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House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
February 16, 2012.

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

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

MORNING-HOUR DEBATE

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

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

AFGHANISTAN

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

Mr. JONES. Mr. Speaker, I wish all of the Members of the House could take the time to read the National Intelligence Estimate on Afghanistan. It's classified, but I think they would benefit greatly as both parties continue to try to bring our troops home from Afghanistan sooner than 2013.

I do want to compliment the Secretary of Defense, Mr. Panetta. I did yesterday, in a hearing, and thanked him for saying that he would start bringing the combat troops home by 2013.

Mr. Speaker, I've been advised on Afghanistan by a military marine general for the last 3 years. I have great respect for him. He is a man of faith, and he has served our country at the highest rank in this particular type of service. I can't say his name because he asked me not to use his name publicly, but this marine general has been my adviser for 3 years. We exchanged emails last week, and I'd like to share for the House a couple of his thoughts on the email that he sent to me last week:

Attempting to find a true military and political answer to the problems in Afghanistan would take decades, not years, and drain our Nation of precious resources—with the most precious being our sons and daughters.

Simply put, the United States cannot solve the Afghan problem no matter how brave and determined our troops are.

We need to bring our people home and prepare for the real danger that is growing in the Pacific.

Again, I have the utmost respect for this man, and I think the American people would if I could say his name.

One of our marines who is serving as a Village Stability Operations team leader in Afghanistan—they're known as VSOs—emailed a friend of his recently, and the friend shared the email with me: ''If you ask me if it is worth a single American life to build governance here in Afghanistan, I would have to say no.'' This man is over there trying to help the Afghan people, but obviously he has no faith. He basically said—and I'm paraphrasing now—that he has absolutely no confidence in the Afghans being able to have a functional, successful military or police force.

I thank him for his thoughts, and I've shared them with the House today.

There is Lieutenant Colonel Danny Davis, who some in both parties have met with. He spent 9 months in Afghanistan, and 3 weeks ago, he came out publicly. He is an active duty Army colonel, saying that it's time to get our troops out and that there is nothing we're going to change in Afghanistan.

I want to say that I respect the colonel for trying to tell the American people the truth and for telling Congress the truth, which is that we're spending $10 billion a month to prop up a corrupt leader, and nothing is going to change. That's why I shared the thoughts of the team leader and also of the retired marine general.

In a long Wall Street Journal article of February 10, titled, ''Roads to Nowhere: Program to Win over Afghans Fails,'' I will quote one paragraph:

Three years and nearly $270 million later, less than 100 miles of gravel road have been completed, according to American officials. More than 125 people were killed and 250 others were wounded in insurgent attacks aimed at derailing the project, USAID said. The agency shut down the road-building effort in December.

Mr. Speaker, this is what both parties are trying to say: We keep spending money we don't have. We're cutting programs for children and senior citizens. We can't help with infrastructure, but we can find $10 billion a month to prop up a corrupt leader.

Does that make any sense? I think not. The American people have said it makes no sense at all.

I have a photograph—well, a poster, actually, Mr. Speaker. This is a beautiful little girl who is 3 years old. Her mother is in tears, and her grandmother is patting the mother on the shoulder. The little girl is looking at a marine officer, who is presenting a folded flag to the mother.

All I can think about as to that little girl is, one day, she will say to her mother, Tell me about my father.

Her mother will say, Well, your father was a wonderful man, and he gave his life in Afghanistan.

Then the little girl will go to school, and she will read the books about the war in Afghanistan. She'll ask, Why did my father die?

He died for nothing. He died for a corrupt leader, and history has said Afghanistan will never, never change.

So I want to thank my colleagues on the Democratic side who have joined me and the few Republicans who have joined me on the Republican side. Let's bring our troops home. Let's spend the money here in America, and let's save the lives of our soldiers and marines and of all those who serve in the military.

Mr. Speaker, I ask God to please bless our men and women in uniform. I ask God, in his loving arms, to hold the families who have given a child dying for freedom in Afghanistan and Iraq. I ask God to please bless the House and Senate that we will do what is right in the eyes of God. I ask God to please bless the President that he will do what is right in the eyes of God for the American people.

And three times, I will say, God please, God please, God please continue to bless America.

BANKRUPTCY EQUITY ACT

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

Mr. BLUMENAUER. This week, we watched the settlement unfold between the Department of Justice, the State attorneys general, and the major banks. Twenty-six billion dollars sounds like a lot of money, but given that almost one in four homeowners owe more on their mortgages than the values of their homes—overall losing some $700 billion in value. This is a step in the right direction that will help some people but is not really a major correction. There are still far too few real pressures to get the market right.

There is a simple answer that won't cost the taxpayers a dime and which will stabilize the housing depression within a year. It would help reestablish home values and encourage banks to work with their customers whose mortgages are ''under water''.

The recent decision of American Airlines to pursue bankruptcy is illustrative. This corporate giant could actually pay its bills. It had some $4 billion in cash and was still taking in revenue, but it made a strategic judgment to use the bankruptcy laws to reposition itself to win market rate loan terms, to modify its union contracts and the pension obligations to its employees because, under the law, a bankruptcy judge can adjust these business relationships to reflect current market conditions—for a business, that is. Curiously, homeowners are treated differently.

A business speculator could buy 10 units in a condominium in south Florida when the housing bubble bursts and could get bankruptcy relief on all 10 units—but not Sally Six-Pack, who bought an identical unit to live in.

What is it about the homeowners that makes them less worthy of relief of the fresh start of bankruptcy than the speculator or American Airlines? The answer is right here on the floor of the House of Representatives.

Congress has decided to look out for business, not the homeowner. The daisy chain of profit we saw collapsing under the weight of colossal greed and bad judgment was protected at the expense of the homeowner, who was trapped, with limited options to renegotiate, with no leverage, who simply faced foreclosure, a short sale, or what is described as jingle mail: send the keys back and walk away.

□ 1010

It's interesting that homeowners have been urged that it's their moral duty, their obligation to pay, even as the Mortgage Bankers Association, itself, reneged on the mortgage on its headquarters and stiffed the lender to the tune of $30 million. Homeowners are expected to do the right thing, even if we're seeing a cavalcade of financial misdeeds, shortcuts, and, in some cases, outright fraud.

I've been unable to find any good reason that homeowners should be discriminated against in bankruptcy. If it's good enough for business, it should be good enough for the homeowners.

There are lots of reasons to change that policy. First, it's simple equity, the same treatment. In addition, making bankruptcy relief available to homeowners will make the system respond to reasonable requests for renegotiations, which would be cheaper, faster, and easier than the foreclosure process for everybody. The simple act will stem the flood of foreclosures and uncertainty, which will help stabilize home values currently in free fall, and it will make it harder for another speculative bubble to be created. Knowing that homeowners will be treated the same as business in bankruptcy will make people think twice about aggregating vast numbers of dicey mortgages, simply taking a profit, and passing the package on to others.

I am introducing the Bankruptcy Equity Act to provide bankruptcy judges the power to align the homeowner's mortgage to its current value and terms and put ordinary homeowners on the same playing field as speculators and businesses. It makes sure private and federally insured mortgages are eligible for modification, allowing FHA, VA, and the Department of Agriculture to pay out claims on insured mortgages modified in bankruptcy.

For an immediate solution to the foreclosure crisis, allowing families to stay in their homes, to be treated equitably, and prevent the next bubble from forming, I strongly urge my colleagues to examine the Bankruptcy Equity for Homeowners Act and join me in treating homeowners as fairly as we treat speculators and investors.

THE BUDGET

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

Mr. WOODALL. Mr. Speaker, I've come down here to talk about the budget. I am a freshman on the Budget Committee. The President's budget arrived on Monday of this week. Here in the Budget Committee, we had the acting OMB Director with us yesterday, we have the Treasury Secretary with us today, and we're exploring this budget.

Now, I must tell you, Mr. Speaker, I may be a hard core conservative Republican from the Deep South, but I am grateful to this President for releasing a budget. A budget is a moral document, Mr. Speaker. It is a moral document that talks about what your priorities are for us, as a Nation.

Our rule book for the country is the Constitution of the United States. That's the rule book by which everything we do in this Nation must comply. The rule book for our finances is the budget that we pass each year. As we all know, as it has been said dozens of times before, the Senate has not passed a budget in over 1,000 days. The majority leader has said he was not going to pass a budget again this year. The Democratic Budget Committee chairman said, But I promised to pass a budget this year. The majority leader said, Well, you can pass a budget, but I'm not going to have it considered on the House floor. That's wrong. What the President did in releasing a budget this week, that's right.

I will tell you, there are a couple of things that need to be in a budget, Mr. Speaker. The budget needs to talk about spending restraint. I don't think there's a family in this country that believes the Federal Government is spending too little. Spending restraint must be a component of every budget. The President laid out his ideas this week.

Repairing the safety net, Mr. Speaker, making sure that the safety net that families depend on when hard times come, making sure that that safety net is resilient, that it is, in fact, a spring and not a cushion, that it is a pathway out instead of a lifestyle choice, those things are important. The budget should contain those.

Entitlement reform, Mr. Speaker, and I want to say earned entitlements, because the men and women of this country have been paying 15.3 percent of their income if they're in my generation, a little less in earlier generations, but they have been paying out of their paychecks to gain access to Social Security and Medicare. But those two programs, as we all know, are underfunded, are headed towards financial crisis, and a budget should talk about what your solutions are to restore faith in those programs for all Americans.

And tax reform, Mr. Speaker, tax reform, there's not a person in this country, Mr. Speaker, that likes the Tax

Code the way it is. There's not a Congressman in this room who, if they sat down with a blank sheet of paper today, would craft this United States Tax Code to govern our Nation. It's in need of reform, and we can do that.

But, Mr. Speaker, of safety restraint, of repairing the safety net, of entitlement reform, and of tax reform, the President's budget was devoid of any—of any. Nothing to save Medicare for future generations. Nothing to protect Social Security for these generations and further. Nothing to change those safety net programs, Mr. Speaker, to ensure that they are that hand up instead of that handout. Nothing to build upon our work ethic that we have in this country by reforming the Tax Code and bringing businesses back to American shores.

I encourage folks to go and look at that budget. They can see it at www.omb.gov. That's the Office of Management and Budget. It's the White House Web site where they can view that budget. I encourage them to tune in to the Budget Committee, Mr. Speaker. We are, again, having hearings on that budget all week and will continue into the future.

And then I encourage folks to look at the process that happens here in this body, Mr. Speaker, where absolutely any Member of Congress can introduce absolutely any budget that expresses their priorities, an open process where absolutely all budget ideas are considered. It is a hallmark of this institution, Mr. Speaker. I welcomed it last year and was proud of the result of this debate. It was once the PAUL RYAN budget, then the House Budget Committee budget, then the House budget for all of the land. I look forward to that process continuing again this year.

AUTOMATIC INDIVIDUAL RETIREMENT ACCOUNT

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

Mr. NEAL. Mr. Speaker, I rise today to talk about a piece of legislation that I'm introducing later on in the afternoon, the Automatic Individual Retirement Account Act of 2012.

According to Boston College's Center for Retirement Research, the United States has a retirement income deficit of $6.6 trillion. This is the gap between what Americans need for retirement and the amount that they've actually saved. This amounts to more than $90,000 per household. This is a staggering number and demonstrates that we, as Americans, need to do more to prepare for a financially secure retirement. One area that I think we need to focus on is getting more low- and middle-income workers into a retirement savings plan, and the auto IRA would do just that.

It is estimated that 75 million Americans—half the American people who get up and go to work every day—are not in an employer-provided retirement plan or other opportunity to save through workplace contributions. The Auto IRA Act offers a commonsense solution to dramatically expand retirement savings in the U.S. Under this proposal, tens of millions of workers would be eligible to save for retirement through a payroll deduction. And it has been estimated that the auto IRA proposal could raise net national savings by nearly $8 billion annually.

This legislation would create automatic payroll deposit individual retirement accounts, or auto IRAs, for workers who do not have access to employer-provided qualified retirement plans. The bill would require employers to automatically enroll employees in the auto IRA unless the employee opts out. These are ''set it and forget it'' payroll deposit accounts.

I am sensitive to the increased burden on small businesses, so the bill provides for a tax credit for employers with less than 100 employees in order to offset the administrative costs of establishing this initiative. Furthermore, only employers with at least 10 employees, who have been in business for at least 2 years, would be covered by the bill. And the bill does not mandate any matching contributions by employers or other fiduciary responsibilities for the management of the accounts.

It's my hope that once employers start participating in the auto IRA program, they will decide to convert these arrangements to the broader 401(k) plans. The IRA contribution limits are lower than the 401(k) limits, so business owners may see incentives to switch to bigger plans. And we've also enhanced the small employer pension plan startup credit, so if an auto IRA employer switches from auto IRA to 401(k) plans, they would get the credit for 3 years instead of 2.

□ 1020

Listen to this, this proposal was jointly developed working with me through the Brookings Institution and the Heritage Foundation. It has garnered widespread support, including AARP, the United States Black Chamber of Commerce, the Women's Institute For a Secure Retirement, and the Aspen Institute Initiative on Financial Security. You should join in supporting this legislation.

I am also highlighting another retirement plan bill that I'm introducing today, the Retirement Plan Simplification and Enhancement Act. Our current retirement plan rules are very complicated. This bill includes a number of commonsense reforms that will simplify the rules while we still protect participants.

Under current law, small businesses that adopt a new retirement plan are eligible for a tax credit to cover some of their startup costs. We are tripling the credit to $1,500 to cover all of these expenses. I hope this will encourage more small employers to sponsor retirement plans.

Currently, employers can exclude some part-time workers from participating in their 401(k) plans. As women are more likely to work part-time than men, these rules can be quite harmful to them. So my bill would require employers to allow certain long-term, part-time employees to make elective deferrals to their 401(k) plans.

Both of these bills are commonsense reforms that will help Americans prepare for a good and financially secure retirement. I hope you will join on to the Automatic IRA Act of 2012 and the Retirement Plan Simplification and Enhancement Act.

NATIONAL CAREER AND TECHNICAL EDUCATION MONTH

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today as cochair of the bipartisan House Career and Technical Education Caucus in order to recognize February as National Career and Technical Education Month.

Career and technical education programs continue to evolve in order to ensure that workers are prepared to hold jobs in high-wage, high-skill, and high-demand career fields like engineering, information technology, health care, and advanced manufacturing for the 21st century.

During this time of economic uncertainty and record high unemployment, career and technical education programs provide a lifeline for the underemployed who look to be in careers alongside young adults just starting out in the rapidly evolving job market.

Career and technical education, while historically undervalued, helps tackle critical workforce shortages and provides an opportunity for America to remain globally competitive while also engaging students in practical, real-world applications of academics, coupled with hands on work experiences.

Together, these programs provide for integrated learning experiences which assist students with skills that promote career readiness. Whether for high school students and adults retraining for a new field or further professional development, career and technical education programs are vital to our country's economic recovery. And while the limited Federal investment has been stagnant for almost a decade, these programs have proven effective to ensure that America can continue to be the world's leading innovator.

As we move toward fiscal year 2013, I join with a bipartisan group of my colleagues in not only recognizing the importance of maintaining these Federal investments for our country's future, but also in saying thank you to the countless men and women who make these programs possible. They share a bold vision for America's future, which

breaks from the cookie cutter, straight out of the box education of the past and recognizes that America can and must remain a global leader.

Mr. Speaker, career and technical education serves to ensure that we continue on that path.

NO AMERICAN WOMAN SHOULD BE DENIED CONTRACEPTIVE COVERAGE

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

Mr. GUTIERREZ. One of the many things I love about America is we are a country of second chances. You can fail and still have a chance to get ahead in our Nation of opportunity. There was a time that it looked like Steve Jobs might not make it. He was forced out of his company, and Apple looked like it might become a historical footnote—until Apple realized its mistake and asked Steve Jobs to return and put him back on top.

Our current basketball sensation, Jeremy Lin, knows a thing or two about second chances. He was undrafted by the NBA, and he was cut twice before landing with the New York Knicks. Other than my hometown Chicago Bulls hero, Derrick Rose, Lin is the most exciting story in sports. America is about second and third and fourth chances, which brings me, of course, to Newt Gingrich.

Now, some might say that Newt being considered at all for President of the United States is a second chance. After all, his reign as Speaker of the House did not end well. It didn't end with good policy for America, good politics for Republicans, or good feelings about his personal reputation. Yet, he's hanging in there in the race for Commander in Chief. Now that's a second chance I'm talking about today.

I'm talking about Newt Gingrich's reaction to President Obama's effort to provide contraceptive coverage to all American women. Mr. Gingrich has been trumpeting his outrage, from ''Meet the Press'' to CPAC to any town hall meeting that will have him. He said: ''President Obama has basically declared war on the Catholic Church.''

To be clear: ''President Obama has basically declared war on the Catholic Church.''

That's the second chance I want to talk about this morning, Newt Gingrich as spokesperson for the Catholic Church. Newt Gingrich as the right man to stand up as a protector of the values of the Catholic faith.

If Newt Gingrich, Catholic spokesperson, is not a generous, forgiving second chance, then I don't think one has ever existed in America.

Now, I'm Catholic. And as a prochoice legislator who strongly believes that no American woman should be denied contraceptive coverage based on where she works, I don't always see eye to eye with my church, so I don't pretend to be a spokesman or someone who can speak for all Catholics. Good people can disagree on tough issues.

But apparently Newt Gingrich is well-positioned to decide when our President has declared ''war'' on the Catholic faith. He isn't reluctant to speak on their behalf, even with a personal history that seems to be at odds with some of the teachings of the Catholic Church.

Frankly, I think his personal life is none of our business, but when he wants to dictate morality to the rest of America, when he accuses our President of engaging in ''religious persecution,'' when he demands that his personal values be shared by all American women, he makes his personal life part of the public discourse.

I support the President's call for equity for all American women. I salute him for standing up for fairness in contraceptive coverage in all health care plans. I support the President's effort to find a compromise that respects every American's religious beliefs. He did something hard for a leader. He listened to his critics, he worked to find common ground, moderate ground, and he changed. And I applaud him for that.

And I applaud the American people for reminding us that everybody gets a second chance, even a chance for Newt Gingrich to stand up for American Catholics. If Newt Gingrich can speak for American Catholics, then it's true: in America, anything is possible.

Just consider what could happen. Maybe Charlie Sheen can become the spokesperson for the temperance movement. Lou Dobbs can be the face of immigrant rights. LeBron James can be in charge of the Cleveland Chamber of Commerce. And the cast of Jersey Shore can lead a national campaign for manners, humility, and modesty.

If Newt Gingrich can do it, why can't they? In fact, if Newt Gingrich can do it, why can't I?

This is me with Senator Bill Bradley. He's over 6 foot 6, and I'm barely 5 foot 6. He has noticed the difference, and he is giving me a friendly kiss on the top of my head. So I'm pleased to announce today that if Newt Gingrich can speak for all Catholics, I'm going to start speaking for all tall people.

That's right. Five-foot-six Congressman LUIS GUTIERREZ, president of the National Association of Extremely Tall Americans. I'm no expert on being tall. But then again, Newt doesn't really seem to be an expert on the rules of the Catholic Church either, so what's going to stop me?

ROLE OF GOVERNMENT

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

Mr. DUNCAN of Tennessee. Mr. Speaker, Tony Blair was the Prime Minister of Great Britain and was considered to be a political liberal, and perhaps his actions didn't always match his words, but I would like to read a statement he made at one point. Mr. Blair said:

> The role of government is to stabilize and then get out of the way as quickly as possible. Ultimately, the recovery will be led not by the government but by industry, business, and the creativity, ingenuity, and enterprise of people. If the measures you take in responding to the crisis diminish their incentives, curb their entrepreneurship, and make them feel unsure about the climate in which they are working, the recovery becomes uncertain.

That was Tony Blair.

Then Thomas Donohue, the president of our national Chamber of Commerce, said at a jobs submit about a year and a half ago here in Washington:

> The regulatory activity presently going on is so far above and beyond anything we have ever seen in the history of this country, that we are in danger of becoming a government of, by, and for the regulators instead of a government of, by, and for the people.

□ 1030

I thought of these two things when I read a letter recently from one of my constituents who runs a small bank in east Tennessee. He wrote to me. He said:

> One of the single greatest needs of small business is access to capital, and much of that small business lending capital is typically provided by America's more than 6,700 community banks. Yet, community banks are by and large being forced to withhold and constrain lending at the time America needs it most. This is largely due to unprecedented onerous regulatory constraints being placed on community banks by Federal bank examiners.

He goes on and says this:

> Never in modern history have banks, especially community banks, been under great pressure by banking regulators. Much of that pressure is unprecedented, virtually ignoring or redefining historic standards and definitions of bank examining. Routinely, banks are being required by bank examiners to classify and put into a nonaccrual status loans that are current on their payments. In many cases, this be can far more than half of all of the classified loan assets. This is enormously inconsistent with historic bank examination practices.

And I go on, quoting from this letter:

> In most cases, this results in a bank's capital being constrained and consequently may well lead to a forced merger of these banks by the Fed into the larger banks. Despite acknowledgement by the Fed that the two big banks represent a systemic threat to the U.S. and global banking systems, the big banks seemingly are allowed to keep getting bigger.

That is a serious problem. It was the too-big-to-fail banks that got us into the mess that we got into in the first place, and now many of the smallest banks in this country are being forced out of existence or forced to merge. So the big keep getting bigger and the small and the medium-sized ones are having a real struggle to survive.

Finally, this bank who wrote to me said:

> If America is going to have economic recovery and jobs depend on it, banks must not only be allowed to lend, but encouraged to lend. Instead, they are largely being constrained from lending with much of that constraint attributable to overly aggressive

bank examination. By and large, most U.S. banks are having to shrink in size in response to the Fed's pressure, which translates into reduced lending.

We have been going through a period of time in which President Bush and his Secretary of the Treasury at the tail end of their administration started saying this and then President Obama and his Secretary of the Treasury then saying it. They have been saying loan, loan, loan, and then the local bank examiners having been saying no, no, no, and it has been holding us back. This country could be booming beyond belief right now, but we're holding it back in so many ways, and we will never come out and have a full and complete recovery unless that atmosphere changes.

I heard a talk this morning by Governor Mitch Daniels of Indiana, and he said that our employment rate is less than 64 percent now. He says that is the lowest it's been since the era of stay-at-home moms. He said over a third of adult children are now living at home with their parents, which is way above what it has been in the past. In fact, we have an unemployment rate that is far too high, but our underemployment rate is perhaps even much higher. All across this country you have college graduates who are working as waiters and waitresses in restaurants or in other low-paying jobs because they have gotten college degrees and can't find good jobs because we've sent so many good jobs to other countries in recent years and because our regulatory environment is holding this country back and keeping it from booming as it should be right now.

ACCELERATE OUR WITHDRAWAL FROM AFGHANISTAN

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

Mr. WELCH. Mr. Speaker, on February 1 of this year, Defense Secretary Leon Panetta said that American forces would step back from a combat role in Afghanistan as early as mid-2013. This is a year faster than had been announced only months previously. He also added that U.S. troops would move into an advise-and-assist role to Afghanistan security forces. I know that most everyone who has joined me on this floor this morning would want a faster transition. To be frank, we wish we could have avoided much of this 10-year nation building altogether. I rise today to express my strong support for the administration's decision to reduce our military footprint on an accelerated timeline.

Mr. Speaker, our soldiers, our men and women in uniform, will do and do do whatever it is we ask of them. Indeed, the sacrifices that our soldiers and their families have made have been extraordinary. Just this morning, with Congressman DONNELLY, I met a family who lost their dad, and his son is here who was serving with him in Afghanistan. There is nothing that we can do to adequately express to them our enormous appreciation for their sacrifice.

If we did not have men and women who, at the call of the Commander in Chief, would put on the uniform and report for duty and do what the Commander in Chief and this Congress authorized, we would not have the United States of America. But the obligation we have to the citizens from our districts that are willing to make that sacrifice is to give them a policy worthy of their willingness to make that sacrifice.

It is time that we do all we can to accelerate our withdrawal from Afghanistan. The reason is this: That's what our national security requires.

There was a very valid reason to go into Afghanistan. It was the home of Osama bin Laden. The Taliban gave him sanctuary. Al Qaeda had free hand. Our policy was right when it was started, but it transformed itself into a nation-building policy where our partner has become a corrupt Afghanistan Government that is unreliable, that is squandering taxpayer money, that is not cooperating with the American military.

The question is: Should the American taxpayer and the American soldier be required to do nation building in Afghanistan, particularly when the threat of terrorism is real, but it is not a nation-centered threat? It is dispersed around the globe. The new American policy of counterterrorism, as opposed to counterinsurgency—that is, going after terrorists where they are as opposed to nation building where some may be—is the right direction for this country to go.

Mr. Speaker, the policy announced by Mr. Panetta to accelerate that withdrawal is overdue and it is timely at this point. I strongly support it and urge my colleagues to do so as well.

HIGH-LEVEL NUCLEAR WASTE

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

Mr. SHIMKUS. Mr. Speaker, I come back to the floor again this week to continue to talk about high-level nuclear waste and its location around the country.

This week really saddens me because, in the weeks past when I've identified the U.S. Senators from the appropriate States, usually I would have more in support of moving their high-level nuclear waste out of their State than who wants to vote to keep it in their State. As I go to Connecticut today and the States surrounding Connecticut, it is really amazing how many Senators have gone on record to say, No, it is okay; we will just keep this nuclear waste in our State for 15, 20, 25 more years.

With that, let's look at the options we have here.

The nuclear power plant that I'm addressing today is called Millstone. It is in Connecticut. I always like to compare it to where the high-level nuclear waste should be, which is underneath a mountain, in a desert in Nevada, at Yucca Mountain, where, in 1987, we passed into law and said Yucca Mountain will be the location for our high-level nuclear waste. It is the law of the land.

How have we done? How much nuclear waste is at Yucca Mountain, this mountain in the desert? We don't have any. We've already spent $15 billion. The waste would be stored 1,000 feet underground. The waste would be stored 1,000 feet above the water table. The waste would be 100 miles from the nearest body of water, which would be the Colorado River.

□ 1040

Well, let's compare it to Millstone in Connecticut. Right now, Millstone has 1,350 million tons of uranium spent nuclear fuel on site. The waste is stored in pools and in dry casts. The waste is 15 to 20 feet from the water table. It is on Niantic Bay, just off Long Island Sound. Here's a picture. Here's the nuclear power plant; here's the bay. It's right next to the water. And without moving forward on Yucca Mountain, this waste will continue to be stored there 15, 20, 25 more years.

So let's look at the Senators from the surrounding States that border this body of water. We have Senator BLUMENTHAL—new. He said in a campaign interview that he opposed Senator REID's fight to prevent Yucca Mountain, so we put him in the ''yes'' column. Senator LIEBERMAN voted ''no'' in 2002, so we put him in the ''no'' column. Senator LAUTENBERG from New Jersey voted ''no'' on the Senate Appropriations Committee amendment to restore funding, so we put him in the ''no'' column. Senator MENENDEZ from New Jersey has been a vocal critic, and so he's in the ''no'' column. KIRSTEN GILLIBRAND, Senator from New York, we have her as undecided. We're kind of waiting for her to take a position. Part of this debate is to at least get Senators on the record somehow to see where they will be on this position.

Senator SCHUMER—obviously fairly close to Connecticut and New York City—he had voted ''no'' in '02. Senator JACK REED—actually a pretty good friend of mine—from Rhode Island voted ''no'' in 2002. Senator WHITEHOUSE, a Democrat from Rhode Island, we have as really ''undecided.'' Two ''undecided,'' a whole bunch of ''nays,'' and one ''yes.''

So how does that do for our totality of where Senators are at this time based upon the information we have? Well, we have 41 Senators who say we need to move high-level nuclear waste out of our State to a desert underneath a mountain. We have 14 that we really have no public record on. We'd like to see the Senate sometime take a vote and figure out where they might be. And we have 15 ''nays.''

Now, why is this important? The Nuclear Waste Policy Act in 1982 said: Let's find a single repository. The Blue Ribbon Commission, which testified before my committee just last week, said: We need a long-term geological repository. As I quoted in a story yesterday, Brent Scowcroft, the cochair, said: We're not excluding Yucca Mountain, but we have so much nuclear waste now that we're going to have to find a second location.

So you can continue your fight on Yucca Mountain, but the Blue Ribbon Commission said we need a long-term geological storage centralized. We're just saying we already have one. If we're going to need a second one, then we better start that process of looking at a second one, but we ought to start filling up the first one.

We spent $15 billion. And why aren't we moving forward? Well, we have the majority leader of the Senate who says no. In fact, my colleague, Mr. CLYBURN, was quoted in a paper as saying: As long as HARRY REID is alive, Yucca is dead.

OPPOSING PIONEERS ACT

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) for 5 minutes.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise in strong opposition to the so-called PIONEERS Act that, among other things, repeals the Gulf of Mexico Energy Security Act, or GOMESA.

It's hard to believe that the lessons of the Deepwater Horizon oil spill are already being forgotten, less than 2 years after almost 5 million barrels of oil flowed out into the ocean and devastated the gulf region's environment and economy.

Through this horrible tragedy, we learned firsthand the dangers of drilling at extreme ocean depths and the difficulties in stopping a spill once it occurs. We also learned the dangers posed by the powerful Gulf of Mexico loop currents in the eastern gulf. These loop currents are capable of transporting spilled petroleum into the Florida Straits, through the Florida Keys, and onto shorelines up the Atlantic side of my home State, endangering hundreds of miles of coastline in Florida, and beyond up the east coast.

We were extremely lucky that more of Florida was not affected by the Deepwater Horizon spill in 2010 and that the site of the spill was not within these normally-occurring loop currents. Allowing drilling in the eastern Gulf of Mexico would place leasing directly within the strong loop current and is the height of folly.

Even if we didn't have such a powerful precautionary tale as the Deepwater Horizon accident, drilling near Florida's coast simply doesn't add up. Florida's $65 billion tourism industry relies on pristine beaches. Florida is also home to 85 percent of the United States' coral reefs, which are profoundly sensitive to oil spills.

Coastal resources like mangroves and sea grasses would also be put in harm's way, as well as Florida's vibrant commercial and recreational fishing industries. That is why so many bipartisan members of Florida's congressional delegation have lined up in opposing drilling near our shores. In fact, a few weeks ago, Congressman JOHN MICA held a field hearing in Miami to discuss the dangers of offshore drilling by Cuba that is within 100 miles of Florida's shores. The Florida Lieutenant Governor—a Republican—Jennifer Carroll stated at the hearing that:

> The Deepwater Horizon incident in 2010 has shown that a spill that poses even a potential of impacting Florida's water or land causes a huge negative impact on the economy.

I could not have said it better myself. This is why we simply should not allow drilling in the eastern Gulf of Mexico.

I would welcome a debate weighing the harms against the benefits of expanding offshore exploration off Florida's coastline if the benefits were comparable to the risks, but they're not—not even close. Expanding drilling for oil in the Gulf of Mexico would not lower gas prices or produce enough oil to reduce our dependence on foreign oil.

In short, opening the eastern Gulf of Mexico is not the answer to our energy concerns. If we are serious about weaning our dependence on foreign oil, we need to continue the clean energy policies of the Obama administration and efforts in recent years by Congress. We have more domestic oil production today, right now, than we have ever had. For example, the 2007 bipartisan effort to increase the fuel efficiency of cars over the next decade will have a profound effect on the demand side of the supply-demand equation.

The Natural Resources Defense Council estimates that by 2020 the new auto fuel standards will save consumers $65 billion in fuel costs by cutting consumption by 1.3 million barrels a day—more than could be produced in the eastern gulf in an entire year.

Finally, a little history lesson on the 2006 law that this bill will repeal. In 2006, Republican leadership in both Houses of Congress enacted GOMESA, which opened 8 million acres for new oil drilling leases off Florida's panhandle in the eastern Gulf of Mexico. In exchange, the 2006 law placed the rest of the eastern gulf under a statutory moratorium until 2022. That agreement should be honored, not tossed aside less than 6 years later.

Our word must be our bond, or negotiations and handshakes are rendered meaningless. In my 19-year legislative career, your word being your bond was always supposed to be paramount. In this case, apparently there are some Members of the Republican leadership that don't believe that and are willing to cast it aside.

Beyond the economic and environmental reasons for honoring the 2006 deal, protecting our military training areas is also important. The military uses the eastern Gulf of Mexico for training operations, and the Pentagon has said that drilling structures and associated development are incompatible with military activities, like missile flights, low-flying drone aircraft, and training. For this reason, the Pentagon has long opposed expanding offshore drilling in the eastern gulf.

The 2006 law incorporates an agreement between the Department of the Interior and the Defense Department to set aside waters east of the ''military mission line'' to preserve military readiness. On behalf of Florida's tourism industries, fishing industries, and on behalf of the needs of the Defense Department and in the name of military readiness, I urge my colleagues to remove this terrible provision from this legislation.

To add insult to injury, it is unconscionable that House leadership has refused to even allow a vote on a bipartisan amendment that I cosponsored with my Florida colleagues that would have stripped out the GOMESA repeal. If they had the courage of their conviction, they would allow a fair and open debate on this. But when you don't have much to back up your argument, you can't allow a fair fight.

COMMEMORATING THE LIFE OF DANNY THOMAS

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

Mrs. BLACK. Mr. Speaker, I'm here today to commemorate the life of a truly wonderful man, Mr. Danny Thomas, who represents so much that is wonderful about our country.

Born to a poor immigrant family, Thomas understood the meaning of hard work from a very young age. He started work at the age of 10 selling newspapers and worked until he moved to Detroit to go into show business. After years of struggling, Thomas achieved unrivaled success with shows like ''Make Room for Daddy,'' the ''Andy Griffith Show,'' and the ''Dick Van Dyke Show.'' It was with this success that Thomas started St. Jude Children's Research Hospital, where no child is turned away because of an inability to pay.

□ 1050

Since it opened in 1962, St. Jude has saved thousands of lives, helped countless families, and forwarded vital research on childhood cancer and other diseases.

This month marks the 50th anniversary of St. Jude, and to commemorate this incredible work done at St. Jude, the U.S. Postal Service is honoring Danny Thomas and St. Jude with a commemorative stamp. I can think of no one and no charity more worthy for this honor than Thomas and St. Jude. His is a story of hard work, success, and giving.

HONORING THE LIFE OF SPECIALIST ROBERT J. TAUTERIS, JR.

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

Mr. DONNELLY of Indiana. Mr. Speaker, I rise today to solemnly remember and honor the life and dedicated service of Specialist Robert Tauteris, Jr., a native son of Hamlet, Indiana, and a proud member of the 713th Engineer Company based in Valparaiso and assigned to 81st Troop Command.

Specialist Tauteris died, along with three of his fellow soldiers, on January 5, 2012, in Kandahar province, Afghanistan, of wounds sustained when their vehicle was hit by a roadside improvised explosive device as they scouted for bombs and potential problems along a major supply route.

The State of Indiana mourns the loss of the four brave men who took on this dangerous mission to ensure the safety of their fellow soldiers. Specialist Tauteris died, along with his fellow National Guardsmen, Specialist Brian Leonhardt, Specialist Christopher Patterson, and Staff Sergeant Jonathan Metzger. Private Douglas Rachowicz was severely injured in the same incident.

Robert graduated from North Judson High School in 1986 and had worked in manufacturing at Ferro Corporation in Plymouth. Robert Tauteris served one tour in Afghanistan with the National Guard and volunteered for his second deployment when his son, Robert Tauteris III enlisted. Father and son left together for Afghanistan in the fall of 2011. Bobby III accompanied his dad's body home to Dover Air Force Base.

Robert's posthumous awards include the Bronze Star Medal, Purple Heart, Army Good Conduct Medal, and the Army Achievement Medal. He also earned the National Defense Service Medal, Afghanistan Campaign Medal with the Bronze Service Star, Global War on Terrorism Service Medal, Armed Forces Reserve Medal with M Device, Army Service Ribbon, Overseas Service Ribbon, the NATO Medal, Combat Action Badge, Driver and Mechanic Badge, Combat and Special Skill Badge, Basic Marksmanship Qualification Badge, and the Overseas Service Bar. It is an extraordinary record, and he is an extraordinary hero.

Robert will be remembered by his friends, his family, and fellow soldiers as a dedicated, reliable, hardworking man who cared deeply for his family. He is survived by his sons, Robert III and Matthew; Robert III's wife, Kayla—and they are here with us today—his dad, Robert Tauteris; his sister, Tammy Tauteris Smith; brother, Tom; half-brother, Darrel Ray Minix; and stepmother, Nichelle; as well as extended family and friends who are left to treasure his memory.

It is my solemn duty and humble privilege to honor the life, the service, and the memory of Specialist Robert Tauteris, Jr. He is a testament to the great honor possessed and sacrifices made by our men and women in the Armed Forces. We mourn his passing and offer solemn gratitude for his service and sacrifice.

On behalf of the United States of America, we want to thank your family for your service, for your sacrifice, and for everything you have done.

God bless you.

REFORMS TO THE MEDICARE SYSTEM

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

Mr. FITZPATRICK. Mr. Speaker, I rise today to speak on behalf of the senior citizens in Pennsylvania's Eighth Congressional District who rely on a Medicare system which makes predictable and stable payments to their physicians.

I came to Washington, with one of the largest freshman classes in recent history, to make the difficult decisions that for too long have been deferred and delayed. I'm proud to have joined a bipartisan group of my fellow Representatives last spring in passing a budget resolution which addressed the long-term challenges facing Medicare.

The budget resolution we supported provides fiscal stability to a program which will face severe cuts and drastic changes in the future without serious reform. However, while these basic reforms to the existing system are being debated, we are currently faced with a more pressing issue, the solution to which has already earned widespread support among lawmakers, doctors, and health care industry groups.

The practicality of the sustainable growth formula for Medicare payments has been a subject of much debate in this Chamber since its implementation in 1997. Over the course of the past two decades, Congress has deemed it acceptable to provide for short-term, temporary fixes to ensure that doctors receive adequate payment for the services they provide to Medicare patients. Short-term fixes provide no stability or predictability to these important service providers.

In speaking with a cardiologist in my home of Bucks County, he shared his concerns with me over the way Congress has chosen to handle the SGR. He told me that every time a short-term extension comes up for a vote, he is faced with the possibility of having to lay off employees and reducing his practice in the face of potential cuts.

The constant threat of cuts to the Medicare reimbursement rate prevents doctors and hospitals from developing new delivery and payment models intended to reduce rising health care costs and denies them the flexibility they need to achieve savings through improved care.

Each time Congress enacts a short-term fix, the scheduled cuts in the SGR formula grow deeper and the cost of a full repeal increases. A full repeal in 2005 would have cost less than $50 billion. Today's cost is upwards of $300 billion. In the next 5 years, if nothing is done to correct this predictable crisis, the cost of short-term fixes and the total debt accumulated from the SGR will climb to over $600 billion.

With the drawdown of the conflicts in Iraq and Afghanistan and the homecoming of many of the brave young men and women who so proudly served our country in those theaters over the course of the past decade, we are presented with a unique opportunity to provide for a permanent fix to the Medicare physician payments, and to do so without adding to our already burdensome national debt. The use of savings from the Overseas Contingency Operations fund to permanently repeal the SGR formula will provide doctors and their patients with the certainty they so desperately need in these difficult economic times.

As with so many of the challenges facing our Nation today, we are presented with two clear options:

We can choose to ignore the problems posed by the SGR formula to doctors, seniors, and to our fiscal health by continuing the practice of short-term fixes and forced draconian cuts to hospitals and health care providers and apply the savings from the OCO funds elsewhere; or

We can choose to use these funds to permanently repeal the SGR and to set our Medicare system on a new path and provide for long-term stability for doctors that promote equality, efficiency, and improved health care services for our Nation's seniors.

I understand that we're presented with another opportunity to provide some breathing room for doctors and their patients as part of the middle class tax cut bill that looks to achieve bipartisan support here this week. Let us use the next 10 months to engage in some honest discussion about the real cost and impact of the SGR. Let's get this right before the end of the year. And I look forward to working with my colleagues on both sides of the aisle to do just that.

BRING THE WAR IN AFGHANISTAN TO AN END

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

Ms. LEE of California. Mr. Speaker, first let me just thank my colleagues, Congressman JONES, Congressman MCDERMOTT, Congressman ELLISON and others, for speaking out this morning clearly, saying that it's past time to bring the war in Afghanistan to a swift and orderly end.

There's no military solution in Afghanistan. We need to bring our troops home now, and we need to make sure that we leave no permanent military bases. The American people are sick and tired of the past decade of war, and they want this war to end.

At a time when tens of millions of Americans are unemployed and nearly 50 million Americans are living in poverty, the Pentagon is requesting almost $100 billion in the President's budget to fund Overseas Contingency Operations, including the wars in Iraq and Afghanistan.

□ 1100

First of all, we all thought the war in Iraq was really supposed to be over. So why in the world are we spending billions of dollars on a war that we are no longer fighting? Mr. Speaker, we've already spent over $1.3 trillion on the wars in Iraq and Afghanistan, and we cannot afford to blindly continue down this path.

The reason, of course, that I voted against that original resolution in 2001 authorizing the use of military force was because it was a blank check for war against any nation, anywhere, anytime, any organization, and any individual.

The situation we are in right now, being asked to spend another $100 billion on endless war, is exactly what we should have considered 10 years ago when we went down this path. This war without end must end.

While everyone would like a stable democracy in Afghanistan, the facts on the ground suggest that we are not headed in that direction, yet we've spent hundreds of billions of dollars there. Instead of a stable democracy, we have a corrupt state that relies almost entirely on foreign countries for its budget.

The reality on the ground in Afghanistan stands in stark contrast to the steady reports of progress we have been hearing from those who seek to maintain a military presence in Afghanistan in 2014 and beyond. It's time to bring our troops home from Afghanistan—not in 2014, not next year, but right now.

Later today, some of us will be meeting with the courageous Army officer Colonel Daniel Davis. Colonel Davis wrote a revealing account of the war in Afghanistan after witnessing the huge gap between what the American public was being told about progress in Afghanistan and the dismal situation on the ground.

Colonel Davis' assessment is backed up by a recently released report from Afghanistan's NGO safety officer. The report warns NGO employees in Afghanistan not to take seriously the message of advances in security coming from the Pentagon.

Mr. Speaker, I ask that this page from the Afghanistan NGO safety officer quarterly data report be inserted into the RECORD.

AOG INITIATED ATTACKS

AOG initiated attacks grew by 14% over last year and demonstrated an enhanced operational tempo—with 64% of all operations occurring before the end of July (compared to 52% in 2010)—and then trailing off sharply once OP BADR ended over Ramadan.

The tactical portfolio remained consistent with 2010, with close range engagements (SAF/RPG) making up the bulk of operations (55%) and IED/IDF operations at 44%. Suicide attacks remained at just 1% of the total yet caused close to 70% more fatalities this year, including roughly 400 Afghan civilians (230 in 2010).

Throughout the year ISAF made a number of statements claiming a 3% reduction in attacks between Jan–Aug when compared with 2010. We are not in a position to evaluate their data but, obviously, we do not agree with their finding and advise NGOs to simply ignore it as practical security advice—a use for which it was likely never intended in any case. We find their suggestion that the insurgency is waning to be a dangerous political fiction that should be given no consideration in NGO risk assessment for the coming year.

Interestingly, our data does find that this year's 14% growth rate (what you might call the IEA profit margin) is substantially lower than previous years (above right) suggesting that there has indeed been some serious reduction in the effort that the IEA is putting in. Whether this reduction has been forced upon them by ISAF or whether they consciously chose it—on the calculus that there is no point sprinting to the finish if everyone else has dropped out of the race—is unknown to us and, we suspect, to ISAF.

The report reads:

We find their suggestion that the insurgency is waning to be a dangerous political fiction that should be given no consideration in NGO risk assessment for the coming year.

''A dangerous political fiction''—that is how this organization dedicated to ensure the safety of NGO employees in Afghanistan characterizes the rosy reports of steady progress in Afghanistan. Mr. Speaker, if we're going to ask our brave men and women in uniform to continue to risk their lives in Afghanistan, the least we can do is be frank and honest about how we are doing in Afghanistan. Our soldiers deserve to know the truth, and the American people deserve to know the truth after spending the past decade fighting wars.

The war in Afghanistan has already taken the lives of almost 1,900 soldiers and drained our treasury of over $500 billion in direct costs. Those costs will only go up as we spend trillions of dollars on long-term care for our veterans, which we must do.

We are set to spend an additional $88 billion in Afghanistan over the next year while domestic cuts in education, health care, roads, bridges, and other essential priorities are sacrificed. Again, I repeat, it is time to bring our troops home from Afghanistan, not in 2014, not next year, but right now.

