie tradition tells us that on that day teenagers turned soldiers when the entire 1942 junior class enlisted into the war along with half of their senior level comrades. They were all volunteers. They stood together as Aggies, brothers, Texans and Americans. They stood shoulder to shoulder and raised their right hands in unison and swore to defend their homeland. College Station became an image in a rear view mirror as pens and pencils were traded for guns and ammo. They left Texas to go fight on small islands in the Pacific, brutal deserts in North Africa and bloody beaches in Italy and France.

The year 1942 was also the time of the most well-known Aggie Muster under the command of General George Moore during World War II. Aggie Muster is on April 21st which also happens to be San Jacinto Day, the day Texas won independence at the battle of San Jacinto in 1836. Amid fierce enemy fire, General Moore and 25 fellow Aggies mustered in the trenches and caves on Corregidor in the Philippines. A war correspondent observed the make-shift ceremony and the world was introduced to the Aggie spirit. Every one of those Aggies were either killed or captured by the Japanese. Four years later when the Americans returned with Gen. McArthur and retook the island the Aggies mustered again. When I went to the Philippines recently, I saw a photo of those returning Aggies on the fortress wall of the Malinta Tunnel on Corregidor.

According to Aggie Muster tradition, ''if there is an A&M man in one hundred miles of you, you are expected to get together, eat a little, and live over the days you spent at the A&M College of Texas.'' During times of war, Muster is especially poignant. Texas A&M has produced more officers in the United States military than even West Point. It has the distinction, other than West Point, of having more Medal of Honor recipients than any other university in the United States. When General George Patton was in Europe going into combat in the Third Army, he made a comment about the Texas Aggies and the soldiers that he had under his command. He said, ''Give me an army of West Point graduates and I will win a battle. You give me a handful of Texas Aggies, and I will win the war.''

The Aggies' long tradition of duty and service to our great nation dates back to their beginning, to the days when A&M was an all-male military academy. Texas A&M trained nearly 4,000 troops during World War I and over 20,000 Aggies served in World War II, 14,000 as officers. World War II was hard. Millions served in uniform overseas; millions served on the home front; all sacrificed for the cause of America. Many of them gave their lives all over the globe in places known only to God.

The Aggie band doesn't play an Aggie ''Fight Song''. There is no such thing. The band plays the ''Aggie War Hymn'', quite a different concept. The ''Aggie War Hymn'' was written by Aggie Marine J.V. ''Pinky'' Wilson while standing guard on the Rhine River during World War I. It remains the most recognizable school war hymn across the country—probably the world.

Today, Muster is observed in more than 400 places worldwide and this year's ''Roll Call of the absent'' honored 970 people around the world, including those remarkable young men and women who gave their lives for our country in lands far far away. While Muster is a time to honor those that have died, it also is a time when Aggies, young and old, come together to reconnect and celebrate a way of life known only to those that proudly hail from Aggieland.

Muster means different things to different people. Every Aggie will tell you something different, something personal about what it means to them as an Aggie. One thing that is consistent in every answer is their dedication to tradition. It is the rich heritage of tradition that sets Texas A&M apart from all the rest. It is the Corps, the Aggie War Hymn, the 12th Man, Midnight Yell, Bonfire, Texas State pride

and as much as it pains me to say it—it's TU. It's the Fightin' Texas Aggie Band, Silver Taps and "Hallabaloo, Canek, Canek." It's the Junction Boys, Howdy, Gig'em, Reveille, the Dixie Chicken and of course, the ring. But above all else—it's Muster.

Most of the junior class of '42 who fought in World War II have died as with most of the veterans of World War II. But, in Texas we remember them all this July 4th. Seventy years after, when America called they all answered to the sound of reveille.

There is nothing quite like an Aggie. Gig 'Em.

And that's just the way it is.

IN RECOGNITION OF THOMAS AND CAROLYN SMITH

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. ROGERS of Alabama. Mr. Speaker, I would like to pay tribute to a very special occasion today—the 50th wedding anniversary of Thomas Reeves and Carolyn Finley Smith.

Thomas Reeves Smith was born on October 31, 1939, in Lineville, Alabama to John William and Velma Reeves Smith. His wife, Carolyn Finley Smith, was born on October 8, 1940, in Anniston, Alabama to Claude and Nile Finley. Dr. and Mrs. Smith were married on June 23, 1962 at First United Methodist Church of Weaver. Together they raised two children, Alicia Ann Smith Simmons, married to Steve Anson Simmons, and Thomas Reeves Smith, Jr., married to Jill Valocik Smith. They have three grandchildren, Lindsey Marie Smith, Thomas Reeves Smith, III and Mia Liane Smith.

Tom is a retired Methodist minister and retired Colonel in the United States Army for which he served as a Chaplain in Viet Nam and throughout the U.S. and Europe during his career of service. Carolyn worked in civil service, for government contractors and in higher education throughout her career.

Tom and Carolyn are active members of First United Methodist Church of Anniston in Anniston, Alabama. On June 23, 2012, a reception was held in honor of their 50th wedding anniversary with approximately 300 of their friends and family members in attendance. I salute this lovely couple on the 50th year of their life together and join their family in honoring them on this special occasion.

EXPRESSING REGRET FOR PASSAGE OF LAWS ADVERSELY AFFECTING THE CHINESE IN THE UNITED STATES

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2012

Ms. McCOLLUM. Mr. Speaker, I rise in strong support of H. Res. 683, expressing the regret of the House of Representatives for the passage of laws that adversely affected the Chinese in the United States, including the Chinese Exclusion Act.

In 1882, the U.S. Congress passed the Chinese Exclusion Act to prohibit people of Chinese descent from immigrating to the U.S. and becoming naturalized citizens. While the Chinese Exclusion Act was finally repealed in 1943, severe restrictions on Chinese immigration continued until the Immigration Act of 1965.

For sixty years of our history, America closed its doors to the Chinese people. During this period, Chinese immigrants already living in the United States were prevented from becoming citizens, regardless of how long they had called this country home. This official discrimination by the government of the United States against people of Chinese descent was deeply wrong and a fundamental violation of America's principles of equality and justice.

The pain caused by the Chinese Exclusion Act and other discriminatory policies cannot be undone. Still, Members of Congress have an obligation to recognize these injustices as a means of apology to all Chinese-Americans. Today, one hundred and thirty years after passage of the Chinese Exclusion Act, Congress is voting to express our regret on behalf of the American people. May this action also strengthen the resolve of this body to protect and defend the civil rights of all peoples, in all times.

I urge all of my colleagues to support this measure.

RECOGNIZING THE 10TH ANNIVERSARY OF TGEN'S LAUNCH IN ARIZONA

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. PASTOR of Arizona. Mr. Speaker, I join with my colleagues from Arizona to commend the Translational Genomics Research Institute ("TGen") for a decade of biomedical research success.

TGen was founded in Arizona in 2002 to leverage new scientific discoveries from the mapping of the human genome, and its establishment promptly accelerated the state into the era of genomics and personalized medicine.

Significant to TGen's establishment was the confluence of support from all sectors of the state to attract this new institute to base its operations in Arizona as well as recruit the renowned geneticist Dr. Jeffrey Trent to lead it, and position the state as a worldwide leader in bioscience and medical discovery. Academic, business, philanthropic and government leaders all joined forces in a statewide campaign within a matter of months to strategically assemble the necessary support. The members of Arizona's congressional delegation also rallied behind this collective vision.

What most excited Arizona leaders was the vision put forth by Dr. Trent, to accelerate and translate scientific discovery into more immediate and effective benefits for patients, all made possible with the new information from the human genome and rapidly developing technology.

It was on this day ten years ago, June 26, 2002, with high expectations and hopes, that Governor Hull and state leaders announced the successful launch of TGen and the genomics era in Arizona. A decade of exciting growth and new research discoveries has since transpired, with TGen's rising tide lifting all boats.

TGen has kept its promise to the State of Arizona to invigorate and diversify the economy. Beyond growth in TGen's operational impact, TGen has also been instrumental in the creation and expansion of commercial businesses. Investment into TGen and the biosciences has spurred economic growth across the state, including the establishment of such bio centers as the Critical Path Institute and Bio5 in southern Arizona, and ASU's Biodesign Institute. The bioindustry has flourished over the past ten years, even during economic downturns, becoming a significant high-performing sector of the Arizona economy.

For patients, TGen is offering hope where there had been none with novel treatments offered only in Arizona. By partnering with clinical entities like the Mayo Clinic and Scottsdale Healthcare, TGen is focusing on utilizing genomic analyses to improve and customize patient treatments. Patients with pancreatic cancer and rare diseases like basil cell carcinoma are finding answers to their treatment struggles, and through its work, TGen is improving the quality of patient lives and allowing more years to spend with loved ones. Whether it's sequencing anthrax or the plague, investigating H1N1 or Valley Fever, finding new clues to triple-negative breast cancer or Alzheimer's disease, or leading new collaborative research partnerships addressing pediatric and canine cancers, TGen's research has made substantial inroads over the past ten years.

More than a decade ago, the mapping of human genome represented a world challenge to make use of this new knowledge for the benefit of humankind. Arizona answered this challenge, and now TGen is leading the model to fuse modern medicine with the power of translational research to fuel the next wave of treatments for all manner of human diseases.

As the tenth-year anniversary of TGen's launch is celebrated today, I applaud Dr. Trent and the scientists at TGen for their unwavering commitment to make a difference for patients and lead innovative research for Arizona into the next decade.

CONSERVATION AND ECONOMIC GROWTH ACT

SPEECH OF

HON. TAMMY BALDWIN

WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 2578) to amend the Wild and Scenic Rivers Act related to a segment of the Lower Merced River in California, and for other purposes:

Ms. BALDWIN. Mr. Chair, I rise in opposition to the Conservation and Economic Growth Act, H.R. 2578, a measure that will not create jobs in our country, but instead poke gaping holes in the Clean Air and Clean Water Act.