Let me conclude by saying that as the daughter of a 25-year Army officer who served in two wars, I salute our troops, and I honor our troops. Our service men and women have performed with incredible courage and commitment in Afghanistan. But they have been put in harm's way, and they have performed valiantly. It's time to bring them home.

ALCATRAZ ELEVEN

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

Mr. DOLD. Mr. Speaker, today I rise to pay tribute to American men and women in uniform, but specifically to an era in the Vietnam conflict that I think did not get as much thanks as it deserves.

On February 11, 1965, flying off of the USS Coral Sea, Lieutenant Commander Robert Harper Shumaker, flying an F–8 Crusader, was shot down over North Vietnam. His parachute deployed about 35 feet before he hit the ground. His back was broken upon impact. He was immediately captured and paraded through the streets.

They took him to what became known at that time as the Hoa Lo Prison. This was going to be the main facility that would house POWs over the next several years. This prison was then dubbed by Commander Shumaker as what we know it today, the Hanoi Hilton. This was an area where a number of POWs were tortured on a regular basis. Lieutenant Commander Shumaker was the second American pilot shot down. At that point in time, it was somewhat of a blessing because the news media actually got pictures and was able to send word back to his family that he was, indeed, alive. That same fate would not be given to many other POWs, which is why the POWs spent time each and every day memorizing the names, the ranks, of all of the other 591 POWs that would go through the halls of the Hanoi Hilton.

The Hanoi Hilton wasn't the only prison, however. Eleven members of the United States military were actually taken out of the Hoa Lo Prison and brought over to what would become known as Alcatraz. These became known as the Alcatraz Eleven. These were considered by the North Vietnamese to be the eleven greatest threats to camp security. We had men like Jeremiah Denton, who was a senator from Alabama, Jim Stockdale, who was awarded the Congressional Medal of Honor, George Coker, Ron Storz, and I'm pleased to say a Member of this body, SAM JOHNSON.

In Alcatraz, these men spent literally years in solitary confinement in a 3-by-9 foot box with a single lightbulb which was kept on all the time. They were tortured on a regular basis if they were caught communicating. Lieutenant Commander Shumaker was actually known amongst his peers as ''the great communicator.''

They'd devised a tap code earlier, the tap code which would become famous for those going through POW training, survival training.

It was a 5-by-5 box. Starting in the top row, A, B, C, D, E—they cut out ''K'' so they could have an even 5-by-5 box. They would communicate unbelievable volumes of knowledge. Lieutenant Commander Shumaker actually taught French through the walls to SAM JOHNSON.

In that solitary confinement, again, if they were caught communicating, they were tortured, so there was a reluctance to communicate. But that's

how they kept themselves alive. That's how they exercised the one most important muscle out there, and that was their brain.

Just a couple days ago, Mr. Speaker, marked the 39th anniversary of their release, February 12, 1973. So, although we were not here in this body—we were at home—I felt it appropriate to come up and talk about the anniversary.

Lieutenant Commander Shumaker holds a near and dear place in my heart. He happens to be my uncle. When my wife and I had our first child, we decided to name her Harper after him.

This is an example of the bravery that goes on each and every day for our men and women in uniform. Not a day goes by that I don't thank the good Lord for the men and women that are protecting our Nation each and every day. But I don't look at the picture of my uncle upon his capture and say it's never going to be that bad.

The stories are remarkable, and they continue to come in day and day out because they don't like to talk about them. This was a unique group of individuals that the American public was actually in support of. The Vietnam conflict wasn't very supported, but everybody in America was supportive of the POWs that were putting their lives on the line.

They would resist time and again from giving up information, and yet the North Vietnamese would continue to bring them in to try and torture them for additional information.

Mr. Speaker, we are blessed to have countless American heroes amongst us, but I am proudest of my Uncle Bob Shumaker.

□ 1110

HONORING THE COURAGEOUS PATRIOTISM OF ACTIVE DUTY ARMY OFFICER LIEUTENANT COLONEL DANIEL DAVIS

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

Mr. MCDERMOTT. Mr. Speaker, this country has many faces of bravery, and today I want to recognize the courageous patriotism of active duty Army officer Lieutenant Colonel Daniel Davis, who recently returned from a second tour in Afghanistan.

He traveled thousands of miles throughout the country, patrolled with American troops in eight provinces, and spoke to hundreds of Afghan and American security officials and civilians about conditions on the ground.

Convinced that senior leaders of this war, both uniformed and civilian, have intentionally and consistently misled the American people about the conditions in Afghanistan, Davis wrote an 84-page report challenging the military's assertion that the war in Afghanistan has been a success.

This report, which I read, was written at great risk to Lieutenant Colonel Davis' military career and personal life, and it forces us to confront uncomfortable truths about the war in Afghanistan and about the decisionmaking that has led us to our current situation.

Davis reports:

> Senior-ranking U.S. military leaders have so distorted the truth when communicating with the U.S. Congress and American people in regards to conditions on the ground in Afghanistan that the truth has become unrecognizable.

I strongly encourage every Member of Congress to read this report as soon as possible. It's like the Pentagon papers in its power. After reading it, you will find it impossible not to heed Davis' advice to hold public congressional hearings on the state of the Afghan war.

More than 5,500 Americans were killed or wounded in Afghanistan in 2011 alone. ''How many more soldiers,'' he says, ''must die in support of a mission that is not succeeding?'' That is his question. Each and every one of us ought to ask himself or herself this difficult question. Even our intelligence agencies are skeptical about the Afghan war—if it is salvageable and if our objectives are realistic.

Last month, a National Intelligence Estimate given to President Obama painted a bleak picture about our efforts in Afghanistan. At current levels of foreign assistance by the U.S. and Europe, which will be hard to sustain under the budgetary pressures, the NIE does not forecast rapid improvements in Afghan security forces or governance or in the removal of the Taliban.

I fear that we have forgotten the difference between respect for our military leaders and unquestioning deference to them. Questioning the war's strategies and objectives and consequences all too often discredits one's patriotism and impugns one's motives. Yet that unflinching assessment is precisely what the lieutenant colonel implores us to do.

After 10 years in Afghanistan, what is the wisest course for us now?

Sadly, we cannot even begin to answer that question because the rampant over-classification of information has made it nearly impossible for Congress to fully oversee, evaluate and to, perhaps, recast our war efforts.

Recently, declassified information about the Afghan war exposed brutal realities that have been withheld from the public—American troops incidentally and accidentally killing Afghan civilians, widespread corruption in the U.S.-backed Karzai government and revelations about Pakistan's assistance to Afghan insurgents, to name just a few.

Not every American has traveled 9,000 miles and witnessed what Lieutenant Colonel Davis has seen, heard, and understood; but we can in this body, and must, begin to investigate the charges of deception and dishonesty in his report. For our democracy to work, congressional officials and the public must have access to this type of information.

The American public, which bears the extraordinary cost of this war both in money and in pain, deserves to know the truth. The ancient Greek playwright Aeschylus cautioned: ''In war, truth is the first casualty.''

It is time to reclaim the truth of our war in Afghanistan by having congressional hearings. They should begin now. Some of us believe we ought to bring the troops home more quickly than the President, but we have to have hearings so that the American public will understand why it is this action should be taken.

THE DANNY THOMAS COMMEMORATIVE STAMP

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

Mr. COHEN. Mr. Speaker, I rise today to talk about the life and work of Danny Thomas and of the St. Jude Children's Research Hospital, which is located in Memphis, Tennessee.

This year marks the 50th anniversary of St. Jude's hospital and what would have been the 100th birthday of Danny Thomas. Commemorative postage stamps are one of the most visible and enduring ways that our Nation honors organizations and people. Today, the United States Postal Service will be celebrating the life and work of Danny Thomas with the commemorative stamp in my district of Memphis, Tennessee, at the St. Jude Children's Research Hospital.

Danny Thomas was born on January 6, 1912, in Deerfield, Michigan. After saving enough money, he moved to Detroit to take up a show business career. One of his first jobs was on a radio show called ''The Happy Hour Club,'' which is where he met his wife, Rose Marie Mantell. He met her on the show, and he escorted her home for 3 years, traveling together on a streetcar. Finally, he proposed. They were married in 1936, and they had three children whom the world pretty much knows—Marlo, Tony, and Terre.

When Rose Marie was about to give birth to their first child, Marlo, Danny Thomas was torn between his dedication to work and his responsibilities to his wife and his newborn daughter. Desperately, he sought relief in prayer. He knelt before the statue of St. Jude, the patron saint of hopeless causes, and begged for a sign. Should he or should he not remain in show business? He promised that if St. Jude showed him the way he would erect a shrine in his honor.

Danny went on to become one of the best loved entertainers of his era, starring in many TV shows and movies. From '53 to '64, he received five Emmy nominations for a starring role in ''Make Room for Daddy,'' winning Best Actor Starring in a Regular Series in '53 and '54. The show also received an Emmy for Best New Situation Comedy

in '53 and Best Situation Comedy in '54. He also produced comedy programs: ''The Dick Van Dyke Show,'' ''The Andy Griffith Show,'' ''The Real McCoys,'' and ''The Mod Squad.''

Yet he never forgot his promise to build a shrine to St. Jude. He had conversations with his close friend and mentor, a native of Tennessee and archbishop of Chicago, Cardinal Samuel Stritch. Cardinal Stritch was the cardinal in Toledo when Danny Thomas was in church, and they became close. Cardinal Stritch, who served time in Memphis at St. Patrick's church after he was in Nashville, which was his home, told Danny that the shrine to St. Jude should be a hospital where children should be cared for regardless of race, religion, or ability to pay. He told him that the hospital should be in Memphis, Tennessee.

Cardinal Stritch was a great man for many, many reasons, but this was one of them—the creation of the St. Jude Children's Research Hospital with Danny Thomas. The hospital, located in Memphis, is one of the world's premier centers for research and treatment of pediatric cancer and for other catastrophic children's diseases. It is the first and only pediatric cancer center to be designated as a comprehensive cancer center by the National Cancer Institute.

Children throughout the United States and from around the world come to Memphis and in through the doors of St. Jude for treatment. Thousands more have benefited from its research, which is shared freely with the world global community. No child is denied treatment because of an inability to pay. The hospital has developed procedures that have pushed the survival rate for childhood cancers from less than 20 percent when the hospital opened to 80 percent today. By U.S. News and World Report, it ranks as the number one children's cancer hospital in the United States. It was the first completely integrated hospital in the South, a condition demanded by both Danny Thomas and Cardinal Stritch. Black doctors treated white patients, and white and black patients were together in the same rooms.

As one of Memphis' largest employers, St. Jude has more than 3,600 employees, supported by a full-time fundraising staff of almost 900 at ALSAC, which is the American Lebanese Syrian Associated Charities. The Shadiac family has a great history in running that charity. ALSAC/St. Jude, the fundraising organization of St. Jude, is the third largest health care charity in America, and it raises money solely to support St. Jude.

□ 1120

Danny Thomas was presented with a Congressional Gold Medal in 1983 by President Reagan in recognition for his work with St. Jude Children's Research Hospital. He died in 1991 at the age of 79. His great accomplishments and altruism make him an American hero worthy of the honor a commemorative stamp imparts. His life perfectly illustrates how the American Dream can be within the reach of anyone, even an immigrant son of Lebanese parents with a humble upbringing.

Mr. Thomas was an extremely compassionate man who certainly deserves nationwide recognition for his dedication to St. Jude and all the children that the hospital has helped over these 50 years. To this day, Danny Thomas is still a part of every child's experience at St. Jude. Children rub the nose of Danny's statue for good luck prior to every treatment, sure proof that he will always be a source of hope and inspiration.

I was pleased to support this effort by leading a letter to Postmaster General Patrick Donahoe, and I commend the United States Postal Service for selecting Danny Thomas.

I urge everyone to contribute and to visit the St. Jude Children's Research Hospital. I congratulate St. Jude and the family of Danny Thomas for this honor and for all that they do for children of the world.

AFGHANISTAN AND IRAN

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

Mr. ELLISON. Mr. Speaker, President Obama's decision to end combat operations in Afghanistan next year is welcome news. I commend President Obama for making this decision. But we should bring our troops home even sooner than that.

The American people are tired of this war in Afghanistan. Large majorities of them want a safe and orderly withdrawal from Afghanistan as soon as possible. A decade of war has ravaged military families, our Nation's treasury, and our standing in the world.

I commend President Obama for ending the war in Iraq as well. I commend him for trying to end the war in Afghanistan. The courageous truth telling of Lieutenant Colonel Daniel Davis should give us pause. His report and the failure to establish peace in Afghanistan after 10 years of war should remind us that we need a political solution, not a military one.

We have ended the war in Iraq. This is a good thing. We are slowly ending the war in Afghanistan. This is also welcome news. But I suggest to you, Mr. Speaker, that it would be unwise for the United States to enter into a new war just as we're ending two others.

But if you listen to the rhetoric around Washington and the Nation, Mr. Speaker, it is literally impossible to not hear the drumbeat of war with Iran. The rhetoric in Washington about the military strike against Iran leads me to think that we may be sliding into a new war yet.

I would like to be perfectly clear, because whenever you speak against a war, your patriotism is challenged and your courage is challenged until they find out that you were right. So let me be clear:

I strongly oppose nuclear proliferation, and that includes Iran. I have supported sanctions against Iran to help prevent the spread of nuclear weapons. Iran's repression of human rights and support for terrorist groups is appalling.

But the heated rhetoric we hear around our city and the events on the world stage are deeply troubling, Mr. Speaker. News headlines read, ''The Coming Attack on Iran.'' Pundits discuss the possibility with shocking casualness, and I am alarmed by this.

America, we have seen this movie before, and, Mr. Speaker, it doesn't end well. Two months after leaving Iraq, we have already forgotten the consequences of war it appears. If you need a reminder, talk to a veteran or a veteran's widow.

Our military leaders are cautioning against a strike on Iran. Secretary of Defense Leon Panetta said the United States ''could possibly be the target of retaliation from Iran, sinking our ships, striking our military bases.'' He said, ''That would not only involve many lives, but I think could consume the Middle East in a confrontation and a conflict that we would regret.'' Let me repeat, ''a conflict that we would regret.''

Mr. Speaker, I wish the United States had never entered Iraq. And before we entered it, the world—not just Americans, but the world—said, ''Don't do it.'' Some people led us to war anyway; and haven't we all regretted—after no weapons of mass destruction, no linkage between Saddam Hussein and Osama bin Laden—that none of these things that were recommended have come to pass, yet we've lost, literally, thousands of American lives and perhaps $1 trillion.

Israeli intelligence officials have equally dire predictions about a military strike against Iran. Former Israeli Mossad Chief Meir Dagan said that attacking Iran ''would mean regional war, and in that case, you would have given Iran the best possible reason to continue the nuclear program.''

There is serious concern that a military strike on Iran would hasten Iran's development of a nuclear weapon, not slow it down. A strike would only delay—not end—development. Speaking about what would happen after a military strike, retired General Anthony Zinni said, ''If you follow this all the way down, eventually I'm putting boots on the ground somewhere.''

America cannot afford another war. We've just gotten out of Iraq. We're getting out of Afghanistan. And diplomacy, diplomacy, diplomacy is what is called for to avoid a new war with Iran.

CONSTITUENT IDEAS

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

Mr. CARNAHAN. Mr. Speaker, a few weeks ago, I proposed a simple challenge to my constituents back home in St. Louis. I said: Tell me your ideas for creating more jobs and economic opportunity in 2012, and I'll compile them and not only take them back to Washington but work to turn your ideas into action.

I want to thank the over 600 Missourians I heard from, each offering many of their own commonsense solutions to help our economy continue to grow.

I want to share their message on the floor of the U.S. House of Representatives today. Their message was a clear consensus that we need to invest in our infrastructure, make things here in the U.S., bring manufacturing jobs back from overseas, educate and train our workforce for 21st century opportunities, and work together for the good of the country instead of pulling our country apart at the seams.

My constituents in St. Louis are deeply concerned that our communities will be left behind in this new global economy if we don't act now, right now, without delay.

As Joseph C. expressed best:

Missouri is a great State, but I'm afraid it will be left behind, and manufacturing jobs will go elsewhere.

Chris K., from St. Louis, sent me an email saying:

What would help my personal economic situation and those of many others would be a greater investment in our Nation's infrastructure.

Joseph P., from St. Louis, commented:

Investing in our infrastructure and educational systems will not only create jobs but will also result in long-term economic benefits for the entire Nation.

Karen M. said:

We need to realize how important good carpenters, plumbers, electricians, bricklayers, secretaries, and caregivers are in the long scheme of things. We need to encourage and applaud these jobs.

As Kevin N. put it:

We need to invest in infrastructure for communications and transportation because public infrastructure is the greatest catalyst for economic development.

To create jobs, Diane M. said:

I have long thought that the unions and small businesses that require special skills should provide apprentice programs to students, which would give hope and possibility through real skills to thousands of students who would not be exposed to these trades otherwise.

And Christine A. echoed this sentiment by saying:

I believe it could be helpful to increase job training opportunities in our high schools.

We need to pull together to create economic opportunities across this country and for the good of the country. Marilyn B. wrote to me:

Personally, I'm really frustrated with both sides of the aisle not being willing to work together for the good of all.

As a Member of Congress, I pledge to work with my colleagues to see that these great ideas from America's heartland are developed further. By working together and reaching across the aisle, I'm confident we can grow jobs and economic opportunity across this country.

□ 1130

I look forward to using these commonsense ideas to build a blueprint for putting our economy back on track, to turn these great ideas into action.

RECESS

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

Accordingly (at 11 o'clock and 30 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

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

PRAYER

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

Eternal God, through whom we see what we could be and what we can become, thank You for giving us another day.

In these days, our Nation is faced with pressing issues of conscience, constitutional religious and personal rights, and matters of great political importance.

We thank You that so many Americans have been challenged and have risen to the exercise of their responsibilities as citizens to participate in the great debates of these days.

Grant wisdom, knowledge, and understanding to us all, as well as an extra measure of charity.

Send Your spirit upon the Members of this people's House who walk through this valley under public scrutiny. Give them peace and Solomonic prudence in their deliberations.

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

Amen.

THE JOURNAL

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

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

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

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

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

Mr. QUAYLE. 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. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. POE of Texas led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

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

RELIGIOUS LIBERTY: THE CONSTITUTION DEMANDS IT

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

Mr. POE of Texas. Mr. Speaker, religious liberty is under attack by the administration.

The right of religious liberty is guaranteed in the First Amendment of the Constitution because it is a foundation for other rights. Yet the administration is forcing religious organizations to violate their conscience by indirectly providing their employees with services that trample on those religious beliefs.

The administration's so-called ''promise of accommodation'' changes nothing. It is just political word games.

The issue is not about contraception. This is an issue about religious liberty. It affects not just Catholics, but many religions and individuals of faith.

Regardless of where Americans stand on the issue of contraception, sterilization or the morning-after pill, it should be alarming to all who believe the government should not persecute religion or substitute a government secular doctrine and impose it on citizens.

The Constitution does not accommodate for religious liberty, it demands it, whether this administration likes it or not.

And that's just the way it is.

STUDENT-LOAN BORROWER BILL OF RIGHTS

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

Mr. CLARKE of Michigan. Mr. Speaker, I'm speaking directly to the American people today, to all families

who are burdened by student-loan debt. A solution is on the way. I am working on bills that will responsibly forgive certain student loans and provide every student-loan borrower with basic consumer protections by enacting a student-loan borrower bill of rights.

I urge every Member of Congress to help our American families get out of this debt so they can live better lives and create jobs for America.

PRESIDENT'S BUDGET: HIGHER TAXES, MORE DEBT

(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, for 3 years, Americans have watched the President as he has tried to borrow and spend his way out of an economic recession. His failed policies have failed this Nation with unemployment still over 8 percent.

The Washington Examiner stated:

> What this country needs is an honest leader who will tell the truth about our entitlement spending crisis and identify real reforms. But Obama's latest budget does none of that. Instead, he offers double doses of deficits, tax hikes, and crony capitalism. America deserves better.

Over the past year, House Republicans have passed dozens of pieces of legislation that decrease spending, provide tax cuts, and encourage job creation through private sector job growth. I urge the President and the liberal Senate to work with House Republicans to support legislation that promotes jobs.

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

MAKE IT IN AMERICA

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

Ms. HOCHUL. Mr. Speaker, from Buffalo to Rochester, New York, people in my district want to get back to work. They just need the opportunity. That's why during budget hearings yesterday with the Secretary of Defense and the Secretary of Homeland Security, I posed the question: Can our government be doing more to make sure that our limited Federal procurement dollars are being spent on jobs in manufacturing right back here in America?

The answer is, yes. They want to work with us, and we need to work together to make more of our limited dollars spent in companies that have a higher percentage of the American workforce right here making our defense systems and our products for the Department of Homeland Security. My policy is to give more preferences to those businesses based on the percentage of workers in America.

We need to have a policy that is going to reward those companies and not penalize them. We need to create more opportunities for manufacturing right here in America and in my district in upstate New York.

So I look forward to working collaboratively. I'm going to introduce legislation that I expect to be bipartisan in nature. Who could not agree that we could do more to make it in America?

BUILDING BETTER BUSINESS PARTNERSHIPS ACT OF 2012

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

Mr. SCHILLING. Mr. Speaker, when small businesses compete for government contracts, the government saves billions of dollars, and thousands of private sector jobs are created through these investments. However, the process of contracting can be needlessly time-consuming and onerous for small businesses to navigate. Last year, the Federal Government failed to meet the requirement for contracts awarded to small businesses. This complicated procurement procedure is hindering job creation and slowing our economic recovery.

Last week I introduced—along with my colleague, Representative JUDY CHU from California—H.R. 3985, Building Better Business Partnerships Act of 2012. H.R. 3985 focuses on improving and streamlining mentor-protege programs which pair new businesses looking to increase their government contracts with more experienced businesses. My bill will make mentor-protege programs more efficient and successful by placing the SBA in charge of overseeing and setting standards for programs based on what we know works. Ultimately, H.R. 3985 will make it easier for small business firms to compete.

□ 1210

WE ARE AT A CROSSROAD IN AMERICA

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

Mr. BUTTERFIELD. We are at a crossroad in America where we must decide if we're going to continue building economic recovery on the backs of middle- and low-income families, or whether we're going to ask wealthy Americans to join in the sacrifice by paying their fair share.

Too many Americans have already made sacrifices to aid our slow moving economy and reduce the deficit. The military had to scale back, Federal workers had to take a pay freeze, health care providers had to take a pay cut, but we have not required those who can actually afford it to share in the sacrifice.

Changing our Nation's tax policies is not about redistribution of wealth; it's about fairness, doing what's best for the American people. If those who can afford it don't make the sacrifice, the survival of America will be affected.

The President's budget will ensure that those who have been blessed with a portfolio that has multiplied under the Bush tax cuts will no longer be the primary beneficiaries of tax cuts and policies.

I urge my colleagues to insist that all Americans, including the rich, share the pain of this recovery.

PRESIDENT OBAMA'S PROPOSED BUDGET IS DEBT ON ARRIVAL

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

Mr. BUCHANAN. Mr. Speaker, earlier this week, the President released his budget for next year. It fails to reduce the national debt by one penny. That's why it's already being called ''debt on arrival.''

Under this budget, for the fourth consecutive year, our Nation's deficit will be measured in the trillions of dollars. Let me repeat that. For four consecutive years, trillions of dollars in deficit.

Failure to address our mounting debt crisis puts us on the same course as Greece. We need to act, and act now. Repeating the reckless spending patterns of the past defies common sense.

It's time for Washington to make the tough choices necessary to balance the budget for taxpayers today and future generations. The American people deserve nothing less.

COMMENDING PRESIDENT OBAMA'S COMMITMENT TO PROMOTING INNOVATION

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

Mr. FALEOMAVAEGA. Mr. Speaker, the catchword is ''innovation.'' President Obama has made it clear that on the road to economic recovery we must also make long-term investments in American innovation.

In his FY 2013 budget proposal, President Obama reasserted his commitment to an agenda that supports startups and small businesses, where new jobs are created. President Obama proposed to expand tax relief while eliminating regulations that prevent aspiring entrepreneurs from getting the financing that is needed to grow.

The President's budget also calls for a $2.2 billion investment to support advanced manufacturing research and development programs to assist our business community throughout the country. President Obama's budget also creates a manufacturing capacity for vital defense technologies and dramatically improves production and distribution of manufactured goods.

Mr. Speaker, I commend President Obama for his commitment to keeping

America the global frontrunner in innovation.

PRESIDENT OBAMA'S 2013 BUDGET REQUEST

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

Mr. BONNER. Mr. Speaker, earlier this week the President sent his fiscal year 2013 budget request to Congress. It's been roundly panned as being ''not serious,'' ''inadequate,'' and ''political.''

But, Mr. Speaker, I want the American people to understand, in addition to all these assessments, the President's budget request is downright dangerous. House Republicans have begun a serious conversation with the American people about our debt, our out-of-control Federal spending, the unsustainability of mandatory spending, as well as our future.

But it's past time for this President and his party in Congress to join us in honestly acknowledging the real challenges facing our Nation and offering realistic solutions to put America back on the path to prosperity to ensure that our best days are still in front of us.

Sadly, the President's lack of leadership on these critical issues endangers not only the current economic recovery but the very future of our great Republic.

EFFECTS OF HEALTH CARE REFORM

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

Ms. TSONGAS. Mr. Speaker, the health care reform effort signed into law by President Obama in 2010 contains important new benefits for our seniors and Medicare recipients that have already started to take effect.

Nearly 3.6 million seniors in the doughnut hole have already saved $2.1 billion on their prescription drugs. Twenty-four million people with Medicare have already taken advantage of free preventive services.

Additional reforms such as a prohibition of lifetime caps on insurance expenditures will soon be made available to our seniors, thanks to health care reform. Nothing in health reform reduces Medicare benefits for seniors.

Health care reform achieves Medicare savings by cracking down on inefficiency, fraud, and waste in Medicare, targeted at private health insurance companies and providers, not beneficiaries. This is how government should operate: by demanding efficiency, accountability, and protecting taxpayer dollars.

JOB-KILLING REGULATIONS

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

Mr. QUAYLE. Mr. Speaker, in just this past year approximately 79,000 pages of regulations were printed in the Federal Register. The cost to comply with our regulatory enterprise exceeds $1 trillion per year.

Now this past August, the Department of Labor issued its final rule governing the non-displacement of qualified workers under service contracts. Under this rule, when a government contract is given to a new firm, the company is required to first offer employment to the previous contractor's workers.

The administration claims this rule will help government efficiency, but it gives a preference to union employees and limits the ability of the firm to negotiate and hire the workers that it actually wants. This rule will impact thousands of employers and billions in government contracting.

By piling on new hoops for employers to jump through, we are simply increasing costs that are passed on to taxpayers. Regulatory compliance costs are a hidden tax borne by us all. The administration must stop this myriad of job-killing regulations.

AMERICAN HEART MONTH

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

Mrs. CAPPS. Mr. Speaker, I rise today in recognition of American Heart Month. February, you know, is not just about Valentine's Day, but it's also a month designated to raise awareness of heart disease, especially its impact and effects on women.

Heart disease is the number one cause of death for women. And most Americans, including over 90 percent of primary care physicians, are not even aware that heart disease kills more women each year than men.

We have lost far too many of our loved ones to heart disease. I dare say each of us knows someone, a dear friend or a family member, affected by it. And that's why I reintroduced H.R. 3526, the Heart for Women Act, to increase awareness of and access to care for those impacted by heart disease.

I encourage my colleagues to cosponsor this legislation and join me in the battle against heart disease.

A GOVERNMENT TAKEOVER

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

Mr. PITTS. Mr. Speaker, why do we say that the President's health care law is a government takeover? Because, under the law, the government can force religious organizations to violate their conscience. Because, under the law, the Independent Payment Advisory Board can cut Medicare reimbursements without the consent of Congress.

This same board could start running with minimal congressional oversight, given the President's attempt to broaden the definition of a recess.

It is a government takeover because the minimum essential benefits package will effectively dictate the level of coverage for every health care plan in the Nation. It is a government takeover because the United States Preventive Services Task Force will determine what services have to be provided without any copayment.

Finally, when the government can force you to purchase a service that it firmly controls, it's a government takeover. The list could go on and on. Clearly, the Federal Government is now in the driver's seat. The President's health care law is already failing, which is why we need to end it before it's fully implemented.

□ 1220

MEDICARE

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

Mr. CARNAHAN. Mr. Speaker, on March 1, Medicare physician payments will be slashed by 27 percent, badly impacting seniors' access to health care. We must act now to make sure that doesn't happen.

A few months ago, I had the opportunity to speak to World War II veterans from Missouri who visited Washington to see the memorial to their service. They spoke to me about how, during their crisis, Americans pulled together to meet the great challenges of their time. That's the can-do attitude we need now. We should stop using the lives and health of our seniors as political bargaining chips.

Plain and simple, paying doctors for doing their job, keeping seniors' access to health care should not be a partisan issue. It should be an American value we can all rally around.

I call on my colleagues to work together to keep access to Medicare services strong. That's an American value.

NANNY STATES

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

Mr. DUNCAN of South Carolina. Mr. Speaker, a year or two ago, some local bureaucrat in Oregon shut down a 7-year-old girl's lemonade stand because she had not paid the $120 required to get a restaurant license. The bureaucrat's supervisor defended the action because some government officials will never admit a mistake. Fortunately, elected officials got the action rescinded and let the little girl operate her lemonade stand.

I thought about this when I heard that Big Brother had struck once again

by not allowing a 4-year-old girl in North Carolina to eat the lunch she had brought to school from home because supposedly it did not meet Federal guidelines. The little girl had brought a very healthy lunch: a turkey and cheese sandwich, banana, chips, and apple juice. Instead, she ate three chicken nuggets apparently okayed by the government, and the school sent a bill for the lunch to her mother.

This is the Big Government nanny state run amuck. This was not only ridiculous and excessive, it was cruel to tell a 4-year-old child the lunch her mother had sent was bad or not proper. Plus, the little girl went home hungry.

We seem to have, Mr. Speaker, a government of, by, and for the bureaucrats instead of one that is of, by, and for the people.

REPUBLICAN TRANSPORTATION BILL

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

Ms. PELOSI. Mr. Speaker, I rise to address the House in relationship to the transportation bill that we are currently debating in the House this week.

Transportation, as you know, has traditionally and historically been an idea where our two parties have been able to find common ground. Transportation has been an opportunity for Republicans and Democrats, alike, to work to rebuild America, to create jobs, strengthen our economy, move commerce, move people, improve the quality of life, including public safety—that is, up until now; and that is, until this bill.

With the legislation that we are debating today, Republicans put forth the most partisan transportation package in 50 years. It is not just partisan; it's bad for our Nation, destroying more than half a million American jobs. The transportation bill is supposed to be a job-creating bill. It always has been—until now.

Destroying more than half a million jobs, cutting highway investments in 45 States, bankrupting the highway trust fund with a $78 billion shortfall, and, just the strangest of all, among many shortsighted provisions in the bill, I want to make particular mention of what it does to public transportation. It eliminates all of the dedicated funding for public transportation, leaving millions of riders already faced with service cuts and fare increases out in the cold.

The legislation is so detrimental to our Nation that the Secretary of Transportation, Ray LaHood, a former Member of this body on the Republican side of the aisle, has said:

> This is the most partisan transportation bill that I have ever seen, and it is also the most antisafety bill I have ever seen. It hollows out our number one priority, which is safety, and frankly, it hollows out the guts of the transportation efforts that we've been about for the last 3 years. It's the worst transportation bill I've ever seen during 35 years of public service.

In recommending that the President veto this legislation, the administration has said:

> The legislation would make America's roads, rails, and transit systems less safe, reduce the transportation options available to America's traveling public, short-circuit local decision making, and turn back the clock on environmental and labor protections.

Mr. Speaker, this is so unfortunate because it's so out of character with the American way, the common sense of the American people about what we should be doing for them.

At the beginning of our country, Thomas Jefferson, when he was President, enlisted his Cabinet officers to build an infrastructure plan for America that involved transportation. In the 1800s, this plan, under Secretary Gallatin, the Secretary of the Treasury, was put forth. It recognized that we had made the Louisiana Purchase, that there were Lewis and Clark expeditions going on, and that we had to build America—build roads and transportation out into these territories so that people would move there, commerce would develop, our country would be strong.

Following this, the Erie Canal, the transcontinental railroad, the Cumberland Road, they were all built after the War of 1812—of course, the transcontinental railroad later than that—when our population was sparse and so was our national treasury.

In my own community of San Francisco, the Golden Gate Bridge and the San Francisco Bay Bridge both were built 75 years ago in the midst of the Great Depression.

President Eisenhower in the mid- to late fifties, not a good economic time either, built and instituted the Interstate Highway System, unifying our country. It was a national security issue to unify our country. It was done at a time when our coffers were low on money, but it created jobs. It did what it was intended to do.

Now we are abdicating our responsibility. Again, 200 years ago, Thomas Jefferson; 100 years later, Teddy Roosevelt, and his initiative for infrastructure centered around our national park system and how we make that part of our national patrimony, and some of that falls under the Transportation Subcommittee of the Congress of the United States. Now, here we are, 100 years later, putting forth a bill that loses jobs, diminishes public safety. It's a missed opportunity, and it's no wonder our Republican colleagues are having so much trouble building support for it in their own caucus.

I just wanted to take a moment to share my views with our colleagues about how wrong this is for the future and how out of keeping it is with our great past, which has seen the strength of our country grow because of our investments in our infrastructure and our bringing people together through transportation.

BUDGET'S FAILURE TO ADDRESS OUR DEBT CRISIS

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

Mr. BILIRAKIS. Mr. Speaker, for the fourth year in a row, of course President Obama's budget fails to seriously address our Nation's debt crisis and calls for higher taxes and increased stimulus spending.

This budget punishes small businesses, job creators, and seniors at the expense of the administration's spending addiction. This is not a recipe for long-term economic growth.

Instead, we need credible solutions that simplify the Tax Code, control Federal spending, and preserve valuable services for our seniors. Washington should create a win-win situation for all Americans.

The House continues to take these steps with jobs bill after jobs bill that will put people back to work and allow job creators and entrepreneurs to grow.

Unfortunately, the President's budget spends too much, taxes too much, borrows too much, and picks the winners and losers of our economic recovery. This is not what America needs right now.

□ 1230

INTRODUCTION OF SUPPLEMENTAL SECURITY INCOME EQUALITY ACT

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

Mr. PIERLUISI. Mr. Speaker, as a territory, Puerto Rico has always been treated unequally under Federal health programs. While the Affordable Care Act improved the island's treatment under Medicaid, a number of key inequalities remain under both Medicaid and Medicare.

Today, I am reintroducing legislation to eliminate a provision in Federal law that requires Medicare to reimburse Puerto Rico hospitals far less than Stateside hospitals.

Under the current system, Puerto Rico hospitals are paid a base rate that is about 13 percent lower than the base rate for hospitals in the States. Thus, an island hospital will receive substantially less than any urban, suburban, or rural hospital in the States for providing the same inpatient services, making it harder for island hospitals to deliver high-quality care and to remain financially sound.

This is another example of how the people of Puerto Rico are placed at a clear disadvantage in the race of life because of the island's territory status. I hope my colleagues on both sides of the aisle will support my bill.

HELMETS TO HARDHATS

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

minute and to revise and extend his remarks.)

Mr. HIGGINS. Mr. Speaker, earlier this month, I met with the executive director of the not-for-profit organization Helmets to Hardhats. Since 2003, Helmets to Hardhats has partnered with the Department of Defense, over 82,000 American businesses, and organized labor to help returning veterans prepare for and find work.

The current unemployment rate for returning veterans under the age of 24 is an unacceptable 38 percent. Helmets to Hardhats gives veterans the tools they need to start long-term careers in the construction trades. In 2008 alone, the organization placed nearly 1,800 military veterans into construction careers.

Mr. Speaker, the last of our combat troops has left Iraq, and we are winding down our military operations in Afghanistan. These veterans have put their lives on the line overseas, and they deserve the assistance of a grateful Nation when they return in order to ensure that they can participate in the economy and in lasting careers.

With that in mind, I congratulate Helmets to Hardhats, and I encourage my colleagues to do the same.

MEDICAID

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

Mr. AL GREEN of Texas. If a free society cannot help the many who are poor, it cannot save the few who are rich.

Mr. Speaker, there is an effort afoot to move Medicaid from a needs-based program to a block grant program. This, of course, by some estimates, would save approximately $180 billion.

Yet the question is not really how much money will it save. The question is, How many people will have their bodies healed by virtue of a reduction in the moneys that would go to Medicaid? How many lives will be saved is the question we have to ask ourselves.

In a country that is the richest in the world, the rich must pay their fair share of taxes so that all can benefit from the tax coffers and so that those who are poor and those who need health care can get a fair amount of health care.

I remind you again of what Kennedy said: If a free society cannot help the many who are poor, it cannot save the few who are rich.

RELIGIOUS LIBERTY VERSUS CONTRACEPTION COVERAGE

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

Ms. HANABUSA. Mr. Speaker, we began today's session with a debate on contraception. It seems to pit the availability and access to care, which I believe is a fundamental right, against whether you can legislate the behavior of religious institutions. It seems like an intractable dilemma that we face, but that's not so.

Mr. Speaker, look to Hawaii. Since the 1970s, Hawaii has led the way in terms of medical plans and medical provisions. We have had prepaid health care since then, and of course, as you can imagine, we've had this debate. We had this debate in 1999. The way the State resolved it—and I was there—was that there was the religious exemption given for religious organizations broadly defined, but the employee was also entitled to buy coverage from the insurer at no extra cost.

What does this mean?

This means that it may have been, maybe, an additional $2 or $3 a month. The reality of it is, Mr. Speaker, that they didn't pay anything. The insurers covered it because they knew that it was in their best interests. And guess what? Many of the religious organizations did not opt out.

So don't speculate. See the reality. Look at Hawaii.

CAREER AND TECHNICAL EDUCATION MONTH

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

Mr. LANGEVIN. Mr. Speaker, I rise to recognize Career and Technical Education Month. I am proud to be able to work with my colleague, G.T. THOMPSON of Pennsylvania, as he and I co-chair the Career and Technical Education Caucus.

In particular, Mr. Speaker, I would like to address the importance of the initiative that President Obama announced recently that supports partnerships between community colleges and expanding industry. It should be a bipartisan priority.

We've heard a lot about the skills gap that we're facing in this country, and businessowners repeatedly tell me that they cannot fill openings because the applicants lack the necessary skills. We need better collaboration between the companies doing the hiring and the educators who are preparing our students.

In my district, National Grid—the primary utility—and the Community College of Rhode Island offer a model program to prepare workers for available high-skilled jobs. Through coursework and hands-on training, students receive a certificate in Energy Utility Technology and can then become new employees.

Unfortunately, community colleges simply can't afford enough of these programs. The President's Community College to Career Fund is a small price to pay for the resulting benefit. It's a worthwhile program, and I believe that we need to support it.

Mr. Speaker, there are some partisan differences that this Congress, perhaps, cannot overcome, but the idea of multiplying this effort at our community colleges is a commonsense goal if our goal is, in fact, to put Americans back to work.

SMALL BUSINESS

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

Mrs. DAVIS of California. Mr. Speaker, small businesses, from used furniture stores to restaurants to barbershops, drive our economy, but they've had to take a haircut recently since they've been more subject to the ups and downs of the economy than, perhaps, anyone else.

Just last week, I visited small businesses in the San Diego communities of Lemon Grove and Spring Valley, and the people told me they need more customers walking in the doors with money to spend. Well, increasing consumer demand is a key part of our recovery, but it won't come right away. Yet we can use a more immediate tool to help these businesses grow in the meantime.

In the State of the Union address, the President mentioned 17 tax cuts for small businesses in order to put money in their pockets soon. Tax credits for hiring unemployed Americans and for health care costs will incentivize hiring and ensure that the Affordable Care Act is affordable for businesses to implement. An exemption from capital gains taxes for small business investments will spur small business spending and hiring. Also, the American Jobs Act has a provision which would reduce employers' contributions to the payroll tax for their employees.

I support measures like these to encourage the growth of small businesses in order to reignite the American Dream.

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, February 16, 2012.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 16, 2012 at 9:48 a.m.:

That the Senate agreed to without amendment H. Con. Res. 99.

Appointments:

Washington's Farewell Address.

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 subject to the call of the Chair.

Accordingly (at 12 o'clock and 37 minutes p.m.), the House stood in recess.

□ 1516

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HASTINGS of Washington) at 3 o'clock and 16 minutes p.m.

PROTECTING INVESTMENT IN OIL SHALE THE NEXT GENERATION OF ENVIRONMENTAL, ENERGY, AND RESOURCE SECURITY ACT

The SPEAKER pro tempore. Pursuant to House Resolution 547 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 3408.

□ 1517

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3408) to set clear rules for the development of United States oil shale resources, to promote shale technology research and development, and for other purposes, with Mr. WOODALL (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Wednesday, February 15, 2012, amendment No. 12 printed in part A of House Report 112–398, offered by the gentleman from Florida (Mr. DEUTCH), had been disposed of.

AMENDMENT NO. 13 OFFERED BY MR. THOMPSON OF CALIFORNIA

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in part A of House Report 112–398.

Mr. THOMPSON of California. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 954, after line 19, insert the following:

SEC. ___. LIMITATION ON LEASING OFF THE COAST OF NORTHERN CALIFORNIA.

Section 8(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

''(9) No oil and gas lease may be issued under this Act for any area of the outer Continental Shelf for which the State of California is an affected State under section 2(f)(1) and that is located west of Marin, Sonoma, Mendocino, Humboldt, or Del Norte County, California.''.

The Acting CHAIR. Pursuant to House Resolution 547, the gentleman from California (Mr. THOMPSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. THOMPSON of California. Mr. Chairman, I yield myself such time as I may consume.

I represent a coastal community and we take seriously threats to our Nation's coastline. The Thompson-Woolsey amendment would clarify that H.R. 3408 would not open drilling along the northern California coast.

Proponents of H.R. 3408 claim that northern California does not meet the minimum production potential to be eligible for offshore drilling; however, I do not simply want to take the House majority's word for it. In a Congress that has seen an unprecedented push to weaken safety standards for our environment, I don't want to leave the door open for alternative interpretations. The people of the north coast of California want to make sure that their environmentally unique and critical coast is protected, period.

Because this amendment is a clarification of the legislation's intent, there is no cost associated with it. It's important to me and to my constituents that H.R. 3408 makes clear that drilling will not occur in the northern California planning area along the coast of Mendocino, Humboldt, Del Norte, Sonoma, and Marin Counties. The coastal area of my district is one of the most productive ecosystems in the world and supports salmon, Dungeness crab, rockfish, sole, and urchin populations.

□ 1520

It also boasts an important and successful tourism industry which represents millions of dollars to the local economies and to the working families of our area. If an oil spill were to occur in this area, the environmental and economic cost would be staggering. Response and cleanup efforts would be hazardous and minimally effective given the rocky shores and rough waters. Drilling for oil or gas off California's north coast would cause serious harm to a unique and productive ecosystem, abundant marine life, and tourism businesses. This amendment will simply clarify that this bill does not require drilling off the north coast of California.

I urge a ''yes'' vote on the amendment, and I yield 2 minutes to Ms. WOOLSEY.

Ms. WOOLSEY. I thank my friend and neighbor for yielding.

I don't know how many of my colleagues have visited the California north coast that Mr. THOMPSON and I represent. If you haven't, I don't know what you're waiting for. The waters off our shore are quite simply the most abundant and exquisitely beautiful on the face of the Earth. Our commercial fishing industry depends on this thriving marine ecosystem; these waters are invaluable to the research of university scientists; and more than 16,000 tourism jobs in Sonoma County alone depend on these open, beautiful waters. If the majority were truly interested in helping job creators, they would not be supporting a drill-everywhere approach.

Actually, oil and gas resources available off our coasts don't come close to justifying opening this area in the first place to any drilling; and even in parts of the country where there is oil, I believe the costs to our natural environment are much too great when we start punching holes in the ocean floor. We have learned nothing, it would appear, from the Deepwater Horizon disaster if we don't pass this amendment.

We can and we must address our energy security challenges with a stronger commitment to green technologies and to clean and renewable energy sources. And we can start by saying no to drilling in northern California. I strongly urge my colleagues to support the Thompson-Woolsey amendment.

Mr. THOMPSON of California. I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. I yield myself as much time as I may consume.