I support pieces of this legislation, including the Target Practice and Marksmanship Training Support Act, H.R. 3065. This bill, introduced by Representative HEATH SHULER,

would facilitate the construction and expansion of target shooting ranges by increasing the federal share of funding that can be used for such purposes. Had this provision come up for a vote on its own, I would have strongly supported this pro-sportsman legislation.

Unfortunately, this lands package incorporates 13 other bills including several poison pills meant to score political points, not address real issues. This bill includes sections that would wave dozens of federal statutes, including the Clean Air Act, Clean Water Act, Safe Drinking Water Act, and the Farmland Protection Policy Act. I will not support legislation that severely weakens the laws that protect the public health of Americans.

Instead of tackling the significant challenges facing our country, House Republicans created a partisan patchwork of legislation that does not create jobs. With the highway bill extension and student loan interest rates set to expire on June 30, and with millions of jobs and students in limbo, I believe Congress should work on bipartisan legislation that strengthens American infrastructure, keeps college affordable, and puts Americans back to work.

Daily Digest

HIGHLIGHTS

Senate agreed to the motion to concur in the amendment of the House of Representatives to S. 3187, Food and Drug Administration Safety and Innovation Act.

Senate

Chamber Action

Routine Proceedings, pages S4601–S4644

Measures Introduced: One bill and six resolutions were introduced, as follows: S. 3341 and S. Res. 505–510. **Pages S4636–37**

Measures Passed:

Commending Efforts to Prevent and Eradicate Polio: Senate agreed to S. Res. 473, commending Rotary International and others for their efforts to prevent and eradicate polio. **Pages S4641–42**

Authorize Legal Representation: Senate agreed to S. Res. 506, to authorize legal representation in *Bilbrey v. Tyler*. **Page S4642**

Congratulating the Miami Heat: Senate agreed to S. Res. 507, congratulating the Miami Heat for winning the National Basketball Association Championship. **Pages S4642–43**

Recognizing the Teams and Players of Negro League Baseball: Senate agreed to S. Res. 508, recognizing the teams and players of Negro League Baseball for their achievements, dedication, sacrifices, and contributions to baseball and the Nation. **Page S4643**

83rd Major League Baseball All-Star Game: Senate agreed to S. Res. 509, recognizing Major League Baseball as an important part of the cultural history of American society, celebrating the 2012 Major League Baseball All-Star Game, and honoring Kansas City, Missouri, as the host city of the 83rd All-Star Game. **Page S4643**

National Cytomegalovirus Awareness Month: Senate agreed to S. Res. 510, designating the month of June 2012 as "National Cytomegalovirus Awareness Month". **Pages S4643–44**

Measures Considered:

Small Business Jobs and Tax Relief Act: Senate began consideration of the motion to proceed to consideration of S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year. **Pages S4627–31**

House Messages:

Food and Drug Administration Safety and Innovation Act: By 92 yeas to 4 nays (Vote No. 168), Senate agreed to the motion to concur in the amendment of the House of Representatives to S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, after taking action of the following motions and amendments proposed thereto: **Pages S4602–06, S4610–27**

Withdrawn:

Reid motion to concur in the amendment of the House to the bill, with Reid Amendment No. 2461, to change the enactment date. **Page S4626**

During consideration of this measure today, Senate also took the following action:

Reid Amendment No. 2462 (to Amendment No. 2461), of a perfecting nature, fell when Reid motion to concur in the amendment of the House to the bill, with Reid Amendment No. 2461 was withdrawn.

On Monday, June 25, 2012, the following occurred:

Reid motion to refer the message of the House on the bill to the Committee on Health, Education, Labor, and Pensions, with instructions, Reid Amendment No. 2463, to change the enactment date, fell when cloture was invoked on the Reid motion to concur in the amendment of the House to the bill.

Reid Amendment No. 2464 (to (the instructions) Amendment No. 2463), of a perfecting nature, fell when Reid motion to refer the message of the House

on the bill to the Committee on Health, Education, Labor, and Pensions, with instructions, Reid Amendment No. 2463 fell.

Reid Amendment No. 2465 (to Amendment No. 2464), of a perfecting nature, fell when Reid Amendment No. 2464 (to (the instructions) Amendment No. 2463) fell.

Nomination Confirmed: Senate confirmed the following nomination:

By 92 yeas to 3 nays (Vote No. EX. 167), Robin S. Rosenbaum, of Florida, to be United States District Judge for the Southern District of Florida.

Pages S4606–10, S4644

Petitions and Memorials: **Pages S4635–36**

Additional Cosponsors: **Pages S4637–38**

Statements on Introduced Bills/Resolutions: **Pages S4638–40**

Additional Statements: **Pages S4633–35**

Amendments Submitted: **Pages S4640–41**

Authorities for Committees to Meet: **Page S4641**

Privileges of the Floor: **Page S4641**

Record Votes: Two record votes were taken today. (Total—168) **Pages S4610, S4626**

Adjournment: Senate convened at 10 a.m. and adjourned at 6:28 p.m., until 9:30 a.m. on Wednesday, June 27, 2012. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S4644.)