Mr. Chairman, I rise to oppose this amendment. Last year, during our offshore debate, an identical amendment was offered, and it failed in the House by a bipartisan vote. In fact, 263 of our colleagues voted ''no'' on this amendment. Right now, under existing law, the Northern California Planning Area is available for leasing. It's been available since 2008 when gasoline prices hit $4 per gallon and the President and the Congress at that time lifted the offshore drilling moratoria.

I'll remind the House that in 2008 when gas prices were rising and the Democrats controlled the House, nothing was done regarding these $4-a-gallon gasoline prices until after the session ended and the President ended his moratoria and the Congress entered that moratoria. So going into 2009, there essentially was no moratoria that existed.

This legislation, then, aims to open up our Federal resources and increase energy production despite President Obama's failure to do just the opposite. This amendment would simply block additional areas from energy production in the future. The Outer Continental Shelf and the resources it contains are under the jurisdiction of the Federal Government. It belongs to all of the people of the United States.

The State of California—and I need to remind colleagues of this—the State of California's top import is petroleum from overseas. This amendment would block the domestic production potentially of petroleum off their coast—production that could be used to help California consumers and provide California people with jobs.

This amendment would do just the opposite of what the underlying bill intends to do, so I urge my colleagues to vote ''no'' on the amendment.

I reserve the balance of my time.

Mr. THOMPSON of California. I don't see how this is going to do anything to affect oil production or jobs if your own Web site says that there's little oil there and we wouldn't be drilling there. So you can't have it both ways. Either there's little oil there and we're not going to drill there, or you have something else up your sleeve.

I want to point out that this area is an area that's historically prone to earthquakes, which would make any kind of drilling there extremely dangerous, and that it's one of four major upwellings in the entire world's oceans. This is a critical area to our marine life and the businesses that thrive because of it. And my friend from Washington is 100 percent right on one thing that he said, and that is that this coastline belongs to all the people of the United States of America; and for that reason alone, we ought to break our pick to make sure that we do everything to protect it, to protect the fisheries jobs, the tourism jobs and that beautiful area, so that not only the people today can enjoy it, but for future generations to enjoy, as well.

I yield back the balance of my time.

Mr. HASTINGS of Washington. I yield myself the balance of my time.

I just want to tell my friend that going into 2009, there were no moratoria. And the reason there were no moratoria on the Pacific or the Atlantic coasts was because the American people demanded that we seek areas where there is potential resources of energy.

Why did they demand that of Congress? Because gas prices hit $4 a gallon and potentially were going higher. We are now in that same situation again. And this underlying legislation, as I mentioned, because the gentleman rightfully said there may not be resources off northern California because this legislation directs the Department of the Interior to offer leases where there are known resources, now, there may be some resources, maybe new technology will find it. We need to keep that option open.

But I think this amendment will start the precedent of blocking off areas when the American people want to have more American energy, more American energy jobs; and this underlying legislation will do precisely that. And I think this amendment will harm that prospect.

Mr. THOMPSON of California. Will the gentleman yield?

Mr. HASTINGS of Washington. I will yield to the gentleman.

Mr. THOMPSON of California. Do you believe that we should be drilling off the coast of northern California in an area that's one of four major upwellings in the world's oceans, in an area that is prone to earthquakes, in an area that everyone knowledgeable about this particular issue claims that there's not enough resources to drill for?

Mr. HASTINGS of Washington. Reclaiming my time, I believe that we should open all areas where there are potential resources. I would just remind my good friend from California that you could make the same argument in Alaska, and yet we drill off the coast in Alaska. You can make the same case that there are fault lines in southern California, and the gentleman knows very, very well that there are huge potential resources in southern California.

So the answer to the gentleman's question is, yes. I believe that we should keep these resources open for potential, and that's what the underlying bill does.

But I will yield to the gentleman if he wants to comment.

Mr. THOMPSON of California. Thank you. I just want to point out that my amendment doesn't affect southern California. It only affects the area in the counties that I mentioned—Del Norte, Humboldt, Mendocino, Sonoma and Marin—an area that has been designated by the scientists and the people in the oil business that there is not enough oil there to bother with and an area that I pointed out before that is very, very important.

Mr. HASTINGS of Washington. Reclaiming my time, I know that's what the gentleman says. I'm arguing against the precedent, like the precedent yesterday, where there's an attempt to block offshore drilling from essentially northern Maryland north, and that was defeated by the House. So what I'm afraid of in the long term is the precedent, and I believe we should keep these options open.

So with that, Mr. Chairman, I urge rejection of the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. THOMPSON).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. THOMPSON of California. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

□ 1530

AMENDMENT NO. 14 OFFERED BY MR. HOLT

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in part A of House Report 112–398.

Mr. HOLT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 954, after line 19, insert the following:

SEC. 17603. LAND AND WATER CONSERVATION FUND LOCKBOX.

Nothing in this subtitle reduces the amount of revenues received by the United States under oil and gas leases of areas of the Outer Continental Shelf that is available for deposit into the Land and Water Conservation Fund.

The Acting CHAIR. Pursuant to House Resolution 547, the gentleman from New Jersey (Mr. HOLT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, this amendment comes from both sides of the aisle. I'm joined by Mr. MURPHY, Mr. BASS, Mr. GERLACH, Mr. DINGELL, Mr. KIND, and I see Mr. DOLD of Illinois here.

Almost five decades ago, the Land and Water Conservation Fund was created on a sound and fair principle: oil companies who drill on public lands and who therefore are taking a resource that belongs to all citizens of the United States should, in return, out of fairness, give Americans the protection of land so that as they take this resource and refine it and sell it, they preserve these resources—parks, recreation, direct preservation of cultural and land resources.

The bill before us today aims to increase the amount of oil and gas production in Federal waters as a means to raise revenue for transportation funding. These oil fields belong to all Americans. Just as the revenues generated from offshore oil drilling must be shared with all Americans, a portion of these revenues should be used towards conservation and preservation of public lands that belong to all of us. That has been the principle now for four decades, almost five decades, of the Land and Water Conservation Fund.

The LWCF enjoys strong bipartisan and popular support. The program has protected land in every State and has supported more than 41,000 State and local parks and other open-space parcels.

The Trust for Public Land recently conducted an analysis of the return on the investment from LWCF funds. In an 11-year, 12-year period, going up until about 1 year ago, for the $537 million invested in conserving 131,000 acres, $2 billion was generated in economic goods and services. In other words, for every dollar invested in LWCF funds, $4 was returned in economic value. These are not taxpayer dollars that are invested. This is revenue that comes from the oil companies.

Our amendment would stipulate, simply, that nothing in the bill would reduce the amount of revenue from oil and gas receipts available for deposit into the LWCF.

I urge adoption of this amendment.

Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. DOLD).

Mr. DOLD. Mr. Chairman, I certainly appreciate my friend and colleague from New Jersey yielding me some time.

Today I rise in strong support of this bipartisan amendment.

Since 1964, the Land and Water Conservation Fund has been our Nation's primary program for Federal land conservation. Using a portion of the leases

collected from energy production on the Outer Continental Shelf, this fund provides matching grants to State and local governments for the acquisition of land and ensures public land and water conservation projects can move forward.

In my home State of Illinois, the economic benefits of preserved public lands are indeed undeniable. Sportsmen, wildlife watchers, outdoorsmen, and others combine to spend over $2 billion annually on outdoor recreation in Illinois.

Mr. Chairman, our amendment today is simple. We believe that this Congress should continue its commitment to conservation programs by ensuring that the underlying transportation bill will not reduce the amount of revenue available for the Land and Water Conservation Fund that has supported over 41,000 State and local projects over its 46-year history.

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

Mr. HASTINGS of Washington. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

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

Mr. Chairman, this amendment really is not needed because you can look with a magnifying glass through this whole bill and you will see absolutely no mention whatsoever of the Land and Water Conservation Fund. There's nothing in here that impacts that.

I know the gentleman, my good friend from New Jersey, has a real passion for this particular fund—sometimes we don't agree on that, but, nevertheless, he has a real passion for it—but there is nothing in here at all that even talks about the Land and Water Conservation Fund.

I understand the gentleman wanted to make a statement—I appreciate that—and his desire would be to withdraw the amendment. So with that, I'll reserve my time pending his action.

Mr. HOLT. Mr. Chairman, although the Land and Water Conservation Fund is authorized to receive $900 million annually from oil and gas leasing revenues, Congress must appropriate those funds after they have been deposited from the revenues.

Taxpayers aren't footing the bill for this program. Oil and gas companies fund the LWCF. The amount they pay is less than 1 percent of the massive profits these companies take each year. It's a small token of what we can do to preserve these other resources as the oil and gas resources are used. Preserving open space is more than a narrow environmental issue. It really is a quality of life issue.

As my friend, the chairman, has assured us, there is nothing in the underlying bill that would reduce the amount of revenue available for the Land and Water Conservation Fund. So with that assurance that the legislation here today will in no way harm the Land and Water Conservation Fund, I ask unanimous consent to withdraw this amendment.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 15 OFFERED BY MS. HANABUSA

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in part A of House Report 112–398.

Ms. HANABUSA. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 954, after line 19, add the following new section:

SEC. 17603. SAFETY REQUIREMENTS.

The Secretary of the Interior shall require that drilling operations conducted under each lease issued under this subtitle (including the amendments made by this subtitle) meet requirements for—

(1) third-party certification of safety systems related to well control, such as blowout preventers;

(2) performance of blowout preventers, including quantitative risk assessment standards, subsea testing, and secondary activation methods;

(3) independent third-party certification of well casing and cementing programs and procedures;

(4) mandatory safety and environmental management systems by operators on the outer Continental Shelf (as that term is used in the Outer Continental Shelf Lands Act); and

(5) procedures and technologies to be used during drilling operations to minimize the risk of ignition and explosion of hydrocarbons.

The Acting CHAIR. Pursuant to House Resolution 547, the gentlewoman from Hawaii (Ms. HANABUSA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Hawaii.

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

Mr. Chair, April 20, 2010, September 19, 2010, those dates may not mean much to a lot of people, but I will tell you, I was not a Member of this body at that time, but I remember when the BP oil spill started, April 20, 2010, and when we all cheered when it was supposed to be capped on September 19, 2010, almost 5 months of watching it daily, even in Hawaii, of the oil and the attempts and cheering and then being disappointed when they couldn't take care of this oil spill that was devastating, clearly, the coast.

Now, there was an independent BP spill commission that was appointed, and their conclusions were published. They said that it was preventable. They said that corners were cut, bad decisions were made, and stronger safety standards could have prevented the disaster. It also pointed out that the United States has a fatality rate in terms of offshore drilling that is four times that in Europe. They also found that the problems were systemic to this industry.

The amendment that I have before you is a simple one and a very commonsense amendment. It simply states that the Secretary of the Interior shall require, when he does leasing, that each lease must meet the requirements for a third-party certification of safety systems related to well control, such as blowout preventers. It must meet requirements for performance of blowout preventers, including the qualitative risk, as well as subsea testing. It also must meet requirements for an independent third-party certification of well casing and cementing programs and procedures. It must meet requirements for mandatory safety and environmental management system of the operators in the Outer Continental Shelf.

□ 1540

And it must meet requirements of procedures and technologies to be used during drilling operations to minimize the risk of igniting an explosion of hydrocarbons. Anyone who remembers the BP oil spill, watching it on television, as I did, every day, watching the news, all of these points are so relevant to what have occurred.

So, Mr. Chair, I ask that my colleagues vote along with me to pass this very commonsense amendment as we remember what happened in those 5 months, April 2010 to September 2010. We have the opportunity of being the safest offshore oil industry in the world, and this amendment would help us get there. That's what we owe the people. We owe those people who suffered through this, and we owe the rest of this Nation a sense of being secure and knowing that when we are drilling that we are drilling safely, and we will not see those fatalities again.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. I yield myself as much time as I may consume.

Mr. Chairman, I rise to oppose this amendment. We have seen amendments of this nature multiple times throughout the debates, both in the committee that I have the privilege to chair, the Natural Resources Committee, and here on the House floor. And every single time amendments of this nature have failed, often with bipartisan votes.

The amendment would write into law the imposition of strict safety requirements as part of the lease terms. This amendment would override the judgment of two agencies that have the authority to set and enforce safety regulations. Those agencies are the Bureau of Ocean Energy Management and the Bureau of Safety and Environmental Enforcement. I might add, these agencies within this administration have, on multiple occasions, testified that offshore drilling operations are being

done safely. This is post-BP, I might add.

It seems like the effort is to continue to try to divert attention away from the real issue of increasing American energy production, increasing American jobs, lowering energy costs, and improving our national security. How? By lessening our dependence on foreign oil.

Our good friends on the other side, they simply do not want to face the fact that this bill says that we can move forward with responsible oil and natural gas exploration and production here in America while, at the same time, ensuring that increased safety measures are undertaken. These are not mutually exclusive goals.

Republicans want to make U.S. offshore drilling the safest in the world so that we can produce more American energy, thus creating more American jobs and thus strengthening our national security.

As I mentioned, Mr. Chairman, amendments of this nature have repeatedly failed in the House. I hope it will do so again, and I urge opposition to this amendment.

I reserve the balance of my time.

Ms. HANABUSA. Mr. Chair, I yield myself the balance of my time.

Mr. Chair, it becomes quite troubling when we hear that, from the Republican side, the other side of the aisle, that the Obama administration is doing okay, or they're taking the representations of the Obama administration, when we know continually that that's not the case. So, if anything, this should send up a red flag for everyone to wonder, what is it that's really causing this concession to an agency?

The facts are the facts. We had the BP oil spill. It took five months. There's nothing that's been proposed in concrete as to how to prevent that from happening. That's why we're the Congress of the United States. That's why we're asked to pass laws, because it is only with the passage of laws that we can say, you know, you've got to do this. And if they are doing it, and if they can guarantee that, and they can say that these leases are, in fact, in compliance, it's up to them.

All that we're doing in the statute is giving a format and a framework to say, hey, make sure that these points are met in these leases. They're the ones who are going to determine whether it's met or not.

That's why I think we owe it to the people who died, we owe it to the people who suffered the economic losses, we owe it to everyone in this Nation to make sure that we do not suffer a BP oil spill again.

I yield back the balance of my time.

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

I just want to point out to my good friend from Hawaii, after the BP spill we had a committee hearing down in Louisiana, and part of that was to ascertain the economic impacts in that part of the country, but also to work with or seek from the industry what would happen if there were, heaven forbid, another spill like this. The industry has responded by building a consortium, funding a consortium, I should say, in order to respond to a spill like this.

There were two of them that were testifying at the hearing that day. I said, In the event—and hopefully it doesn't happen—if there were an event like BP again, how quickly could you respond to something like that? Because that's what the issue is. You want to make sure that people respond if there is, in fact, another spill. And in both cases, both of them said they could respond immediately and probably cap it, something like this, in less than 3 weeks. That was over a year ago. I suspect now that that technology is even greater than that.

But my point is that we have the regulations. We have to have American energy and the ensuing jobs that that has created, and I'm afraid that adopting this amendment would hinder that. So I would urge my colleagues to reject this amendment.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Hawaii (Ms. HANABUSA).

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

Mr. HASTINGS of Washington. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Hawaii will be postponed.

AMENDMENT NO. 16 OFFERED BY MR. HASTINGS OF WASHINGTON

The Acting CHAIR. It is now in order to consider amendment No. 16 printed in part A of House Report 112–398.

Mr. HASTINGS of Washington. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title XVII add the following:

Subtitle D—Streamlining Federal Review To Facilitate Renewable Energy Projects

SEC. 17801. SHORT TITLE.

This subtitle may be cited as the ''Cutting Federal Red Tape to Facilitate Renewable Energy Act''.

SEC. 17802. ENVIRONMENTAL REVIEW FOR RENEWABLE ENERGY PROJECTS.

(a) COMPLIANCE WITH NEPA FOR RENEWABLE ENERGY PROJECTS.—In complying with the National Environmental Policy Act of 1969 (41 U.S.C. 4321 et seq.) with respect to any action authorizing or facilitating a proposed renewable energy project, at the election of the applicant a Federal agency shall—

(1) consider only the proposed action and the no action alternative;

(2) analyze only the proposed action and the no action alternative; and

(3) identify and analyze potential mitigation measures only for the proposed action and the no action alternative.

(b) PUBLIC COMMENT.—In complying with the National Environmental Policy Act of 1969 with respect to a proposed renewable energy project, a Federal agency shall only consider public comments that specifically address the proposed action or the no action alternative (or both) and are filed within 30 days after publication of a draft environmental assessment or draft environmental impact statement.

(c) DEFINITIONS.—For purposes of this section:

(1) FEDERAL WATERS.—The term ''Federal waters'' means waters seaward of the coastal zone (as that term is defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)), to the limits of the exclusive economic zone or the Outer Continental Shelf, whichever is farther.

(2) OUTER CONTINENTAL SHELF.—The term ''Outer Continental Shelf'' has the meaning the term ''outer Continental Shelf'' has in the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

(3) RENEWABLE ENERGY PROJECT.—The term ''renewable energy project'' means a project on Federal lands or in Federal waters, including a project on the Outer Continental Shelf, using wind, solar power, geothermal power, biomass, or marine and hydrokinetic energy to generate energy, that is constructed encouraging the use of equipment and materials manufactured in the United States.

The Acting CHAIR. Pursuant to House Resolution 547, the gentleman from Washington (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

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

Mr. Chairman, this amendment passed the House Natural Resources Committee last year in the form of stand-alone legislation on a bipartisan vote. My amendment would accelerate the development of clean, renewable energy projects on Federal lands by streamlining and simplifying government regulations while ensuring thorough environmental reviews.

House Republicans are committed to utilizing America's abundant and diverse energy resources to implement the all-of-the-above American-made energy strategy that we put forth last year. This includes utilizing our public lands for renewable energy projects. These projects have the potential to create thousands of American jobs, to generate economic benefits, and contribute to our energy security.

Unfortunately, renewable energy projects on Federal lands frequently get caught up in bureaucratic red tape. Regulatory roadblocks and burdensome lawsuits continue to plague and delay these projects, sometimes by many years.

This amendment will facilitate the development of clean, renewable energy on Federal lands by providing a clear, simple process for completing important environmental reviews.

The amendment would require an environmental review to be conducted

only for the specific location where the renewable energy project would be located, rather than requiring thousands of pages of environmental review for numerous different locations. This would significantly reduce the number of years it takes to develop clean, renewable energy projects.

So I want to stress that this amendment includes no subsidies, only the streamlining of government regulations. America has been blessed with an abundance of energy resources of all kinds. We all know that. And we should be actively looking to use these resources to create jobs and to improve American energy security.

So I urge my colleagues to support the renewable energy development regulatory relief plan I have, and support this amendment.

I reserve the balance of my time.

□ 1550

Mr. HOLT. I rise to claim time in opposition to this amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HOLT. Mr. Chairman, you may think that the gentleman from Washington has suddenly decided that he's going to accelerate renewable energy deployment in the United States; but the fact is, no, he has not gotten religion. This is not intended to accelerate renewable energy. It is to remove protections for the environment.

The amendment really is highly problematic. It has very little upside and significant downside, both in terms of protecting the environment and in producing renewable energy. The measure fundamentally changes public lands policy in a way that could be extremely harmful.

Completely gutting bedrock environmental review processes is not something that should be done lightly. It shouldn't be done with a 10-minute debate on an amendment on a completely separate bill. This $250 billion transportation bill is not the appropriate place to debate a fundamental shift of public lands policy. We spent nearly a day debating this in committee, and it deserves a debate at least that thorough here on the floor.

Right now, a renewable energy project that's proposed for Federal lands can get a green light, a yellow light, or a red light from the permitting agency. What the gentleman from Washington would do with his amendment is get rid of the yellow light.

By only allowing consideration of the proposed action and not allowing any no-action alternative, you know what that means, Mr. Chairman? Well, it means—and it should be obvious—it means that projects that could be viable will get a red light. The permitting agency requiring more data, requiring care, requiring additional conditions will have to say yes or no. They're going to say no. Let me state that again. Projects that can otherwise get built if their plans were tweaked would now, under this amendment, be killed. That means fewer megawatts of renewable energy production on public lands.

No, the gentleman has not suddenly gotten religion about renewable energy.

We've heard from the Bureau of Land Management, we've heard it from the Renewable Energy Industry, the American Wind Association, the Solar Energy Industry Association, the Geothermal Industry Association. They have not endorsed this proposal.

The way to ensure that our public land managers are able to expeditiously permit renewable energy projects is not to handcuff them, like this amendment would do, but to make sure that they have the resources to do the job. Now, the Republicans last year did the opposite by trying to take $1 billion out of the Interior Department's budget.

In addition to keeping the land management agencies from doing their job, this amendment would also reduce the ability of the public to participate in the process. If the public is not given meaningful opportunity, say through environmental hearings, you know what they're going to turn to? They're going to turn to the courts. So this amendment would actually lead to more lawsuits, more delays, less renewable energy on public lands.

This is not endorsed by any renewable energy industry group. That should give you reason to pause.

The representatives of the renewable energy industry have testified that this language could have a perverse effect of forcing agencies to reject projects, of sending projects into court, of preventing the actions we should be taking to develop renewable energies.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I'm pleased to yield 2 minutes to the gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. Mr. Chairman, I rise in support of the amendment of the committee chairman.

This amendment promotes the Republican all-of-the-above approach to energy policy in this country and will just streamline the NEPA process to ensure the efficient production of energy on public lands.

Right now we don't have a balance. We need to strike a balance. Yes, there are good environmental laws in place that are well-intended and that need to be followed to protect our air and water, but sometimes the threat of litigation or the burdensome application of regulations is used to simply slow down the production of energy, even renewable energy projects on public lands.

So this amendment will allow renewable energy developers to commit their limited resources to a single project and have some certainty that the project will actually take place. They will make the investment necessary, put in the dollars that are required to bring forth wind, solar, geothermal, even tidal types of renewable energy projects that right now will otherwise be held up by burdensome regulations.

These projects have the potential to provide many thousands of American jobs and generate millions of dollars of benefits because right now we're not getting these projects built on public lands. We need some streamlining of the burdensome regulations.

The administration claims to have placed a priority on renewable energy development; and yet roadblocks keep popping up, litigation keeps coming forward, and we don't have anything really happening on public lands. We have to get the ball rolling. That's what this amendment does.

I'm sorry that my colleague from New Jersey doesn't see it that way, but this is intended to bring forth and actually see the realization for once of some of these renewable energy projects. So I would ask for support of this amendment.

Mr. HOLT. May I ask the amount, please, of remaining time.

The Acting CHAIR. Both sides have 1 minute remaining.

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

I hope I made it clear that this amendment would slow things down, would throw things into court, would result in rejected projects.

If the Republicans really want to help renewable energy, you don't need to gut environmental safeguards. Ensure Federal financing tools are available, establishing policies that create a market demand for renewable power in the regulated electricity industry, establish policies that create market demand for renewable power, and support smart-from-the-start policies.

If you really want to help renewable energy, don't raise taxes on the wind industry. Extend the production tax credit. That would save, well, let's say 30,000 to 40,000 jobs. Yes, the production tax credit. That would be the way to help the renewable industry, not to gut environmental protections.

Please, I ask my colleagues, don't support this amendment.

I yield back the balance of my time.

Mr. HASTINGS of Washington. I yield myself the balance of my time.

Mr. Chairman, this is a good amendment because part of the process of creating American energy jobs is to reduce regulation.

I was struck when my good friend from New Jersey said that this amendment would lead to more litigation. For goodness sakes, when we heard testimony on this issue in front of our committee, the Cape Wind Project off Massachusetts testified something to the effect, and I don't have the exact testimony in front of me, but they are the poster child of litigation. Why? Because that litigation covered a very, very broad area.

This specifies where, if somebody has a problem with it, the regulations would deal with the specific area. This really clarifies the whole process more than anything else. So I urge adoption of the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. HASTINGS).

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

Mr. HOLT. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington will be postponed.

AMENDMENT NO. 17 OFFERED BY MR. MARKEY

The Acting CHAIR. It is now in order to consider amendment No. 17 printed in part A of House Report 112–398.

Mr. MARKEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title XVII add the following:

Subtitle D—Miscellaneous Provisions

SEC. 17801. PROHIBITION ON EXPORT OF GAS.

Each oil and gas lease issued under this title (including the amendments made by this title) shall prohibit the export of gas produced under the lease.

The Acting CHAIR. Pursuant to House Resolution 547, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

□ 1600

Mr. MARKEY. Mr. Chairman, this amendment is very simple. It prohibits the export of the natural gas produced from the leases that are going to be given to oil and gas companies under this bill.

The bottom line is, what the Republicans want to do is open up drilling for natural gas off of the beaches of Florida, off of the beaches of California, off of the beaches of Virginia, off of the beaches of New Jersey and Massachusetts. Then all they say is, Oh, we have to do this; it's for our national security. But right now, over at the Department of Energy, there are eight applications seeking to export 18 percent of our natural gas overseas—to China, to Europe, to Latin America.

Why is that? Well, it's very simple.

The price of natural gas in the United States is six times lower than in Asia. These companies want to make a big profit, not here in America, but by selling our natural gas—drilled for off of our beaches—to other countries. In Europe, it is four times more expensive for natural gas. That's where they want to sell it.

Now, why would we support that?

It's only if there is an oil and gas company agenda because, unlike natural gas, oil has a price which is set on the international marketplace. So, if it's $100 a barrel in China, it's $100 a barrel in the United States. Not so, ladies and gentlemen, with natural gas. Natural gas is our greatest asset. It's what's fueling our economic recovery. Manufacturing new jobs have been the highest in the last 5 years. It's very low-priced natural gas which is fueling this revolution in creating new jobs because the price of energy is so low in America for natural gas.

What is the plan of the oil and gas companies?

It's to send this natural gas around the rest of the world.

What would the impact be?

It would increase prices for the American steel industry; increase prices for the chemical industry; increase prices for the plastics industry; increase prices for the utility industries, which generate electricity for American homes and businesses; and it would ultimately increase prices for consumers in our country.

This amendment, the Markey amendment, is aimed straight at the Strait of Hormuz, and it's saying to them, We've got the natural gas here in America. We're going to drill for it, but we're keeping it here because it's six times lower in price than it is in Asia and in Europe, and that's what we're going to keep here for our American citizens. We're not going to play this game of international markets so that the oil and gas industry can raise the price of natural gas up to the price of oil. They get rich, and ExxonMobil is reporting $137 billion in profits even as we give them, through the Republicans, $40 billion worth of tax breaks.

When do American consumers get a break? When do American manufacturers get a break? When do the plastics, the chemical, the steel industries get a break in low energy prices? Is it all a one-way street for ExxonMobil and these big multinationals?

The Markey amendment says that we drill for natural gas off the beaches of this country. That natural gas stays here in this country. It is not exported.

I reserve the balance of my time.

Mr. HASTINGS of Washington. I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

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

This amendment was offered in committee markup, and it failed on a bipartisan vote simply because it was a bad idea. This amendment, Mr. Chairman, has one goal—to stop the development of natural gas on Alaska's North Slope. This amendment is completely unnecessary and irrelevant.

Currently, there is no way to export natural gas out of ANWR. There are no liquefying gas facilities on the shore. There is also not a single natural gas pipeline out of ANWR to transport natural gas anywhere in the United States. In fact, there are limited ways to export Alaska natural gas.

One of the preferred methods, of course, would be to build a pipeline to cross the U.S.-Canada border and then back into the United States; but under the gentleman's amendment, this wouldn't be possible. I might add, we all know how the gentleman feels about pipelines in general.

Another method would be to convert gas to LNG and ship it to the United States. I know the gentleman is well aware of this process because his home State gets about 40 percent of its natural gas from countries like Yemen, Egypt, or Trinidad. However, should Alaska choose to convert to LNG and try to ship it to California, this amendment would stop them from considering that because the import terminal in southern California is in Mexico, where they get their natural gas from Gazprom, which is in Russia.

The transportation of natural gas across Alaska is a tremendous challenge. As with any major pipeline in construction, the investment will be in the billions of dollars, but it would certainly employ tens of thousands of people. It is something that should and can happen. However, without a market for the natural gas, it is unlikely that this pipeline will ever be built. As mentioned, this amendment then would stop gas from reaching the U.S. markets both by pipeline and by ship.

On this side of the aisle, we hope that a pipeline like this can be built for all of the reasons that we have said in the past. We want the gas to come to America. Our hope is that this gas will displace the natural gas shipments from Russia coming into southern California and possibly even the Yemeni shipments to Boston. This is our hope, and that would be a challenge if this amendment were to be adopted.

This amendment goes against the main objective of the bill—American jobs, American energy and American energy security. So I urge my colleagues to vote ''no'' on the amendment.

I reserve the balance of my time.

Mr. MARKEY. May I ask how much time is remaining on either side?

The Acting CHAIR. The gentleman from Massachusetts has 1 minute remaining. The gentleman from Washington has 2½ minutes remaining.

Mr. MARKEY. At this point, I continue to reserve the balance of my time.

Mr. HASTINGS of Washington. At this time, I am very pleased to yield 30 seconds to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Chairman, America is at its best when we're not hypocritical and when we don't shoot ourselves in the foot. This Markey amendment does both.

We insist that China play by the rules. In fact, they've been hoarding their raw materials and holding them back from export to America, which harms American companies. We just won an important ruling around the world that says China has to stop that. Yet here we are on the House floor, trying to do the exact same thing to our export of natural gas, and we're

going to be called on it just like we called it out on China.

Secondly, besides being hypocritical, this is going to kill American jobs. We need not just to buy American; we need to sell American around the world: our cars, our ag products, our electronics, computers, and, yes, our natural gas. That's how we grow America's economy.

I urge defeat.

Mr. MARKEY. I would inquire as to who has the right to close and if the majority is down to its last speaker.

The Acting CHAIR. The gentleman from Washington has the right to close.

Mr. HASTINGS of Washington. Mr. Chairman, I advise my friend from Massachusetts that I have requests from two other Members, so there are three including me.

Mr. MARKEY. Mr. Chair, through you, I would prefer to wait until the final speaker for the majority is about to take the podium.

I continue to reserve the balance of my time.

Mr. HASTINGS of Washington. I am very pleased, Mr. Chairman, to yield 30 seconds to the gentleman from Texas (Mr. FARENTHOLD).

Mr. FARENTHOLD. I also rise in opposition to this amendment. As the chairman has pointed out, there is no market in Alaska, and we know how the other side feels about building pipelines through Canada.

Right now, we've got an historic low price of gas, which is great for America, but it's also great for the rest of the world. This is our opportunity to use our excess capacity. We're producing more than we can consume, hence the low price. We're flaring it through areas of Texas. This is an opportunity to lower our balance of trade and to make some money. Then, as the price goes up, the government gets more in royalties.

I would also like to point out, if we applied this same logic to other commodities—well, let's not export our food so our food prices go down. Let's not export our cars so our car prices go down.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 30 seconds to the gentleman from Texas (Mr. OLSON).

□ 1610

Mr. OLSON. Mr. Chairman, I rise in opposition to the Markey amendment. The gentleman from Massachusetts has displayed a clear lack of understanding of our great Nation's history with his amendment to restrict American exports of natural gas.

Exports have made America a world power. Our country grew stronger economically by providing the products the world demands. No one would get upset if Ford or GM were making enough cars so that they could supply domestic markets and also ship cars overseas. Nobody is proposing to restrict the export of Massachusetts lobsters.

I urge my colleagues to vote ''no'' on the Markey amendment.

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

The Republican slogan 2 years ago was, ''Drill here, drill now, pay less.'' Today the slogan is, ''Drill here, sell to China, pay more in the United States.''

If all these terminals get built, the Energy Department says the price is going to go up by 54 percent for American consumers. Let me tell you what Boone Pickens says. Boone Pickens said something that is very, very clear about exporting natural gas. He said:

''If we do it, we're truly going to go down as America's dumbest generation. It's bad public policy to export natural gas.'' American energy for American jobs.

Oil and natural gas are not lobsters. They are not toothbrushes. They are our key to the strategic protection of our national security. This is a signal to OPEC that we mean business. We're going to drill for the natural gas. We're going to keep it here. And we're going to tell them we don't need their oil any more than we need their sand.

Vote for the Markey amendment. Keep the natural gas, which we drill for off of the beaches in this country, in our country, and tell them they can keep their sand. We'll keep our natural gas right here in America. Vote ''aye'' for the Markey amendment.

I yield back the balance of my time.

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

My friend from Massachusetts makes a great point with great, great passion. I thought that the gentleman was arguing in support of the underlying bill. And the reason I say that is because the underlying bill opens up areas on the Atlantic and Pacific coasts for drilling for oil and gas.

The gentleman said yesterday that he is very much in favor of natural gas. There is natural gas off the north shore of the Atlantic. Shipping costs would be very, very little. I'm somewhat confused. But I don't think that the gentleman's amendment will accomplish what he says. But his rhetoric—I can tell you, Mr. Chairman—will accomplish what the underlying bill says, and that will make us less dependent on foreign sources of energy and create American energy jobs.

With that, I urge rejection of the Markey amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT NO. 18 OFFERED BY MR. MARKEY

The Acting CHAIR. It is now in order to consider amendment No. 18 printed in part A of House Report 112–398.

Mr. MARKEY. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title XVII add the following:

Subtitle D—Miscellaneous Provisions

SEC. 17801. ELIGIBILITY FOR NEW LEASES AND THE TRANSFER OF LEASES.

(a) ISSUANCE OF NEW LEASES.—

(1) IN GENERAL.—Beginning in fiscal year 2013, the Secretary of the Interior shall not accept bids on any new leases offered pursuant to this title (including the amendments made by this title) from a person described in paragraph (2) unless the person has renegotiated each covered lease with respect to which the person is a lessee, to modify the payment responsibilities of the person to require the payment of royalties if the price of oil and natural gas is greater than or equal to the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)).

(2) PERSONS DESCRIBED.—A person referred to in paragraph (1) is a person that—

(A) is a lessee that—

(i) holds a covered lease on the date on which the Secretary considers the issuance of the new lease; or

(ii) was issued a covered lease before the date of enactment of this Act, but transferred the covered lease to another person or entity (including a subsidiary or affiliate of the lessee) after the date of enactment of this Act; or

(B) any other person that has any direct or indirect interest in, or that derives any benefit from, a covered lease.

(3) MULTIPLE LESSEES.—

(A) IN GENERAL.—For purposes of paragraph (1), if there are multiple lessees that own a share of a covered lease, the Secretary may implement separate agreements with any lessee with a share of the covered lease that modifies the payment responsibilities with respect to the share of the lessee to include price thresholds that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)).

(B) TREATMENT OF SHARE AS COVERED LEASE.—Beginning on the effective date of an agreement under subparagraph (A), any share subject to the agreement shall not constitute a covered lease with respect to any lessees that entered into the agreement.

(b) TRANSFERS.—A lessee or any other person who has any direct or indirect interest in, or who derives a benefit from, a covered lease shall not be eligible to obtain by sale or other transfer (including through a swap, spinoff, servicing, or other agreement) any new lease offered pursuant to this title (including the amendments made by this title) or the economic benefit of any such new lease, unless the lessee or other person has—

(1) renegotiated each covered lease with respect to which the lessee or person is a lessee, to modify the payment responsibilities of the lessee or person to include price thresholds that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)); or

(2) entered into an agreement with the Secretary to modify the terms of all covered leases of the lessee or other person to include

limitations on royalty relief based on market prices that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)).

(c) DEFINITIONS.—In this section—

(1) COVERED LEASE.—The term ''covered lease'' means a lease for oil or gas production in the Gulf of Mexico that is—

(A) in existence on the date of enactment of this Act;

(B) issued by the Department of the Interior under section 304 of the Outer Continental Shelf Deep Water Royalty Relief Act (43 U.S.C. 1337 note; Public Law 104–58); and

(C) not subject to limitations on royalty relief based on market price that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)).

(2) LESSEE.—The term ''lessee'' includes any person or other entity that controls, is controlled by, or is in or under common control with, a lessee.

(3) NEW LEASE.—The term ''new lease'' means a lease issued in a lease sale under this title or the amendments made by this title.

The Acting CHAIR. Pursuant to House Resolution 547, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, I yield myself 3 minutes.

Last year, ExxonMobil made $41 billion in profits. Together, the top five oil companies made a combined $137 billion in profits. You would think that every time these large oil companies extract oil from public lands offshore in the Gulf of Mexico that they would be required to pay the American people a fee, a royalty to do so, since the lands are owned by the people of the United States. Well, you would be wrong. As a result of an oil company court challenge to a 1995 law, oil companies are not paying any royalties to the American people on leases issued between 1996 and 2000 on public lands of our country.

The Republicans want to drill into the pensions of Federal workers to fund our highways. They want to drill in the Arctic National Wildlife Refuge, America's Serengeti, and off our beaches in California and Florida and New Jersey to fund this transportation bill. But if we are looking for revenue to fund our road projects, we should just start by ending this free ride Big Oil is getting on public land.

In recent years, the amount of free oil these companies have been pumping has gone through the roof as more of these free drilling leases have gone into production. In fact, right now more than 25 percent of all oil produced offshore on Federal lands is produced royalty free, tax free. They don't have to pay any taxes whatsoever. Let me say that again. These companies get a complete windfall profit by paying no taxes for drilling off of the coastline of the United States, owned by the American people. What kind of plan can that be to make sure that we have sufficient funding in order to pay for Medicare, pay for kids going to college, pay for the research to find a cure for cancer? Of all the companies that should be kicking in their fair share of the dues to run this country, it should be the companies who made $137 billion last year and are getting away scot-free and not paying taxes for drilling off of the coastlines of our country on public lands.

At this point, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I claim time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, this amendment is virtually identical once again to amendments that have failed on the House floor by a bipartisan vote, and I'm speaking specifically of last year.

Let me give a little bit of a history. In 1995, a Democrat Senator and the Clinton White House negotiated the Deep Water Relief Act. The intent was to promote interest in deepwater leases. According to the 1995 law, the royalty relief is on the volume of oil and gas produced on a lease. While other royalty-relief provisions are dependent upon economic hardship, these are solely dependent on volume produced.

While the gentleman's amendment aims to fix the problem by including price thresholds, this issue has been repeatedly settled in courts of law and the courts have determined that including price thresholds to this law would be a violation of the contract law. The U.S. Supreme Court found that the Department did not have the authority to include price thresholds on lease agreements issued under the 1995 law. In fact, the Department of Interior has lost this issue in the district court, the appellate court, and the Supreme Court. Simply stated, including price thresholds on these leases would be illegal. If this amendment passed, the issue would almost certainly be challenged in court, where the Department would again use taxpayer dollars to lose again. Ultimately, this amendment seeks to force U.S. companies to break a contract negotiated under government law or else be denied the opportunity to do business in the United States.

The ranking member aims to back companies into a corner and force them to break an unbreakable contract. I think this is a bad amendment. The House has rejected it in the past, and I would urge the House and my colleagues to again reject it this time.

I reserve the balance of my time.

Mr. MARKEY. May I inquire once again as to how much time is remaining on either side?

The Acting CHAIR. The gentleman from Massachusetts has 2¾ minutes remaining. The gentleman from Washington has 3 minutes remaining.

Mr. MARKEY. I yield myself a minute and three-quarters.

The amendment that I'm offering would give these oil companies a strong incentive to renegotiate their leases and to pay their fair share of royalty taxes. My amendment would offer these oil companies a choice. They can choose to either continue to produce royalty tax-free in the Gulf of Mexico on public lands but not be able to receive any new leases on public lands, or they can agree to pay their fair share and be able to bid on new areas. They can't have it both ways. With oil prices at $100 a barrel, this free drilling is absolutely unacceptable.

The Congressional Research Service has repeatedly found that this amendment would not be an abrogation of contract or constitute a taking. In 2010, the Congressional Research Service wrote of my amendment:

> To reiterate, the amendment imposes no legal compulsion. Just as in Ruckelshaus, Congress simply would be posing an election.

□ 1620

This amendment does not require these companies to renegotiate their leases to pay their fair share; it just gives them an incentive to do so. And this amendment would not force companies to give up their leases; it would just impose a condition in issuing future leases.

As CRS has stated, as a general matter, the United States has broad discretion in setting the qualifications of those with whom it contracts. These companies would be perfectly free to choose to continue producing this free windfall oil even if prices climbed well past $100 a barrel and gas prices go past $4 a gallon—they can do that. They can hang on to these windfall leases if they want. But if they do, they will not get any new leases from the American people on the public lands of our country.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Chairman, this amendment has been defeated so many times on the House floor, it's like one of those bad ''American Idol'' tryouts. And there is good reason for it. It is as Chairman HASTINGS said. In the 1990s, we wanted to encourage more American-made energy, not importing it from the Middle East. So we encouraged companies to explore in deepwater. They did.

American companies invested hundreds of millions of dollars in leases paid to the American Government in new investment, in new equipment, and it worked. They found oil and gas. They pumped it, and they paid billions of dollars in revenue in royalties to us based on how much they pumped. The more they pumped, the more they paid to the American taxpayer.

This outraged our Democrat friends. They've tried to break those American contracts, force the government to go back on its word. Four times the

courts have said, including the Supreme Court, No, the American Government's word means something.

Today, they want to break that word on the House floor, extort our American companies into breaking those contracts.

We're going to say no. The American Government's contract and the words mean something, and we're going to create the jobs that come from American-made energy.

The Acting CHAIR. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 1 minute.

Mr. BRADY of Texas. Mr. Chairman, I just want to reiterate the point we've been making. The goal of this amendment is not simply to break America's contract, it's really to stop American companies from investing here in America, and creating jobs from clean natural gas, from oil, from traditional energy that fuels so much of America's economy, to make sure that we are reliant on our energy, not on the Middle East or Venezuela.

And so the goal of this amendment, the reason it has been killed so many times, is it works against America's energy interests. It works against American energy jobs, and it breaks the rule of law. America is not a banana republic. Our contracts mean something, and we're going to uphold them.

Mr. MARKEY. Mr. Chairman, I yield myself the balance of my time.

These oil giants are the most profitable companies in the history of the world. Yet the Republicans are going to give them $40 billion in tax breaks over the next 10 years. And rather than reclaiming them for our soldiers or for Medicare recipients, they say no, you can't touch that.

And so I turn to them and I say: What about all of the royalty tax-free drilling they're doing? Twenty-five percent of all oil drilled for off of the coastlines of our country on public lands, no taxes. No royalties. No contribution to America. They're not paying their fair share of the dues.

And the gentleman from Texas just said the more they drill, the more they pay. Absolutely not true. The more they drill, the bigger their profits. They don't have to pay a nickel in royalty taxes. They get off scot-free. Everyone else gets tipped upside down by the tax man on April 15 to pick up what they're not willing to pay. It's time for them to pay their fair share of the dues.

That's what the Markey amendment says. Either start renegotiating those leases or you're not drilling any longer on the public lands of the United States of America. Vote ''aye.''

I yield back the balance of my time.

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

Mr. Chairman, there is a very important principle here, and that is a contract is a contract. You abide by what you negotiate under the existing law. And this existing law has worked its way through the courts all of the way to the Supreme Court. And in every case, the 1995 law in these leases was upheld. Why would we want to jeopardize and send the wrong message to those who would want to take the risk and make the investments under this law? It would send a very, very wrong signal, in my view.

Once again, this amendment has been defeated on this floor a number of times. I urge my colleagues to vote ''no'' one more time to defeat this amendment.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

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

Mr. HASTINGS of Washington. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT NO. 19 OFFERED BY MR. LABRADOR

The Acting CHAIR. It is now in order to consider amendment No. 19 printed in part A of House Report 112–398.

Mr. LABRADOR. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title XVII add the following:

Subtitle D—Promotion of Timely Exploration for Geothermal Resources

SEC. 17801. SHORT TITLE.

This subtitle may be cited as the ''Exploring for Geothermal Energy on Federal Lands Act''.

SEC. 17802. GEOTHERMAL EXPLORATION NOTICE AND EXCLUSION.

(a) DEFINITION OF GEOTHERMAL EXPLORATION TEST PROJECT.—In this section the term ''geothermal exploration test project'' means the drilling of a well to test or explore for geothermal resources on lands leased by the Department of the Interior for the development and production of geothermal resources, that—

(1) is carried out by the holder of the lease;

(2) causes—

(A) less than 5 acres of soil or vegetation disruption at the location of each geothermal exploration well; and

(B) not more than an additional 5 acres of soil or vegetation disruption during access or egress to the test site;

(3) is developed—

(A) no deeper than 2,500 feet;

(B) less than 8 inches in diameter;

(C) in a manner that does not require off-road motorized access other than to and from the well site along an identified off-road route for which notice is provided to the Secretary of the Interior under subsection (c);

(D) without construction of new roads other than upgrading of existing drainage crossings for safety purposes; and

(E) with the use of rubber-tired digging or drilling equipment vehicles;

(4) is completed in less than 45 days, including the removal of any surface infrastructure from the site; and

(5) requires the restoration of the project site within 3 years to approximately the condition that existed at the time the project began, unless the site is subsequently used as part of energy development on the lease.