Committee Meetings

(Committees not listed did not meet)

EMPOWERING AND PROTECTING SERVICEMEMBERS

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine empowering and protecting servicemembers, veterans, and their families in the consumer financial marketplace, focusing on a status update, after receiving testimony from Colonel Paul Kantwill, Director, Office of Legal Policy, Office of the Under Secretary of Defense (Personnel and Readiness); Hollister K. Petraeus, Assistant Director, Office of Servicemember Affairs, Consumer Financial Protection Bureau; and Joseph R. Biden, III, Delaware Attorney General, Wilmington.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported S. 1039, to impose sanctions on persons responsible for the detention, abuse, or death of Sergei Magnitsky, for the conspiracy to defraud the Russian Federation of taxes on corporate profits through fraudulent transactions and lawsuits against Hermitage, and for other gross violations of human rights in the Russian Federation, with an amendment in the nature of a substitute.

FEDERAL ELECTIONS

Committee on the Judiciary: Committee concluded a hearing to examine S. 1994, to prohibit deceptive practices in Federal elections, after receiving testimony from Senator Cardin; Tanya Clay House, Lawyers' Committee for Civil Rights Under Law, and Jenny Flanagan, Common Cause, both of Washington, D.C.; and John J. Park, Jr., Strickland Brockington Lewis, Atlanta, Georgia.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 10 public bills, H.R. 6018–6019, H.R. 6021–6028; and 4 resolutions, H. Res. 703–706 were introduced.

Pages H4063–64

Additional Cosponsors: **Pages H4064–65**

Reports Filed: Reports were filed today as follows:

H.R. 6020, making appropriations for financial services and general government for the fiscal year ending September 30, 2013, and for other purposes (H. Rept. 112–550) and

H.R. 5889, to amend title 18, United States Code, to provide for protection of maritime navigation and prevention of nuclear terrorism, and for other purposes (H. Rept. 112–551). **Page H4063**

Speaker: Read a letter from the Speaker wherein he appointed Representative Foxx to act as Speaker pro tempore for today. **Page H3983**

Recess: The House recessed at 12:02 p.m. and reconvened at 2 p.m. **Page H3983**

Recess: The House recessed at 2:09 p.m. and reconvened at 2:48 p.m. **Page H3984**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Enabling Energy Saving Innovations Act: H.R. 4850, to allow for innovations and alternative technologies that meet or exceed desired energy efficiency goals; **Pages H3984–85**

Collinsville Renewable Energy Promotion Act: H.R. 5625, to reinstate and transfer certain hydroelectric licenses and extend the deadline for commencement of construction of certain hydroelectric projects; **Pages H3985–86**

Safe Doses Act: H.R. 4223, amended, to amend title 18, United States Code, to prohibit theft of medical products; and **Pages H3991–94**

Promoting the Development of the Southwest Waterfront in the District of Columbia: Concurred in the Senate amendment to H.R. 2297, to promote the development of the Southwest waterfront in the District of Columbia. **Pages H4001–03**

Suspensions—Proceedings Postponed: The House debated the following measures under suspension of the rules. Further proceedings were postponed:

Nuclear Terrorism Conventions Implementation and Safety of Maritime Navigation Act of 2012: H.R. 5889, amended, to amend title 18, United States Code, to provide for protection of maritime navigation and prevention of nuclear terrorism; **Pages H3986–91**

Public Safety Officers' Benefits Improvements Act of 2012: H.R. 4018, amended, to improve the Public Safety Officers' Benefits Program; **Pages H3994–97**

Sergeant Richard Franklin Abshire Post Office Building Designation Act: H.R. 3412, to designate the facility of the United States Postal Service located at 1421 Veterans Memorial Drive in Abbeville, Louisiana, as the "Sergeant Richard Franklin Abshire Post Office Building"; **Pages H3997–98**

SPC Nicholas Scott Hartge Post Office Designation Act: H.R. 3501, to designate the facility of the United States Postal Service located at 125 Kerr Avenue in Rome City, Indiana, as the "SPC Nicholas Scott Hartge Post Office"; **Pages H3998–99**

First Sergeant Landres Cheeks Post Office Building Designation Act: H.R. 3772, to designate the facility of the United States Postal Service located at 150 South Union Street in Canton, Mississippi, as the "First Sergeant Landres Cheeks Post Office Building"; **Pages H3999–H4000**

Reverend Abe Brown Post Office Building Designation Act: H.R. 3276, to designate the facility of the United States Postal Service located at 2810 East Hillsborough Avenue in Tampa, Florida, as the "Reverend Abe Brown Post Office Building"; **Pages H4000–01**

Securing Maritime Activities through Risk-based Targeting for Port Security Act: H.R. 4251, amended, to authorize, enhance, and reform certain port security programs through increased efficiency and risk-based coordination within the Department of Homeland Security; **Pages H4003–09**

Gauging American Port Security Act: H.R. 4005, amended, to direct the Secretary of Homeland Security to conduct a study and report to Congress on gaps in port security in the United States and a plan to address them; **Pages H4009–4011**

Aviation Security Stakeholder Participation Act: H.R. 1447, amended, to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to establish an Aviation Security Advisory Committee; **Pages H4011–14**