(b) NEPA EXCLUSION.—Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) shall not apply with respect to a project that the Secretary of the Interior determines under subsection (c) is a geothermal exploration test project.

(c) NOTICE OF INTENT; REVIEW AND DETERMINATION.—

(1) REQUIREMENT TO PROVIDE NOTICE.—A leaseholder intending to carry out a geothermal exploration test project shall provide notice to the Secretary of the Interior not later than 30 days prior to the start of drilling under the project.

(2) REVIEW OF PROJECT.—The Secretary shall by not later than 10 days after receipt of a notice of intent under paragraph (1) from a leaseholder—

(A) review the project described in the notice and determine whether it is a geothermal exploration test project under subsection (a); and

(B) notify the leaseholder—

(i) that under subsection (b) of this section, section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) does not apply to the project; or

(ii) that section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) applies to the project, including clear and detailed findings on any deficiencies in the project that preclude the application of subsection (b) of this section to the project.

(3) OPPORTUNITY TO REMEDY.—If the Secretary provides notice under paragraph (2)(B)(ii) that section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) applies to the project, the Secretary shall provide the leaseholder an opportunity to remedy the deficiencies described in the notice prior to the date the leaseholder intended to start of drilling under the project.

The Acting CHAIR. Pursuant to House Resolution 547, the gentleman from Idaho (Mr. LABRADOR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Idaho.

Mr. LABRADOR. Mr. Chairman, for far too long, the Federal Government has imposed regulatory burdens that have impeded economic growth and limited our access to domestic energy. This legislation, which passed out of the Natural Resources Committee on a bipartisan basis, establishes a commonsense, streamlined policy for the development of clean geothermal energy resources that will create jobs and provide low-cost energy to American families.

In Idaho, we have an abundance of geothermal energy potential that is unavailable due to Federal bureaucratic impediments. Idaho has a unique history of developing geothermal energy. I served for 4 years in the Idaho legislature, where our 100-year-old statehouse is entirely heated by geothermal energy, as are many of our downtown Boise office buildings, old and new. The annual operating costs

for generating this abundant heat are essentially zero.

Current law requires each geothermal exploration hole to go through an individual environmental review and approval process, discouraging energy companies from investing in projects and curtailing our access to geothermal energy. Each individual environmental review process can take between 10 months to 2 years to complete.

Now, more than ever, we should encourage private enterprise by removing the regulatory burdens that stall our economic growth. My amendment does just that.

What the legislation does: number one, it improves regulations that hamper geothermal exploration and allows projects to be done without the construction of new roads and without the use of off-road motorized vehicles to ensure minimal environmental damage.

Number two, it protects the environment by requiring the removal of any surface infrastructure to minimize surface impact.

Number three, it sets firm deadlines for permitting to occur, providing the geothermal companies the certainty they need to make appropriate business decisions. This is important.

What my amendment does not do: it does not subsidize geothermal energy. It merely eliminates a regulatory hurdle that is unique to the geothermal development process, allowing increased deployment without a tax credit or other cost to the taxpayers.

It also does not allow geothermal development to occur in any of our pristine areas that are currently off limits to exploration. The bill simply removes bureaucratic layers that companies must endure after they obtain a lease.

I urge my colleagues to support this bipartisan amendment.

I reserve the balance of my time.

Mr. GARAMENDI. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. GARAMENDI. Thank you.

We're all for geothermal. There's nobody on this side that's opposed to geothermal. We think it is a really good resource. In fact, in my own history way back in California, the first geothermal wells were drilled when I was on the Resources Committee in the State. We did it well. We required an upfront review of the potential wells, and we continued to do that in California. And it turns out that this particular law would waive the NEPA requirements, simply a categorical exemption for geothermal test wells. It's not necessary, and not wise.

□ 1630

Already the Bureau of Land Management rapidly approves thermal test wells with a very quick environmental review to determine if there's any potential problem in that particular area from that particular well. In fact, about 72 applications had been made, and 47 had been done very quickly. Why were the others not done? There was a potential problem. Perhaps they were near somebody else's resource, perhaps they were in an area that was environmentally sensitive, perhaps they were in an area where you could draw down a naturally occurring hot spring or a geyser.

So there are reasons for the review, and there is no reason for a categorical exemption unless, of course, you want to somehow, bit by bit, terminate NEPA, which seems the strategy of the Republicans here, just nibble away enough so that NEPA has no meaning.

I would draw the attention to the majority here that the natural gas industry obtained an exemption for natural gas fracking from the EPA regulations. The result, at least in Pennsylvania and in New York, was extraordinary trouble for the natural gas industry.

So let's not rush forward here. There's a process in place that provides for an exemption, a very quick process to determine if that particular well is appropriate and allowed to go forward. Where there's trouble, don't do it.

I reserve the balance of my time.

Mr. LABRADOR. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. I thank my colleague from Idaho.

I rise in strong support of this amendment. It would streamline the geothermal exploration process to expedite the development of geothermal energy on Federal lands. Being from Colorado, I know well the potential for geothermal energy development. In fact, just last year, the National Renewable Energy Laboratory, NREL, teamed up with IKEA to build the first IKEA store in the United States that is partially powered by geothermal energy.

As our Nation heads down the path of energy security, we should be facilitating the development of renewable energy on Federal land. This is a good amendment that could potentially shave years off the process of geothermal energy exploration and contribute to our increasing domestic energy portfolio in the United States.

I urge your support of the Labrador amendment.

Mr. GARAMENDI. May I ask the remaining time.

The Acting CHAIR. The gentleman from California has 3 minutes remaining.

Mr. GARAMENDI. It sounds good, doesn't it? Until the well happens to destroy the neighbor's well or until the well happens to destroy one of the many hot springs or geysers that exist in public parks, national parks. It sounds good until you begin to understand the implications of what happens when there is no environmental review.

Oh, yeah, it sounds good. But I will guarantee you this, that if this exemption goes forward, it will only be a matter of time before there is a major controversy over the exploration of a well and the effect on surrounding resources. If that's what the majority wants, then go ahead. The result will be a huge blow-up such as we now see with fracking.

We don't need that. What we need to do is rapidly expand our geothermal production in America, and there are many different resources available to us. I would just remind my friend from Colorado that the kind of geothermal he's talking about is not the deep well, hot geothermal, but rather a geothermal that uses the ambient temperature of the soil several feet deep into the ground. That's a different kind of geothermal situation.

What we're talking about here is tapping a hot portion of the Earth and extracting from that the energy that's possible. Do it with care, because there is the potential for very serious problems if you do it incorrectly. Take a look.

And, by the way, to our knowledge, the geothermal industry is not interested in this exemption. There may be some company out there; but in testimony before the committee, it was clear that the geothermal industry said, We don't need this; things are moving along the way we want them to move along.

Understand that there is competition between geothermal companies. One person may be on this side of the geothermal resource, another on the other side, a third entity comes in and tries to extract the oil, the energy in a test well, and, voila, now we've got conflict. Without a review, those things will happen. There is no need for a categoric exemption.

I reserve the balance of my time.

Mr. LABRADOR. Mr. Chairman, may I inquire how much time remains.

The Acting CHAIR. The gentleman has 1½ minutes remaining.

Mr. LABRADOR. I yield 1 minute to the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Chairman, I want to congratulate my friend and colleague from Idaho for this amendment. And let me correct just one statement that was made just a moment ago. The geothermal industry testified in our committee in favor of this bill. But there seems to be a pattern here when we talk about activity on Federal land, which, of course, is under the jurisdiction of the committee that I have the privilege to chair. And if I hear it once, I hear it dozens of times, and we hear it virtually in all the testimony when we hear of issues that come before our committee, and that is the red tape that you have to go through to utilize our public lands for multiple-purpose use.

Let me just say this, Mr. Chairman. Our public lands were designed, unless Congress sets aside specifically, for multiple use. That means commercial

activity and that means recreational activity, a wide variety of activities. But when we have these other laws that inhibit that use, then I think it works against what the American people are trying to accomplish.

This is a very simple process that says, goodness, if you have a lease in an area, why do you have to have so much redundancy to do the same thing over and over again? I think this amendment is a good amendment. As I mentioned, it passed out of committee on a bipartisan vote, and I urge adoption.

Mr. GARAMENDI. I suppose it's time to just finish up this debate, so I yield myself the balance of my time.

A quick quote from Paul Thomsen of Ormat Technologies in committee representing the geothermal industry at the legislative hearing June 23, 2011:

If we can get to an implementation that is consistent with what the current policy currently is, we would be very happy with that and I don't think this necessarily requires a total exemption from NEPA.

Let it be that. We'll go on. They don't need an exemption. And it was just stated that if you've got an area, a resource area, what difference does it make if somebody drills within that area. I can tell you what difference it makes. In California, regarding the geysers—a huge resource, one of the very first in the United States—it makes a great deal of difference where somebody else drills in your neighborhood, because that drilling can dry up your resource.

It is exceedingly important to understand the geology and understand the environmental risks associated with exploratory and then the development. No need for an exemption unless, of course, you want to, once again, nibble away at NEPA until it's not worth having at all, which apparently is the strategy we're seeing from this committee and these numerous amendments.

I yield back the balance of my time.

Mr. LABRADOR. Mr. Chairman, in conclusion, let's correct two statements that were just made. Number one, the Chamber of Commerce and the geothermal industry testified in our committee that they're for this, and I have letters from them saying that they're for this amendment. And, number two, the bogeyman that they keep using is geyser holes and other things. The EIS for geothermal leasing in the western United States expressly states that the BLM is prohibited from issuing leases on the following lands: lands contained within a unit of the National Park System or that are otherwise administered by the National Park System. They continue to use Yellowstone and all these other bogeymen, and we know that is not true because we cannot do any leasing or any geothermal activity in any of those lands.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Idaho (Mr. LABRADOR).

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

Mr. GARAMENDI. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Idaho will be postponed.

□ 1640

AMENDMENT NO. 20 OFFERED BY MR. SCALISE

The Acting CHAIR. It is now in order to consider amendment No. 20 printed in part A of House Report 112–398.

Mr. SCALISE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following (and conform the table of contents accordingly):

TITLE XVIII—RESTORE ACT

SECTION 18001. SHORT TITLE.

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

SEC. 18002. FINDINGS.

Congress finds that—

(1) as a result of decades of oil and gas development in the Gulf of Mexico, producing and nonproducing States in the Gulf Coast region have borne substantial risks of environmental damage and economic harm, all of which culminated with the explosion on, and sinking of, the mobile offshore drilling unit *Deepwater Horizon*;

(2) the discharge of oil in the Gulf of Mexico that began following the explosion on, and sinking of, the mobile offshore drilling unit *Deepwater Horizon* has caused substantial environmental destruction and economic harm to the people and communities of the Gulf Coast region;

(3)(A) in the report entitled ''America's Gulf Coast—A Long Term Recovery Plan after the Deepwater Horizon Oil Spill'', the Secretary of the Navy stated, ''Together, the Gulf's tourism and commercial and recreational fishing industries contribute tens of billions of dollars to the [United States] economy. More than 90 percent of the [N]ation's offshore crude oil and natural gas is produced in the Gulf, and the [F]ederal treasury receives roughly $4.5 billion dollars every year from offshore leases and royalties. And it is in the Gulf of Mexico that nearly one third of seafood production in the continental [United States] is harvested. America needs a healthy and resilient Gulf Coast, one that can support the diverse economies, communities, and cultures of the region.'';

(B) to address the needs of the Gulf Coast region, the Secretary of the Navy stated, ''It is recommended that the President urge Congress to pass legislation that would dedicate a significant amount of any civil penalties recovered under the [Federal Water Pollution Control Act] from parties responsible for the *Deepwater Horizon* oil spill to those directly impacted by that spill.''; and

(C) to mitigate local challenges and help restore the resiliency of communities adversely affected by the spill, the Secretary of the Navy stated that the legislation described in subparagraph (B) should ''[b]uild economic development strategies around community needs, and take particular efforts to address the needs of disadvantaged, underserved, and resource constrained communities'';

(4) in a final report to the President, the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling—

(A) stated, ''Estimates of the cost of Gulf restoration, including but not limited to the Mississippi Delta, vary widely, but according to testimony before the Commission, full restoration of the Gulf will require $15 billion to $20 billion: a minimum of $500 million annually for 30 years.''; and

(B) like the Secretary of the Navy, recommended that, to meet the needs described in subparagraph (A), a substantial portion of applicable penalties under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) be dedicated to long-term restoration of the Gulf of Mexico;

(5) taking into account the risks borne by Gulf Coast States for decades of oil and gas development and the environmental degradation suffered by the Gulf Coast region, the amounts received by the United States as payment of administrative, civil, or criminal penalties in connection with the explosion on, and sinking of, the mobile offshore drilling unit *Deepwater Horizon* should be expended—

(A) to restore the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, barrier islands, dunes, coastal wetlands, and economy of the Gulf Coast; and

(B) to address the associated economic harm suffered by the people and communities of the region;

(6) the projects and programs authorized by this title and the amendments made by this title should be carried out pursuant to contracts awarded in a manner that provides a preference to individuals and entities that reside in, are headquartered in, or are principally engaged in business in a Gulf Coast State; and

(7) Federal, State, and local officials should seek—

(A) to leverage the financial resources made available under this title; and

(B) to the maximum extent practicable, to ensure that projects funded pursuant to this title complement efforts planned or in operation to revitalize the natural resources and economic health of the Gulf Coast region.

SEC. 18003. GULF COAST RESTORATION TRUST FUND.

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

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

(c) EXPENDITURES.—Amounts in the Trust Fund, including interest earned on advances to the Trust Fund and proceeds from investment under subsection (d), shall be available, pursuant to a future Act of Congress enacted after the date of enactment of this Act—

(1) for expenditure to restore the Gulf Coast region from the *Deepwater Horizon* oil spill for undertaking projects and programs in the Gulf Coast region that would restore

and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, coastal wetlands, and economy of the Gulf Coast region; and

(2) solely to Gulf Coast States and coastal political subdivisions to restore the ecosystems and economy of the Gulf Coast region.

(d) INVESTMENT.—Amounts in the Trust Fund shall be invested in accordance with section 9702 of title 31, United States Code, and any interest on, and proceeds from, any such investment shall be available for expenditure in accordance with this section.

(e) DEFINITIONS.—In this section:

(1) COASTAL POLITICAL SUBDIVISION.—The term ''coastal political subdivision'' means any local political jurisdiction that is immediately below the State level of government, including a county, parish, or borough, with a coastline that is contiguous with any portion of the United States Gulf of Mexico.

(2) *DEEPWATER HORIZON* OIL SPILL.—The term ''*Deepwater Horizon* oil spill'' means the blowout and explosion of the mobile offshore drilling unit *Deepwater Horizon* that occurred on April 20, 2010, and resulting hydrocarbon releases into the environment.

(3) GULF COAST REGION.—The term ''Gulf Coast region'' means—

(A) in the Gulf Coast States, the coastal zones (as that term is defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)) that border the Gulf of Mexico;

(B) any adjacent land, water, and watersheds, that are within 25 miles of those coastal zones of the Gulf Coast States; and

(C) all Federal waters in the Gulf of Mexico.

(4) GULF COAST STATE.—The term ''Gulf Coast State'' means any of the States of Alabama, Florida, Louisiana, Mississippi, and Texas.

The Acting CHAIR. Pursuant to House Resolution 547, the gentleman from Louisiana (Mr. SCALISE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

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

As we approach the 2-year anniversary of the *Deepwater Horizon* disaster, my amendment sets up the Gulf Coast Restoration Trust Fund and requires that 80 percent of the Clean Water Act fines will be directed to the fund for the purposes of restoring the ecosystems and economies that were directly impacted by the oil spill.

This amendment shares strong bipartisan support and is the first step in ensuring that the Gulf Coast States have the ability to recover from the largest environmental disaster in our country's history.

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

Ms. CASTOR of Florida. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. CASTOR of Florida. Mr. Chairman, I yield myself 3 minutes.

In the aftermath of the BP *Deepwater Horizon* disaster, a consensus was reached that 80 percent of the Clean Water Act fines and penalties that BP is required to pay because of the damage go to the gulf coast. President Obama has proposed this, a bipartisan group of lawmakers—lawmakers on both sides of the aisle—agreed to this, a national commission recommended it, another national task force recommended it, businesses, environmentalists, we've all reached consensus that 80 percent of the fines and penalties that BP will be required to pay for violating the Clean Water Act go to Gulf of Mexico recovery and research. But, see, Congress must pass a law to do this.

Everyone has urged the Congress to act on this, but the Congress has not done so, unfortunately. As the cochair of the bipartisan Gulf Coast Caucus, I asked my colleagues not to let the effort languish any longer. The House should act expeditiously to do so and devote 80 percent of the *Deepwater Horizon* fines and penalties to the Gulf of Mexico.

Unfortunately, the Scalise amendment could be interpreted as an endorsement of a particular piece of legislation, the RESTORE Act. And while the RESTORE Act does devote 80 percent of the fines and penalties to the gulf coast, it is flawed in its current form and does not achieve meaningful recovery for the Gulf of Mexico. So while I urge my colleagues, reluctantly, to defeat this amendment, the time is now for the Congress to pass an 80 percent bill and focus on the economic and environmental recovery of the Gulf of Mexico.

I reserve the balance of my time.

Mr. SCALISE. Mr. Chairman, I would remind my colleague from Florida that this legislation actually is the only instrument available that is germane to this legislation, that does direct 80 percent of those BP fines to the Gulf Coast States, as the President's commission and many others have called for who support our legislation, the RESTORE Act, by the way.

With that, I yield 45 seconds to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. I thank the gentleman from Louisiana for the time and for all he has done to bring this forward. I also want to thank all my colleagues from the gulf coast who fought so hard to make sure that this legislation came to the floor.

I would say that, given the time that I have, this amendment is vital. It's important to not only the State of Florida but the entire gulf coast area because it will return a great portion of the fines that will ultimately be paid for the oil spill back to the gulf coast.

The amendment is the first step in a very long process to make sure that BP and the other responsible parties are held responsible, and would start to restore the gulf coast from the damages that were suffered as a result of the worst oil spill in the history of the world. So I urge all my colleagues to support this amendment.

Ms. CASTOR of Florida. Mr. Chairman, at this time I'm pleased to yield 2 minutes to our colleague from Louisiana (Mr. RICHMOND).

Mr. RICHMOND. I thank the gentlewoman from Florida.

I rise today in support of the amendment from my colleague from Louisiana (Mr. SCALISE).

I'd like to just remind the Chair that it was a little less than 2 years ago that the *Deepwater Horizon* occurred and we lost 11 Americans. We lost the lives of 11 Americans, and over 200 million gallons of oil were spilled into the Gulf of Mexico.

Also, when you look at the damage that occurred, you have to remember that the year of the spill our shrimp supply was down 37 percent, crab was down 39 percent. Every day, when a waitress or a waiter or a bartender went to work, they made less money, business owners were making less money to make ends meet, all because of the *Deepwater Horizon* oil spill.

So what we want to make sure with this amendment is that those who suffered actually recoup the benefit of it so that they can protect their coast and make sure that they protect their citizens from future hurricanes—not only their citizens, but protect a big investment of this country.

When we talk about our ports, when we talk about the oil and gas industry, I would just remind my colleagues that when Katrina happened, gas prices went up 48 cents around the country. That's because Louisiana was suffering, and we could not produce the oil and gas we normally produce.

So this bill allows us to protect the coast, protect America's energy investment, and also make sure that we can save the lives of Louisiana citizens.

The last thing that I will add is that we should not let the 200 million gallons of oil and the 11 lives that were lost open up an opportunity for a windfall for the American treasury. We should make sure that these funds go exactly where they should go so that we can help the gulf coast, which is so vital to this country's energy independence and the seafood that we all enjoy.

So I would again just say, Mr. Chairman, that I rise in support of the amendment. It's not perfect, it's not the end all, but this is the best way right now to make sure that the sentiment is established that 80 percent of the fines should go to those coastal communities so that they can help their own recovery.

Mr. SCALISE. Mr. Chairman, I yield 45 seconds to the distinguished gentleman from Alabama (Mr. BONNER).

Mr. BONNER. I thank the gentleman for yielding.

I'm pleased to join my colleagues today in support of this amendment.

Let's be clear: Today's amendment, even if adopted, is not the end of our efforts to make the gulf coast whole after the tragic BP *Deepwater Horizon* oil spill almost 2 years ago. But make no mistake: This amendment is critically important as a step toward that end.

The creation of the Gulf Coast Restoration Trust Fund is absolutely essential if we're going to ensure that

the penalties paid by BP and the other responsible parties are set aside for future expenditure to remediate the long-term environmental and economic damage done to each of the five Gulf Coast States.

Mr. Chairman, the Federal Government should not benefit from the tragedy that occurred in our backyard. And I can't say enough, thanks to Chairman HASTINGS and his leadership for giving us this opportunity with this amendment for this broader effort.

I urge adoption of the amendment.

Ms. CASTOR of Florida. I reserve the balance of my time.

Mr. SCALISE. At this point, Mr. Chairman, I would like to yield 45 seconds to the gentleman from Mississippi (Mr. PALAZZO).

Mr. PALAZZO. I thank my colleague from Louisiana for yielding.

Mr. Chairman, nearly 2 years ago, the *Deepwater Horizon* explosion took the lives of 11 Americans—and four of those were Mississippians—and caused an oil spill of epic proportions. For 86 days, millions of barrels of oil gushed into the waters of the Gulf of Mexico, washed up on our beaches, and threatened the ecosystems and the economic stability of an entire region of the country.

The road to recovery for the gulf coast has been a long one, and it's not over. With this amendment, we take a huge step forward in making things right for those most devastated by this spill. These fines are not taxpayer funds. The Federal Government, as my colleague from Alabama said, should not profit from the gulf coast's pain and suffering.

At a time when Congress agrees on so little, this effort has broad bipartisan support in both Houses of Congress, and external, too—conservation and sportsmen. Many agree that restoring and replenishing the gulf coast is more than a responsible decision; it is the right thing to do.

Ms. CASTOR of Florida. Mr. Chairman, I continue to reserve the balance of my time.

Mr. SCALISE. Mr. Chairman, at this time I would like to yield 45 seconds to the gentleman from Florida (Mr. SOUTHERLAND).

Mr. SOUTHERLAND. I'd like to thank the gentleman from Louisiana for yielding. I also would like to commend him on his leadership regarding the work that we have performed on this bipartisan effort to really restore the Gulf of Mexico.

The five States that were affected most, their Representatives here—many who have already spoken today—have worked extremely hard to make sure that the Federal Government never profits from the pain and suffering of those who call the Gulf of Mexico and the gulf coast their home.

This has been a wonderful experience to work across the aisle with many who understand how critical it is that we take care of the hardworking men and women along the gulf coast. I just urge approval and passage of this amendment.

□ 1650

Ms. CASTOR of Florida. I continue to reserve the balance of my time.

Mr. SCALISE. Can I inquire the balance of the time, Mr. Chairman.

The Acting CHAIR. The gentleman has 1¾ minutes remaining.

Mr. SCALISE. I yield 45 seconds to the gentleman from Texas (Mr. OLSON).

Mr. OLSON. Mr. Chairman, I rise in support of the amendment introduced by my friend and colleague on the Energy and Commerce Committee, the gentleman from Louisiana.

In April of 2011, the *Deepwater Horizon* rig exploded, killing 11 workers and starting the worst oil spill in U.S. history.

While the whole Nation suffered, the five Gulf States were particularly hard hit. Each of our five States suffered differing damages. A moratorium was ordered that sent U.S. jobs overseas with the rigs that went overseas. Tourism on some of our most pristine beaches was lost; the shrimping and fishing industries were unable to bring their catches home.

While the RESTORE Act will not replace the lives lost, it will ensure that the five States most impacted by the spill get their fair share of the compensation for our damages.

I urge my colleagues to support this amendment and come back to the gulf.

Ms. CASTOR of Florida. I continue to reserve the balance of my time.

Mr. SCALISE. I am prepared to close, Mr. Chairman, so I would reserve and allow the gentlelady from Florida to close.

Ms. CASTOR of Florida. Mr. Chairman, I am very pleased to see so much bipartisan support for legislation to devote 80 percent of the fines and penalties under the Clean Water Act from the BP *Deepwater Horizon* disaster to the Gulf of Mexico. And I reluctantly have to oppose this amendment because the amendment is entitled RESTORE, and that is one of the pieces of legislation that, on the one hand, does devote 80 percent but, on the other, is completely flawed; and so for that reason, I'm going to have to urge everyone to vote ''no.''

But let's not lose momentum here. Let's redouble our efforts in this Congress as soon as possible to pass legislation that does devote 80 percent of the fines and penalties to the Gulf of Mexico.

The problems with the RESTORE Act are many. It does not focus on gulf-wide research and recovery. It does not devote the kind of resources to long-term monitoring in the Gulf of Mexico that many other areas in America enjoy. It potentially will duplicate the natural resource damage-assessment billions flowing to the impacted areas.

For those reasons, I urge a ''no'' vote.

I yield back the balance of my time.

Mr. SCALISE. Mr. Chairman, I want to thank the chairman of the Natural Resources Committee, Mr. HASTINGS, for his support and help on this.

Despite the gentlelady from Florida's comments, the RESTORE Act actually has a broad range of support, not only from over 30 Members of Congress from both sides of the aisle, but also from numerous outside groups, both on the environmental side and on the business side.

I will include in the RECORD all of these letters from various business and environmental groups in support of the RESTORE Act.

This amendment is a crucial first step towards ensuring that 80 percent of the BP Clean Water Act fines will be dedicated to help Gulf Coast States, and especially our fragile ecosystems along coastal Louisiana, to fully recover from the *Deepwater Horizon* disaster.

Just the other day, parish president Billy Nungesser from Plaquemines Parish brought me these pictures that were taken just 2½ weeks ago from south Plaquemines' inner marsh where you can still see clearly dead turtles and oil in the marsh. We're going to be dealing with these impacts for years to come, Mr. Chairman, and we've seen from other disasters that the proper way to do this is by setting aside those funds to make sure that BP, the responsible parties, not the Federal Government, pay to restore that damage.

THE ASSOCIATED GENERAL
CONTRACTORS OF AMERICA,
Arlington, VA, October 17, 2011.

Re H.R. 3096, the Gulf Coast Restoration Act.

The Hon. STEVE SCALISE,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE SCALISE: The Associated General Contractors of America (AGC) would like to thank you for supporting the recovery of the Gulf Coast region by introducing H.R. 3096, the Gulf Coast Restoration Act. This legislation will ensure that the penalties the federal government is owed are distributed in the best interest of the coastal communities.

Under current law, the penalties acquired from BP and other responsible parties would go into the U.S. Treasury and the needed Gulf Coast restoration would receive no direct relief from these penalties. This legislation would ensure the vast majority of all civil penalties paid by BP or any other responsible party in connection with the Deepwater Horizon spill would be divided among the five Gulf Coast states most impacted by the spill.

AGC is encouraged this legislation would promote the long-term ecological and economic recovery of the Gulf Coast region through the funding of infrastructure projects, including coastal flood protection, directly affected by coastal wetland losses, beach erosion, or the impacts of the Deepwater Horizon oil spill.

Once again, thank you for your efforts to address the environmental and economic impacts of the Deepwater Horizon oil spill, by providing recovery hinds to ensure the restoration of the natural resources in the Gulf Coast region.

Sincerely,

MARCO A. GIAMBERARDINO,
Senior Director, Federal and
Heavy Construction Division.

PARTNERS FOR STENNIS,
Bay St. Louis, MS, October 26, 2011.

Re Support for S. 1400 and H.R. 3096, the RESTORE Act.

Senate Majority Leader HARRY REID,
522 Hart Senate Office Bldg, Washington, DC.
Speaker JOHN BOEHNER,
H–232, U.S. Capitol, Washington, DC.
Majority Leader ERIC CANTOR,
H–329, U.S. Capitol, Washington, DC.
Chairman DOC HASTINGS,
Committee on Natural Resources, Washington, DC.
Chairman JOHN MICA,
Committee on Transportation and Infrastructure, Washington, DC.
Senate Minority Leader MITCH MCCONNELL,
317 Russell Senate Office Building, Washington, DC.
Minority Leader NANCY PELOSI,
H–204, U.S. Capitol, Washington, DC.
Minority Whip STENY HOYER,
1705 Longworth House Office Building, Washington, DC.
Ranking Member ED MARKEY,
Committee on Natural Resources, Washington, DC.
Ranking Member NICK RAHALL,
Committee on Transportation and Infrastructure, Washington, DC.

DEAR SENATE MAJORITY LEADER HARRY REID, SENATE MINORITY LEADER MITCH MCCONNELL, SPEAKER JOHN BOEHNER, MINORITY LEADER NANCY PELOSI, MAJORITY LEADER ERIC CANTOR, MINORITY WHIP STENY HOYER, CHAIRMAN DOC HASTINGS, RANKING MEMBER ED MARKEY, CHAIRMAN JOHN MICA, AND RANKING MEMBER NICK RAHALL: The undersigned organization enthusiastically support S. 1400 and H.R. 3096, also known as the RESTORE Act, authored by Senator Mary Landrieu, Senator Thad Cochran, Senator Kay Bailey Hutchison, Senator Bill Nelson, Senator Marco Rubio, Senator Jeff Sessions, Senator Richard Shelby, Senator David Vitter, Senator Roger Wicker, Congressman Steve Scalise, Congressman Jo Bonner, Congressman Jeff Miller, Congressman Steve Southerland, Congressman Steven Palazzo, Congressman Pete Olson and other Gulf Coast members. While we recognize that the bills have minor differences, the concept of dedicating at least 80% of BP penalties paid under the Clean Water Act to Gulf Coast states to invest in the long-term health of the coastal ecosystem and its economies provides targeted environmental and economic recovery to the region affected most by the BP Deepwater Horizon Oil Spill.

The penalties that will be assessed exist because of damage inflicted on the Gulf Coast states by the responsible parties. When these penalties and the Oil Spill Liability Trust Fund were created years ago, a spill the magnitude of the BP Deepwater Horizon Oil Spill could not have been anticipated. It only makes sense that the majority of the fines that will be assessed should be directed to the Gulf Coast to help these states recover as they deal with the long-term impacts of the oil spill.

It is not an exaggeration to say that our region's future—economic and otherwise—depends on the restoration of our ecosystems. But even more importantly, the Gulf Coast provides this nation with economic and energy security. Between hosting some of the highest producing ports, a large majority of the oil and gas production in America, and many of the nation's fisheries and top tourism destinations, the Gulf Coast and its sustainability is clearly crucial to the strength of the nation's economy. The Gross Domestic Product (GDP) of the five states of the Gulf Coast region was almost $2.4 trillion in 2009, representing 30% of the nation's GDP. The Gulf Coast states, if considered an individual country, would rank 7th in global GDP. Failure to restore the Gulf Coast puts our national economy at risk, and with the region still recovering from the effects of the oil spill, we urge you to move the RESTORE Act forward as quickly as possible.

In fact, NASA's Stennis Space Center on the Mississippi Gulf Coast is a federal city uniquely suited to host coastal restoration and recovery efforts. Many of the key federal players involved in response to the Deepwater Horizon oil spill are located at Stennis including the Naval Oceanographic Office, NOAA, EPA Gulf of Mexico Program, USGS along with several state universities. The synergy realized from the multiagency arrangement coupled with the resident technical expertise and geographic location, make Stennis Space Center the best choice to serve as the Headquarters to insure a healthy and resilient Gulf of Mexico.

We believe that enacting the RESTORE Act is vital to the environmental and economic recovery of a region still dealing with the devastating impact of this disaster. We urge Members in the House and Senate to join our support of the RESTORE Act and look forward to working with you to move this legislation forward.

Sincerely,

TISH H. WILLIAMS,
Executive Director Partners for Stennis.

U.S. CHAMBER OF COMMERCE,
CONGRESSIONAL AND PUBLIC AFFAIRS,
Washington, DC, February 15, 2012.

TO THE MEMBERS OF THE HOUSE OF REPRESENTATIVES: The U.S. Chamber of Commerce strongly supports the transportation infrastructure reauthorization legislation that the House has begun to consider. This package of bills, H.R. 7, H.R. 3408 and H.R. 3813, would reinvest in domestic transportation infrastructure, and would help enhance U.S. energy policy by expanding domestic energy production; long term revenues from increased exploration would help ensure long term transportation funding. The Chamber urges you to strongly support this legislation, and urges you to oppose any amendments that would weaken it.

H.R. 7 is a responsible infrastructure investment bill that would extensively reform transportation programs, would make states more accountable for how federal funds are spent, would speed project delivery to reduce overall costs, would provide greater opportunities for private sector investment, and does not contain earmarks. Specifically, the bill would provide for:

Modernization and maintenance of highway, transit and intermodal assets identified as being in the national interest;

Continuing a federal role in ensuring a comprehensive, results-oriented approach to safety;

Focusing on freight to ensure adequate capacity, reduce congestion and increase throughput at key choke points;

Supporting congestion mitigation and improved mobility in urban areas;

Supporting rural connectivity to major economic and population centers;

Speeding project delivery;

Consolidating and simplifying the federal program structure;

Increasing accountability for investment of public funds and expanding performance management;

Supporting research and development toward application of improved technologies; and

Enhancing opportunities for the private sector to partner with the public sector on infrastructure projects.

Although the Chamber believes that the necessary revenues for transportation infrastructure projects should come from a user-fee based source structured to ensure that the purchasing power of revenue sources keeps pace with inflation and is sustainable and predictable, the Chamber recognizes that such an approach lacks consensus in this Congress.

Therefore, the Chamber believes it would be appropriate for Congress to employ general fund resources, including spending reductions, rescissions of authority and other savings measures, to move forward with a multi-year bill and the much needed policy and funding certainty to the states, locals and the private sector provided in this legislation.

The Chamber remains very concerned with provisions of the bill that would make changes to how transit programs are funded. Unfortunately, such provisions of the bill would create uncertainty and put current and future public transportation investments in jeopardy. We look forward to working with the House, Senate and Administration as the legislative process continues to ensure that transit is provided sustainable and dedicated long term funding levels.

The energy components of the legislation would create long-term jobs and help expand long-term domestic energy security and energy production. These provisions fully restore access to America's offshore oil and gas resources, a move that could provide hundreds of thousands of additional new jobs, hundreds of billions of dollars in cumulative additional revenue for the government, and several million additional barrels oil equivalent per day. The legislation would establish clear rules for the production of domestic oil shale and would remove regulatory barriers that are preventing development of one of America's greatest strategic and economic assets. Furthermore, by opening less than three percent of the North Slope of Alaska to environmentally responsible oil and gas exploration, this legislation would help prolong the life of the Trans-Alaska Pipeline System by ensuring that oil continues to flow through the pipeline while creating important jobs in Alaska and throughout the country. In all, the enerv provisions of the legislation would create jobs while adding more stability to energy supplies, a true ''win-win'' scenario for American consumers.

The Chamber strongly supports efforts by Congress to undo President Obama's rejection of the vital Keystone XL project. This legislation would be an important step towards approval of the proposed 1,600–mile Keystone XL pipeline, which would deliver more than 700,000 barrels of oil per day from Alberta, Canada, through Cushing, Oklahoma, to Gulf Coast refineries. The $7 billion project is expected to create a more than 20,000 jobs during the manufacturing and construction phases of the project. The pipeline would also reduce need for foreign oil imports from less stable regions of the world. In addition, Keystone XL would provide much need supply distribution infrastructure for American domestic energy producers in the Upper Northwest/Bakken region and in the Southwest.

The Chamber strongly opposes any amendment that would bar exports of petroleum that would pass through the Keystone XL pipeline, or any product refined from such crude. First, such an amendment is unnecessary. Virtually all of the crude that would travel through the Keystone XL pipeline would be refined at American refineries by American workers. Congress should support—not hamper—these American energy workers. Second, such a law would violate commitments the United States has undertaken as a member of the World Trade Organization (WTO). In fact, the United States recently challenged China's export restraints

on certain raw materials at the WTO, and the United States won a clear victory in the case. Restricting the re-export of crude or refined product from Keystone XL would violate the same WTO rules.

The U.S. has just begun reversing a two-decade-long decline in energy independence by increasing the proportion of demand met by utilizing all domestic energy sources. America needs a comprehensive energy policy that takes advantage of all domestic energy resources. The Chamber applauds the House for considering legislation that expands production and transmission of oil and natural gas in this infrastructure legislation. At the same time, we encourage the House to also focus on legislation that expands the development of all other domestic energy sources, including coal and renewables.

The Chamber strongly opposes any amendment to the transportation and energy portions of this legislation that would seek to impose ''Buy America'' like provisions. Such provisions would have the unintended consequence of delaying the implementation of job-creating projects and greatly diminish competition and efficiency in the contracting process. The direct result would be delayed projects, fewer projects funded, and fewer Americans put back to work. The United States already imposes significant ''Buy America'' requirements at the federal level that restrict access to procurement markets for countries that have not opened their procurement markets to our exporters, in accordance with the multilateral Government Procurement Agreement. There is no need to expand ''Buy America'' provisions—doing so would be highly counterproductive, particularly for industry sectors hard hit by the recession.

Additionally, the Chamber supports an amendment offered by Rep. Scalise, which is based on the bipartisan RESTORE Act. This amendment would provide much needed funding to economic and ecosystem restoration efforts in the Gulf Coast solely through the dedication of Clean Water Act penalties collected from the parties responsible for the Deepwater Horizon oil spill.

The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million members and organizations of every size, sector, and region, strongly supports H.R. 7, H.R. 3408 and H.R. 3813. The Chamber will consider including votes on, or in relation to, this legislation in our annual How They Voted scorecard.

Sincerely,

R. BRUCE JOSTEN.

To: Member of Congress.

From: Environmental Defense Fund, National Audubon Society, National Wildlife Federation, The Nature Conservancy, Oxfam America, Coalition to Restore Coastal Louisiana, Lake Pontchartrain Basin Foundation.

Date: February 16, 2012.

Re Urgent information regarding Gulf Coast Restoration.

DEAR MEMBER OF CONGRESS: A very important vote is scheduled this afternoon that could begin critical restoration needed on the Gulf Coast. Reps. Scalise (R-La.) Richmond (D-La.), Bonner (R-Ala.), Miller (R-Fla.), Palazzo (R-Miss.), Olson (R-TX) and Southerland (R-Fla.) will introduce an amendment that sets aside Deepwater Horizon penalty money that is necessary for restoring the Gulf Coast's fragile and damaged ecosystems. We urge you to vote YES on this amendment.

Gulf Coast ecologies are unique and support a wide range of valuable economic activities. After decades of damage—coupled with the impacts of the Deepwater Horizon oil spill—restoration in the Gulf is essential. The Scalise amendment would dedicate penalty money from the oil spill to a trust fund, subject to further legislation directing the expenditure of these funds. Separating and securing the money is an important first step.

Subsequent legislation will need to establish an effective governance structure which will dedicate significant funds specifically for restoration, protect vulnerable communities and place appropriate limits on the use of funds beyond ecological restoration. Further, restoration funds will be subjected to appropriate operational and spending roles for federal, state, and local partners.

We look forward to working to ensure that the implementing legislation achieves these goals. In the meantime, please establish the trust fund that will allow the Gulf Coast to begin critical restoration. Vote YES on the Scalise amendment.

Sincerely,

ENVIRONMENTAL DEFENSE FUND.
NATIONAL AUDUBON SOCIETY.
NATIONAL WILDLIFE FEDERATION.
THE NATURE CONSERVANCY.
LAKE PONTCHARTRAIN BASIN FOUNDATION.
OXFAM AMERICA.
COALITION TO RESTORE COASTAL LOUISIANA.

THE AMERICAN SHORE AND BEACH PRESERVATION ASSOCIATION,
Caswell Beach, NC, February 16, 2012.

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

Hon. NANCY PELOSI,
Minority Leader, House of Representatives, Washington, DC.

DEAR SPEAKER BOEHNER AND MINORITY LEADER PELOSI: The American Shore and Beach Preservation Association (ASBPA) is composed of elected officials from coastal communities throughout the nation, as well as a large contingent of coastal engineers, researchers, scientists, and regulators. Together, we are committed to promoting the health of our country's coastal resources, which play a critical role in perpetuating a robust economy, job creation, and environmental well-being. On behalf of our members, I ask that you support the timely passage of the RESTORE the Gulf Coast States Act (H.R. 3096).

By allocating eighty percent of the Clean Water Act penalties to the five Gulf Coast States, the RESTORE Act creates an essential framework to manage and finance the economic and ecological recovery for years to come. Many communities and businesses are still struggling nearly two years after the spill began and experts fear that the total damage from the spill will not be known for at least a decade. Like the rest of our nation's coastline, the Gulf Coast is comprised of vibrant and productive communities, as well as sensitive ecosystems that have been severely damaged. We believe that this bill balances both the ecological and economic interests of comprehensive restoration.

ASBPA recognizes that the RESTORE Act does not affect collected tax dollars because the Act will only use fines paid by BP and other responsible parties. We do not think that the federal government should profit off of the suffering of the Gulf Coast region, especially when many communities and businesses are not yet back on their feet. A recent study by Duke University shows that the funds from the RESTORE Act will benefit at least 140 firms with 400 employees in thirty-seven states.

Recent news reports indicate that BP and the federal government are likely to settle litigation addressing the 2010 Gulf oil spill. If Congress does not immediately take decisive action before any potential settlement occurs, the economic opportunities created by RESTORE Act could be lost entirely. We urge you to take immediate steps to pass the RESTORE Act, so that the BP oil spill penalties can go where they belong: to ecosystem and economic recovery for the States and communities harmed by the worst environmental disaster in U.S. history.

Sincerely,

HARRY SIMMONS,
President.

I urge support of 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 Louisiana (Mr. SCALISE).

The amendment was agreed to.

Mr. HASTINGS of Washington. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DENHAM) having assumed the chair, Mr. WOODALL, 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. 3408) to set clear rules for the development of United States oil shale resources, to promote shale technology research and development, and for other purposes, had come to no resolution thereon.

CONFERENCE REPORT ON H.R. 3630, MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2012

Mr. CAMP submitted the following conference report and statement on the bill (H.R. 3630) to provide incentives for the creation of jobs, and for other purposes:

CONFERENCE REPORT (H. REPT. 112–399)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3630), to provide incentives for the creation of jobs, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Middle Class Tax Relief and Job Creation Act of 2012''.

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

TITLE I—EXTENSION OF PAYROLL TAX REDUCTION

SEC. 1001. EXTENSION OF PAYROLL TAX REDUCTION.

(a) IN GENERAL.—Subsection (c) of section 601 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (26 U.S.C. 1401 note) is amended to read as follows:

''(c) PAYROLL TAX HOLIDAY PERIOD.—The term 'payroll tax holiday period' means calendar years 2011 and 2012.''.

(b) CONFORMING AMENDMENTS.—Section 601 of such Act (26 U.S.C. 1401 note) is amended by striking subsections (f) and (g).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to remuneration received, and taxable years beginning, after December 31, 2011.

TITLE II—UNEMPLOYMENT BENEFIT CONTINUATION AND PROGRAM IMPROVEMENT

SEC. 2001. SHORT TITLE.

This title may be cited as the ''Extended Benefits, Reemployment, and Program Integrity Improvement Act''.

Subtitle A—Reforms of Unemployment Compensation to Promote Work and Job Creation

SEC. 2101. CONSISTENT JOB SEARCH REQUIREMENTS.

(a) IN GENERAL.—Section 303(a) of the Social Security Act is amended by adding at the end the following:

''(12) A requirement that, as a condition of eligibility for regular compensation for any week, a claimant must be able to work, available to work, and actively seeking work.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to weeks beginning after the end of the first session of the State legislature which begins after the date of enactment of this Act.

SEC. 2102. STATE FLEXIBILITY TO PROMOTE THE REEMPLOYMENT OF UNEMPLOYED WORKERS.

Title III of the Social Security Act (42 U.S.C. 501 and following) is amended by adding at the end the following:

''DEMONSTRATION PROJECTS

''SEC. 305. (a) The Secretary of Labor may enter into agreements, with up to 10 States that submit an application described in subsection (b), for the purpose of allowing such States to conduct demonstration projects to test and evaluate measures designed—

''(1) to expedite the reemployment of individuals who have established a benefit year and are otherwise eligible to claim unemployment compensation under the State law of such State; or

''(2) to improve the effectiveness of a State in carrying out its State law with respect to reemployment.

''(b) The Governor of any State desiring to conduct a demonstration project under this section shall submit an application to the Secretary of Labor. Any such application shall include—

''(1) a general description of the proposed demonstration project, including the authority (under the laws of the State) for the measures to be tested, as well as the period of time during which such demonstration project would be conducted;

''(2) if a waiver under subsection (c) is requested, a statement describing the specific aspects of the project to which the waiver would apply and the reasons why such waiver is needed;

''(3) a description of the goals and the expected programmatic outcomes of the demonstration project, including how the project would contribute to the objective described in subsection (a)(1), subsection (a)(2), or both;

''(4) assurances (accompanied by supporting analysis) that the demonstration project would operate for a period of at least 1 calendar year and not result in any increased net costs to the State's account in the Unemployment Trust Fund;

''(5) a description of the manner in which the State—

''(A) will conduct an impact evaluation, using a methodology appropriate to determine the effects of the demonstration project, including on individual skill levels, earnings, and employment retention; and

''(B) will determine the extent to which the goals and outcomes described in paragraph (3) were achieved;

''(6) assurances that the State will provide any reports relating to the demonstration project, after its approval, as the Secretary of Labor may require; and

''(7) assurances that employment meets the State's suitable work requirement and the requirements of section 3304(a)(5) of the Internal Revenue Code of 1986.

''(c) The Secretary of Labor may waive any of the requirements of section 3304(a)(4) of the Internal Revenue Code of 1986 or of paragraph (1) or (5) of section 303(a), to the extent and for the period the Secretary of Labor considers necessary to enable the State to carry out a demonstration project under this section.

''(d) A demonstration project under this section—

''(1) may be commenced any time after the date of enactment of this section;

''(2) may not be approved for a period of time greater than 3 years; and

''(3) must be completed by not later than December 31, 2015.

''(e) Activities that may be pursued under a demonstration project under this section are limited to—

''(1) subsidies for employer-provided training, such as wage subsidies; and

''(2) direct disbursements to employers who hire individuals receiving unemployment compensation, not to exceed the weekly benefit amount for each such individual, to pay part of the cost of wages that exceed the unemployed individual's prior benefit level.

''(f) The Secretary of Labor shall, in the case of any State for which an application is submitted under subsection (b)—

''(1) notify the State as to whether such application has been approved or denied within 30 days after receipt of a complete application; and

''(2) provide public notice of the decision within 10 days after providing notification to the State in accordance with paragraph (1).

Public notice under paragraph (2) may be provided through the Internet or other appropriate means. Any application under this section that has not been denied within the 30-day period described in paragraph (1) shall be deemed approved, and public notice of any approval under this sentence shall be provided within 10 days thereafter.

''(g) The Secretary of Labor may terminate a demonstration project under this section if the Secretary determines that the State has violated the substantive terms or conditions of the project.

''(h) Funding certified under section 302(a) may be used for an approved demonstration project.''.

SEC. 2103. IMPROVING PROGRAM INTEGRITY BY BETTER RECOVERY OF OVERPAYMENTS.

(a) USE OF UNEMPLOYMENT COMPENSATION TO REPAY OVERPAYMENTS.—Section 3304(a)(4)(D) of the Internal Revenue Code of 1986 and section 303(g)(1) of the Social Security Act are each amended by striking ''may'' and inserting ''shall''.

(b) USE OF UNEMPLOYMENT COMPENSATION TO REPAY FEDERAL ADDITIONAL COMPENSATION OVERPAYMENTS.—Section 303(g)(3) of the Social Security Act is amended by inserting ''Federal additional compensation,'' after ''trade adjustment allowances,''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to weeks beginning after the end of the first session of the State legislature which begins after the date of enactment of this Act.

SEC. 2104. DATA EXCHANGE STANDARDIZATION FOR IMPROVED INTEROPERABILITY.

(a) IN GENERAL.—Title IX of the Social Security Act is amended by adding at the end the following:

''DATA EXCHANGE STANDARDIZATION FOR IMPROVED INTEROPERABILITY

''Data Exchange Standards

''SEC. 911. (a)(1) The Secretary of Labor, in consultation with an interagency work group which shall be established by the Office of Management and Budget, and considering State and employer perspectives, shall, by rule, designate a data exchange standard for any category of information required under title III, title XII, or this title.

''(2) Data exchange standards designated under paragraph (1) shall, to the extent practicable, be nonproprietary and interoperable.

''(3) In designating data exchange standards under this subsection, the Secretary of Labor shall, to the extent practicable, incorporate—

''(A) interoperable standards developed and maintained by an international voluntary consensus standards body, as defined by the Office of Management and Budget, such as the International Organization for Standardization;

''(B) interoperable standards developed and maintained by intergovernmental partnerships, such as the National Information Exchange Model; and

''(C) interoperable standards developed and maintained by Federal entities with authority over contracting and financial assistance, such as the Federal Acquisition Regulations Council.

''Data Exchange Standards for Reporting

''(b)(1) The Secretary of Labor, in consultation with an interagency work group established by the Office of Management and Budget, and considering State and employer perspectives, shall, by rule, designate data exchange standards to govern the reporting required under title III, title XII, or this title.

''(2) The data exchange standards required by paragraph (1) shall, to the extent practicable—

''(A) incorporate a widely accepted, nonproprietary, searchable, computer-readable format;

''(B) be consistent with and implement applicable accounting principles; and

''(C) be capable of being continually upgraded as necessary.

''(3) In designating reporting standards under this subsection, the Secretary of Labor shall, to the extent practicable, incorporate existing nonproprietary standards, such as the eXtensible Markup Language.''.

(b) EFFECTIVE DATES.—

(1) DATA EXCHANGE STANDARDS.—The Secretary of Labor shall issue a proposed rule under section 911(a)(1) of the Social Security Act (as added by subsection (a)) within 12 months after the date of the enactment of this section, and shall issue a final rule under such section 911(a)(1), after public comment, within 24 months after such date of enactment.

(2) DATA REPORTING STANDARDS.—The reporting standards required under section 911(b)(1) of such Act (as so added) shall become effective with respect to reports required in the first reporting period, after the effective date of the final rule referred to in paragraph (1) of this subsection, for which the authority for data collection and reporting is established or renewed under the Paperwork Reduction Act.

SEC. 2105. DRUG TESTING OF APPLICANTS.

Section 303 of the Social Security Act is amended by adding at the end the following:

''(l)(1) Nothing in this Act or any other provision of Federal law shall be considered to prevent a State from enacting legislation to provide for—

''(A) testing an applicant for unemployment compensation for the unlawful use of controlled substances as a condition for receiving such compensation, if such applicant—

''(i) was terminated from employment with the applicant's most recent employer (as defined under the State law) because of the unlawful use of controlled substances; or

''(ii) is an individual for whom suitable work (as defined under the State law) is only available in an occupation that regularly conducts drug testing (as determined under regulations issued by the Secretary of Labor); or

''(B) denying such compensation to such applicant on the basis of the result of the testing conducted by the State under legislation described in subparagraph (A).

''(2) For purposes of this subsection—

''(A) the term 'unemployment compensation' has the meaning given such term in subsection (d)(2)(A); and

''(B) the term 'controlled substance' has the meaning given such term in section 102 of the Controlled Substances Act (21 U.S.C. 802).''.

Subtitle B—Provisions Relating To Extended Benefits

SEC. 2121. SHORT TITLE.

This subtitle may be cited as the ''Unemployment Benefits Extension Act of 2012''.

SEC. 2122. EXTENSION AND MODIFICATION OF EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.

(a) EXTENSION.—Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in subsection (a)—

(A) by striking ''Except as provided in subsection (b), an'' and inserting ''An''; and

(B) by striking ''March 6, 2012'' and inserting ''January 2, 2013''; and

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

''(b) TERMINATION.—No compensation under this title shall be payable for any week subsequent to the last week described in subsection (a).''.

(b) MODIFICATIONS RELATING TO TRIGGERS.—

(1) FOR SECOND-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.—Section 4002(c) of such Act is amended—

(A) in the subsection heading, by striking ''SPECIAL RULE'' and inserting ''SECOND-TIER EMERGENCY UNEMPLOYMENT COMPENSATION'';

(B) in paragraph (1), by striking ''At'' and all that follows through ''augmented by an amount'' and inserting ''If, at the time that the amount established in an individual's account under subsection (b) is exhausted or at any time thereafter, such individual's State is in an extended benefit period (as determined under paragraph (2)), such account shall be augmented by an amount (hereinafter 'second-tier emergency unemployment compensation')'';

(C) by redesignating paragraph (2) as paragraph (4); and

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

''(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if such a period would then be in effect for such State under such Act if—

''(A) section 203(f) of the Federal-State Extended Unemployment Compensation Act of 1970 were applied to such State (regardless of whether the State by law had provided for such application); and

''(B) such section 203(f)—

''(i) were applied by substituting the applicable percentage under paragraph (3) for '6.5 percent' in paragraph (1)(A)(i) thereof; and

''(ii) did not include the requirement under paragraph (1)(A)(ii) thereof.

''(3) APPLICABLE PERCENTAGE.—The applicable percentage under this paragraph is, for purposes of determining if a State is in an extended benefit period as of a date occurring in a week ending—

''(A) before June 1, 2012, 0 percent; and

''(B) after the last week under subparagraph (A), 6 percent.''.

(2) FOR THIRD-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.—Section 4002(d) of such Act is amended—

(A) in paragraph (2)(A), by striking ''under such Act'' and inserting ''under the Federal-State Extended Unemployment Compensation Act of 1970'';

(B) in paragraph (2)(B)(ii)(I), by striking the matter after ''substituting'' and before ''in paragraph (1)(A)(i) thereof'' and inserting ''the applicable percentage under paragraph (3) for '6.5 percent' '';

(C) by redesignating paragraph (3) as paragraph (4); and

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

''(3) APPLICABLE PERCENTAGE.—The applicable percentage under this paragraph is, for purposes of determining if a State is in an extended benefit period as of a date occurring in a week ending—

''(A) before June 1, 2012, 6 percent; and

''(B) after the last week under subparagraph (A), 7 percent.''.

(3) FOR FOURTH-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.—Section 4002(e) of such Act is amended—

(A) in paragraph (2)(A), by striking ''under such Act'' and inserting ''under the Federal-State Extended Unemployment Compensation Act of 1970'';

(B) in paragraph (2)(B)(ii)(I), by striking the matter after ''substituting'' and before ''in paragraph (1)(A)(i) thereof'' and inserting ''the applicable percentage under paragraph (3) for '6.5 percent' '';

(C) by redesignating paragraph (3) as paragraph (4); and

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

''(3) APPLICABLE PERCENTAGE.—The applicable percentage under this paragraph is, for purposes of determining if a State is in an extended benefit period as of a date occurring in a week ending—

''(A) before June 1, 2012, 8.5 percent; and

''(B) after the last week under subparagraph (A), 9 percent.''.

(c) MODIFICATIONS RELATING TO WEEKS OF EMERGENCY UNEMPLOYMENT COMPENSATION.—

(1) NUMBER OF WEEKS IN FIRST TIER BEGINNING AFTER SEPTEMBER 2, 2012.—Section 4002(b) of such Act is amended—

(A) by redesignating paragraph (2) as paragraph (3); and

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

''(2) SPECIAL RULE RELATING TO AMOUNTS ESTABLISHED IN AN ACCOUNT AS OF A WEEK ENDING AFTER SEPTEMBER 2, 2012.—Notwithstanding any provision of paragraph (1), in the case of any account established as of a week ending after September 2, 2012—

''(A) paragraph (1)(A) shall be applied by substituting '54 percent' for '80 percent'; and

''(B) paragraph (1)(B) shall be applied by substituting '14 weeks' for '20 weeks'.''.

(2) NUMBER OF WEEKS IN THIRD TIER BEGINNING AFTER SEPTEMBER 2, 2012.—Section 4002(d) of such Act is amended by adding after paragraph (4) (as so redesignated by subsection (b)(2)(C)) the following:

''(5) SPECIAL RULE RELATING TO AMOUNTS ADDED TO AN ACCOUNT AS OF A WEEK ENDING AFTER SEPTEMBER 2, 2012.—Notwithstanding any provision of paragraph (1), if augmentation under this subsection occurs as of a week ending after September 2, 2012—

''(A) paragraph (1)(A) shall be applied by substituting '35 percent' for '50 percent'; and

''(B) paragraph (1)(B) shall be applied by substituting '9 times' for '13 times'.''.

(3) NUMBER OF WEEKS IN FOURTH TIER.—Section 4002(e) of such Act is amended by adding after paragraph (4) (as so redesignated by subsection (b)(3)(C)) the following:

''(5) SPECIAL RULES RELATING TO AMOUNTS ADDED TO AN ACCOUNT.—

''(A) MARCH TO MAY OF 2012.—

''(i) SPECIAL RULE.—Notwithstanding any provision of paragraph (1) but subject to the following 2 sentences, if augmentation under this subsection occurs as of a week ending after the date of enactment of this paragraph and before June 1, 2012 (or if, as of such date of enactment, any fourth-tier amounts remain in the individual's account)—

''(I) paragraph (1)(A) shall be applied by substituting '62 percent' for '24 percent'; and

''(II) paragraph (1)(B) shall be applied by substituting '16 times' for '6 times'.

The preceding sentence shall apply only if, at the time that the account would be augmented under this subparagraph, such individual's State is not in an extended benefit period as determined under the Federal-State Extended Unemployment Compensation Act of 1970. In no event shall the total amount added to the account of an individual under this subparagraph cause, in the case of an individual described in the parenthetical matter in the first sentence of this clause, the sum of the total amount previously added to such individual's account under this subsection (as in effect before the date of enactment of this paragraph) and any further amounts added as a result of the enactment of this clause, to exceed the total amount allowable under subclause (I) or (II), as the case may be.

''(ii) LIMITATION.—Notwithstanding any other provision of this title, the amounts added to the account of an individual under this subparagraph may not cause the sum of the amounts previously established in or added to such account, plus any weeks of extended benefits provided to such individual under the Federal-State Extended Unemployment Compensation Act of 1970 (based on the same exhaustion of regular compensation under section 4001(b)(1)), to in the aggregate exceed the lesser of—

''(I) 282 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under the State law; or

''(II) 73 times the individual's average weekly benefit amount (as determined under subsection (b)(3)) for the benefit year.

''(B) AFTER AUGUST OF 2012.—Notwithstanding any provision of paragraph (1), if augmentation under this subsection occurs as of a week ending after September 2, 2012—

''(i) paragraph (1)(A) shall be applied by substituting '39 percent' for '24 percent'; and

''(ii) paragraph (1)(B) shall be applied by substituting '10 times' for '6 times'.''.

(d) ORDER OF PAYMENTS REQUIREMENT.—

(1) IN GENERAL.—Section 4001(e) of such Act is amended to read as follows:

''(e) COORDINATION RULE.—An agreement under this section shall apply with respect to a State only upon a determination by the Secretary that, under the State law or other applicable rules of such State, the payment of extended compensation for which an individual is otherwise eligible must be deferred until after the payment of any emergency unemployment compensation under section 4002, as amended by the Unemployment Benefits Extension Act of 2012, for which the individual is concurrently eligible.''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 4001(b)(2) of such Act is amended—

(A) by striking ''or extended compensation''; and

(B) by striking ''law (except as provided under subsection (e));'' and inserting ''law;''.

(e) FUNDING.—Section 4004(e)(1) of such Act is amended—

(1) in subparagraph (G), by striking ''and'' at the end; and

(2) by inserting after subparagraph (H) the following:

''(I) the amendments made by section 2122 of the Unemployment Benefits Extension Act of 2012; and''.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (b), (c), and (d) shall take effect as of February 28, 2012, and shall apply with respect to weeks of unemployment beginning after that date.

(2) WEEK DEFINED.—For purposes of this subsection, the term ''week'' has the meaning given such term under section 4006 of the Supplemental Appropriations Act, 2008.

SEC. 2123. TEMPORARY EXTENSION OF EXTENDED BENEFIT PROVISIONS.

(a) IN GENERAL.—Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note), is amended—

(1) by striking ''March 7, 2012'' each place it appears and inserting ''December 31, 2012''; and

(2) in subsection (c), by striking ''August 15, 2012'' and inserting ''June 30, 2013''.

(b) EXTENSION OF MATCHING FOR STATES WITH NO WAITING WEEK.—Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking ''August 15, 2012'' and inserting ''June 30, 2013''.

(c) EXTENSION OF MODIFICATION OF INDICATORS UNDER THE EXTENDED BENEFIT PROGRAM.—Section 203 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended—

(1) in subsection (d), by striking ''February 29, 2012'' and inserting ''December 31, 2012''; and

(2) in subsection (f)(2), by striking ''February 29, 2012'' and inserting ''December 31, 2012''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Temporary Payroll Tax Cut Continuation Act of 2011 (Public Law 112-78).

SEC. 2124. ADDITIONAL EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) EXTENSION.—Section 2(c)(2)(D)(iii) of the Railroad Unemployment Insurance Act, as added by section 2006 of the American Recovery and Reinvestment Act of 2009 (Public Law 96 111–5) and as amended by section 9 of the Worker, Homeownership, and Business Assistance Act of 2009 (Public Law 111–92), section 505 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111–312), and section 202 of the Temporary Payroll Tax Cut Continuation Act of 2011 (Public Law 112-78), is amended—

(1) by striking ''August 31, 2011'' and inserting ''June 30, 2012''; and

(2) by striking ''February 29, 2012'' and inserting ''December 31, 2012''.

(b) CLARIFICATION ON AUTHORITY TO USE FUNDS.—Funds appropriated under either the first or second sentence of clause (iv) of section 2(c)(2)(D) of the Railroad Unemployment Insurance Act shall be available to cover the cost of additional extended unemployment benefits provided under such section 2(c)(2)(D) by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits provided under such section 2(c)(2)(D), as in effect on the day before the date of enactment of this Act.

(c) FUNDING FOR ADMINISTRATION.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Railroad Retirement Board $500,000 for administrative expenses associated with the payment of additional extended unemployment benefits provided under section 2(c)(2)(D) of the Railroad Unemployment Insurance Act by reason of the amendments made by subsection (a), to remain available until expended.

Subtitle C—Improving Reemployment Strategies Under the Emergency Unemployment Compensation Program

SEC. 2141. IMPROVED WORK SEARCH FOR THE LONG-TERM UNEMPLOYED.

(a) IN GENERAL.—Section 4001(b) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

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

(2) by striking the period at the end of paragraph (3) and inserting ''; and''; and

(3) by adding at the end the following:

''(4) are able to work, available to work, and actively seeking work.''.

(b) ACTIVELY SEEKING WORK.—Section 4001 of such Act is amended by adding at the end the following:

''(h) ACTIVELY SEEKING WORK.—

''(1) IN GENERAL.—For purposes of subsection (b)(4), the term 'actively seeking work' means, with respect to any individual, that such individual—

''(A) is registered for employment services in such a manner and to such extent as prescribed by the State agency;

''(B) has engaged in an active search for employment that is appropriate in light of the employment available in the labor market, the individual's skills and capabilities, and includes a number of employer contacts that is consistent with the standards communicated to the individual by the State;

''(C) has maintained a record of such work search, including employers contacted, method of contact, and date contacted; and

''(D) when requested, has provided such work search record to the State agency.

''(2) RANDOM AUDITING.—The Secretary shall establish for each State a minimum number of claims for which work search records must be audited on a random basis in any given week.''.

SEC. 2142. REEMPLOYMENT SERVICES AND REEMPLOYMENT AND ELIGIBILITY ASSESSMENT ACTIVITIES.

(a) PROVISION OF SERVICES AND ACTIVITIES.—Section 4001 of such Act, as amended by section 2141(b), is further amended by added at the end the following:

''(i) PROVISION OF SERVICES AND ACTIVITIES.—

''(1) IN GENERAL.—An agreement under this section shall require the following:

''(A) The State which is party to such agreement shall provide reemployment services and reemployment and eligibility assessment activities to each individual—

''(i) who, on or after the 30th day after the date of enactment of the Extended Benefits, Reemployment, and Program Integrity Improvement Act, begins receiving amounts described in subsections (b) and (c); and

''(ii) while such individual continues to receive emergency unemployment compensation under this title.

''(B) As a condition of eligibility for emergency unemployment compensation for any week—

''(i) a claimant who has been duly referred to reemployment services shall participate in such services; and

''(ii) a claimant shall be actively seeking work (determined applying subsection (i)).

''(2) DESCRIPTION OF SERVICES AND ACTIVITIES.—The reemployment services and in-person reemployment and eligibility assessment activities provided to individuals receiving emergency unemployment compensation described in paragraph (1)—

''(A) shall include—

''(i) the provision of labor market and career information;

''(ii) an assessment of the skills of the individual;

''(iii) orientation to the services available through the one-stop centers established under title I of the Workforce Investment Act of 1998; and

''(iv) review of the eligibility of the individual for emergency unemployment compensation relating to the job search activities of the individual; and

''(B) may include the provision of—

''(i) comprehensive and specialized assessments;

''(ii) individual and group career counseling;

''(iii) training services;

''(iv) additional reemployment services; and

''(v) job search counseling and the development or review of an individual reemployment plan that includes participation in job search activities and appropriate workshops.

''(3) PARTICIPATION REQUIREMENT.—As a condition of continuing eligibility for emergency unemployment compensation for any week, an individual who has been referred to reemployment services or reemployment and eligibility assessment activities under this subsection shall participate in such services or activities, unless the State agency responsible for the administration of State unemployment compensation law determines that—

''(A) such individual has completed participating in such services or activities; or

''(B) there is justifiable cause for failure to participate or to complete participating in such services or activities, as determined in accordance with guidance to be issued by the Secretary.''.

(b) ISSUANCE OF GUIDANCE.—Not later than 30 days after the date of enactment of this Act, the Secretary shall issue guidance on the implementation of the reemployment services and reemployment and eligibility assessment activities required to be provided under the amendment made by subsection (a).

(c) FUNDING.—

(1) IN GENERAL.—Section 4004(c) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(A) by striking ''STATES.—There'' and inserting the following: ''STATES.—

''(1) ADMINISTRATION.—There''; and

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

''(2) REEMPLOYMENT SERVICES AND REEMPLOYMENT AND ELIGIBILITY ASSESSMENT ACTIVITIES.—

''(A) APPROPRIATION.—There are appropriated from the general fund of the Treasury, for the period of fiscal year 2012 through fiscal year 2013, out of the employment security administration account (as established by section 901(a) of the Social Security Act), such sums as determined by the Secretary of Labor in accordance with subparagraph (B) to assist States in providing reemployment services and reemployment and eligibility assessment activities described in section 4001(h)(2).

''(B) DETERMINATION OF TOTAL AMOUNT.—The amount referred to in subparagraph (A) is the amount the Secretary of Labor estimates is equal to—

''(i) the number of individuals who will receive reemployment services and reemployment eligibility and assessment activities described in section 4001(h)(2) in all States through the date specified in section 4007(b)(3); multiplied by

''(ii) $85.

''(C) DISTRIBUTION AMONG STATES.—Of the amounts appropriated under subparagraph (A), the Secretary of Labor shall distribute amounts to each State, in accordance with section 4003(c), that the Secretary estimates is equal to—

''(i) the number of individuals who will receive reemployment services and reemployment and eligibility assessment activities described in section 4001(h)(2) in such State through the date specified in section 4007(b)(3); multiplied by

''(ii) $85.''.

(2) TRANSFER OF FUNDS.—Section 4004(e) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

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

(B) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following paragraph:

''(3) to the Employment Security Administration account (as established by section 901(a) of the Social Security Act) such sums as the Secretary of Labor determines to be necessary in accordance with subsection (c)(2) to assist States in providing reemployment services and reemployment eligibility and assessment activities described in section 4001(h)(2).''.

SEC. 2143. PROMOTING PROGRAM INTEGRITY THROUGH BETTER RECOVERY OF OVERPAYMENTS.

Section 4005(c)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) by striking ''may'' and inserting ''shall''; and

(2) by striking ''except that'' and all that follows through ''made'' and inserting ''in accordance with the same procedures as apply to the recovery of overpayments of regular unemployment benefits paid by the State''.

SEC. 2144. RESTORE STATE FLEXIBILITY TO IMPROVE UNEMPLOYMENT PROGRAM SOLVENCY.

Subsection (g) of section 4001 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) shall not apply with respect to a State that has enacted a law before March 1, 2012, that, upon taking effect, would violate such subsection.

Subtitle D—Short-Time Compensation Program

SEC. 2160. SHORT TITLE.

This subtitle may be cited as the ''Layoff Prevention Act of 2012''.

SEC. 2161. TREATMENT OF SHORT-TIME COMPENSATION PROGRAMS.

(a) DEFINITION.—

(1) IN GENERAL.—Section 3306 of the Internal Revenue Code of 1986 (26 U.S.C. 3306) is amended by adding at the end the following new subsection:

''(v) SHORT-TIME COMPENSATION PROGRAM.—For purposes of this part, the term 'short-time compensation program' means a program under which—

''(1) the participation of an employer is voluntary;

''(2) an employer reduces the number of hours worked by employees in lieu of layoffs;

''(3) such employees whose workweeks have been reduced by at least 10 percent, and by not more than the percentage, if any, that is determined by the State to be appropriate (but in no case more than 60 percent), are not disqualified from unemployment compensation;

''(4) the amount of unemployment compensation payable to any such employee is a pro rata portion of the unemployment compensation which would otherwise be payable to the employee if such employee were unemployed;

''(5) such employees meet the availability for work and work search test requirements while collecting short-time compensation benefits, by being available for their workweek as required by the State agency;

''(6) eligible employees may participate, as appropriate, in training (including employer-sponsored training or worker training funded under the Workforce Investment Act of 1998) to enhance job skills if such program has been approved by the State agency;

''(7) the State agency shall require employers to certify that if the employer provides health benefits and retirement benefits under a defined benefit plan (as defined in section 414(j)) or contributions under a defined contribution plan (as defined in section 414(i)) to any employee whose workweek is reduced under the program that such benefits will continue to be provided to employees participating in the short-time compensation program under the same terms and conditions as though the workweek of such employee had not been reduced or to the same extent as other employees not participating in the short-time compensation program;

''(8) the State agency shall require an employer to submit a written plan describing the manner in which the requirements of this subsection will be implemented (including a plan for giving advance notice, where feasible, to an employee whose workweek is to be reduced) together with an estimate of the number of layoffs that would have occurred absent the ability to participate in short-time compensation and such other information as the Secretary of Labor determines is appropriate;

''(9) the terms of the employer's written plan and implementation shall be consistent with employer obligations under applicable Federal and State laws; and

''(10) upon request by the State and approval by the Secretary of Labor, only such other provisions are included in the State law that are determined to be appropriate for purposes of a short-time compensation program.''.

(2) EFFECTIVE DATE.—Subject to paragraph (3), the amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

(3) TRANSITION PERIOD FOR EXISTING PROGRAMS.—In the case of a State that is administering a short-time compensation program as of the date of the enactment of this Act and the State law cannot be administered consistent with the amendment made by paragraph (1), such amendment shall take effect on the earlier of—

(A) the date the State changes its State law in order to be consistent with such amendment; or

(B) the date that is 2 years and 6 months after the date of the enactment of this Act.

(b) CONFORMING AMENDMENTS.—

(1) INTERNAL REVENUE CODE OF 1986.—

(A) Subparagraph (E) of section 3304(a)(4) of the Internal Revenue Code of 1986 is amended to read as follows:

''(E) amounts may be withdrawn for the payment of short-time compensation under a short-time compensation program (as defined under section 3306(v));''.

(B) Subsection (f) of section 3306 of the Internal Revenue Code of 1986 is amended—

(i) by striking paragraph (5) (relating to short-time compensation) and inserting the following new paragraph:

''(5) amounts may be withdrawn for the payment of short-time compensation under a short-time compensation program (as defined in subsection (v)); and''; and

(ii) by redesignating paragraph (5) (relating to self-employment assistance program) as paragraph (6).

(2) SOCIAL SECURITY ACT.—Section 303(a)(5) of the Social Security Act is amended by striking ''the payment of short-time compensation under a plan approved by the Secretary of Labor'' and inserting ''the payment of short-time compensation under a short-time compensation program (as defined in section 3306(v) of the Internal Revenue Code of 1986)''.

(3) UNEMPLOYMENT COMPENSATION AMENDMENTS OF 1992.—Subsections (b) through (d) of section 401 of the Unemployment Compensation Amendments of 1992 (26 U.S.C. 3304 note) are repealed.

SEC. 2162. TEMPORARY FINANCING OF SHORT-TIME COMPENSATION PAYMENTS IN STATES WITH PROGRAMS IN LAW.

(a) PAYMENTS TO STATES.—

(1) IN GENERAL.—Subject to paragraph (3), there shall be paid to a State an amount equal to 100 percent of the amount of short-time compensation paid under a short-time compensation program (as defined in section 3306(v) of the Internal Revenue Code of 1986, as added by section 2161(a)) under the provisions of the State law.

(2) TERMS OF PAYMENTS.—Payments made to a State under paragraph (1) shall be payable by way of reimbursement in such amounts as the Secretary estimates the State will be entitled to receive under this section for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(3) LIMITATIONS ON PAYMENTS.—

(A) GENERAL PAYMENT LIMITATIONS.—No payments shall be made to a State under this section for short-time compensation paid to an individual by the State during a benefit year in excess of 26 times the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for a week of total unemployment.

(B) EMPLOYER LIMITATIONS.—No payments shall be made to a State under this section for benefits paid to an individual by the State under a short-time compensation program if such individual is employed by the participating employer on a seasonal, temporary, or intermittent basis.

(b) APPLICABILITY.—

(1) IN GENERAL.—Payments to a State under subsection (a) shall be available for weeks of unemployment—

(A) beginning on or after the date of the enactment of this Act; and

(B) ending on or before the date that is 3 years and 6 months after the date of the enactment of this Act.

(2) THREE-YEAR FUNDING LIMITATION FOR COMBINED PAYMENTS UNDER THIS SECTION AND SECTION 2163.—States may receive payments under this section and section 2163 with respect to a total of not more than 156 weeks.

(c) TWO-YEAR TRANSITION PERIOD FOR EXISTING PROGRAMS.—During any period that the transition provision under section 2161(a)(3) is applicable to a State with respect to a short-time compensation program, such State shall be eligible for payments under this section. Subject to paragraphs (1)(B) and (2) of subsection (b), if at any point after the date of the enactment of this Act the State enacts a State law providing for the payment of short-time compensation under a short-time compensation program that meets the definition of such a program under section 3306(v) of the Internal Revenue Code of 1986, as added by section 2161(a), the State shall be eligible for payments under this section after the effective date of such enactment.

(d) FUNDING AND CERTIFICATIONS.—

(1) FUNDING.—There are appropriated, out of moneys in the Treasury not otherwise appropriated, such sums as may be necessary for purposes of carrying out this section.

(2) CERTIFICATIONS.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this section.

(e) DEFINITIONS.—In this section:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Labor.

(2) STATE; STATE AGENCY; STATE LAW.—The terms ''State'', ''State agency'', and ''State law'' have the meanings given those terms in section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 2163. TEMPORARY FINANCING OF SHORT-TIME COMPENSATION AGREEMENTS.

(a) FEDERAL-STATE AGREEMENTS.—

(1) IN GENERAL.—Any State which desires to do so may enter into, and participate in, an agreement under this section with the Secretary provided that such State's law does not provide for the payment of short-time compensation under a short-time compensation program (as defined in section 3306(v) of the Internal Revenue Code of 1986, as added by section 2161(a)).

(2) ABILITY TO TERMINATE.—Any State which is a party to an agreement under this section may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF FEDERAL-STATE AGREEMENT.—

(1) IN GENERAL.—Any agreement under this section shall provide that the State agency of the State will make payments of short-time compensation under a plan approved by the State. Such plan shall provide that payments are made in accordance with the requirements under section 3306(v) of the Internal Revenue Code of 1986, as added by section 2161(a).

(2) LIMITATIONS ON PLANS.—

(A) GENERAL PAYMENT LIMITATIONS.—A short-time compensation plan approved by a State shall not permit the payment of short-time compensation to an individual by the State during a benefit year in excess of 26 times the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for a week of total unemployment.

(B) EMPLOYER LIMITATIONS.—A short-time compensation plan approved by a State shall not provide payments to an individual if such individual is employed by the participating employer on a seasonal, temporary, or intermittent basis.

(3) EMPLOYER PAYMENT OF COSTS.—Any short-time compensation plan entered into by an employer must provide that the employer will pay the State an amount equal to one-half of the amount of short-time compensation paid under such plan. Such amount shall be deposited in the State's unemployment fund and shall not be used for purposes of calculating an employer's contribution rate under section 3303(a)(1) of the Internal Revenue Code of 1986.

(c) PAYMENTS TO STATES.—

(1) IN GENERAL.—There shall be paid to each State with an agreement under this section an amount equal to—

(A) one-half of the amount of short-time compensation paid to individuals by the State pursuant to such agreement; and

(B) any additional administrative expenses incurred by the State by reason of such agreement (as determined by the Secretary).

(2) TERMS OF PAYMENTS.—Payments made to a State under paragraph (1) shall be payable by way of reimbursement in such amounts as the Secretary estimates the State will be entitled to receive under this section for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(3) FUNDING.—There are appropriated, out of moneys in the Treasury not otherwise appropriated, such sums as may be necessary for purposes of carrying out this section.

(4) CERTIFICATIONS.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this section.

(d) APPLICABILITY.—

(1) IN GENERAL.—An agreement entered into under this section shall apply to weeks of unemployment—

(A) beginning on or after the date on which such agreement is entered into; and

(B) ending on or before the date that is 2 years and 13 weeks after the date of the enactment of this Act.

(2) TWO-YEAR FUNDING LIMITATION.—States may receive payments under this section with respect to a total of not more than 104 weeks.

(e) SPECIAL RULE.—If a State has entered into an agreement under this section and subsequently enacts a State law providing for the payment of short-time compensation under a short-time compensation program that meets the definition of such a program under section 3306(v) of the Internal Revenue Code of 1986, as added by section 2161(a), the State—

(1) shall not be eligible for payments under this section for weeks of unemployment beginning after the effective date of such State law; and

(2) subject to paragraphs (1)(B) and (2) of section 2162(b), shall be eligible to receive payments under section 2162 after the effective date of such State law.

(f) DEFINITIONS.—In this section:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Labor.

(2) STATE; STATE AGENCY; STATE LAW.—The terms ''State'', ''State agency'', and ''State law'' have the meanings given those terms in section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 2164. GRANTS FOR SHORT-TIME COMPENSATION PROGRAMS.

(a) GRANTS.—

(1) FOR IMPLEMENTATION OR IMPROVED ADMINISTRATION.—The Secretary shall award grants to States that enact short-time compensation programs (as defined in subsection (i)(2)) for the purpose of implementation or improved administration of such programs.

(2) FOR PROMOTION AND ENROLLMENT.—The Secretary shall award grants to States that are eligible and submit plans for a grant under paragraph (1) for such States to promote and enroll employers in short-time compensation programs (as so defined).

(3) ELIGIBILITY.—

(A) IN GENERAL.—The Secretary shall determine eligibility criteria for the grants under paragraphs (1) and (2).

(B) CLARIFICATION.—A State administering a short-time compensation program, including a program being administered by a State that is participating in the transition under the provisions of sections 301(a)(3) and 302(c), that does not meet the definition of a short-time compensation program under section 3306(v) of the Internal Revenue Code of 1986 (as added by 211(a)), and a State with an agreement under section 2163, shall not be eligible to receive a grant under this section until such time as the State law of the State provides for payments under a short-time compensation program that meets such definition and such law.

(b) AMOUNT OF GRANTS.—

(1) IN GENERAL.—The maximum amount available for making grants to a State under paragraphs (1) and (2) shall be equal to the amount obtained by multiplying $100,000,000 (less the amount used by the Secretary under subsection (e)) by the same ratio as would apply under subsection (a)(2)(B) of section 903 of the Social Security Act (42 U.S.C. 1103) for purposes of determining such State's share of any excess amount (as described in subsection (a)(1) of such section) that would have been subject to transfer to State accounts, as of October 1, 2010, under the provisions of subsection (a) of such section.

(2) AMOUNT AVAILABLE FOR DIFFERENT GRANTS.—Of the maximum incentive payment determined under paragraph (1) with respect to a State—

(A) one-third shall be available for a grant under subsection (a)(1); and

(B) two-thirds shall be available for a grant under subsection (a)(2).

(c) GRANT APPLICATION AND DISBURSAL.—

(1) APPLICATION.—Any State seeking a grant under paragraph (1) or (2) of subsection (a) shall submit an application to the Secretary at such time, in such manner, and complete with such information as the Secretary may require. In no case may the Secretary award a grant under this section with respect to an application that is submitted after December 31, 2014.

(2) NOTICE.—The Secretary shall, within 30 days after receiving a complete application, notify the State agency of the State of the Secretary's findings with respect to the requirements for a grant under paragraph (1) or (2) (or both) of subsection (a).

(3) CERTIFICATION.—If the Secretary finds that the State law provisions meet the requirements for a grant under subsection (a), the Secretary shall thereupon make a certification to that effect to the Secretary of the Treasury, together with a certification as to the amount of the grant payment to be transferred to the State account in the Unemployment Trust Fund (as established in section 904(a) of the Social Security Act (42 U.S.C. 1104(a))) pursuant to that finding. The Secretary of the Treasury shall make the appropriate transfer to the State account within 7 days after receiving such certification.

(4) REQUIREMENT.—No certification of compliance with the requirements for a grant under paragraph (1) or (2) of subsection (a) may be made with respect to any State whose—

(A) State law is not otherwise eligible for certification under section 303 of the Social Security Act (42 U.S.C. 503) or approvable under section 3304 of the Internal Revenue Code of 1986; or

(B) short-time compensation program is subject to discontinuation or is not scheduled to take effect within 12 months of the certification.

(d) USE OF FUNDS.—The amount of any grant awarded under this section shall be used for the implementation of short-time compensation programs and the overall administration of such programs and the promotion and enrollment efforts associated with such programs, such as through—

(1) the creation or support of rapid response teams to advise employers about alternatives to layoffs;

(2) the provision of education or assistance to employers to enable them to assess the feasibility of participating in short-time compensation programs; and

(3) the development or enhancement of systems to automate—

(A) the submission and approval of plans; and

(B) the filing and approval of new and ongoing short-time compensation claims.

(e) ADMINISTRATION.—The Secretary is authorized to use 0.25 percent of the funds available under subsection (g) to provide for outreach and to share best practices with respect to this section and short-time compensation programs.

(f) RECOUPMENT.—The Secretary shall establish a process under which the Secretary shall recoup the amount of any grant awarded under paragraph (1) or (2) of subsection (a) if the Secretary determines that, during the 5-year period beginning on the first date that any such grant is awarded to the State, the State—

(1) terminated the State's short-time compensation program; or

(2) failed to meet appropriate requirements with respect to such program (as established by the Secretary).

(g) FUNDING.—There are appropriated, out of moneys in the Treasury not otherwise appropriated, to the Secretary, $100,000,000 to carry out this section, to remain available without fiscal year limitation.

(h) REPORTING.—The Secretary may establish reporting requirements for States receiving a grant under this section in order to provide oversight of grant funds.

(i) DEFINITIONS.—In this section:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Labor.

(2) SHORT-TIME COMPENSATION PROGRAM.—The term ''short-time compensation program'' has the meaning given such term in section 3306(v) of the Internal Revenue Code of 1986, as added by section 2161(a).

(3) STATE; STATE AGENCY; STATE LAW.—The terms ''State'', ''State agency'', and ''State law'' have the meanings given those terms in section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 2165. ASSISTANCE AND GUIDANCE IN IMPLEMENTING PROGRAMS.

(a) IN GENERAL.—In order to assist States in establishing, qualifying, and implementing short-time compensation programs (as defined in section 3306(v) of the Internal Revenue Code of 1986, as added by section 2161(a)), the Secretary of Labor (in this section referred to as the ''Secretary'') shall—

(1) develop model legislative language which may be used by States in developing and enacting such programs and periodically review and revise such model legislative language;

(2) provide technical assistance and guidance in developing, enacting, and implementing such programs;

(3) establish reporting requirements for States, including reporting on—

(A) the number of estimated averted layoffs;

(B) the number of participating employers and workers; and

(C) such other items as the Secretary of Labor determines are appropriate.

(b) MODEL LANGUAGE AND GUIDANCE.—The model language and guidance developed under subsection (a) shall allow sufficient flexibility by States and participating employers while ensuring accountability and program integrity.

(c) CONSULTATION.—In developing the model legislative language and guidance under subsection (a), and in order to meet the requirements of subsection (b), the Secretary shall consult with employers, labor organizations, State workforce agencies, and other program experts.

SEC. 2166. REPORTS.

(a) REPORT.—

(1) IN GENERAL.—Not later than 4 years after the date of the enactment of this Act, the Secretary of Labor shall submit to Congress and to the President a report or reports on the implementation of the provisions of this subtitle.

(2) REQUIREMENTS.—Any report under paragraph (1) shall at a minimum include the following:

(A) A description of best practices by States and employers in the administration, promotion, and use of short-time compensation programs (as defined in section 3306(v) of the Internal Revenue Code of 1986, as added by section 2161(a)).

(B) An analysis of the significant challenges to State enactment and implementation of short-time compensation programs.

(C) A survey of employers in all States to determine the level of interest in participating in short-time compensation programs.

(b) FUNDING.—There are appropriated, out of any moneys in the Treasury not otherwise appropriated, to the Secretary of Labor, $1,500,000 to carry out this section, to remain available without fiscal year limitation.

Subtitle E—Self-Employment Assistance

SEC. 2181. STATE ADMINISTRATION OF SELF-EMPLOYMENT ASSISTANCE PROGRAMS.

(a) AVAILABILITY FOR INDIVIDUALS RECEIVING EXTENDED COMPENSATION.—Title II of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended by inserting at the end the following new section:

''AUTHORITY TO CONDUCT SELF-EMPLOYMENT ASSISTANCE PROGRAMS

''SEC. 208. (a)(1) At the option of a State, for any weeks of unemployment beginning after the date of enactment of this section, the State agency of the State may establish a self-employment assistance program, as described in subsection (b), to provide for the payment of extended compensation as self-employment assistance allowances to individuals who would otherwise satisfy the eligibility criteria under this title.

''(2) Subject to paragraph (3), the self-employment assistance allowance described in paragraph (1) shall be paid to an eligible individual from such individual's extended compensation account, as described in section 202(b), and the amount in such account shall be reduced accordingly.

''(3)(A) Subject to subparagraph (B), for purposes of self-employment assistance programs established under this section and section 4001(j) of the Supplemental Appropriations Act, 2008, an individual shall be provided with self-employment assistance allowances under such programs for a total of not greater than 26 weeks (referred to in this section as the 'combined eligibility limit').

''(B) For purposes of an individual who is participating in a self-employment assistance program established under this section and has not reached the combined eligibility limit as of the date on which such individual exhausts all rights to extended compensation under this title, the individual shall be eligible to receive self-employment assistance allowances under a self-employment assistance program established under section 4001(j) of the Supplemental Appropriations Act, 2008, until such individual has reached the combined eligibility limit, provided that the individual otherwise satisfies the eligibility criteria described under title IV of such Act.

''(b) For the purposes of this section, the term 'self-employment assistance program' means a program as defined under section 3306(t) of the Internal Revenue Code of 1986, except as follows:

''(1) all references to 'regular unemployment compensation under the State law' shall be deemed to refer instead to 'extended compensation under title II of the Federal-State Extended Unemployment Compensation Act of 1970';

''(2) paragraph (3)(B) shall not apply;

''(3) clause (i) of paragraph (3)(C) shall be deemed to state as follows:

'''(i) include any entrepreneurial training that the State or non-profit organizations may provide in coordination with programs of training offered by the Small Business Administration, which may include business counseling, mentorship for participants, access to small business development resources, and technical assistance; and';

''(4) the reference to '5 percent' in paragraph (4) shall be deemed to refer instead to '1 percent'; and

''(5) paragraph (5) shall not apply.

''(c) In the case of an individual who is eligible to receive extended compensation under this title, such individual shall not receive self-employment assistance allowances under this section unless the State agency has a reasonable expectation that such individual will be entitled to at least 13 times the individual's average weekly benefit amount of extended compensation and emergency unemployment compensation.