Amending the Homeland Security Act of 2002 to permit use of certain grant funds for training conducted in conjunction with a national laboratory or research facility: H.R. 5843, to amend the Homeland Security Act of 2002 to permit use of certain grant funds for training conducted in conjunction with a national laboratory or research facility; and **Pages H4014–15**

Directing the Secretary of Homeland Security to reform the process for the enrollment, activation, issuance, and renewal of a Transportation Worker Identification Credential (TWIC): H.R. 3173, amended, to direct the Secretary of Homeland Security to reform the process for the enrollment, activation, issuance, and renewal of a Transportation Worker Identification Credential (TWIC) to require, in total, not more than one in-person visit to a designated enrollment center. **Pages H4015–17**

Motion to Instruct Conferees: The House rejected the Hoyer motion to instruct conferees on H.R. 4348 by a yea-and-nay vote of 172 yeas to 225 nays with 1 answering "present", Roll No. 414. The motion was debated on June 21st. **Page H4027**

Motion to Instruct Conferees: The House agreed to the Black motion to instruct conferees on H.R. 4348 by a yea-and-nay vote of 201 yeas to 194 nays,

Roll No. 415. The motion was debated on June 21st. **Page H4028**

Committee Elections: The House agreed to H. Res. 707, electing Members to certain standing committees of the House of Representatives. **Page H4028**

Notice of Intent to Offer Motion: Representative Hahn announced her intent to offer a motion to instruct conferees on H.R. 4348. **Page H4028**

Notice of Intent to Offer Motion: Representative Critz announced his intent to offer a motion to instruct conferees on H.R. 4348. **Pages H4028–29**

Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2013: The House began consideration of H.R. 5972, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2013. Further proceedings were postponed. **Pages H4017–27, H4029–62**

Pursuant to the rule, the amendment specified in section 3 of H. Res. 697 shall be considered as adopted in the House and in the Committee of the Whole. **Page H4033**

Agreed to:

Jackson Lee (TX) amendment that prevents funds from being transferred from the Office of Small and Disadvantaged Business Utilization; **Pages H4033–35**

Braley (IA) amendment that redirects $10,000,000 in funding within the National Highway Traffic Safety Administration for school bus safety; **Pages H4044–45**

Broun (GA) amendment that reduces funding for the Maritime Guaranteed Loan Program by $10,000 and applies the savings to the spending reduction account; **Page H4051**

Broun (GA) amendment that reduces funding for the Surface Transportation Board by $1,940,000 and applies the savings to the spending reduction account; and **Page H4053**

Nadler amendment (No. 1 printed in the Congressional Record of June 25th) that increases funding, by offset, for the Housing Opportunities for Persons with AIDS program by $2,000,000. **Page H4056**

Rejected:

Connolly amendment that sought to increase funding, by offset, for National Highway Traffic Safety Administration Operations and Research by $5,000,000 (by a recorded vote of 175 ayes to 222 noes, Roll No. 416); **Pages H4035–36, H4057**

McClintock amendment that sought to eliminate funding for the essential air service program and apply the savings, $114,000,000, to the spending reduction account (by a recorded vote of 164 ayes to 238 noes, Roll No. 417); **Pages H4039–40, H4057–58**

Garrett amendment that sought to eliminate funding for Grants to the Washington Metropolitan Area Transit Authority and apply the savings, $150,000,000, to the spending reduction account (by a recorded vote of 160 ayes to 243 noes, Roll No. 418); **Pages H4048–50, H4058**

Capps amendment that sought to increase funding, by offset, for Housing Counseling Assistance by $10,000,000 (by a recorded vote of 184 ayes to 218 noes, Roll No. 419); **Pages H4054–55, H4059**

Gosar amendment that sought to reduce funding for Management and Administration expenses of the Department of Housing and Urban Development by $24,437,268 and apply the savings to the spending reduction account (by a recorded vote of 179 ayes to 224 noes, Roll No. 420); **Pages H4055–56, H4059–60**

Broun (GA) amendment that sought to reduce funding for the Federal Railroad Administration by $5,404,000 and apply the savings to the spending reduction account (by a recorded vote of 173 ayes to 230 noes, Roll No. 421); **Pages H4045–46, H4060**

Broun (GA) amendment that sought to reduce funding for the Federal Transit Administration by $1,287,000 and apply the savings to the spending reduction account (by a recorded vote of 188 ayes to 215 noes, Roll No. 422); and **Pages H4047–48, H4060–61**

Broun (GA) amendment that sought to reduce funding for the Pipeline and Hazardous Materials Safety Administration by $1,670,000 and apply the savings to the spending reduction account (by a recorded vote of 138 ayes to 265 noes, Roll No. 423). **Pages H4052, H4061–62**

Withdrawn:

Broun (GA) amendment that was offered and subsequently withdrawn that would have reduced funding for the Office of Civil Rights by $389,000 and apply the savings to the spending reduction account. **Pages H4036–37**

Point of Order sustained against:

Waters amendment that would have provided $500,000,000 for National Infrastructure Investments; **Pages H4037–38**

Clarke (MI) amendment that would have increased funding, by offset, for Formula and Bus Grants by $10,000,000; and **Pages H4040–41**

Section 169C of the bill. **Page H4051**

H. Res. 697, the rule providing for consideration of the bill, was agreed to by a recorded vote of 229 ayes to 166 noes, Roll No. 413, after the previous question was ordered by a yea-and-nay vote of 226 yeas to 168 nays, Roll No. 412. **Pages H4017–27**

Senate Message: Message received from the Senate by the Clerk and subsequently presented to the House today appears on page H3983.

Senate Referrals: S. 3240 was held at the desk.

Page H3983

Amendments: Amendments ordered printed pursuant to the rule appear on pages H4065–66.

Quorum Calls—Votes: Three yea-and-nay votes and nine recorded votes developed during the proceedings of today and appear on pages H4026, H4026–27, H4027, H4028, H4057, H4057–58, H4058, H4059, H4059–60, H4060, H4061 and H4061–62. There were no quorum calls.

Adjournment: The House met at 12 noon and adjourned at 11:18 p.m.

Committee Meetings

JOBS ACT IN ACTION: OVERSEEING EFFECTIVE IMPLEMENTATION THAT CAN GROW AMERICAN JOBS

Committee on Oversight and Government Reform: Subcommittee on TARP, Financial Services and Bailout of Public and Private Programs, hearing entitled ''The JOBS Act in Action: Overseeing Effective Implementation That Can Grow American Jobs''. Testimony was heard from public witnesses.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR WEDNESDAY, JUNE 27, 2012

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Energy and Natural Resources: Subcommittee on National Parks, to hold hearings to examine S. 1897, to amend Public Law 101–377 to revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station, S. 2158, to establish the Fox-Wisconsin Heritage Parkway National Heritage Area, S. 2229, to authorize the issuance of right-of-way permits for natural gas pipelines in Glacier National Park, S. 2267, to reauthorize the Hudson Valley National Heritage Area, S. 2272, to designate a mountain in the State of Alaska as Mount Denali, S. 2273, to designate the Talkeetna Ranger Station in Talkeetna, Alaska, as the Walter Harper Talkeetna Ranger Station, S. 2286, to amend the Wild and Scenic Rivers Act to designate certain segments of the Farmington River and Salmon Brook in the State of Connecticut as components of the National Wild and Scenic Rivers System, S. 2316, to designate the Salt Pond Visitor Center at the Cape Cod National Seashore as the ''Thomas P. O'Neill, Jr. Salt Pond Visitor Center'', S. 2324, to amend the Wild and Scenic Rivers Act to designate a segment of the Neches River in the State of Texas for potential addition to the National Wild and Scenic River System, S. 2372, to authorize pedestrian and motorized vehicular access in Cape Hatteras National Seashore Recreational Area, S. 3300, to establish the Manhattan Project National Historical Park in Oak Ridge, Tennessee, Los Alamos, New Mexico, and Hanford, Washington, and S. 3078, 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, 3 p.m., SD–366.

Committee on Foreign Relations: to hold hearings to examine the nomination of Derek J. Mitchell, of Connecticut, to be Ambassador to the Union of Burma, Department of State, 10:30 a.m., SD–419.

Full Committee, to receive a closed briefing on Syria, 2 p.m., SVC–217.

Committee on Homeland Security and Governmental Affairs: business meeting to consider S. 2178, to require the Federal Government to expedite the sale of underutilized Federal real property, S. 2170, to amend the provisions of title 5, United States Code, which are commonly referred to as the ''Hatch Act'' to eliminate the provision preventing certain State and local employees from seeking elective office, clarify the application of certain provisions to the District of Columbia, and modify the penalties which may be imposed for certain violations under subchapter III of chapter 73 of that title, S. 2234, to prevent human trafficking in government contracting, S. 2239, to direct the head of each agency to treat relevant military training as sufficient to satisfy training or certification requirements for Federal licenses, H.R. 915, to establish a Border Enforcement Security Task Force program to enhance border security by fostering coordinated efforts among Federal, State, and local border and law enforcement officials to protect United States border cities and communities from trans-national crime, including violence associated with drug trafficking, arms smuggling, illegal alien trafficking and smuggling, violence, and kidnapping along and across the international borders of the United States, and S. 3315, to repeal or modify certain mandates of the Government Accountability Office, 10 a.m., SD–342.

Committee on the Judiciary: to hold hearings to examine the nominations of Frank Paul Geraci, Jr., to be United States District Judge for the Western District of New York, Fernando M. Olguin, to be United States District Judge for the Central District of California, Malachy Edward Mannion, and Matthew W. Brann, both to be a United States District Judge for the Middle District of Pennsylvania, and Charles R. Breyer, of California, to be a Member of the United States Sentencing Commission, 10 a.m., SD–226.

Committee on Veterans' Affairs: to hold hearings to examine health and benefits legislation, 10 a.m., SD–124.

House

Committee on Agriculture, Full Committee, markup of Activity Report of the Committee on Agriculture for the 3rd Quarter of the 112th Congress, 10 a.m., 1300 Longworth.