''(d)(1) An individual who is participating in a self-employment assistance program established under this section may elect to discontinue participation in such program at any time.

''(2) For purposes of an individual whose participation in a self-employment assistance program established under this section is terminated pursuant to subsection (a)(3) or who has discontinued participation in such program, if the individual continues to satisfy the eligibility requirements for extended compensation under this title, the individual shall receive extended compensation payments with respect to subsequent weeks of unemployment, to the extent that amounts remain in the account established for such individual under section 202(b).''.

(b) AVAILABILITY FOR INDIVIDUALS RECEIVING EMERGENCY UNEMPLOYMENT COMPENSATION.—Section 4001 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), as amended by sections 2141(b) and 2142(a), is further amended by inserting at the end the following new subsection:

''(j) AUTHORITY TO CONDUCT SELF-EMPLOYMENT ASSISTANCE PROGRAM.—

''(1) IN GENERAL.—

''(A) ESTABLISHMENT.—Any agreement under subsection (a) may provide that the State agency of the State shall establish a self-employment assistance program, as described in paragraph (2), to provide for the payment of emergency unemployment compensation as self-employment assistance allowances to individuals who would otherwise satisfy the eligibility criteria specified in subsection (b).

''(B) PAYMENT OF ALLOWANCES.—Subject to subparagraph (C), the self-employment assistance allowance described in subparagraph (A) shall be paid to an eligible individual from such individual's emergency unemployment compensation account, as described in section 4002, and the amount in such account shall be reduced accordingly.

''(C) LIMITATION ON SELF-EMPLOYMENT ASSISTANCE FOR INDIVIDUALS RECEIVING EXTENDED COMPENSATION AND EMERGENCY UNEMPLOYMENT COMPENSATION.—

''(i) COMBINED ELIGIBILITY LIMIT.—Subject to clause (ii), for purposes of self-employment assistance programs established under this subsection and section 208 of the Federal-State Extended Unemployment Compensation Act of 1970, an individual shall be provided with self-employment assistance allowances under such programs for a total of not greater than 26 weeks (referred to in this subsection as the 'combined eligibility limit').

''(ii) CARRYOVER RULE.—For purposes of an individual who is participating in a self-employment assistance program established under this subsection and has not reached the combined eligibility limit as of the date on which such individual exhausts all rights to extended compensation under this title, the individual shall be eligible to receive self-employment assistance allowances under a self-employment assistance program established under section 208 of the Federal-State Extended Unemployment Compensation Act of 1970 until such individual has reached the combined eligibility limit, provided that the individual otherwise satisfies the eligibility criteria described under title II of such Act.

''(2) DEFINITION OF 'SELF-EMPLOYMENT ASSISTANCE PROGRAM'.—For the purposes of this section, the term 'self-employment assistance program' means a program as defined under section 3306(t) of the Internal Revenue Code of 1986, except as follows:

''(A) all references to 'regular unemployment compensation under the State law' shall be deemed to refer instead to 'emergency unemployment compensation under title IV of the Supplemental Appropriations Act, 2008';

''(B) paragraph (3)(B) shall not apply;

''(C) clause (i) of paragraph (3)(C) shall be deemed to state as follows:

'''(i) include any entrepreneurial training that the State or non-profit organizations may provide in coordination with programs of training offered by the Small Business Administration, which may include business counseling, mentorship for participants, access to small business development resources, and technical assistance; and';

''(D) the reference to '5 percent' in paragraph (4) shall be deemed to refer instead to '1 percent'; and

''(E) paragraph (5) shall not apply.

''(3) AVAILABILITY OF SELF-EMPLOYMENT ASSISTANCE ALLOWANCES.—In the case of an individual who is eligible to receive emergency unemployment compensation payment under this title, such individual shall not receive self-employment assistance allowances under this subsection unless the State agency has a reasonable expectation that such individual will be entitled to at least 13 times the individual's average weekly benefit amount of extended compensation and emergency unemployment compensation.

''(4) PARTICIPANT OPTION TO TERMINATE PARTICIPATION IN SELF-EMPLOYMENT ASSISTANCE PROGRAM.—

''(A) TERMINATION.—An individual who is participating in a self-employment assistance program established under this subsection may elect to discontinue participation in such program at any time.

''(B) CONTINUED ELIGIBILITY FOR EMERGENCY UNEMPLOYMENT COMPENSATION.—For purposes of an individual whose participation in the self-employment assistance program established under this subsection is terminated pursuant to paragraph (1)(C) or who has discontinued participation in such program, if the individual continues to satisfy the eligibility requirements for emergency unemployment compensation under this title, the individual shall receive emergency unemployment compensation payments with respect to subsequent weeks of unemployment, to the extent that amounts remain in the account established for such individual under section 4002(b) or to the extent that such individual commences receiving the amounts described in subsections (c), (d), or (e) of such section, respectively.''.

SEC. 2182. GRANTS FOR SELF-EMPLOYMENT ASSISTANCE PROGRAMS.

(a) IN GENERAL.—

(1) ESTABLISHMENT OR IMPROVED ADMINISTRATION.—Subject to the requirements established under subsection (b), the Secretary shall award grants to States for the purposes of—

(A) improved administration of self-employment assistance programs that have been established, prior to the date of the enactment of this Act, pursuant to section 3306(t) of the Internal Revenue Code of 1986 (26 U.S.C. 3306(t)), for individuals who are eligible to receive regular unemployment compensation;

(B) development, implementation, and administration of self-employment assistance programs that are established, subsequent to the date of the enactment of this Act, pursuant to section

3306(t) of the Internal Revenue Code of 1986, for individuals who are eligible to receive regular unemployment compensation; and

(C) development, implementation, and administration of self-employment assistance programs that are established pursuant to section 208 of the Federal-State Extended Unemployment Compensation Act of 1970 or section 4001(j) of the Supplemental Appropriations Act, 2008, for individuals who are eligible to receive extended compensation or emergency unemployment compensation.

(2) PROMOTION AND ENROLLMENT.—Subject to the requirements established under subsection (b), the Secretary shall award additional grants to States that submit approved applications for a grant under paragraph (1) for such States to promote self-employment assistance programs and enroll unemployed individuals in such programs.

(b) APPLICATION AND DISBURSAL.—

(1) APPLICATION.—Any State seeking a grant under paragraph (1) or (2) of subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as is determined appropriate by the Secretary. In no case shall the Secretary award a grant under this section with respect to an application that is submitted after December 31, 2013.

(2) NOTICE.—Not later than 30 days after receiving an application described in paragraph (1) from a State, the Secretary shall notify the State agency as to whether a grant has been approved for such State for the purposes described in subsection (a).

(3) CERTIFICATION.—If the Secretary determines that a State has met the requirements for a grant under subsection (a), the Secretary shall make a certification to that effect to the Secretary of the Treasury, as well as a certification as to the amount of the grant payment to be transferred to the State account in the Unemployment Trust Fund under section 904 of the Social Security Act (42 U.S.C. 1104). The Secretary of the Treasury shall make the appropriate transfer to the State account not later than 7 days after receiving such certification.

(c) ALLOTMENT FACTORS.—For purposes of allotting the funds available under subsection (d) to States that have met the requirements for a grant under this section, the amount of the grant provided to each State shall be determined based upon the percentage of unemployed individuals in the State relative to the percentage of unemployed individuals in all States.

(d) FUNDING.—There are appropriated, out of moneys in the Treasury not otherwise appropriated, $35,000,000 for the period of fiscal year 2012 through fiscal year 2013 for purposes of carrying out the grant program under this section,

SEC. 2183. ASSISTANCE AND GUIDANCE IN IMPLEMENTING SELF-EMPLOYMENT ASSISTANCE PROGRAMS.

(a) MODEL LANGUAGE AND GUIDANCE.—For purposes of assisting States in establishing, improving, and administering self-employment assistance programs, the Secretary shall—

(1) develop model language that may be used by States in enacting such programs, as well as periodically review and revise such model language; and

(2) provide technical assistance and guidance in establishing, improving, and administering such programs.

(b) REPORTING AND EVALUATION.—

(1) REPORTING.—The Secretary shall establish reporting requirements for States that have established self-employment assistance programs, which shall include reporting on—

(A) the total number of individuals who received unemployment compensation and—

(i) were referred to a self-employment assistance program;

(ii) participated in such program; and

(iii) received an allowance under such program;

(B) the total amount of allowances provided to individuals participating in a self-employment assistance program;

(C) the total income (as determined by survey or other appropriate method) for businesses that have been established by individuals participating in a self-employment assistance program, as well as the total number of individuals employed through such businesses; and

(D) any additional information, as determined appropriate by the Secretary.

(2) EVALUATION.—Not later than 5 years after the date of the enactment of this Act, the Secretary shall submit to Congress a report that evaluates the effectiveness of self-employment assistance programs established by States, including—

(A) an analysis of the implementation and operation of self-employment assistance programs by States;

(B) an evaluation of the economic outcomes for individuals who participated in a self-employment assistance program as compared to individuals who received unemployment compensation and did not participate in a self-employment assistance program, including a comparison as to employment status, income, and duration of receipt of unemployment compensation or self-employment assistance allowances; and

(C) an evaluation of the state of the businesses started by individuals who participated in a self-employment assistance program, including information regarding—

(i) the type of businesses established;

(ii) the sustainability of the businesses;

(iii) the total income collected by the businesses;

(iv) the total number of individuals employed through such businesses; and

(v) the estimated Federal and State tax revenue collected from such businesses and their employees.

(c) FLEXIBILITY AND ACCOUNTABILITY.—The model language, guidance, and reporting requirements developed by the Secretary under subsections (a) and (b) shall—

(1) allow sufficient flexibility for States and participating individuals; and

(2) ensure accountability and program integrity.

(d) CONSULTATION.—For purposes of developing the model language, guidance, and reporting requirements described under subsections (a) and (b), the Secretary shall consult with employers, labor organizations, State agencies, and other relevant program experts.

(e) ENTREPRENEURIAL TRAINING PROGRAMS.—The Secretary shall utilize resources available through the Department of Labor and coordinate with the Administrator of the Small Business Administration to ensure that adequate funding is reserved and made available for the provision of entrepreneurial training to individuals participating in self-employment assistance programs.

(f) SELF-EMPLOYMENT ASSISTANCE PROGRAM.—For purposes of this section, the term ''self-employment assistance program'' means a program established pursuant to section 3306(t) of the Internal Revenue Code of 1986 (26 U.S.C. 3306(t)), section 208 of the Federal-State Extended Unemployment Compensation Act of 1970, or section 4001(j) of the Supplemental Appropriations Act, 2008, for individuals who are eligible to receive regular unemployment compensation, extended compensation, or emergency unemployment compensation.

SEC. 2184. DEFINITIONS.

In this subtitle:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Labor.

(2) STATE; STATE AGENCY.—The terms ''State'' and ''State agency'' have the meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

TITLE III—MEDICARE AND OTHER HEALTH PROVISIONS

Subtitle A—Medicare Extensions

SEC. 3001. EXTENSION OF MMA SECTION 508 RECLASSIFICATIONS.

(a) IN GENERAL.—Section 106(a) of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note), as amended by section 117 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), section 124 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), sections 3137(a) and 10317 of the Patient Protection and Affordable Care Act (Public Law 111–148), section 102(a) of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111–309), and section 302(a) of the Temporary Payroll Tax Cut Continuation Act of 2011 (Public Law 112–78), is amended by striking ''November 30, 2011'' and inserting ''March 31, 2012''.

(b) SPECIAL RULE.—

(1) IN GENERAL.—Subject to paragraph (2), for purposes of implementation of the amendment made by subsection (a), including for purposes of the implementation of paragraph (2) of section 117(a) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), for the period beginning on December 1, 2011, and ending on March 31, 2012, the Secretary of Health and Human Services shall use the hospital wage index that was promulgated by the Secretary of Health and Human Services in the Federal Register on August 18, 2011 (76 Fed. Reg. 51476), and any subsequent corrections.

(2) EXCEPTION.—In determining the wage index applicable to hospitals that qualify for wage index reclassification, the Secretary shall, for the period described in paragraph (1), include the average hourly wage data of hospitals whose reclassification was extended pursuant to the amendment made by subsection (a) only if including such data results in a higher applicable reclassified wage index. Any revision to hospital wage indexes made as a result of this paragraph shall not be effected in a budget neutral manner.

(c) TIMEFRAME FOR PAYMENTS.—

(1) IN GENERAL.—The Secretary shall make payments required under subsections (a) and (b) by not later than June 30, 2012.

(2) OCTOBER 2011 AND NOVEMBER 2011 CONFORMING CHANGE.—Section 302(c) of the Temporary Payroll Tax Cut Continuation Act of 2011 (Public Law 112-78) is amended by striking ''December 31, 2012'' and inserting ''June 30, 2012''.

SEC. 3002. EXTENSION OF OUTPATIENT HOLD HARMLESS PAYMENTS.

(a) IN GENERAL.—Section 1833(t)(7)(D)(i) of the Social Security Act (42 U.S.C. 1395l(t)(7)(D)(i)), as amended by section 308 of the Temporary Payroll Tax Cut Continuation Act of 2011 (Public Law 112–78), is amended—

(1) in subclause (II)—

(A) in the first sentence, by striking ''March 1, 2012'' and inserting ''January 1, 2013''; and

(B) in the second sentence, by striking ''or the first two months of 2012'' and inserting ''or 2012''; and

(2) in subclause (III), in the first sentence, by striking ''March 1, 2012'' and inserting ''January 1, 2013''.

(b) REPORT.—Not later than July 1, 2012, the Secretary of Health and Human Services shall submit to the Committees on Ways and Means and Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report including recommendations for which types of hospitals should continue to receive hold harmless payments described in subclauses (II) and (III) of section 1833(t)(7)(D)(i) of the Social Security Act (42 U.S.C. 1395l(t)(7)(D)(i)) in order to maintain adequate beneficiary access to outpatient services. In conducting such report, the Secretary should examine why some similarly situated

hospitals do not receive such hold harmless payments and are able to rely only on the prospective payment system for hospital outpatient department services under section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)).

SEC. 3003. PHYSICIAN PAYMENT UPDATE.

(a) IN GENERAL.—Section 1848(d)(13) of the Social Security Act (42 U.S.C. 1395w–4(d)(13)), as added by section 301 of the Temporary Payroll Tax Cut Continuation Act of 2011 (Public Law 112–78), is amended—

(1) in the heading, by striking ''FIRST TWO MONTHS OF 2012'' and inserting ''2012'';

(2) in subparagraph (A), by striking ''the period beginning on January 1, 2012, and ending on February 29, 2012'' and inserting ''2012'';

(3) in the heading of subparagraph (B), by striking ''REMAINING PORTION OF 2012'' and inserting ''2013''; and

(4) in subparagraph (B), by striking ''for the period beginning on March 1, 2012, and ending on December 31, 2012, and for 2013'' and inserting ''for 2013''.

(b) MANDATED STUDIES ON PHYSICIAN PAYMENT REFORM.—

(1) STUDY BY SECRETARY ON OPTIONS FOR BUNDLED OR EPISODE-BASED PAYMENT.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall conduct a study that examines options for bundled or episode-based payments, to cover physicians' services currently paid under the physician fee schedule under section 1848 of the Social Security Act (42 U.S.C. 1395w–4), for one or more prevalent chronic conditions (such as cancer, diabetes, and congestive heart failure) or episodes of care for one or more major procedures (such as medical device implantation). In conducting the study, the Secretary shall consult with medical professional societies and other relevant stakeholders. The study shall include an examination of related private payer payment initiatives.

(B) REPORT.—Not later than January 1, 2013, the Secretary shall submit to the Committees on Ways and Means and Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report on the study conducted under this paragraph. The Secretary shall include in the report recommendations on suitable alternative payment options for services paid under such fee schedule and on associated implementation requirements (such as timelines, operational issues, and interactions with other payment reform initiatives).

(2) GAO STUDY OF PRIVATE PAYER INITIATIVES.—

(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study that examines initiatives of private entities offering or administering health insurance coverage, group health plans, or other private health benefit plans to base or adjust physician payment rates under such coverage or plans for performance on quality and efficiency, as well as demonstration of care delivery improvement activities (such as adherence to evidence-based guidelines and patient-shared decision making programs). In conducting such study, the Comptroller General shall consult, to the extent appropriate, with medical professional societies and other relevant stakeholders.

(B) REPORT.—Not later than January 1, 2013, the Comptroller General shall submit to the Committees on Ways and Means and Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report on the study conducted under this paragraph. Such report shall include an assessment of the applicability of the payer initiatives described in subparagraph (A) to the Medicare program and recommendations on modifications to existing Medicare performance-based initiatives.

SEC. 3004. WORK GEOGRAPHIC ADJUSTMENT.

(a) IN GENERAL.—Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)(E)), as amended by section 303 of the Temporary Payroll Tax Cut Continuation Act of 2011 (Public Law 112–78), is amended by striking ''before March 1, 2012'' and inserting ''before January 1, 2013''.

(b) REPORT.—Not later than June 15, 2013, the Medicare Payment Advisory Commission shall submit to the Committees on Ways and Means and Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report that assesses whether any adjustment under section 1848 of the Social Security Act (42 U.S.C. 1395w–4) to distinguish the difference in work effort by geographic area is appropriate and, if so, what that level should be and where it should be applied. The report shall also assess the impact of the work geographic adjustment under such section, including the extent to which the floor on such adjustment impacts access to care.

SEC. 3005. PAYMENT FOR OUTPATIENT THERAPY SERVICES.

(a) APPLICATION OF ADDITIONAL REQUIREMENTS.—Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)), as amended by section 304 of the Temporary Payroll Tax Cut Continuation Act of 2011 (Public Law 112–78), is amended—

(1) by inserting ''(A)'' after ''(5)'';

(2) in the first sentence, by striking ''February 29, 2012'' and inserting ''December 31, 2012'';

(3) in the first sentence, by inserting ''and if the requirement of subparagraph (B) is met'' after ''medically necessary'';

(4) in the second sentence, by inserting ''made in accordance with such requirement'' after ''receipt of the request''; and

(5) by adding at the end the following new subparagraphs:

''(B) In the case of outpatient therapy services for which an exception is requested under the first sentence of subparagraph (A), the claim for such services shall contain an appropriate modifier (such as the KX modifier used as of the date of the enactment of this subparagraph) indicating that such services are medically necessary as justified by appropriate documentation in the medical record involved.

''(C)(i) In applying this paragraph with respect to a request for an exception with respect to expenses that would be incurred for outpatient therapy services (including services described in subsection (a)(8)(B)) that would exceed the threshold described in clause (ii) for a year, the request for such an exception, for services furnished on or after October 1, 2012, shall be subject to a manual medical review process that is similar to the manual medical review process used for certain exceptions under this paragraph in 2006.

''(ii) The threshold under this clause for a year is $3,700. Such threshold shall be applied separately—

''(I) for physical therapy services and speech-language pathology services; and

''(II) for occupational therapy services.''.

(b) TEMPORARY APPLICATION OF THERAPY CAP TO THERAPY FURNISHED AS PART OF HOSPITAL OUTPATIENT SERVICES.—Section 1833(g) of such Act (42 U.S.C.1395l(g)) is amended—

(1) in each of paragraphs (1) and (3), by striking ''but not described in section 1833(a)(8)(B)'' and inserting ''but (except as provided in paragraph (6)) not described in subsection (a)(8)(B)''; and

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

''(6) In applying paragraphs (1) and (3) to services furnished during the period beginning not later than October 1, 2012, and ending on December 31, 2012, the exclusion of services described in subsection (a)(8)(B) from the uniform dollar limitation specified in paragraph (2) shall not apply to such services furnished during 2012.''.

(c) REQUIREMENT FOR INCLUSION ON CLAIMS OF NPI OF PHYSICIAN WHO REVIEWS THERAPY PLAN.—Section 1842(t) of such Act (42 U.S.C. 1395u(t)) is amended—

(1) by inserting ''(1)'' after ''(t)''; and

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

''(2) Each request for payment, or bill submitted, for therapy services described in paragraph (1) or (3) of section 1833(g), including services described in section 1833(a)(8)(B), furnished on or after October 1, 2012, for which payment may be made under this part shall include the national provider identifier of the physician who periodically reviews the plan for such services under section 1861(p)(2).''.

(d) IMPLEMENTATION.—The Secretary of Health and Human Services shall implement such claims processing edits and issue such guidance as may be necessary to implement the amendments made by this section in a timely manner. Notwithstanding any other provision of law, the Secretary may implement the amendments made by this section by program instruction. Of the amount of funds made available to the Secretary for fiscal year 2012 for program management for the Centers for Medicare & Medicaid Services, not to exceed $9,375,000 shall be available for such fiscal year and the first 3 months of fiscal year 2013 to carry out section 1833(g)(5)(C) of the Social Security Act (relating to manual medical review), as added by subsection (a).

(e) EFFECTIVE DATE.—The requirement of subparagraph (B) of section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)), as added by subsection (a), shall apply to services furnished on or after March 1, 2012.

(f) MEDPAC REPORT ON IMPROVED MEDICARE THERAPY BENEFITS.—Not later than June 15, 2013, the Medicare Payment Advisory Commission shall submit to the Committees on Energy and Commerce and Ways and Means of the House of Representatives and to the Committee on Finance of the Senate a report making recommendations on how to improve the outpatient therapy benefit under part B of title XVIII of the Social Security Act. The report shall include recommendations on how to reform the payment system for such outpatient therapy services under such part so that the benefit is better designed to reflect individual acuity, condition, and therapy needs of the patient. Such report shall include an examination of private sector initiatives relating to outpatient therapy benefits.

(g) COLLECTION OF ADDITIONAL DATA.—

(1) STRATEGY.—The Secretary of Health and Human Services shall implement, beginning on January 1, 2013, a claims-based data collection strategy that is designed to assist in reforming the Medicare payment system for outpatient therapy services subject to the limitations of section 1833(g) of the Social Security Act (42 U.S.C. 1395l(g)). Such strategy shall be designed to provide for the collection of data on patient function during the course of therapy services in order to better understand patient condition and outcomes.

(2) CONSULTATION.—In proposing and implementing such strategy, the Secretary shall consult with relevant stakeholders.

(h) GAO REPORT ON MANUAL MEDICAL REVIEW PROCESS IMPLEMENTATION.—Not later than May 1, 2013, the Comptroller General of the United States shall submit to the Committees on Energy and Commerce and Ways and Means of the House of Representatives and to the Committee on Finance of the Senate a report on the implementation of the manual medical review process referred to in section 1833(g)(5)(C) of the Social Security Act, as added by subsection (a). Such report shall include aggregate data on the number of individuals and claims subject to such process, the number of reviews conducted under such process, and the outcome of such reviews.

SEC. 3006. PAYMENT FOR TECHNICAL COMPONENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES.

Section 542(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection

Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106–554), as amended by section 732 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395w–4 note), section 104 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395w–4 note), section 104 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), section 136 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), section 3104 of the Patient Protection and Affordable Care Act (Public Law 111–148), section 105 of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111–309), and section 305 of the Temporary Payroll Tax Cut Continuation Act of 2011 (Public Law 112–78), is amended by striking ''and the first two months of 2012'' and inserting ''and the first six months of 2012''.

SEC. 3007. AMBULANCE ADD-ON PAYMENTS.

(a) GROUND AMBULANCE.—Section 1834(l)(13)(A) of the Social Security Act (42 U.S.C. 1395m(l)(13)(A)), as amended by section 306(a) of the Temporary Payroll Tax Cut Continuation Act of 2011 (Public Law 112–78), is amended—

(1) in the matter preceding clause (i), by striking ''March 1, 2012'' and inserting ''January 1, 2013''; and

(2) in each of clauses (i) and (ii), by striking ''March 1, 2012'' and inserting ''January 1, 2013'' each place it appears.

(b) AIR AMBULANCE.—Section 146(b)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), as amended by sections 3105(b) and 10311(b) of the Patient Protection and Affordable Care Act (Public Law 111–148), section 106(b) of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111–309) and section 306(b) of the Temporary Payroll Tax Cut Continuation Act of 2011 (Public Law 112–78), is amended by striking ''February 29, 2012'' and inserting ''December 31, 2012''.

(c) SUPER RURAL AMBULANCE.—Section 1834(l)(12)(A) of the Social Security Act (42 U.S.C. 1395m(l)(12)(A)), as amended by section 306(c) of Temporary Payroll Tax Cut Continuation Act of 2011 (Public Law 112–78), is amended in the first sentence by striking ''March 1, 2012'' and inserting ''January 1, 2013''.

(d) GAO REPORT UPDATE.—Not later than October 1, 2012, the Comptroller General of the United States shall update the GAO report GAO–07–383 (relating to Ambulance Providers: Costs and Expected Medicare Margins Vary Greatly) to reflect current costs for ambulance providers.

(e) MEDPAC REPORT.—The Medicare Payment Advisory Commission shall conduct a study of—

(1) the appropriateness of the add-on payments for ambulance providers under paragraphs (12)(A) and (13)(A) of section 1834(l) of the Social Security Act (42 U.S.C. 1395m(l)) and the treatment of air ambulance providers under section 146(b)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275);

(2) the effect these add-on payments and such treatment have on the Medicare margins of ambulance providers; and

(3) whether there is a need to reform the Medicare ambulance fee schedule under such section and, if so, what should such reforms be, including whether the add-on payments should be included in the base rate.

Not later than June 15, 2013, the Commission shall submit to the Committees on Ways and Means and Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report on such study and shall include in the report such recommendations as the Commission deems appropriate.

Subtitle B—Other Health Provisions

SEC. 3101. QUALIFYING INDIVIDUAL PROGRAM.

(a) EXTENSION.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)), as amended by section 310(a) of the Temporary Payroll Tax Cut Continuation Act of 2011 (Public Law 112–78), is amended by striking ''February'' and inserting ''December''.

(b) EXTENDING TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(g) of such Act (42 U.S.C. 1396u–3(g)), as amended by section 310(b) of the Temporary Payroll Tax Cut Continuation Act of 2011 (Public Law 112–78), is amended—

(1) in paragraph (2)—

(A) in subparagraph (P), by striking ''and'' after the semicolon;

(B) in subparagraph (Q), by striking ''February 29, 2012, the total allocation amount is $150,000,000.'' and inserting ''September 30, 2012, the total allocation amount is $450,000,000; and''; and

(C) by adding at the end the following new subparagraph:

''(R) for the period that begins on October 1, 2012, and ends on December 31, 2012, the total allocation amount is $280,000,000.''; and

(2) in paragraph (3), in the matter preceding subparagraph (A), by striking ''or (P)'' and inserting ''(P), or (R)''.

SEC. 3102. TRANSITIONAL MEDICAL ASSISTANCE.

Sections 1902(e)(1)(B) and 1925(f) of the Social Security Act (42 U.S.C. 1396a(e)(1)(B), 1396r–6(f)), as amended by section 311 of the Temporary Payroll Tax Cut Continuation Act of 2011 (Public Law 112–78), are each amended by striking ''February 29'' and inserting ''December 31''.

Subtitle C—Health Offsets

SEC. 3201. REDUCTION OF BAD DEBT TREATED AS AN ALLOWABLE COST.

(a) HOSPITALS.—Section 1861(v)(1)(T) of the Social Security Act (42 U.S.C. 1395x(v)(1)(T)) is amended—

(1) in clause (iii), by striking ''and'' at the end;

(2) in clause (iv)—

(A) by striking ''a subsequent fiscal year'' and inserting ''fiscal years 2001 through 2012''; and

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

(3) by adding at the end the following:

''(v) for cost reporting periods beginning during fiscal year 2013 or a subsequent fiscal year, by 35 percent of such amount otherwise allowable.''.

(b) SKILLED NURSING FACILITIES.—Section 1861(v)(1)(V) of such Act (42 U.S.C. 1395x(v)(1)(V)) is amended—

(1) in the matter preceding clause (i), by striking ''with respect to cost reporting periods beginning on or after October 1, 2005'' and inserting ''and (beginning with respect to cost reporting periods beginning during fiscal year 2013) for covered skilled nursing services described in section 1888(e)(2)(A) furnished by hospital providers of extended care services (as described in section 1883)'';

(2) in clause (i), by striking ''reduced by'' and all that follows through ''allowable; and'' and inserting the following: ''reduced by—

''(I) for cost reporting periods beginning on or after October 1, 2005, but before fiscal year 2013, 30 percent of such amount otherwise allowable; and

''(II) for cost reporting periods beginning during fiscal year 2013 or a subsequent fiscal year, by 35 percent of such amount otherwise allowable.''; and

(3) in clause (ii), by striking ''such section shall not be reduced.'' and inserting ''such section—

''(I) for cost reporting periods beginning on or after October 1, 2005, but before fiscal year 2013, shall not be reduced;

''(II) for cost reporting periods beginning during fiscal year 2013, shall be reduced by 12 percent of such amount otherwise allowable;

''(III) for cost reporting periods beginning during fiscal year 2014, shall be reduced by 24 percent of such amount otherwise allowable; and

''(IV) for cost reporting periods beginning during a subsequent fiscal year, shall be reduced by 35 percent of such amount otherwise allowable.''.

(c) CERTAIN OTHER PROVIDERS.—Section 1861(v)(1) of such Act (42 U.S.C. 1395x(v)(1)) is amended by adding at the end the following new subparagraph:

''(W)(i) In determining such reasonable costs for providers described in clause (ii), the amount of bad debts otherwise treated as allowable costs which are attributable to deductibles and coinsurance amounts under this title shall be reduced—

''(I) for cost reporting periods beginning during fiscal year 2013, by 12 percent of such amount otherwise allowable;

''(II) for cost reporting periods beginning during fiscal year 2014, by 24 percent of such amount otherwise allowable; and

''(III) for cost reporting periods beginning during a subsequent fiscal year, by 35 percent of such amount otherwise allowable.

''(ii) A provider described in this clause is a provider of services not described in subparagraph (T) or (V), a supplier, or any other type of entity that receives payment for bad debts under the authority under subparagraph (A).''.

(d) CONFORMING AMENDMENT FOR HOSPITAL SERVICES.—Section 4008(c) of the Omnibus Budget Reconciliation Act of 1987 (42 U.S.C. 1395 note), as amended by section 8402 of the Technical and Miscellaneous Revenue Act of 1988 and section 6023 of the Omnibus Budget Reconciliation Act of 1989, is amended by adding at the end the following new sentence: ''Effective for cost reporting periods beginning on or after October 1, 2012, the provisions of the previous two sentences shall not apply.''.

SEC. 3202. REBASE MEDICARE CLINICAL LABORATORY PAYMENT RATES.

Section 1833(h)(2)(A) of the Social Security Act (42 U.S.C. 1395l(h)(2)(A)) is amended—

(1) in clause (i), by striking ''paragraph (4)'' and inserting ''clause (v), subparagraph (B), and paragraph (4)'';

(2) by moving clause (iv), subclauses (I) and (II) of such clause, and the flush matter at the end of such clause 6 ems to the left; and

(3) by adding at the end the following new clause:

''(v) The Secretary shall reduce by 2 percent the fee schedules otherwise determined under clause (i) for 2013, and such reduced fee schedules shall serve as the base for 2014 and subsequent years.''.

SEC. 3203. REBASING STATE DSH ALLOTMENTS FOR FISCAL YEAR 2021.

Section 1923(f) of the Social Security Act (42 U.S.C. 1396r–4(f)) is amended—

(1) by redesignating paragraph (8) as paragraph (9);

(2) in paragraph (3)(A) by striking ''paragraphs (6) and (7)'' and inserting ''paragraphs (6), (7), and (8)''; and

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

''(8) REBASING OF STATE DSH ALLOTMENTS FOR FISCAL YEAR 2021.—With respect to fiscal year 2021, for purposes of applying paragraph (3)(A) to determine the DSH allotment for a State, the amount of the DSH allotment for the State under paragraph (3) for fiscal year 2020 shall be equal to the DSH allotment as reduced under paragraph (7).''.

SEC. 3204. TECHNICAL CORRECTION TO THE DISASTER RECOVERY FMAP PROVISION.

(a) IN GENERAL.—Section 1905(aa) of the Social Security Act (42 U.S.C. 1396d(aa)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''the Federal medical assistance percentage determined for the fiscal year'' and all that follows through the period and inserting ''the State's

regular FMAP shall be increased by 50 percent of the number of percentage points by which the State's regular FMAP for such fiscal year is less than the Federal medical assistance percentage determined for the State for the preceding fiscal year after the application of only subsection (a) of section 5001 of Public Law 111–5 (if applicable to the preceding fiscal year) and without regard to this subsection, subsections (y) and (z), and subsections (b) and (c) of section 5001 of Public Law 111–5.''; and

(B) in subparagraph (B), by striking ''Federal medical assistance percentage determined for the preceding fiscal year'' and all that follows through the period and inserting ''State's regular FMAP for such fiscal year shall be increased by 25 percent of the number of percentage points by which the State's regular FMAP for such fiscal year is less than the Federal medical assistance percentage received by the State during the preceding fiscal year.'';

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking ''Federal medical assistance percentage determined for the State for the fiscal year'' and all that follows through ''Act,'' and inserting ''State's regular FMAP for the fiscal year''; and

(ii) by striking ''subsection (y)'' and inserting ''subsections (y) and (z)''; and

(B) in subparagraph (B), by striking ''Federal medical assistance percentage determined for the State for the fiscal year'' and all that follows through ''Act,'' and inserting ''State's regular FMAP for the fiscal year'';

(3) by redesignating paragraph (3) as paragraph (4); and

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

''(3) In this subsection, the term 'regular FMAP' means, for each fiscal year for which this subsection applies to a State, the Federal medical assistance percentage that would otherwise apply to the State for the fiscal year, as determined under subsection (b) and without regard to this subsection, subsections (y) and (z), and section 10202 of the Patient Protection and Affordable Care Act.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2013.

SEC. 3205. PREVENTION AND PUBLIC HEALTH FUND.

Section 4002(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 300u–11(b)) is amended by striking paragraphs (2) through (6) and inserting the following:

''(2) for each of fiscal years 2012 through 2017, $1,000,000,000;

''(3) for each of fiscal years 2018 and 2019, $1,250,000,000;

''(4) for each of fiscal years 2020 and 2021, $1,500,000,000; and

''(5) for fiscal year 2022, and each fiscal year thereafter, $2,000,000,000.''.

TITLE IV—TANF EXTENSION

SEC. 4001. SHORT TITLE.

This title may be cited as the ''Welfare Integrity and Data Improvement Act''.

SEC. 4002. EXTENSION OF PROGRAM.

(a) FAMILY ASSISTANCE GRANTS.—Section 403(a)(1) of the Social Security Act (42 U.S.C. 603(a)(1)) is amended—

(1) in subparagraph (A), by striking ''each of fiscal years 1996'' and all that follows through ''2003'' and inserting ''fiscal year 2012'';

(2) in subparagraph (B)—

(A) by inserting ''(as in effect just before the enactment of the Welfare Integrity and Data Improvement Act)'' after ''this paragraph'' the 1st place it appears; and

(B) by inserting ''(as so in effect)'' after ''this paragraph'' the 2nd place it appears; and

(3) in subparagraph (C), by striking ''2003'' and inserting ''2012''.

(b) HEALTHY MARRIAGE PROMOTION AND RESPONSIBLE FATHERHOOD GRANTS.—Section 403(a)(2)(D) of such Act (42 U.S.C. 603(a)(2)(D)) is amended by striking ''2011'' each place it appears and inserting ''2012''.

(c) MAINTENANCE OF EFFORT REQUIREMENT.—Section 409(a)(7) of such Act (42 U.S.C. 609(a)(7)) is amended—

(1) in subparagraph (A), by striking ''fiscal year'' and all that follows through ''2013'' and inserting ''a fiscal year''; and

(2) in subparagraph (B)(ii)—

(A) by striking ''for fiscal years 1997 through 2012,''; and

(B) by striking ''407(a) for the fiscal year,'' and inserting ''407(a),''.

(d) TRIBAL GRANTS.—Section 412(a) of such Act (42 U.S.C. 612(a)) is amended in each of paragraphs (1)(A) and (2)(A) by striking ''each of fiscal years 1997'' and all that follows through ''2003'' and inserting ''fiscal year 2012''.

(e) STUDIES AND DEMONSTRATIONS.—Section 413(h)(1) of such Act (42 U.S.C. 613(h)(1)) is amended by striking ''each of fiscal years 1997 through 2002'' and inserting ''fiscal year 2012''.

(f) CENSUS BUREAU STUDY.—Section 414(b) of such Act (42 U.S.C. 614(b)) is amended by striking ''each of fiscal years 1996'' and all that follows through ''2003'' and inserting ''fiscal year 2012''.

(g) CHILD CARE ENTITLEMENT.—Section 418(a)(3) of such Act (42 U.S.C. 618(a)(3)) is amended by striking ''appropriated'' and all that follows and inserting ''appropriated $2,917,000,000 for fiscal year 2012.''.

(h) GRANTS TO TERRITORIES.—Section 1108(b)(2) of such Act (42 U.S.C. 1308(b)(2)) is amended by striking ''fiscal years 1997 through 2003'' and inserting ''fiscal year 2012''.

(i) PREVENTION OF DUPLICATE APPROPRIATIONS FOR FISCAL YEAR 2012.—Expenditures made pursuant to the Short-Term TANF Extension Act (Public Law 112–35) and the Temporary Payroll Tax Cut Continuation Act of 2011 (Public Law 112–78) for fiscal year 2012 shall be charged to the applicable appropriation or authorization provided by the amendments made by this section for such fiscal year.

(j) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 4003. DATA EXCHANGE STANDARDIZATION FOR IMPROVED INTEROPERABILITY.

(a) IN GENERAL.—Section 411 of the Social Security Act (42 U.S.C. 611) is amended by adding at the end the following:

''(d) DATA EXCHANGE STANDARDIZATION FOR IMPROVED INTEROPERABILITY.—

''(1) DATA EXCHANGE STANDARDS.—

''(A) DESIGNATION.—The Secretary, in consultation with an interagency work group which shall be established by the Office of Management and Budget, and considering State and tribal perspectives, shall, by rule, designate a data exchange standard for any category of information required to be reported under this part.

''(B) DATA EXCHANGE STANDARDS MUST BE NONPROPRIETARY AND INTEROPERABLE.—The data exchange standard designated under subparagraph (A) shall, to the extent practicable, be nonproprietary and interoperable.

''(C) OTHER REQUIREMENTS.—In designating data exchange standards under this section, the Secretary shall, to the extent practicable, incorporate—

''(i) interoperable standards developed and maintained by an international voluntary consensus standards body, as defined by the Office of Management and Budget, such as the International Organization for Standardization;

''(ii) interoperable standards developed and maintained by intergovernmental partnerships, such as the National Information Exchange Model; and

''(iii) interoperable standards developed and maintained by Federal entities with authority over contracting and financial assistance, such as the Federal Acquisition Regulatory Council.

''(2) DATA EXCHANGE STANDARDS FOR REPORTING.—

''(A) DESIGNATION.—The Secretary, in consultation with an interagency work group established by the Office of Management and Budget, and considering State and tribal perspectives, shall, by rule, designate data exchange standards to govern the data reporting required under this part.

''(B) REQUIREMENTS.—The data exchange standards required by subparagraph (A) shall, to the extent practicable—

''(i) incorporate a widely-accepted, nonproprietary, searchable, computer-readable format;

''(ii) be consistent with and implement applicable accounting principles; and

''(iii) be capable of being continually upgraded as necessary.

''(C) INCORPORATION OF NONPROPRIETARY STANDARDS.—In designating reporting standards under this paragraph, the Secretary shall, to the extent practicable, incorporate existing nonproprietary standards, such as the eXtensible Markup Language.''.

(b) EFFECTIVE DATES.—

(1) DATA EXCHANGE STANDARDS.—The Secretary of Health and Human Services shall issue a proposed rule under section 411(d)(1) of the Social Security Act within 12 months after the date of the enactment of this section, and shall issue a final rule under such section 411(d)(1), after public comment, within 24 months after such date of enactment.

(2) DATA REPORTING STANDARDS.—The reporting standards required under section 411(d)(2) of such Act shall become effective with respect to reports required in the first reporting period, after the effective date of the final rule referred to in paragraph (1) of this subsection, for which the authority for data collection and reporting is established or renewed under the Paperwork Reduction Act.

SEC. 4004. SPENDING POLICIES FOR ASSISTANCE UNDER STATE TANF PROGRAMS.

(a) STATE REQUIREMENT.—Section 408(a) of the Social Security Act (42 U.S.C. 608(a)) is amended by adding at the end the following:

''(12) STATE REQUIREMENT TO PREVENT UNAUTHORIZED SPENDING OF BENEFITS.—

''(A) IN GENERAL.—A State to which a grant is made under section 403 shall maintain policies and practices as necessary to prevent assistance provided under the State program funded under this part from being used in any electronic benefit transfer transaction in—

''(i) any liquor store;

''(ii) any casino, gambling casino, or gaming establishment; or

''(iii) any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment.

''(B) DEFINITIONS.—For purposes of subparagraph (A)—

''(i) LIQUOR STORE.—The term 'liquor store' means any retail establishment which sells exclusively or primarily intoxicating liquor. Such term does not include a grocery store which sells both intoxicating liquor and groceries including staple foods (within the meaning of section 3(r) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(r))).

''(ii) CASINO, GAMBLING CASINO, OR GAMING ESTABLISHMENT.—The terms 'casino', 'gambling casino', and 'gaming establishment' do not include—

''(I) a grocery store which sells groceries including such staple foods and which also offers, or is located within the same building or complex as, casino, gambling, or gaming activities; or

''(II) any other establishment that offers casino, gambling, or gaming activities incidental to the principal purpose of the business.

''(iii) ELECTRONIC BENEFIT TRANSFER TRANSACTION.—The term 'electronic benefit transfer transaction' means the use of a credit or debit card service, automated teller machine, point-of-sale terminal, or access to an online system for the withdrawal of funds or the processing of a payment for merchandise or a service.''.

(b) PENALTY.—Section 409(a) of such Act (42 U.S.C. 609(a)) is amended by adding at the end the following:

''(16) PENALTY FOR FAILURE TO ENFORCE SPENDING POLICIES.—

''(A) IN GENERAL.—If, within 2 years after the date of the enactment of this paragraph, any State has not reported to the Secretary on such State's implementation of the policies and practices required by section 408(a)(12), or the Secretary determines, based on the information provided in State reports, that any State has not implemented and maintained such policies and practices, the Secretary shall reduce, by an amount equal to 5 percent of the State family assistance grant, the grant payable to such State under section 403(a)(1) for—

''(i) the fiscal year immediately succeeding the year in which such 2-year period ends; and

''(ii) each succeeding fiscal year in which the State does not demonstrate that such State has implemented and maintained such policies and practices.

''(B) REDUCTION OF APPLICABLE PENALTY.—The Secretary may reduce the amount of the reduction required under subparagraph (A) based on the degree of noncompliance of the State.

''(C) STATE NOT RESPONSIBLE FOR INDIVIDUAL VIOLATIONS.—Fraudulent activity by any individual in an attempt to circumvent the policies and practices required by section 408(a)(12) shall not trigger a State penalty under subparagraph (A).''.

(c) ADDITIONAL STATE PLAN REQUIREMENTS.—Section 402(a)(1)(A) of such Act (42 U.S.C. 602(a)(1)(A)) is amended by adding at the end the following:

''(vii) Implement policies and procedures as necessary to prevent access to assistance provided under the State program funded under this part through any electronic fund transaction in an automated teller machine or point-of-sale device located in a place described in section 408(a)(12), including a plan to ensure that recipients of the assistance have adequate access to their cash assistance.

''(viii) Ensure that recipients of assistance provided under the State program funded under this part have access to using or withdrawing assistance with minimal fees or charges, including an opportunity to access assistance with no fee or charges, and are provided information on applicable fees and surcharges that apply to electronic fund transactions involving the assistance, and that such information is made publicly available.''.

(d) CONFORMING AMENDMENT.—Section 409(c)(4) of such Act (42 U.S.C. 609(c)(4)) is amended by striking ''or (13)'' and inserting ''(13), or (16)''.

SEC. 4005. TECHNICAL CORRECTIONS.

(a) Section 404(d)(1)(A) of the Social Security Act (42 U.S.C. 604(d)(1)(A)) is amended by striking ''subtitle 1 of Title'' and inserting ''Subtitle A of title''.

(b) Sections 407(c)(2)(A)(i) and 409(a)(3)(C) of such Act (42 U.S.C. 607(c)(2)(A)(i) and 609(a)(3)(C)) are each amended by striking ''403(b)(6)'' and inserting ''403(b)(5)''.