Committee on Appropriations, Full Committee, markup of the adoption of the Semiannual Activities Report of the Committee on Appropriations; and Interior, Environment, and Related Agencies Appropriations Bill, FY 2013, 10 a.m., 2359 Rayburn.

Committee on Armed Services, Full Committee, markup of the Third Semiannual Report on the Activities of the Committee on Armed Services for the 112th Congress, 10 a.m., 2118 Rayburn.

Subcommittee on Strategic Forces, hearing entitled ''The Creation and Implementation of the National Nuclear Security Administration'', 3:30 p.m., 2118 Rayburn.

Committee on the Budget, Full Committee, markup of H.R. 5872, the ''Sequestration Transparency Act of 2012'', 10:15 a.m., 210 Cannon.

Committee on Education and the Workforce, Full Committee, markup of Report on the Activities of the Committee on Education and the Workforce for the third quarter of the 112th Congress, 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Environment and the Economy, hearing on discussion draft of the ''Increasing Manufacturing Competitiveness Through Improved Recycling Act of 2012''; and H.R. 2997, the ''Superfund Common Sense Act'', 10:15 a.m., 2322 Rayburn.

Subcommittee on Communications and Technology, hearing entitled ''The Future of Video'', 10 a.m., 2123 Rayburn.

Committee on Financial Services, Full Committee, markup of Semiannual Report on Activities of the Committee on Financial Services of the House of Representatives During the 112th Congress; and H.R. 4367, to amend the Electronic Fund Transfer Act to limit the fee disclosure requirement for an automatic teller machine to the screen of that machine, 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, Full Committee, markup of the report of the Legislative Review and Oversight Activities of the Committee on Foreign Affairs for the 112th Congress, 3rd Quarter; and H.R. 6018, the ''Foreign Relations Authorization Act, Fiscal Year 2013'', 10 a.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Intellectual Property, Competition and the Internet, hearing entitled ''International IP Enforcement: Protecting Patents, Trade Secrets and Market Access'', 10 a.m., 2141 Rayburn.

Subcommittee on the Constitution, hearing on H.R. 3356, the ''ACCESS (ADA Compliance for Customer Entry to Stores and Services) Act'', 1:30 p.m., 2141 Rayburn.

Committee on Natural Resources, Full Committee, hearing to approve the 3d quarter semi-annual 112th Congress Report on Legislative and Oversight Activities; and Subcommittee on Water and Power, hearing entitled ''Mandatory Conditioning Requirements on Hydropower: How Federal Resource Agencies are Driving Up Electricity Costs and Decreasing the Original Green Energy'', 10 a.m., 1324 Longworth.

Subcommittee on Indian and Alaska Native Affairs, hearing entitled ''Authorization, standards, and procedures for whether, how, and when Indian tribes should be newly recognized by the federal government'', 2 p.m., 1334 Longworth.

Committee on Oversight and Government Reform, Full Committee, mark up of H.R. 459, the ''Federal Reserve Transparency Act of 2011''; H.R. 4155, the ''Veteran Skills to Jobs Act''; H.R. 4631, the ''Government Spending Accountability Act of 2012''; H.R. 6016, to amend title 5, United States Code, to provide for administrative leave requirements with respect to Senior Executive Service employees, and for other purposes; H.R. 3912, to designate the facility of the United States Postal Service located at 110 Mastic Road in Mastic Beach, New York, as the ''Brigadier General Nathaniel Woodhull Post Office Building''; H.R. 4389, to designate the facility of the United States Postal Service located at 19 East Merced Street in Fowler, California, as the ''Cecil E. Bolt Post Office''; H.R. 5788, to designate the facility of the United States Postal Service located at 103 Center Street West in Eatonville, Washington, as the ''National Park Ranger Margaret Anderson Post Office''; H.R. 5867, to designate the facility of the United States Postal Service located at 4605 Tutu Park Mall in St. Thomas, United States Virgin Islands, as the ''Kenneth Leslie Hermon Post Office''; H.R. 2896, to designate the facility of the United States Postal Service located at 369 Martin Luther King Jr. Drive in Jersey City, New Jersey, as the ''Judge Shirley A. Tolentino Post Office Building''; H.R. 2338, to designate the facility of the United States Postal Service located at 600 Florida Avenue in Cocoa, Florida, as the ''Harry T. and Harriette Moore Post Office''; H.R. 1369, to designate the facility of the United States Postal Service located at 1021 Pennsylvania Avenue in Hartshorne, Oklahoma, as the ''Warren Lindley Post Office''; and Committee on Oversight and Government Reform Third Semiannual Activities Report, June 2012, 10 a.m., 2154 Rayburn.

Committee on Science, Space, and Technology, Subcommittee on Research and Science Education, hearing entitled ''The Role of Research Universities in Securing America's Future Prosperity: Challenges and Expectations'', 10 a.m., 2318 Rayburn.

Subcommittee on Investigations and Oversight and Subcommittee on Energy and Environment, joint hearing entitled ''Continuing Oversight of the Nation's Weather Satellite Programs: An Update on JPSS and GOE–R'', 2 p.m., 2318 Rayburn.