(c) Section 409(a)(2)(A) of such Act (42 U.S.C. 609(a)(2)(A)) is amended by moving clauses (i) and (ii) 2 ems to the right.

(d) Section 409(c)(2) of such Act (42 U.S.C. 609(c)(2)) is amended by inserting a comma after ''appropriate''.

(e) Section 411(a)(1)(A)(ii)(III) of such Act (42 U.S.C. 611(a)(1)(A)(ii)(III)) is amended by striking the last close parenthesis.

TITLE V—FEDERAL EMPLOYEES RETIREMENT

SEC. 5001. INCREASE IN CONTRIBUTIONS TO FEDERAL EMPLOYEES' RETIREMENT SYSTEM FOR NEW EMPLOYEES.

(a) DEFINITIONS.—Section 8401 of title 5, United States Code, is amended—

(1) in paragraph (35), by striking ''and'' at the end;

(2) in paragraph (36), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(37) the term 'revised annuity employee' means any individual who—

''(A) on December 31, 2012—

''(i) is not an employee or Member covered under this chapter;

''(ii) is not performing civilian service which is creditable service under section 8411; and

''(iii) has less than 5 years of creditable civilian service under section 8411; and

''(B) after December 31, 2012, becomes employed as an employee or becomes a Member covered under this chapter performing service which is creditable service under section 8411.''.

(b) INCREASE IN CONTRIBUTIONS.—Section 8422(a)(3) of title 5, United States Code, is amended—

(1) by striking ''The applicable percentage under this paragraph for civilian service'' and inserting ''(A) The applicable percentage under this paragraph for civilian service by employees or Members other than revised annuity employees''; and

(2) by adding at the end the following:

''(B) The applicable percentage under this paragraph for civilian service by revised annuity employees shall be as follows:

''Employee	*9.3*	*After December 31, 2012.*
Congressional employee	*9.3*	*After December 31, 2012.*
Member	*9.3*	*After December 31, 2012.*
Law enforcement officer, firefighter, member of the Capitol Police, member of the Supreme Court Police, or air traffic controller	*9.8*	*After December 31, 2012.*
Nuclear materials courier	*9.8*	*After December 31, 2012.*
Customs and border protection officer	*9.8*	*After December 31, 2012.''.*

(c) REDUCTION IN CONGRESSIONAL ANNUITIES.—

(1) IN GENERAL.—Section 8415 of title 5, United States Code, is amended—

(A) by redesignating subsections (d) through (m) as subsections (e) through (n), respectively; and

(B) by inserting after subsection (c) the following:

''(d) Notwithstanding any other provision of law, the annuity of an individual described in subsection (b) or (c) who is a revised annuity employee shall be computed in the same manner as in the case of an individual described in subsection (a).''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) Section 8422(d)(2) of title 5, United States Code, is amended by striking ''section 8415(l)'' and inserting ''section 8415(m)''.

(B) Section 8452(d)(1) of title 5, United States Code, is amended by striking ''subsection (g)'' and inserting ''subsection (h)''.

(C) Section 8468(b)(1)(A) of title 5, United States Code, is amended by striking ''section 8415(a) through (h)'' and inserting ''section 8415(a) through (i)''.

(D) Section 805(a)(2)(B) of the Foreign Service Act of 1980 (22 U.S.C. 4045(a)(2)(B)) is amended by striking ''section 8415(d)'' and inserting ''section 8415(e)''.

(E) Section 806(a) of the Foreign Service Act of 1980 (22 U.S.C. 4046(a)) is amended by striking ''section 8415(d)'' each place it appears and inserting ''section 8415(e)''.

(F) Section 855(b) of the Foreign Service Act of 1980 (22 U.S.C. 4071d(b)) is amended—

(i) in paragraph (2)(A), by striking ''section 8415(d)(1)'' and inserting ''section 8415(e)(1)''; and

(ii) in paragraph (5), by striking ''section 8415(f)(1)'' and inserting ''section 8415(g)(1)''.

(G) Section 303(b)(1) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2153(b)(1)) is amended by striking ''section 8415(d)'' and inserting ''section 8415(e)''.

SEC. 5002. FOREIGN SERVICE PENSION SYSTEM.

(a) DEFINITION.—Section 852 of the Foreign Service Act of 1980 (22 U.S.C. 4071a) is amended—

(1) by redesignating paragraphs (7), (8), and (9) as paragraphs (8), (9), and (10), respectively; and

(2) by inserting after paragraph (6) the following:

''(7) the term 'revised annuity participant' means any individual who—

''(A) on December 31, 2012—

''(i) is not a participant;

''(ii) is not performing service which is creditable service under section 854; and

''(iii) has less than 5 years creditable service under section 854; and

''(B) after December 31, 2012, becomes a participant performing service which is creditable service under section 854;''.

(b) DEDUCTIONS AND WITHHOLDINGS FROM PAY.—Section 856(a)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4071e(a)(2)) is amended—

(1) by striking ''The applicable percentage under this subsection'' and inserting ''(A) The applicable percentage for a participant other than a revised annuity participant''; and

(2) by adding at the end the following:

''(B) The applicable percentage for a revised annuity participant shall be as follows:

''9.85 ..... After December 31, 2012''.

SEC. 5003. CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM.

Section 211(a) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2021(a)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by striking paragraphs (1) and (2) and inserting the following:

''(1) DEFINITION.—In this subsection, the term 'revised annuity participant' means an individual who—

''(A) on December 31, 2012—

''(i) is not a participant;

''(ii) is not performing qualifying service; and

''(iii) has less than 5 years of qualifying service; and

''(B) after December 31, 2012, becomes a participant performing qualifying service.

''(2) CONTRIBUTIONS.—

''(A) IN GENERAL.—Except as provided in subsection (d), 7 percent of the basic pay received by a participant other than a revised annuity participant for any pay period shall be deducted and withheld from the pay of that participant and contributed to the fund.

''(B) REVISED ANNUITY PARTICIPANTS.—Except as provided in subsection (d), 9.3 percent of the basic pay received by a revised annuity participant for any pay period shall be deducted and withheld from the pay of that revised annuity participant and contributed to the fund.

''(3) AGENCY CONTRIBUTIONS.—

''(A) IN GENERAL.—An amount equal to 7 percent of the basic pay received by a participant other than a revised annuity participant shall be contributed to the fund for a pay period for the participant from the appropriation or fund which is used for payment of the participant's basic pay.

''(B) REVISED ANNUITY PARTICIPANTS.—An amount equal to 4.7 percent of the basic pay received by a revised annuity participant shall be contributed to the fund for a pay period for the revised annuity participant from

the appropriation or fund which is used for payment of the revised annuity participant's basic pay.''.

TITLE VI—PUBLIC SAFETY COMMUNICATIONS AND ELECTROMAGNETIC SPECTRUM AUCTIONS

SEC. 6001. DEFINITIONS.

In this title:

(1) 700 MHZ BAND.—The term ''700 MHz band'' means the portion of the electromagnetic spectrum between the frequencies from 698 megahertz to 806 megahertz.

(2) 700 MHZ D BLOCK SPECTRUM.—The term ''700 MHz D block spectrum'' means the portion of the electromagnetic spectrum between the frequencies from 758 megahertz to 763 megahertz and between the frequencies from 788 megahertz to 793 megahertz.

(3) APPROPRIATE COMMITTEES OF CONGRESS.—Except as otherwise specifically provided, the term ''appropriate committees of Congress'' means—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Energy and Commerce of the House of Representatives.

(4) ASSISTANT SECRETARY.—The term ''Assistant Secretary'' means the Assistant Secretary of Commerce for Communications and Information.

(5) BOARD.—The term ''Board'' means the Board of the First Responder Network Authority established under section 6204(b).

(6) BROADCAST TELEVISION LICENSEE.—The term ''broadcast television licensee'' means the licensee of—

(A) a full-power television station; or

(B) a low-power television station that has been accorded primary status as a Class A television licensee under section 73.6001(a) of title 47, Code of Federal Regulations.

(7) BROADCAST TELEVISION SPECTRUM.—The term ''broadcast television spectrum'' means the portions of the electromagnetic spectrum between the frequencies from 54 megahertz to 72 megahertz, from 76 megahertz to 88 megahertz, from 174 megahertz to 216 megahertz, and from 470 megahertz to 698 megahertz.

(8) COMMERCIAL MOBILE DATA SERVICE.—The term ''commercial mobile data service'' means any mobile service (as defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153)) that is—

(A) a data service;

(B) provided for profit; and

(C) available to the public or such classes of eligible users as to be effectively available to a substantial portion of the public, as specified by regulation by the Commission.

(9) COMMERCIAL MOBILE SERVICE.—The term ''commercial mobile service'' has the meaning given such term in section 332 of the Communications Act of 1934 (47 U.S.C. 332).

(10) COMMERCIAL STANDARDS.—The term ''commercial standards'' means the technical standards followed by the commercial mobile service and commercial mobile data service industries for network, device, and Internet Protocol connectivity. Such term includes standards developed by the Third Generation Partnership Project (3GPP), the Institute of Electrical and Electronics Engineers (IEEE), the Alliance for Telecommunications Industry Solutions (ATIS), the Internet Engineering Task Force (IETF), and the International Telecommunication Union (ITU).

(11) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(12) CORE NETWORK.—The term ''core network'' means the core network described in section 6202(b)(1).

(13) EMERGENCY CALL.—The term ''emergency call'' means any real-time communication with a public safety answering point or other emergency management or response agency, including—

(A) through voice, text, or video and related data; and

(B) nonhuman-initiated automatic event alerts, such as alarms, telematics, or sensor data, which may also include real-time voice, text, or video communications.

(14) EXISTING PUBLIC SAFETY BROADBAND SPECTRUM.—The term ''existing public safety broadband spectrum'' means the portion of the electromagnetic spectrum between the frequencies—

(A) from 763 megahertz to 768 megahertz;

(B) from 793 megahertz to 798 megahertz;

(C) from 768 megahertz to 769 megahertz; and

(D) from 798 megahertz to 799 megahertz.

(15) FIRST RESPONDER NETWORK AUTHORITY.—The term ''First Responder Network Authority'' means the First Responder Network Authority established under section 6204.

(16) FORWARD AUCTION.—The term ''forward auction'' means the portion of an incentive auction of broadcast television spectrum under section 6403(c).

(17) INCENTIVE AUCTION.—The term ''incentive auction'' means a system of competitive bidding under subparagraph (G) of section 309(j)(8) of the Communications Act of 1934, as added by section 6402.

(18) INTEROPERABILITY BOARD.—The term ''Interoperability Board'' means the Technical Advisory Board for First Responder Interoperability established under section 6203.

(19) MULTICHANNEL VIDEO PROGRAMMING DISTRIBUTOR.—The term ''multichannel video programming distributor'' has the meaning given such term in section 602 of the Communications Act of 1934 (47 U.S.C. 522).

(20) NARROWBAND SPECTRUM.—The term ''narrowband spectrum'' means the portion of the electromagnetic spectrum between the frequencies from 769 megahertz to 775 megahertz and between the frequencies from 799 megahertz to 805 megahertz.

(21) NATIONWIDE PUBLIC SAFETY BROADBAND NETWORK.—The term ''nationwide public safety broadband network'' means the nationwide, interoperable public safety broadband network described in section 6202.

(22) NEXT GENERATION 9–1–1 SERVICES.—The term ''Next Generation 9–1–1 services'' means an IP-based system comprised of hardware, software, data, and operational policies and procedures that—

(A) provides standardized interfaces from emergency call and message services to support emergency communications;

(B) processes all types of emergency calls, including voice, text, data, and multimedia information;

(C) acquires and integrates additional emergency call data useful to call routing and handling;

(D) delivers the emergency calls, messages, and data to the appropriate public safety answering point and other appropriate emergency entities;

(E) supports data or video communications needs for coordinated incident response and management; and

(F) provides broadband service to public safety answering points or other first responder entities.

(23) NIST.—The term ''NIST'' means the National Institute of Standards and Technology.

(24) NTIA.—The term ''NTIA'' means the National Telecommunications and Information Administration.

(25) PUBLIC SAFETY ANSWERING POINT.—The term ''public safety answering point'' has the meaning given such term in section 222 of the Communications Act of 1934 (47 U.S.C. 222).

(26) PUBLIC SAFETY ENTITY.—The term ''public safety entity'' means an entity that provides public safety services.

(27) PUBLIC SAFETY SERVICES.—The term ''public safety services''—

(A) has the meaning given the term in section 337(f) of the Communications Act of 1934 (47 U.S.C. 337(f)); and

(B) includes services provided by emergency response providers, as that term is defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(28) PUBLIC SAFETY TRUST FUND.—The term ''Public Safety Trust Fund'' means the trust fund established under section 6413(a)(1).

(29) RADIO ACCESS NETWORK.—The term ''radio access network'' means the radio access network described in section 6202(b)(2).

(30) REVERSE AUCTION.—The term ''reverse auction'' means the portion of an incentive auction of broadcast television spectrum under section 6403(a), in which a broadcast television licensee may submit bids stating the amount it would accept for voluntarily relinquishing some or all of its broadcast television spectrum usage rights.

(31) STATE.—The term ''State'' has the meaning given such term in section 3 of the Communications Act of 1934 (47 U.S.C. 153).

(32) ULTRA HIGH FREQUENCY.—The term ''ultra high frequency'' means, with respect to a television channel, that the channel is located in the portion of the electromagnetic spectrum between the frequencies from 470 megahertz to 698 megahertz.

(33) VERY HIGH FREQUENCY.—The term ''very high frequency'' means, with respect to a television channel, that the channel is located in the portion of the electromagnetic spectrum between the frequencies from 54 megahertz to 72 megahertz, from 76 megahertz to 88 megahertz, or from 174 megahertz to 216 megahertz.

SEC. 6002. RULE OF CONSTRUCTION.

Each range of frequencies described in this title shall be construed to be inclusive of the upper and lower frequencies in the range.

SEC. 6003. ENFORCEMENT.

(a) IN GENERAL.—The Commission shall implement and enforce this title as if this title is a part of the Communications Act of 1934 (47 U.S.C. 151 et seq.). A violation of this title, or a regulation promulgated under this title, shall be considered to be a violation of the Communications Act of 1934, or a regulation promulgated under such Act, respectively.

(b) EXCEPTIONS.—

(1) OTHER AGENCIES.—Subsection (a) does not apply in the case of a provision of this title that is expressly required to be carried out by an agency (as defined in section 551 of title 5, United States Code) other than the Commission.

(2) NTIA REGULATIONS.—The Assistant Secretary may promulgate such regulations as are necessary to implement and enforce any provision of this title that is expressly required to be carried out by the Assistant Secretary.

SEC. 6004. NATIONAL SECURITY RESTRICTIONS ON USE OF FUNDS AND AUCTION PARTICIPATION.

(a) USE OF FUNDS.—No funds made available by subtitle B or C may be used to make payments under a contract to a person described in subsection (c).

(b) AUCTION PARTICIPATION.—A person described in subsection (c) may not participate in a system of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j))—

(1) that is required to be conducted by this title; or

(2) in which any spectrum usage rights for which licenses are being assigned were made available under clause (i) of subparagraph

(G) of paragraph (8) of such section, as added by section 6402.

(c) PERSON DESCRIBED.—A person described in this subsection is a person who has been, for reasons of national security, barred by any agency of the Federal Government from bidding on a contract, participating in an auction, or receiving a grant.

Subtitle A—Reallocation of Public Safety Spectrum

SEC. 6101. REALLOCATION OF D BLOCK TO PUBLIC SAFETY.

(a) IN GENERAL.—The Commission shall reallocate the 700 MHz D block spectrum for use by public safety entities in accordance with the provisions of this Act.

(b) SPECTRUM ALLOCATION.—Section 337(a) of the Communications Act of 1934 (47 U.S.C. 337(a)) is amended—

(1) by striking ''24'' in paragraph (1) and inserting ''34''; and

(2) by striking ''36'' in paragraph (2) and inserting ''26''.

SEC. 6102. FLEXIBLE USE OF NARROWBAND SPECTRUM.

The Commission may allow the narrowband spectrum to be used in a flexible manner, including usage for public safety broadband communications, subject to such technical and interference protection measures as the Commission may require.

SEC. 6103. 470–512 MHZ PUBLIC SAFETY SPECTRUM.

(a) IN GENERAL.—Not later than 9 years after the date of enactment of this title, the Commission shall—

(1) reallocate the spectrum in the 470–512 MHz band (referred to in this section as the ''T-Band spectrum'') currently used by public safety eligibles as identified in section 90.303 of title 47, Code of Federal Regulations; and

(2) begin a system of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) to grant new initial licenses for the use of the spectrum described in paragraph (1).

(b) AUCTION PROCEEDS.—Proceeds (including deposits and upfront payments from successful bidders) from the competitive bidding system described in subsection (a)(2) shall be available to the Assistant Secretary to make grants in such sums as necessary to cover relocation costs for the relocation of public safety entities from the T-Band spectrum.

(c) RELOCATION.—Relocation shall be completed not later than 2 years after the date on which the system of competitive bidding described in subsection (a)(2) is completed.

Subtitle B—Governance of Public Safety Spectrum

SEC. 6201. SINGLE PUBLIC SAFETY WIRELESS NETWORK LICENSEE.

(a) REALLOCATION AND GRANT OF LICENSE.—Notwithstanding any other provision of law, and subject to the provisions of this Act, the Commission shall reallocate and grant a license to the First Responder Network Authority for the use of the 700 MHz D block spectrum and existing public safety broadband spectrum.

(b) TERM OF LICENSE.—

(1) INITIAL LICENSE.—The license granted under subsection (a) shall be for an initial term of 10 years from the date of the initial issuance of the license.

(2) RENEWAL OF LICENSE.—Prior to expiration of the term of the initial license granted under subsection (a) or the expiration of any subsequent renewal of such license, the First Responder Network Authority shall submit to the Commission an application for the renewal of such license. Such renewal application shall demonstrate that, during the preceding license term, the First Responder Network Authority has met the duties and obligations set forth under this Act. A renewal license granted under this paragraph shall be for a term of not to exceed 10 years.

(c) FACILITATION OF TRANSITION.—The Commission shall take all actions necessary to facilitate the transition of the existing public safety broadband spectrum to the First Responder Network Authority.

SEC. 6202. PUBLIC SAFETY BROADBAND NETWORK.

(a) ESTABLISHMENT.—The First Responder Network Authority shall ensure the establishment of a nationwide, interoperable public safety broadband network.

(b) NETWORK COMPONENTS.—The nationwide public safety broadband network shall be based on a single, national network architecture that evolves with technological advancements and initially consists of—

(1) a core network that—

(A) consists of national and regional data centers, and other elements and functions that may be distributed geographically, all of which shall be based on commercial standards; and

(B) provides the connectivity between—

(i) the radio access network; and

(ii) the public Internet or the public switched network, or both; and

(2) a radio access network that—

(A) consists of all cell site equipment, antennas, and backhaul equipment, based on commercial standards, that are required to enable wireless communications with devices using the public safety broadband spectrum; and

(B) shall be developed, constructed, managed, maintained, and operated taking into account the plans developed in the State, local, and tribal planning and implementation grant program under section 6302(a).

SEC. 6203. PUBLIC SAFETY INTEROPERABILITY BOARD.

(a) ESTABLISHMENT.—There is established within the Commission an advisory board to be known as the ''Technical Advisory Board for First Responder Interoperability''.

(b) MEMBERSHIP.—

(1) IN GENERAL.—

(A) VOTING MEMBERS.—Not later than 30 days after the date of enactment of this title, the Chairman of the Commission shall appoint 14 voting members to the Interoperability Board, of which—

(i) 4 members shall be representatives of wireless providers, of which—

(I) 2 members shall be representatives of national wireless providers;

(II) 1 member shall be a representative of regional wireless providers; and

(III) 1 member shall be a representative of rural wireless providers;

(ii) 3 members shall be representatives of equipment manufacturers;

(iii) 4 members shall be representatives of public safety entities, of which—

(I) not less than 1 member shall be a representative of management level employees of public safety entities; and

(II) not less than 1 member shall be a representative of employees of public safety entities;

(iv) 3 members shall be representatives of State and local governments, chosen to reflect geographic and population density differences across the United States; and

(v) all members shall have specific expertise necessary to developing technical requirements under this section, such as technical expertise, public safety communications expertise, and commercial network experience.

(B) NON-VOTING MEMBER.—The Assistant Secretary shall appoint 1 non-voting member to the Interoperability Board.

(2) PERIOD OF APPOINTMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), members of the Interoperability Board shall be appointed for the life of the Interoperability Board.

(B) REMOVAL FOR CAUSE.—A member of the Interoperability Board may be removed for cause upon the determination of the Chairman of the Commission.

(3) VACANCIES.—Any vacancy in the Interoperability Board shall not affect the powers of the Interoperability Board, and shall be filled in the same manner as the original appointment.

(4) CHAIRPERSON AND VICE CHAIRPERSON.—The Interoperability Board shall select a Chairperson and Vice Chairperson from among the members of the Interoperability Board.

(5) QUORUM.—A majority of the members of the Interoperability Board shall constitute a quorum.

(c) DUTIES OF THE INTEROPERABILITY BOARD.—

(1) DEVELOPMENT OF TECHNICAL REQUIREMENTS.—Not later than 90 days after the date of enactment of this Act, the Interoperability Board, in consultation with the NTIA, NIST, and the Office of Emergency Communications of the Department of Homeland Security, shall—

(A) develop recommended minimum technical requirements to ensure a nationwide level of interoperability for the nationwide public safety broadband network; and

(B) submit to the Commission for review in accordance with paragraph (3) recommended minimum technical requirements described in subparagraph (A).

(2) CONSIDERATION.—In developing recommended minimum technical requirements under paragraph (1), the Interoperability Board shall base the recommended minimum technical requirements on the commercial standards for Long Term Evolution (LTE) service.

(3) APPROVAL OF RECOMMENDATIONS.—

(A) IN GENERAL.—Not later than 30 days after the date on which the Interoperability Board submits recommended minimum technical requirements under paragraph (1)(B), the Commission shall approve the recommendations, with any revisions it deems necessary, and transmit such recommendations to the First Responder Network Authority.

(B) REVIEW.—Any actions taken under subparagraph (A) shall not be reviewable as a final agency action.

(d) TRAVEL EXPENSES.—The members of the Interoperability Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Interoperability Board.

(e) EXEMPTION FROM FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Interoperability Board.

(f) TERMINATION OF AUTHORITY.—The Interoperability Board shall terminate 15 days after the date on which the Commission transmits the recommendations to the First Responder Network Authority under subsection (c)(3)(A).

SEC. 6204. ESTABLISHMENT OF THE FIRST RESPONDER NETWORK AUTHORITY.

(a) ESTABLISHMENT.—There is established as an independent authority within the NTIA the ''First Responder Network Authority'' or ''FirstNet''.

(b) BOARD.—

(1) IN GENERAL.—The First Responder Network Authority shall be headed by a Board, which shall consist of—

(A) the Secretary of Homeland Security;

(B) the Attorney General of the United States;

(C) the Director of the Office of Management and Budget; and

(D) 12 individuals appointed by the Secretary of Commerce in accordance with paragraph (2).

(2) APPOINTMENTS.—

(A) IN GENERAL.—In making appointments under paragraph (1)(D), the Secretary of Commerce shall—

(i) appoint not fewer than 3 individuals to represent the collective interests of the States, localities, tribes, and territories;

(ii) seek to ensure geographic and regional representation of the United States in such appointments;

(iii) seek to ensure rural and urban representation in such appointments; and

(iv) appoint not fewer than 3 individuals who have served as public safety professionals.

(B) REQUIRED QUALIFICATIONS.—

(i) IN GENERAL.—Each member appointed under paragraph (1)(D) should meet not less than 1 of the following criteria:

(I) PUBLIC SAFETY EXPERIENCE.—Knowledge and experience in the use of Federal, State, local, or tribal public safety or emergency response.

(II) TECHNICAL EXPERTISE.—Technical expertise and fluency regarding broadband communications, including public safety communications.

(III) NETWORK EXPERTISE.—Expertise in building, deploying, and operating commercial telecommunications networks.

(IV) FINANCIAL EXPERTISE.—Expertise in financing and funding telecommunications networks.

(ii) EXPERTISE TO BE REPRESENTED.—In making appointments under paragraph (1)(D), the Secretary of Commerce shall appoint—

(I) not fewer than 1 individual who satisfies the requirement under subclause (II) of clause (i);

(II) not fewer than 1 individual who satisfies the requirement under subclause (III) of clause (i); and

(III) not fewer than 1 individual who satisfies the requirement under subclause (IV) of clause (i).

(C) CITIZENSHIP.—No individual other than a citizen of the United States may serve as a member of the Board.

(c) TERMS OF APPOINTMENT.—

(1) INITIAL APPOINTMENT DEADLINE.—Members of the Board shall be appointed not later than 180 days after the date of the enactment of this title.

(2) TERMS.—

(A) LENGTH.—

(i) IN GENERAL.—Each member of the Board described in subparagraphs (A) through (C) of subsection (b)(1) shall serve as a member of the Board for the life of the First Responder Network Authority.

(ii) APPOINTED INDIVIDUALS.—The term of office of each individual appointed to be a member of the Board under subsection (b)(1)(D) shall be 3 years. No member described in this clause may serve more than 2 consecutive full 3-year terms.

(B) EXPIRATION OF TERM.—Any member whose term has expired may serve until such member's successor has taken office, or until the end of the calendar year in which such member's term has expired, whichever is earlier.

(C) APPOINTMENT TO FILL VACANCY.—Any member appointed to fill a vacancy occurring prior to the expiration of the term for which that member's predecessor was appointed shall be appointed for the remainder of the predecessor's term.

(D) STAGGERED TERMS.—With respect to the initial members of the Board appointed under subsection (b)(1)(D)—

(i) 4 members shall serve for a term of 3 years;

(ii) 4 members shall serve for a term of 2 years; and

(iii) 4 members shall serve for a term of 1 year.

(3) VACANCIES.—A vacancy in the membership of the Board shall not affect the Board's powers, and shall be filled in the same manner as the original member was appointed.

(d) CHAIR.—

(1) SELECTION.—The Secretary of Commerce shall select, from among the members of the Board appointed under subsection (b)(1)(D), an individual to serve for a 2-year term as Chair of the Board.

(2) CONSECUTIVE TERMS.—An individual may not serve for more than 2 consecutive terms as Chair of the Board.

(e) MEETINGS.—

(1) FREQUENCY.—The Board shall meet—

(A) at the call of the Chair ; and

(B) not less frequently than once each quarter.

(2) TRANSPARENCY.—Meetings of the Board, including any committee of the Board, shall be open to the public. The Board may, by majority vote, close any such meeting only for the time necessary to preserve the confidentiality of commercial or financial information that is privileged or confidential, to discuss personnel matters, or to discuss legal matters affecting the First Responder Network Authority, including pending or potential litigation.

(f) QUORUM.—Eight members of the Board shall constitute a quorum, including at least 6 of the members appointed under subsection (b)(1)(D).

(g) COMPENSATION.—

(1) IN GENERAL.—The members of the Board appointed under subsection (b)(1)(D) shall be compensated at the daily rate of basic pay for level IV of the Executive Schedule for each day during which such members are engaged in performing a function of the Board.

(2) PROHIBITION ON COMPENSATION.—A member of the Board appointed under subparagraphs (A) through (C) of subsection (b)(1) shall serve without additional pay, and shall not otherwise benefit, directly or indirectly, as a result of their service to the First Responder Network Authority, but shall be allowed a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the First Responder Network Authority.

SEC. 6205. ADVISORY COMMITTEES OF THE FIRST RESPONDER NETWORK AUTHORITY.

(a) ADVISORY COMMITTEES.—The First Responder Network Authority—

(1) shall establish a standing public safety advisory committee to assist the First Responder Network Authority in carrying out its duties and responsibilities under this subtitle; and

(2) may establish additional standing or ad hoc committees, panels, or councils as the First Responder Network Authority determines are necessary.

(b) SELECTION OF AGENTS, CONSULTANTS, AND EXPERTS.—

(1) IN GENERAL.—The First Responder Network Authority shall select parties to serve as its agents, consultants, or experts in a fair, transparent, and objective manner, and such agents may include a program manager to carry out certain of the duties and responsibilities of deploying and operating the nationwide public safety broadband network described in subsections (b) and (c) of section 6206.

(2) BINDING AND FINAL.—If the selection of an agent, consultant, or expert satisfies the requirements under paragraph (1), the selection of that agent, consultant, or expert shall be final and binding.

SEC. 6206. POWERS, DUTIES, AND RESPONSIBILITIES OF THE FIRST RESPONDER NETWORK AUTHORITY.

(a) GENERAL POWERS.—The First Responder Network Authority shall have the authority to do the following:

(1) To exercise, through the actions of its Board, all powers specifically granted by the provisions of this subtitle, and such incidental powers as shall be necessary.

(2) To hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the First Responder Network Authority considers necessary to carry out its responsibilities and duties.

(3) To obtain grants and funds from and make contracts with individuals, private companies, organizations, institutions, and Federal, State, regional, and local agencies.

(4) To accept, hold, administer, and utilize gifts, donations, and bequests of property, both real and personal, for the purposes of aiding or facilitating the work of the First Responder Network Authority.

(5) To spend funds under paragraph (3) in a manner authorized by the Board, but only for purposes that will advance or enhance public safety communications consistent with this title.

(6) To take such other actions as the First Responder Network Authority (through the Board) may from time to time determine necessary, appropriate, or advisable to accomplish the purposes of this title.

(b) DUTY AND RESPONSIBILITY TO DEPLOY AND OPERATE A NATIONWIDE PUBLIC SAFETY BROADBAND NETWORK.—

(1) IN GENERAL.—The First Responder Network Authority shall hold the single public safety wireless license granted under section 6201 and take all actions necessary to ensure the building, deployment, and operation of the nationwide public safety broadband network, in consultation with Federal, State, tribal, and local public safety entities, the Director of NIST, the Commission, and the public safety advisory committee established in section 6205(a), including by, at a minimum—

(A) ensuring nationwide standards for use and access of the network;

(B) issuing open, transparent, and competitive requests for proposals to private sector entities for the purposes of building, operating, and maintaining the network that use, without materially changing, the minimum technical requirements developed under section 6203;

(C) encouraging that such requests leverage, to the maximum extent economically desirable, existing commercial wireless infrastructure to speed deployment of the network; and

(D) managing and overseeing the implementation and execution of contracts or agreements with non-Federal entities to build, operate, and maintain the network.

(2) REQUIREMENTS.—In carrying out the duties and responsibilities of this subsection, including issuing requests for proposals, the First Responder Network Authority shall—

(A) ensure the safety, security, and resiliency of the network, including requirements for protecting and monitoring the network to protect against cyberattack;

(B) promote competition in the equipment market, including devices for public safety communications, by requiring that equipment for use on the network be—

(i) built to open, non-proprietary, commercially available standards;

(ii) capable of being used by any public safety entity and by multiple vendors across all public safety broadband networks operating in the 700 MHz band; and

(iii) backward-compatible with existing commercial networks to the extent that such capabilities are necessary and technically and economically reasonable;

(C) promote integration of the network with public safety answering points or their equivalent; and

(D) address special considerations for areas or regions with unique homeland security or national security needs.

(3) RURAL COVERAGE.—In carrying out the duties and responsibilities of this subsection, including issuing requests for proposals, the nationwide, interoperable public safety broadband network, consistent with the license granted under section 6201, shall require deployment phases with substantial rural coverage milestones as part of each phase of the construction and deployment of the network. To the maximum extent economically desirable, such proposals shall include partnerships with existing commercial mobile providers to utilize cost-effective opportunities to speed deployment in rural areas.

(4) EXECUTION OF AUTHORITY.—In carrying out the duties and responsibilities of this subsection, the First Responder Network Authority may—

(A) obtain grants from and make contracts with individuals, private companies, and Federal, State, regional, and local agencies;

(B) hire or accept voluntary services of consultants, experts, advisory boards, and panels to aid the First Responder Network Authority in carrying out such duties and responsibilities;

(C) receive payment for use of—

(i) network capacity licensed to the First Responder Network Authority; and

(ii) network infrastructure constructed, owned, or operated by the First Responder Network Authority; and

(D) take such other actions as may be necessary to accomplish the purposes set forth in this subsection.

(c) OTHER SPECIFIC DUTIES AND RESPONSIBILITIES.—

(1) ESTABLISHMENT OF NETWORK POLICIES.—In carrying out the requirements under subsection (b), the First Responder Network Authority shall develop—

(A) requests for proposals with appropriate—

(i) timetables for construction, including by taking into consideration the time needed to build out to rural areas and the advantages offered through partnerships with existing commercial providers under paragraph (3);

(ii) coverage areas, including coverage in rural and nonurban areas;

(iii) service levels;

(iv) performance criteria; and

(v) other similar matters for the construction and deployment of such network;

(B) the technical and operational requirements of the network;

(C) practices, procedures, and standards for the management and operation of such network;

(D) terms of service for the use of such network, including billing practices; and

(E) ongoing compliance review and monitoring of the—

(i) management and operation of such network;

(ii) practices and procedures of the entities operating on and the personnel using such network; and

(iii) necessary training needs of network operators and users.

(2) STATE AND LOCAL PLANNING.—

(A) REQUIRED CONSULTATION.—In developing requests for proposals and otherwise carrying out its responsibilities under this Act, the First Responder Network Authority shall consult with regional, State, tribal, and local jurisdictions regarding the distribution and expenditure of any amounts required to carry out the policies established under paragraph (1), including with regard to the—

(i) construction of a core network and any radio access network build out;

(ii) placement of towers;

(iii) coverage areas of the network, whether at the regional, State, tribal, or local level;

(iv) adequacy of hardening, security, reliability, and resiliency requirements;

(v) assignment of priority to local users;

(vi) assignment of priority and selection of entities seeking access to or use of the nationwide public safety interoperable broadband network established under subsection (b); and

(vii) training needs of local users.

(B) METHOD OF CONSULTATION.—The consultation required under subparagraph (A) shall occur between the First Responder Network Authority and the single officer or governmental body designated under section 6302(d).

(3) LEVERAGING EXISTING INFRASTRUCTURE.—In carrying out the requirement under subsection (b), the First Responder Network Authority shall enter into agreements to utilize, to the maximum extent economically desirable, existing—

(A) commercial or other communications infrastructure; and

(B) Federal, State, tribal, or local infrastructure.

(4) MAINTENANCE AND UPGRADES.—The First Responder Network Authority shall ensure the maintenance, operation, and improvement of the nationwide public safety broadband network, including by ensuring that the First Responder Network Authority updates and revises any policies established under paragraph (1) to take into account new and evolving technologies.

(5) ROAMING AGREEMENTS.—The First Responder Network Authority shall negotiate and enter into, as it determines appropriate, roaming agreements with commercial network providers to allow the nationwide public safety broadband network to roam onto commercial networks and gain prioritization of public safety communications over such networks in times of an emergency.

(6) NETWORK INFRASTRUCTURE AND DEVICE CRITERIA.—The Director of NIST, in consultation with the First Responder Network Authority and the Commission, shall ensure the development of a list of certified devices and components meeting appropriate protocols and standards for public safety entities and commercial vendors to adhere to, if such entities or vendors seek to have access to, use of, or compatibility with the nationwide public safety broadband network.

(7) REPRESENTATION BEFORE STANDARD SETTING ENTITIES.—The First Responder Network Authority, in consultation with the Director of NIST, the Commission, and the public safety advisory committee established under section 6205(a), shall represent the interests of public safety users of the nationwide public safety broadband network before any proceeding, negotiation, or other matter in which a standards organization, standards body, standards development organization, or any other recognized standards-setting entity addresses the development of standards relating to interoperability.

(8) PROHIBITION ON NEGOTIATION WITH FOREIGN GOVERNMENTS.—The First Responder Network Authority shall not have the authority to negotiate or enter into any agreements with a foreign government on behalf of the United States.

(d) EXEMPTION FROM CERTAIN LAWS.—Any action taken or decisions made by the First Responder Network Authority shall be exempt from the requirements of—

(1) section 3506 of title 44, United States Code (commonly referred to as the Paperwork Reduction Act);

(2) chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedures Act); and

(3) chapter 6 of title 5, United States Code (commonly referred to as the Regulatory Flexibility Act).

(e) NETWORK CONSTRUCTION FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''Network Construction Fund''.

(2) USE OF FUND.—Amounts deposited into the Network Construction Fund shall be used by the—

(A) First Responder Network Authority to carry out this section, except for administrative expenses; and

(B) NTIA to make grants to States under section 6302(e)(3)(C)(iii)(I).

(f) TERMINATION OF AUTHORITY.—The authority of the First Responder Network Authority shall terminate on the date that is 15 years after the date of enactment of this title.

(g) GAO REPORT.—Not later than 10 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on what action Congress should take regarding the 15-year sunset of authority under subsection (f).

SEC. 6207. INITIAL FUNDING FOR THE FIRST RESPONDER NETWORK AUTHORITY.

(a) BORROWING AUTHORITY.—Prior to the deposit of proceeds into the Public Safety Trust Fund from the incentive auctions to be carried out under section 309(j)(8)(G) of the Communications Act of 1934 or the auction of spectrum pursuant to section 6401, the NTIA may borrow from the Treasury such sums as may be necessary, but not to exceed $2,000,000,000, to implement this subtitle. The NTIA shall reimburse the Treasury, without interest, from funds deposited into the Public Safety Trust Fund.

(b) PROHIBITION.—

(1) IN GENERAL.—Administrative expenses of the First Responder Network Authority may not exceed $100,000,000 during the 10-year period beginning on the date of enactment of this title.

(2) DEFINITION.—For purposes of this subsection, the term ''administrative expenses'' does not include the costs incurred by the First Responder Network Authority for oversight and audits to protect against waste, fraud, and abuse.

SEC. 6208. PERMANENT SELF-FUNDING; DUTY TO ASSESS AND COLLECT FEES FOR NETWORK USE.

(a) IN GENERAL.—Notwithstanding section 337 of the Communications Act of 1934 (47 U.S.C. 337), the First Responder Network Authority is authorized to assess and collect the following fees:

(1) NETWORK USER FEE.—A user or subscription fee from each entity, including any public safety entity or secondary user, that seeks access to or use of the nationwide public safety broadband network.

(2) LEASE FEES RELATED TO NETWORK CAPACITY.—

(A) IN GENERAL.—A fee from any entity that seeks to enter into a covered leasing agreement.

(B) COVERED LEASING AGREEMENT.—For purposes of subparagraph (A), a ''covered leasing agreement'' means a written agreement resulting from a public-private arrangement to construct, manage, and operate the nationwide public safety broadband network between the First Responder Network Authority and secondary user to permit—

(i) access to network capacity on a secondary basis for non-public safety services; and

(ii) the spectrum allocated to such entity to be used for commercial transmissions along the dark fiber of the long-haul network of such entity.

(3) LEASE FEES RELATED TO NETWORK EQUIPMENT AND INFRASTRUCTURE.—A fee from any entity that seeks access to or use of any equipment or infrastructure, including antennas or towers, constructed or otherwise owned by the First Responder Network Authority resulting from a public-private arrangement to construct, manage, and operate the nationwide public safety broadband network.

(b) ESTABLISHMENT OF FEE AMOUNTS; PERMANENT SELF-FUNDING.—The total amount of the fees assessed for each fiscal year pursuant to this section shall be sufficient, and shall not exceed the amount necessary, to recoup the total expenses of the First Responder Network Authority in carrying out its duties and responsibilities described under this subtitle for the fiscal year involved.

(c) ANNUAL APPROVAL.—The NTIA shall review the fees assessed under this section on an annual basis, and such fees may only be assessed if approved by the NTIA.

(d) REQUIRED REINVESTMENT OF FUNDS.—The First Responder Network Authority shall reinvest amounts received from the assessment of fees under this section in the nationwide public safety interoperable broadband network by using such funds only for constructing, maintaining, operating, or improving the network.

SEC. 6209. AUDIT AND REPORT.

(a) AUDIT.—

(1) IN GENERAL.—The Secretary of Commerce shall enter into a contract with an independent auditor to conduct an audit, on an annual basis, of the First Responder Network Authority in accordance with general accounting principles and procedures applicable to commercial corporate transactions. Each audit conducted under this paragraph shall be made available to the appropriate committees of Congress.

(2) LOCATION.—Any audit conducted under paragraph (1) shall be conducted at the place or places where accounts of the First Responder Network Authority are normally kept.

(3) ACCESS TO FIRST RESPONDER NETWORK AUTHORITY BOOKS AND DOCUMENTS.—

(A) IN GENERAL.—For purposes of an audit conducted under paragraph (1), the representatives of the independent auditor shall—

(i) have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by the First Responder Network Authority that pertain to the financial transactions of the First Responder Network Authority and are necessary to facilitate the audit; and

(ii) be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians.

(B) REQUIREMENT.—All books, accounts, records, reports, files, papers, and property of the First Responder Network Authority shall remain in the possession and custody of the First Responder Network Authority.

(b) REPORT.—

(1) IN GENERAL.—The independent auditor selected to conduct an audit under this section shall submit a report of each audit conducted under subsection (a) to—

(A) the appropriate committees of Congress;

(B) the President; and

(C) the First Responder Network Authority.

(2) CONTENTS.—Each report submitted under paragraph (1) shall contain—

(A) such comments and information as the independent auditor determines necessary to inform Congress of the financial operations and condition of the First Responder Network Authority;

(B) any recommendations of the independent auditor relating to the financial operations and condition of the First Responder Network Authority; and

(C) a description of any program, expenditure, or other financial transaction or undertaking of the First Responder Network Authority that was observed during the course of the audit, which, in the opinion of the independent auditor, has been carried on or made without the authority of law.

SEC. 6210. ANNUAL REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and each year thereafter, the First Responder Network Authority shall submit an annual report covering the preceding fiscal year to the appropriate committees of Congress.

(b) REQUIRED CONTENT.—The report required under subsection (a) shall include—

(1) a comprehensive and detailed report of the operations, activities, financial condition, and accomplishments of the First Responder Network Authority under this section; and

(2) such recommendations or proposals for legislative or administrative action as the First Responder Network Authority deems appropriate.

(c) AVAILABILITY TO TESTIFY.—The members of the Board and employees of the First Responder Network Authority shall be available to testify before the appropriate committees of the Congress with respect to—

(1) the report required under subsection (a);

(2) the report of any audit conducted under section 6210; or

(3) any other matter which such committees may determine appropriate.

SEC. 6211. PUBLIC SAFETY ROAMING AND PRIORITY ACCESS.

The Commission may adopt rules, if necessary in the public interest, to improve the ability of public safety networks to roam onto commercial networks and to gain priority access to commercial networks in an emergency if—

(1) the public safety entity equipment is technically compatible with the commercial network;

(2) the commercial network is reasonably compensated; and

(3) such access does not preempt or otherwise terminate or degrade all existing voice conversations or data sessions.

SEC. 6212. PROHIBITION ON DIRECT OFFERING OF COMMERCIAL TELECOMMUNICATIONS SERVICE DIRECTLY TO CONSUMERS.

(a) IN GENERAL.—The First Responder Network Authority shall not offer, provide, or market commercial telecommunications or information services directly to consumers.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the First Responder Network Authority and a secondary user from entering into a covered leasing agreement pursuant to section 6208(a)(2)(B). Nothing in this section shall be construed to limit the First Responder Network Authority from collecting lease fees related to network equipment and infrastructure pursuant to section 6208(a)(3).

SEC. 6213. PROVISION OF TECHNICAL ASSISTANCE.

The Commission may provide technical assistance to the First Responder Network Authority and may take any action necessary to assist the First Responder Network Authority in effectuating its duties and responsibilities under this subtitle.

Subtitle C—Public Safety Commitments

SEC. 6301. STATE AND LOCAL IMPLEMENTATION FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the State and Local Implementation Fund.

(b) AMOUNTS AVAILABLE FOR STATE AND LOCAL IMPLEMENTATION GRANT PROGRAM.—Any amounts borrowed under subsection (c)(1) and any amounts in the State and Local Implementation Fund that are not necessary to reimburse the general fund of the Treasury for such borrowed amounts shall be available to the Assistant Secretary to implement section 6302.

(c) BORROWING AUTHORITY.—

(1) IN GENERAL.—Prior to the end of fiscal year 2022, the Assistant Secretary may borrow from the general fund of the Treasury such sums as may be necessary, but not to exceed $135,000,000, to implement section 6302.

(2) REIMBURSEMENT.—The Assistant Secretary shall reimburse the general fund of the Treasury, without interest, for any amounts borrowed under paragraph (1) as funds are deposited into the State and Local Implementation Fund.