Committee on Small Business, Full Committee, markup of Semiannual Report on the Activity of the Committee on Small Business; and Full Committee, hearing entitled ''Regulatory Flexibility Act Compliance: Is EPA Failing Small Businesses?'' 1 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Coast Guard & Maritime Transportation, hearing entitled ''A Review of Vessels Used To Carry Strategic Petroleum Reserve Drawdowns'', 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Oversight and Investigations, markup of H.R. 3730, the ''Veterans Data Breach Timely Notification Act''; H.R. 4481, the ''Veterans Affairs Employee Accountability Act''; and

H.R. 5948, the ''Veterans Fiduciary Reform Act of 2012'', 10 a.m. 334 Cannon.

Subcommittee on Disability Assistance and Memorial Affairs, markup of H.R. 5735, to provide for the establishment of a Tomb of Remembrance at Arlington National Cemetery for interment of cremated fragments of the remains of members of the Armed Forces killed in Afghanistan, Iraq, or a subsequent conflict when the fragments are unidentifiable by use of DNA testing or other means because of the condition of the fragments, are unclaimed, or are identified and authorized by the person designated to direct disposition of the remains for interment in such memorial; H.R. 5880, the ''Veterans Disability Examination Access Improvement Act''; and H.R. 5881, the ''Access to Veterans Benefits Improvement Act'', 2 p.m., 334 Cannon.

Committee on Ways and Means, Full Committee, markup of approval of the Report on the Legislative and Oversight Activities of the Committee on Ways and Means during the 112th Congress; and Subcommittee on Human Resources and Subcommittee on Select Revenue Measures, joint hearing entitled ''How Welfare and Tax Benefits Can Discourage Work'', 10 a.m., 1100 Longworth.

Subcommittee on Social Security, hearing entitled ''Securing the Future of the Disability Insurance Program'', 2 p.m., B–318 Rayburn.

House Permanent Select Committee on Intelligence, Full Committee, hearing on ongoing intelligence activities, 10 a.m., HVC–304 Capitol. This is a closed hearing.

Next Meeting of the SENATE

9:30 a.m., Wednesday, June 27

Senate Chamber

Program for Wednesday: The Majority Leader will be recognized. Senate expects to resume consideration of S. 1940, Flood Insurance Reform and Modernization Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, June 27

House Chamber

Program for Wednesday: Resume consideration of H.R. 5972—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2013.

Extensions of Remarks, as inserted in this issue

HOUSE

Adams, Sandy, Fla., E1140
Baldwin, Tammy, Wisc., E1144
Barber, Ron, Ariz., E1143
Burgess, Michael C., Tex., E1138
Cassidy, Bill, La., E1135
Clarke, Hansen, Mich., E1143
Coffman, Mike, Colo., E1140
Conyers, John, Jr., Mich., E1139
Franks, Trent, Ariz., E1142
Gerlach, Jim, Pa., E1135
Gosar, Paul A., Ariz., E1141
Graves, Sam, Mo., E1135
Green, Gene, Tex., E1141
Hall, Ralph M., Tex., E1136
Issa, Darrell E., Calif., E1136
Keating, William R., Mass., E1136, E1139, E1140, E1142
Larsen, Rick, Wash., E1138
Larson, John B., Conn., E1135
McCollum, Betty, Minn., E1144
McDermott, Jim, Wash., E1141
Miller, George, Calif., E1137
Pastor, Ed, Ariz., E1144
Poe, Ted, Tex., E1143
Rivera, David, Fla., E1140
Rogers, Mike, Ala., E1144
Sensenbrenner, F. James, Jr., Wisc., E1137
Slaughter, Louise McIntosh, N.Y., E1138
Smith, Adam, Wash., E1142
Turner, Robert L., N.Y., E1136
West, Allen B., Fla., E1141
Wilson, Joe, S.C., E1138

Congressional Record

The *Congressional Record* (USPS 087–390). The Periodicals postage is paid at Washington, D.C. The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. ¶Public access to the *Congressional Record* is available online through the U.S. Government Printing Office at *www.fdsys.gov*, free of charge to the user. The information is updated online each day the *Congressional Record* is published. For more information, contact the GPO Customer Contact Center, U.S. Government Printing Office. Phone 202–512–1800, or 866–512–1800 (toll-free). E-Mail, *contactcenter@gpo.gov*. ¶The *Congressional Record* paper and 24x microfiche edition will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $252.00 for six months, $503.00 per year, or purchased as follows: less than 200 pages, $10.50; between 200 and 400 pages, $21.00; greater than 400 pages, $31.50, payable in advance; microfiche edition, $146.00 per year, or purchased for $3.00 per issue payable in advance. The semimonthly *Congressional Record Index* may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197–9000, or phone orders to 866–512–1800 (toll-free), 202–512–1800 (D.C. area), or fax to 202–512–2104. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily *Congressional Record* is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the *Congressional Record*.

POSTMASTER: Send address changes to the Superintendent of Documents, *Congressional Record,* U.S. Government Printing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.