(d) TRANSFER OF UNUSED FUNDS.—If there is a balance remaining in the State and Local Implementation Fund on September 30, 2022, the Secretary of the Treasury shall transfer such balance to the general fund of the Treasury, where such balance shall be dedicated for the sole purpose of deficit reduction.

SEC. 6302. STATE AND LOCAL IMPLEMENTATION.

(a) ESTABLISHMENT OF STATE AND LOCAL IMPLEMENTATION GRANT PROGRAM.—The Assistant Secretary, in consultation with the First Responder Network Authority, shall take such action as is necessary to establish a grant program to make grants to States to assist State, regional, tribal, and local jurisdictions to identify, plan, and implement the most efficient and effective way for such jurisdictions to utilize and integrate the infrastructure, equipment, and other architecture associated with the nationwide public safety broadband network to satisfy the wireless communications and data services needs of that jurisdiction, including with regards to coverage, siting, and other needs.

(b) MATCHING REQUIREMENTS; FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost of any activity carried out using a grant under this section may not exceed 80 percent of the eligible costs of carrying out that activity, as determined by the Assistant Secretary, in consultation with the First Responder Network Authority.

(2) WAIVER.—The Assistant Secretary may waive, in whole or in part, the requirements of paragraph (1) for good cause shown if the Assistant Secretary determines that such a waiver is in the public interest.

(c) PROGRAMMATIC REQUIREMENTS.—Not later than 6 months after the date of enactment of this Act, the Assistant Secretary, in consultation with the First Responder Network Authority, shall establish requirements relating to the grant program to be carried out under this section, including the following:

(1) Defining eligible costs for purposes of subsection (b)(1).

(2) Determining the scope of eligible activities for grant funding under this section.

(3) Prioritizing grants for activities that ensure coverage in rural as well as urban areas.

(d) CERTIFICATION AND DESIGNATION OF OFFICER OR GOVERNMENTAL BODY.—In carrying

out the grant program established under this section, the Assistant Secretary shall require each State to certify in its application for grant funds that the State has designated a single officer or governmental body to serve as the coordinator of implementation of the grant funds.

(e) STATE NETWORK.—

(1) NOTICE.—Upon the completion of the request for proposal process conducted by the First Responder Network Authority for the construction, operation, maintenance, and improvement of the nationwide public safety broadband network, the First Responder Network Authority shall provide to the Governor of each State, or his designee—

(A) notice of the completion of the request for proposal process;

(B) details of the proposed plan for buildout of the nationwide, interoperable broadband network in such State; and

(C) the funding level for the State as determined by the NTIA.

(2) STATE DECISION.—Not later than 90 days after the date on which the Governor of a State receives notice under paragraph (1), the Governor shall choose whether to—

(A) participate in the deployment of the nationwide, interoperable broadband network as proposed by the First Responder Network Authority; or

(B) conduct its own deployment of a radio access network in such State.

(3) PROCESS.—

(A) IN GENERAL.—Upon making a decision to opt-out under paragraph (2)(B), the Governor shall notify the First Responder Network Authority, the NTIA, and the Commission of such decision.

(B) STATE REQUEST FOR PROPOSALS.—Not later than 180 days after the date on which a Governor provides notice under subparagraph (A), the Governor shall develop and complete requests for proposals for the construction, maintenance, and operation of the radio access network within the State.

(C) SUBMISSION AND APPROVAL OF ALTERNATIVE PLAN.—

(i) IN GENERAL.—The State shall submit an alternative plan for the construction, maintenance, operation, and improvements of the radio access network within the State to the Commission, and such plan shall demonstrate—

(I) that the State will be in compliance with the minimum technical interoperability requirements developed under section 6203; and

(II) interoperability with the nationwide public safety broadband network.

(ii) COMMISSION APPROVAL OR DISAPPROVAL.—Upon submission of a State plan under clause (i), the Commission shall either approve or disapprove the plan.

(iii) APPROVAL.—If the Commission approves a plan under this subparagraph, the State—

(I) may apply to the NTIA for a grant to construct the radio access network within the State that includes the showing described in subparagraph (D); and

(II) shall apply to the NTIA to lease spectrum capacity from the First Responder Network Authority.

(iv) DISAPPROVAL.—If the Commission disapproves a plan under this subparagraph, the construction, maintenance, operation, and improvements of the network within the State shall proceed in accordance with the plan proposed by the First Responder Network Authority.

(D) FUNDING REQUIREMENTS.—In order to obtain grant funds and spectrum capacity leasing rights under subparagraph (C)(iii), a State shall demonstrate—

(i) that the State has—

(I) the technical capabilities to operate, and the funding to support, the State radio access network;

(II) has the ability to maintain ongoing interoperability with the nationwide public safety broadband network; and

(III) the ability to complete the project within specified comparable timelines specific to the State;

(ii) the cost-effectiveness of the State plan submitted under subparagraph (C)(i); and

(iii) comparable security, coverage, and quality of service to that of the nationwide public safety broadband network.

(f) USER FEES.—If a State chooses to build its own radio access network, the State shall pay any user fees associated with State use of elements of the core network.

(g) PROHIBITION.—

(1) IN GENERAL.—A State that chooses to build its own radio access network shall not provide commercial service to consumers or offer wholesale leasing capacity of the network within the State except directly through public-private partnerships for construction, maintenance, operation, and improvement of the network within the State.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit the State and a secondary user from entering into a covered leasing agreement. Any revenue gained by the State from such a leasing agreement shall be used only for constructing, maintaining, operating, or improving the radio access network of the State.

(h) JUDICIAL REVIEW.—

(1) IN GENERAL.—The United States District Court for the District of Columbia shall have exclusive jurisdiction to review a decision of the Commission made under subsection (e)(3)(C)(iv).

(2) STANDARD OF REVIEW.—The court shall affirm the decision of the Commission unless—

(A) the decision was procured by corruption, fraud, or undue means;

(B) there was actual partiality or corruption in the Commission; or

(C) the Commission was guilty of misconduct in refusing to hear evidence pertinent and material to the decision or of any other misbehavior by which the rights of any party have been prejudiced.

SEC. 6303. PUBLIC SAFETY WIRELESS COMMUNICATIONS RESEARCH AND DEVELOPMENT.

(a) NIST DIRECTED RESEARCH AND DEVELOPMENT PROGRAM.—From amounts made available from the Public Safety Trust Fund, the Director of NIST, in consultation with the Commission, the Secretary of Homeland Security, and the National Institute of Justice of the Department of Justice, as appropriate, shall conduct research and assist with the development of standards, technologies, and applications to advance wireless public safety communications.

(b) REQUIRED ACTIVITIES.—In carrying out the requirement under subsection (a), the Director of NIST, in consultation with the First Responder Network Authority and the public safety advisory committee established under section 6205(a), shall—

(1) document public safety wireless communications technical requirements;

(2) accelerate the development of the capability for communications between currently deployed public safety narrowband systems and the nationwide public safety broadband network;

(3) establish a research plan, and direct research, that addresses the wireless communications needs of public safety entities beyond what can be provided by the current generation of broadband technology;

(4) accelerate the development of mission critical voice, including device-to-device ''talkaround'' capability over broadband networks, public safety prioritization, authentication capabilities, and standard application programing interfaces for the nationwide public safety broadband network, if necessary and practical;

(5) accelerate the development of communications technology and equipment that can facilitate the eventual migration of public safety narrowband communications to the nationwide public safety broadband network; and

(6) convene working groups of relevant government and commercial parties to achieve the requirements in paragraphs (1) through (5).

Subtitle D—Spectrum Auction Authority

SEC. 6401. DEADLINES FOR AUCTION OF CERTAIN SPECTRUM.

(a) CLEARING CERTAIN FEDERAL SPECTRUM.—

(1) IN GENERAL.—The President shall—

(A) not later than 3 years after the date of the enactment of this Act, begin the process of withdrawing or modifying the assignment to a Federal Government station of the electromagnetic spectrum described in paragraph (2); and

(B) not later than 30 days after completing the withdrawal or modification, notify the Commission that the withdrawal or modification is complete.

(2) SPECTRUM DESCRIBED.—The electromagnetic spectrum described in this paragraph is the 15 megahertz of spectrum between 1675 megahertz and 1710 megahertz identified under paragraph (3).

(3) IDENTIFICATION BY SECRETARY OF COMMERCE.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Commerce shall submit to the President a report identifying 15 megahertz of spectrum between 1675 megahertz and 1710 megahertz for reallocation from Federal use to non-Federal use.

(b) REALLOCATION AND AUCTION.—

(1) IN GENERAL.—Notwithstanding paragraph (15)(A) of section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), not later than 3 years after the date of the enactment of this Act, the Commission shall, except as provided in paragraph (4)—

(A) allocate the spectrum described in paragraph (2) for commercial use; and

(B) through a system of competitive bidding under such section, grant new initial licenses for the use of such spectrum, subject to flexible-use service rules.

(2) SPECTRUM DESCRIBED.—The spectrum described in this paragraph is the following:

(A) The frequencies between 1915 megahertz and 1920 megahertz.

(B) The frequencies between 1995 megahertz and 2000 megahertz.

(C) The frequencies described in subsection (a)(2).

(D) The frequencies between 2155 megahertz and 2180 megahertz.

(E) Fifteen megahertz of contiguous spectrum to be identified by the Commission.

(3) PROCEEDS TO COVER 110 PERCENT OF FEDERAL RELOCATION OR SHARING COSTS.—Nothing in paragraph (1) shall be construed to relieve the Commission from the requirements of section 309(j)(16)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(16)(B)).

(4) DETERMINATION BY COMMISSION.—If the Commission determines that the band of frequencies described in paragraph (2)(A) or the band of frequencies described in paragraph (2)(B) cannot be used without causing harmful interference to commercial mobile service licensees in the frequencies between 1930 megahertz and 1995 megahertz, the Commission may not—

(A) allocate such band for commercial use under paragraph (1)(A); or

(B) grant licenses under paragraph (1)(B) for the use of such band.

(c) AUCTION PROCEEDS.—Section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)) is amended—

(1) in subparagraph (A), by striking ''(D), and (E),'' and inserting ''(D), (E), (F), and (G),'';

(2) in subparagraph (C)(i), by striking ''subparagraph (E)(ii)'' and inserting ''subparagraphs (D)(ii), (E)(ii), (F), and (G)'';

(3) in subparagraph (D)—

(A) by striking the heading and inserting ''PROCEEDS FROM REALLOCATED FEDERAL SPECTRUM.—'';

(B) by striking ''Cash'' and inserting the following:

''(i) IN GENERAL.—Except as provided in clause (ii), cash''; and

(C) by adding at the end the following:

''(ii) CERTAIN OTHER PROCEEDS.—Notwithstanding subparagraph (A) and except as provided in subparagraph (B), in the case of proceeds (including deposits and upfront payments from successful bidders) attributable to the auction of eligible frequencies described in paragraph (2) of section 113(g) of the National Telecommunications and Information Administration Organization Act that are required to be auctioned by section 6401(b)(1)(B) of the Middle Class Tax Relief and Job Creation Act of 2012, such portion of such proceeds as is necessary to cover the relocation or sharing costs (as defined in paragraph (3) of such section 113(g)) of Federal entities relocated from such eligible frequencies shall be deposited in the Spectrum Relocation Fund. The remainder of such proceeds shall be deposited in the Public Safety Trust Fund established by section 6413(a)(1) of the Middle Class Tax Relief and Job Creation Act of 2012.''; and

(4) by adding at the end the following:

''(F) CERTAIN PROCEEDS DESIGNATED FOR PUBLIC SAFETY TRUST FUND.—Notwithstanding subparagraph (A) and except as provided in subparagraphs (B) and (D)(ii), the proceeds (including deposits and upfront payments from successful bidders) from the use of a system of competitive bidding under this subsection pursuant to section 6401(b)(1)(B) of the Middle Class Tax Relief and Job Creation Act of 2012 shall be deposited in the Public Safety Trust Fund established by section 6413(a)(1) of such Act.''.

SEC. 6402. GENERAL AUTHORITY FOR INCENTIVE AUCTIONS.

Section 309(j)(8) of the Communications Act of 1934, as amended by section 6401(c), is further amended by adding at the end the following:

''(G) INCENTIVE AUCTIONS.—

''(i) IN GENERAL.—Notwithstanding subparagraph (A) and except as provided in subparagraph (B), the Commission may encourage a licensee to relinquish voluntarily some or all of its licensed spectrum usage rights in order to permit the assignment of new initial licenses subject to flexible-use service rules by sharing with such licensee a portion, based on the value of the relinquished rights as determined in the reverse auction required by clause (ii)(I), of the proceeds (including deposits and upfront payments from successful bidders) from the use of a competitive bidding system under this subsection.

''(ii) LIMITATIONS.—The Commission may not enter into an agreement for a licensee to relinquish spectrum usage rights in exchange for a share of auction proceeds under clause (i) unless—

''(I) the Commission conducts a reverse auction to determine the amount of compensation that licensees would accept in return for voluntarily relinquishing spectrum usage rights; and

''(II) at least two competing licensees participate in the reverse auction.

''(iii) TREATMENT OF REVENUES.—Notwithstanding subparagraph (A) and except as provided in subparagraph (B), the proceeds (including deposits and upfront payments from successful bidders) from any auction, prior to the end of fiscal year 2022, of spectrum usage rights made available under clause (i) that are not shared with licensees under such clause shall be deposited as follows:

''(I) $1,750,000,000 of the proceeds from the incentive auction of broadcast television spectrum required by section 6403 of the Middle Class Tax Relief and Job Creation Act of 2012 shall be deposited in the TV Broadcaster Relocation Fund established by subsection (d)(1) of such section.

''(II) All other proceeds shall be deposited—

''(aa) prior to the end of fiscal year 2022, in the Public Safety Trust Fund established by section 6413(a)(1) of such Act; and

''(bb) after the end of fiscal year 2022, in the general fund of the Treasury, where such proceeds shall be dedicated for the sole purpose of deficit reduction.

''(iv) CONGRESSIONAL NOTIFICATION.—At least 3 months before any incentive auction conducted under this subparagraph, the Chairman of the Commission, in consultation with the Director of the Office of Management and Budget, shall notify the appropriate committees of Congress of the methodology for calculating the amounts that will be shared with licensees under clause (i).

''(v) DEFINITION.—In this subparagraph, the term 'appropriate committees of Congress' means—

''(I) the Committee on Commerce, Science, and Transportation of the Senate;

''(II) the Committee on Appropriations of the Senate;

''(III) the Committee on Energy and Commerce of the House of Representatives; and

''(IV) the Committee on Appropriations of the House of Representatives.''.

SEC. 6403. SPECIAL REQUIREMENTS FOR INCENTIVE AUCTION OF BROADCAST TV SPECTRUM.

(a) REVERSE AUCTION TO IDENTIFY INCENTIVE AMOUNT.—

(1) IN GENERAL.—The Commission shall conduct a reverse auction to determine the amount of compensation that each broadcast television licensee would accept in return for voluntarily relinquishing some or all of its broadcast television spectrum usage rights in order to make spectrum available for assignment through a system of competitive bidding under subparagraph (G) of section 309(j)(8) of the Communications Act of 1934, as added by section 6402.

(2) ELIGIBLE RELINQUISHMENTS.—A relinquishment of usage rights for purposes of paragraph (1) shall include the following:

(A) Relinquishing all usage rights with respect to a particular television channel without receiving in return any usage rights with respect to another television channel.

(B) Relinquishing all usage rights with respect to an ultra high frequency television channel in return for receiving usage rights with respect to a very high frequency television channel.

(C) Relinquishing usage rights in order to share a television channel with another licensee.

(3) CONFIDENTIALITY.—The Commission shall take all reasonable steps necessary to protect the confidentiality of Commission-held data of a licensee participating in the reverse auction under paragraph (1), including withholding the identity of such licensee until the reassignments and reallocations (if any) under subsection (b)(1)(B) become effective, as described in subsection (f)(2).

(4) PROTECTION OF CARRIAGE RIGHTS OF LICENSEES SHARING A CHANNEL.—A broadcast television station that voluntarily relinquishes spectrum usage rights under this subsection in order to share a television channel and that possessed carriage rights under section 338, 614, or 615 of the Communications Act of 1934 (47 U.S.C. 338; 534; 535) on November 30, 2010, shall have, at its shared location, the carriage rights under such section that would apply to such station at such location if it were not sharing a channel.

(b) REORGANIZATION OF BROADCAST TV SPECTRUM.—

(1) IN GENERAL.—For purposes of making available spectrum to carry out the forward auction under subsection (c)(1), the Commission—

(A) shall evaluate the broadcast television spectrum (including spectrum made available through the reverse auction under subsection (a)(1)); and

(B) may, subject to international coordination along the border with Mexico and Canada—

(i) make such reassignments of television channels as the Commission considers appropriate; and

(ii) reallocate such portions of such spectrum as the Commission determines are available for reallocation.

(2) FACTORS FOR CONSIDERATION.—In making any reassignments or reallocations under paragraph (1)(B), the Commission shall make all reasonable efforts to preserve, as of the date of the enactment of this Act, the coverage area and population served of each broadcast television licensee, as determined using the methodology described in OET Bulletin 69 of the Office of Engineering and Technology of the Commission.

(3) NO INVOLUNTARY RELOCATION FROM UHF TO VHF.—In making any reassignments under paragraph (1)(B)(i), the Commission may not involuntarily reassign a broadcast television licensee—

(A) from an ultra high frequency television channel to a very high frequency television channel; or

(B) from a television channel between the frequencies from 174 megahertz to 216 megahertz to a television channel between the frequencies from 54 megahertz to 88 megahertz.

(4) PAYMENT OF RELOCATION COSTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), from amounts made available under subsection (d)(2), the Commission shall reimburse costs reasonably incurred by—

(i) a broadcast television licensee that was reassigned under paragraph (1)(B)(i) from one ultra high frequency television channel to a different ultra high frequency television channel, from one very high frequency television channel to a different very high frequency television channel, or, in accordance with subsection (g)(1)(B), from a very high frequency television channel to an ultra high frequency television channel, in order for the licensee to relocate its television service from one channel to the other;

(ii) a multichannel video programming distributor in order to continue to carry the signal of a broadcast television licensee that—

(I) is described in clause (i);

(II) voluntarily relinquishes spectrum usage rights under subsection (a) with respect to an ultra high frequency television channel in return for receiving usage rights with respect to a very high frequency television channel; or

(III) voluntarily relinquishes spectrum usage rights under subsection (a) to share a television channel with another licensee; or

(iii) a channel 37 incumbent user, in order to relocate to other suitable spectrum, provided that all such users can be relocated and that the total relocation costs of such users do not exceed $300,000,000. For the purpose of this section, the spectrum made available through relocation of channel 37 incumbent users shall be deemed as spectrum reclaimed through a reverse auction under section 6403(a).

(B) REGULATORY RELIEF.—In lieu of reimbursement for relocation costs under subparagraph (A), a broadcast television licensee may accept, and the Commission may grant as it considers appropriate, a waiver of the service rules of the Commission to permit the licensee, subject to interference protections, to make flexible use of the spectrum assigned to the licensee to provide services other than broadcast television services. Such waiver shall only remain in effect while the licensee provides at least 1 broadcast television program stream on such spectrum at no charge to the public.

(C) LIMITATION.—The Commission may not make reimbursements under subparagraph (A) for lost revenues.

(D) DEADLINE.—The Commission shall make all reimbursements required by subparagraph (A) not later than the date that is 3 years after the completion of the forward auction under subsection (c)(1).

(5) LOW-POWER TELEVISION USAGE RIGHTS.—Nothing in this subsection shall be construed to alter the spectrum usage rights of low-power television stations.

(c) FORWARD AUCTION.—

(1) AUCTION REQUIRED.—The Commission shall conduct a forward auction in which—

(A) the Commission assigns licenses for the use of the spectrum that the Commission reallocates under subsection (b)(1)(B)(ii); and

(B) the amount of the proceeds that the Commission shares under clause (i) of section 309(j)(8)(G) of the Communications Act of 1934 with each licensee whose bid the Commission accepts in the reverse auction under subsection (a)(1) is not less than the amount of such bid.

(2) MINIMUM PROCEEDS.—

(A) IN GENERAL.—If the amount of the proceeds from the forward auction under paragraph (1) is not greater than the sum described in subparagraph (B), no licenses shall be assigned through such forward auction, no reassignments or reallocations under subsection (b)(1)(B) shall become effective, and the Commission may not revoke any spectrum usage rights by reason of a bid that the Commission accepts in the reverse auction under subsection (a)(1).

(B) SUM DESCRIBED.—The sum described in this subparagraph is the sum of—

(i) the total amount of compensation that the Commission must pay successful bidders in the reverse auction under subsection (a)(1);

(ii) the costs of conducting such forward auction that the salaries and expenses account of the Commission is required to retain under section 309(j)(8)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(B)); and

(iii) the estimated costs for which the Commission is required to make reimbursements under subsection (b)(4)(A).

(C) ADMINISTRATIVE COSTS.—The amount of the proceeds from the forward auction under paragraph (1) that the salaries and expenses account of the Commission is required to retain under section 309(j)(8)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(B)) shall be sufficient to cover the costs incurred by the Commission in conducting the reverse auction under subsection (a)(1), conducting the evaluation of the broadcast television spectrum under subparagraph (A) of subsection (b)(1), and making any reassignments or reallocations under subparagraph (B) of such subsection, in addition to the costs incurred by the Commission in conducting such forward auction.

(3) FACTOR FOR CONSIDERATION.—In conducting the forward auction under paragraph (1), the Commission shall consider assigning licenses that cover geographic areas of a variety of different sizes.

(d) TV BROADCASTER RELOCATION FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the TV Broadcaster Relocation Fund.

(2) PAYMENT OF RELOCATION COSTS.—Any amounts borrowed under paragraph (3)(A) and any amounts in the TV Broadcaster Relocation Fund that are not necessary for reimbursement of the general fund of the Treasury for such borrowed amounts shall be available to the Commission to make the payments required by subsection (b)(4)(A).

(3) BORROWING AUTHORITY.—

(A) IN GENERAL.—Beginning on the date when any reassignments or reallocations under subsection (b)(1)(B) become effective, as provided in subsection (f)(2), and ending when $1,000,000,000 has been deposited in the TV Broadcaster Relocation Fund, the Commission may borrow from the Treasury of the United States an amount not to exceed $1,000,000,000 to use toward the payments required by subsection (b)(4)(A).

(B) REIMBURSEMENT.—The Commission shall reimburse the general fund of the Treasury, without interest, for any amounts borrowed under subparagraph (A) as funds are deposited into the TV Broadcaster Relocation Fund.

(4) TRANSFER OF UNUSED FUNDS.—If any amounts remain in the TV Broadcaster Relocation Fund after the date that is 3 years after the completion of the forward auction under subsection (c)(1), the Secretary of the Treasury shall—

(A) prior to the end of fiscal year 2022, transfer such amounts to the Public Safety Trust Fund established by section 6413(a)(1); and

(B) after the end of fiscal year 2022, transfer such amounts to the general fund of the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction.

(e) NUMERICAL LIMITATION ON AUCTIONS AND REORGANIZATION.—The Commission may not complete more than one reverse auction under subsection (a)(1) or more than one reorganization of the broadcast television spectrum under subsection (b).

(f) TIMING.—

(1) CONTEMPORANEOUS AUCTIONS AND REORGANIZATION PERMITTED.—The Commission may conduct the reverse auction under subsection (a)(1), any reassignments or reallocations under subsection (b)(1)(B), and the forward auction under subsection (c)(1) on a contemporaneous basis.

(2) EFFECTIVENESS OF REASSIGNMENTS AND REALLOCATIONS.—Notwithstanding paragraph (1), no reassignments or reallocations under subsection (b)(1)(B) shall become effective until the completion of the reverse auction under subsection (a)(1) and the forward auction under subsection (c)(1), and, to the extent practicable, all such reassignments and reallocations shall become effective simultaneously.

(3) DEADLINE.—The Commission may not conduct the reverse auction under subsection (a)(1) or the forward auction under subsection (c)(1) after the end of fiscal year 2022.

(4) LIMIT ON DISCRETION REGARDING AUCTION TIMING.—Section 309(j)(15)(A) of the Communications Act of 1934 (47 U.S.C. 309(j)(15)(A)) shall not apply in the case of an auction conducted under this section.

(g) LIMITATION ON REORGANIZATION AUTHORITY.—

(1) IN GENERAL.—During the period described in paragraph (2), the Commission may not—

(A) involuntarily modify the spectrum usage rights of a broadcast television licensee or reassign such a licensee to another television channel except—

(i) in accordance with this section; or

(ii) in the case of a violation by such licensee of the terms of its license or a specific provision of a statute administered by the Commission, or a regulation of the Commission promulgated under any such provision; or

(B) reassign a broadcast television licensee from a very high frequency television channel to an ultra high frequency television channel, unless—

(i) such a reassignment will not decrease the total amount of ultra high frequency spectrum made available for reallocation under this section; or

(ii) a request from such licensee for the reassignment was pending at the Commission on May 31, 2011.

(2) PERIOD DESCRIBED.—The period described in this paragraph is the period beginning on the date of the enactment of this Act and ending on the earliest of—

(A) the first date when the reverse auction under subsection (a)(1), the reassignments and reallocations (if any) under subsection (b)(1)(B), and the forward auction under subsection (c)(1) have been completed;

(B) the date of a determination by the Commission that the amount of the proceeds from the forward auction under subsection (c)(1) is not greater than the sum described in subsection (c)(2)(B); or

(C) September 30, 2022.

(h) PROTEST RIGHT INAPPLICABLE.—The right of a licensee to protest a proposed order of modification of its license under section 316 of the Communications Act of 1934 (47 U.S.C. 316) shall not apply in the case of a modification made under this section.

(i) COMMISSION AUTHORITY.—Nothing in subsection (b) shall be construed to—

(1) expand or contract the authority of the Commission, except as otherwise expressly provided; or

(2) prevent the implementation of the Commission's ''White Spaces'' Second Report and Order and Memorandum Opinion and Order (FCC 08–260, adopted November 4, 2008) in the spectrum that remains allocated for broadcast television use after the reorganization required by such subsection.

SEC. 6404. CERTAIN CONDITIONS ON AUCTION PARTICIPATION PROHIBITED.

Section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) is amended by adding at the end the following new paragraph:

''(17) CERTAIN CONDITIONS ON AUCTION PARTICIPATION PROHIBITED.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, the Commission may not prevent a person from participating in a system of competitive bidding under this subsection if such person—

''(i) complies with all the auction procedures and other requirements to protect the auction process established by the Commission; and

''(ii) either—

''(I) meets the technical, financial, character, and citizenship qualifications that the Commission may require under section 303(l)(1), 308(b), or 310 to hold a license; or

''(II) would meet such license qualifications by means approved by the Commission prior to the grant of the license.

''(B) CLARIFICATION OF AUTHORITY.—Nothing in subparagraph (A) affects any authority the Commission has to adopt and enforce rules of general applicability, including rules

concerning spectrum aggregation that promote competition.''.

SEC. 6405. EXTENSION OF AUCTION AUTHORITY.

Section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is amended by striking ''2012'' and inserting ''2022''.

SEC. 6406. UNLICENSED USE IN THE 5 GHZ BAND.

(a) MODIFICATION OF COMMISSION REGULATIONS TO ALLOW CERTAIN UNLICENSED USE.—

(1) IN GENERAL.—Subject to paragraph (2), not later than 1 year after the date of the enactment of this Act, the Commission shall begin a proceeding to modify part 15 of title 47, Code of Federal Regulations, to allow unlicensed U–NII devices to operate in the 5350–5470 MHz band.

(2) REQUIRED DETERMINATIONS.—The Commission may make the modification described in paragraph (1) only if the Commission, in consultation with the Assistant Secretary, determines that—

(A) licensed users will be protected by technical solutions, including use of existing, modified, or new spectrum-sharing technologies and solutions, such as dynamic frequency selection; and

(B) the primary mission of Federal spectrum users in the 5350–5470 MHz band will not be compromised by the introduction of unlicensed devices.

(b) STUDY BY NTIA.—

(1) IN GENERAL.—The Assistant Secretary, in consultation with the Department of Defense and other impacted agencies, shall conduct a study evaluating known and proposed spectrum-sharing technologies and the risk to Federal users if unlicensed U–NII devices were allowed to operate in the 5350–5470 MHz band and in the 5850–5925 MHz band.

(2) SUBMISSION.—The Assistant Secretary shall submit to the Commission and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

(A) not later than 8 months after the date of the enactment of this Act, a report on the portion of the study required by paragraph (1) with respect to the 5350–5470 MHz band; and

(B) not later than 18 months after the date of the enactment of this Act, a report on the portion of the study required by paragraph (1) with respect to the 5850–5925 MHz band.

(c) DEFINITIONS.—In this section:

(1) 5350–5470 MHZ BAND.—The term ''5350–5470 MHz band'' means the portion of the electromagnetic spectrum between the frequencies from 5350 megahertz to 5470 megahertz.

(2) 5850–5925 MHZ BAND.—The term ''5850–5925 MHz band'' means the portion of the electromagnetic spectrum between the frequencies from 5850 megahertz to 5925 megahertz.

SEC. 6407. GUARD BANDS AND UNLICENSED USE.

(a) IN GENERAL.—Nothing in subparagraph (G) of section 309(j)(8) of the Communications Act of 1934, as added by section 6402, or in section 6403 shall be construed to prevent the Commission from using relinquished or other spectrum to implement band plans with guard bands.

(b) SIZE OF GUARD BANDS.—Such guard bands shall be no larger than is technically reasonable to prevent harmful interference between licensed services outside the guard bands.

(c) UNLICENSED USE IN GUARD BANDS.—The Commission may permit the use of such guard bands for unlicensed use.

(d) DATABASE.—Unlicensed use shall rely on a database or subsequent methodology as determined by the Commission.

(e) PROTECTIONS AGAINST HARMFUL INTERFERENCE.—The Commission may not permit any use of a guard band that the Commission determines would cause harmful interference to licensed services.

SEC. 6408. STUDY ON RECEIVER PERFORMANCE AND SPECTRUM EFFICIENCY.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study to consider efforts to ensure that each transmission system is designed and operated so that reasonable use of adjacent spectrum does not excessively impair the functioning of such system.

(b) REQUIRED CONSIDERATIONS.—In conducting the study required by subsection (a), the Comptroller General shall consider—

(1) the value of—

(A) improving receiver performance as it relates to increasing spectral efficiency;

(B) improving the operation of services that are located in adjacent spectrum; and

(C) narrowing the guard bands between adjacent spectrum use;

(2) the role of manufacturers, commercial licensees, and government users with respect to their transmission systems and the use of adjacent spectrum;

(3) the feasibility of industry self-compliance with respect to the design and operational requirements of transmission systems and the reasonable use of adjacent spectrum; and

(4) the value of action by the Commission and the Assistant Secretary to establish, by rule, technical requirements or standards for non-Federal and Federal use, respectively, with respect to the reasonable use of portions of the radio spectrum that are adjacent to each other.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit a report on the results of the study required by subsection (a) to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(d) TRANSMISSION SYSTEM DEFINED.—In this section, the term ''transmission system'' means any telecommunications, broadcast, satellite, commercial mobile service, or other communications system that employs radio spectrum.

SEC. 6409. WIRELESS FACILITIES DEPLOYMENT.

(a) FACILITY MODIFICATIONS.—

(1) IN GENERAL.—Notwithstanding section 704 of the Telecommunications Act of 1996 (Public Law 104–104) or any other provision of law, a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.

(2) ELIGIBLE FACILITIES REQUEST.—For purposes of this subsection, the term ''eligible facilities request'' means any request for modification of an existing wireless tower or base station that involves—

(A) collocation of new transmission equipment;

(B) removal of transmission equipment; or

(C) replacement of transmission equipment.

(3) APPLICABILITY OF ENVIRONMENTAL LAWS.—Nothing in paragraph (1) shall be construed to relieve the Commission from the requirements of the National Historic Preservation Act or the National Environmental Policy Act of 1969.

(b) FEDERAL EASEMENTS AND RIGHTS-OF-WAY.—

(1) GRANT.—If an executive agency, a State, a political subdivision or agency of a State, or a person, firm, or organization applies for the grant of an easement or right-of-way to, in, over, or on a building or other property owned by the Federal Government for the right to install, construct, and maintain wireless service antenna structures and equipment and backhaul transmission equipment, the executive agency having control of the building or other property may grant to the applicant, on behalf of the Federal Government, an easement or right-of-way to perform such installation, construction, and maintenance.

(2) APPLICATION.—The Administrator of General Services shall develop a common form for applications for easements and rights-of-way under paragraph (1) for all executive agencies that shall be used by applicants with respect to the buildings or other property of each such agency.

(3) FEE.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Administrator of General Services shall establish a fee for the grant of an easement or right-of-way pursuant to paragraph (1) that is based on direct cost recovery.

(B) EXCEPTIONS.—The Administrator of General Services may establish exceptions to the fee amount required under subparagraph (A)—

(i) in consideration of the public benefit provided by a grant of an easement or right-of-way; and

(ii) in the interest of expanding wireless and broadband coverage.

(4) USE OF FEES COLLECTED.—Any fee amounts collected by an executive agency pursuant to paragraph (3) may be made available, as provided in appropriations Acts, to such agency to cover the costs of granting the easement or right-of-way.

(c) MASTER CONTRACTS FOR WIRELESS FACILITY SITINGS.—

(1) IN GENERAL.—Notwithstanding section 704 of the Telecommunications Act of 1996 or any other provision of law, and not later than 60 days after the date of the enactment of this Act, the Administrator of General Services shall—

(A) develop 1 or more master contracts that shall govern the placement of wireless service antenna structures on buildings and other property owned by the Federal Government; and

(B) in developing the master contract or contracts, standardize the treatment of the placement of wireless service antenna structures on building rooftops or facades, the placement of wireless service antenna equipment on rooftops or inside buildings, the technology used in connection with wireless service antenna structures or equipment placed on Federal buildings and other property, and any other key issues the Administrator of General Services considers appropriate.

(2) APPLICABILITY.—The master contract or contracts developed by the Administrator of General Services under paragraph (1) shall apply to all publicly accessible buildings and other property owned by the Federal Government, unless the Administrator of General Services decides that issues with respect to the siting of a wireless service antenna structure on a specific building or other property warrant nonstandard treatment of such building or other property.

(3) APPLICATION.—The Administrator of General Services shall develop a common form or set of forms for wireless service antenna structure siting applications under this subsection for all executive agencies that shall be used by applicants with respect to the buildings and other property of each such agency.

(d) EXECUTIVE AGENCY DEFINED.—In this section, the term ''executive agency'' has the meaning given such term in section 102 of title 40, United States Code.

SEC. 6410. FUNCTIONAL RESPONSIBILITY OF NTIA TO ENSURE EFFICIENT USE OF SPECTRUM.

Section 103(b)(2) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 902(b)(2)) is amended by adding at the end the following:

''(U) The responsibility to promote the best possible and most efficient use of electromagnetic spectrum resources across the Federal Government, subject to and consistent with the needs and missions of Federal agencies.''.

SEC. 6411. SYSTEM CERTIFICATION.

Not later than 6 months after the date of the enactment of this Act, the Director of the Office of Management and Budget shall update and revise section 33.4 of OMB Circular A–11 to reflect the recommendations regarding such Circular made in the Commerce Spectrum Management Advisory Committee Incentive Subcommittee report, adopted January 11, 2011.

SEC. 6412. DEPLOYMENT OF 11 GHZ, 18 GHZ, AND 23 GHZ MICROWAVE BANDS.

(a) FCC REPORT ON REJECTION RATE.—Not later than 9 months after the date of the enactment of this Act, the Commission shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the rejection rate for the spectrum described in subsection (c).

(b) GAO STUDY ON DEPLOYMENT.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study to assess whether the spectrum described in subsection (c) is being deployed in such a manner that, in areas with high demand for common carrier licenses for the use of such spectrum, market forces—

(A) provide adequate incentive for the efficient use of such spectrum; and

(B) ensure that the Federal Government receives maximum revenue for such spectrum through competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)).

(2) FACTORS FOR CONSIDERATION.—In conducting the study required by paragraph (1), the Comptroller General shall take into consideration—

(A) spectrum that is adjacent to the spectrum described in subsection (c) and that was assigned through competitive bidding under section 309(j) of the Communications Act of 1934; and

(B) the rejection rate for the spectrum described in subsection (c), current as of the time of the assessment and as projected for the future, in markets in which there is a high demand for common carrier licenses for the use of such spectrum.

(3) REPORT.—Not later than 9 months after the date of the enactment of this Act, the Comptroller General shall submit a report on the study required by paragraph (1) to—

(A) the Commission; and

(B) the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(c) SPECTRUM DESCRIBED.—The spectrum described in this subsection is the portions of the electromagnetic spectrum between the frequencies from 10,700 megahertz to 11,700 megahertz, from 17,700 megahertz to 19,700 megahertz, and from 21,200 megahertz to 23,600 megahertz.

(d) REJECTION RATE DEFINED.—In this section, the term ''rejection rate'' means the number and percent of applications (whether made to the Commission or to a third-party coordinator) for common carrier use of spectrum that were not granted because of lack of availability of such spectrum or interference concerns of existing licensees.

(e) NO ADDITIONAL FUNDS AUTHORIZED.—Funds necessary to carry out this section shall be derived from funds otherwise authorized to be appropriated.

SEC. 6413. PUBLIC SAFETY TRUST FUND.

(a) ESTABLISHMENT OF PUBLIC SAFETY TRUST FUND.—

(1) IN GENERAL.—There is established in the Treasury of the United States a trust fund to be known as the Public Safety Trust Fund.

(2) AVAILABILITY.—Amounts deposited in the Public Safety Trust Fund shall remain available through fiscal year 2022. Any amounts remaining in the Fund after the end of such fiscal year shall be deposited in the general fund of the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction.

(b) USE OF FUND.—As amounts are deposited in the Public Safety Trust Fund, such amounts shall be used to make the following deposits or payments in the following order of priority:

(1) REPAYMENT OF AMOUNT BORROWED FOR FIRST RESPONDER NETWORK AUTHORITY.—An amount not to exceed $2,000,000,000 shall be available to the NTIA to reimburse the general fund of the Treasury for any amounts borrowed under section 6207.

(2) STATE AND LOCAL IMPLEMENTATION FUND.—$135,000,000 shall be deposited in the State and Local Implementation Fund established by section 6301.

(3) BUILDOUT BY FIRST RESPONDER NETWORK AUTHORITY.—$7,000,000,000, reduced by the amount borrowed under section 6207, shall be deposited in the Network Construction Fund established by section 6206.

(4) PUBLIC SAFETY RESEARCH.—$100,000,000 shall be available to the Director of NIST to carry out section 6303.

(5) DEFICIT REDUCTION.—$20,400,000,000 shall be deposited in the general fund of the Treasury, where such amount shall be dedicated for the sole purpose of deficit reduction.

(6) 9–1–1, E9–1–1, AND NEXT GENERATION 9–1–1 IMPLEMENTATION GRANTS.—$115,000,000 shall be available to the Assistant Secretary and the Administrator of the National Highway Traffic Safety Administration to carry out the grant program under section 158 of the National Telecommunications and Information Administration Organization Act, as amended by section 6503 of this title.

(7) ADDITIONAL PUBLIC SAFETY RESEARCH.—$200,000,000 shall be available to the Director of NIST to carry out section 6303.

(8) ADDITIONAL DEFICIT REDUCTION.—Any remaining amounts deposited in the Public Safety Trust Fund shall be deposited in the general fund of the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction.

(c) INVESTMENT.—Amounts in the Public Safety Trust Fund shall be invested in accordance with section 9702 of title 31, United States Code, and any interest on, and proceeds from, any such investment shall be credited to, and become a part of, the Fund.

SEC. 6414. STUDY ON EMERGENCY COMMUNICATIONS BY AMATEUR RADIO AND IMPEDIMENTS TO AMATEUR RADIO COMMUNICATIONS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commission, in consultation with the Office of Emergency Communications in the Department of Homeland Security, shall—

(1) complete a study on the uses and capabilities of amateur radio service communications in emergencies and disaster relief; and

(2) submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the findings of such study.

(b) CONTENTS.—The study required by subsection (a) shall include—

(1)(A) a review of the importance of emergency amateur radio service communications relating to disasters, severe weather, and other threats to lives and property in the United States; and

(B) recommendations for—

(i) enhancements in the voluntary deployment of amateur radio operators in disaster and emergency communications and disaster relief efforts; and

(ii) improved integration of amateur radio operators in the planning and furtherance of initiatives of the Federal Government; and

(2)(A) an identification of impediments to enhanced amateur radio service communications, such as the effects of unreasonable or unnecessary private land use restrictions on residential antenna installations; and

(B) recommendations regarding the removal of such impediments.

(c) EXPERTISE.—In conducting the study required by subsection (a), the Commission shall use the expertise of stakeholder entities and organizations, including the amateur radio, emergency response, and disaster communications communities.

Subtitle E—Next Generation 9–1–1 Advancement Act of 2012

SEC. 6501. SHORT TITLE.

This subtitle may be cited as the ''Next Generation 9–1–1 Advancement Act of 2012''.

SEC. 6502. DEFINITIONS.

In this subtitle, the following definitions shall apply:

(1) 9–1–1 SERVICES AND E9–1–1 SERVICES.—The terms ''9–1–1 services'' and ''E9–1–1 services'' shall have the meaning given those terms in section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942), as amended by this subtitle.

(2) MULTI-LINE TELEPHONE SYSTEM.—The term ''multi-line telephone system'' or ''MLTS'' means a system comprised of common control units, telephone sets, control hardware and software and adjunct systems, including network and premises based systems, such as Centrex and VoIP, as well as PBX, Hybrid, and Key Telephone Systems (as classified by the Commission under part 68 of title 47, Code of Federal Regulations), and includes systems owned or leased by governmental agencies and non-profit entities, as well as for profit businesses.

(3) OFFICE.—The term ''Office'' means the 9–1–1 Implementation Coordination Office established under section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942), as amended by this subtitle.

SEC. 6503. COORDINATION OF 9–1–1 IMPLEMENTATION.

Section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) is amended to read as follows:

''SEC. 158. COORDINATION OF 9–1–1, E9–1–1, AND NEXT GENERATION 9–1–1 IMPLEMENTATION.

''(a) 9–1–1 IMPLEMENTATION COORDINATION OFFICE.—

''(1) ESTABLISHMENT AND CONTINUATION.—The Assistant Secretary and the Administrator of the National Highway Traffic Safety Administration shall—

''(A) establish and further a program to facilitate coordination and communication between Federal, State, and local emergency communications systems, emergency personnel, public safety organizations, telecommunications carriers, and telecommunications equipment manufacturers and vendors involved in the implementation of 9–1–1 services; and

''(B) establish a 9–1–1 Implementation Coordination Office to implement the provisions of this section.

''(2) MANAGEMENT PLAN.—

''(A) DEVELOPMENT.—The Assistant Secretary and the Administrator shall develop a management plan for the grant program established under this section, including by developing—

''(i) plans related to the organizational structure of such program; and

''(ii) funding profiles for each fiscal year of the duration of such program.

''(B) SUBMISSION TO CONGRESS.—Not later than 90 days after the date of enactment of the Next Generation 9–1–1 Advancement Act of 2012, the Assistant Secretary and the Administrator shall submit the management plan developed under subparagraph (A) to—

''(i) the Committees on Commerce, Science, and Transportation and Appropriations of the Senate; and

''(ii) the Committees on Energy and Commerce and Appropriations of the House of Representatives.

''(3) PURPOSE OF OFFICE.—The Office shall—

''(A) take actions, in concert with coordinators designated in accordance with subsection (b)(3)(A)(ii), to improve coordination and communication with respect to the implementation of 9–1–1 services, E9–1–1 services, and Next Generation 9–1–1 services;

''(B) develop, collect, and disseminate information concerning practices, procedures, and technology used in the implementation of 9–1–1 services, E9–1–1 services, and Next Generation 9–1–1 services;

''(C) advise and assist eligible entities in the preparation of implementation plans required under subsection (b)(3)(A)(iii);

''(D) receive, review, and recommend the approval or disapproval of applications for grants under subsection (b); and

''(E) oversee the use of funds provided by such grants in fulfilling such implementation plans.

''(4) REPORTS.—The Assistant Secretary and the Administrator shall provide an annual report to Congress by the first day of October of each year on the activities of the Office to improve coordination and communication with respect to the implementation of 9–1–1 services, E9–1–1 services, and Next Generation 9–1–1 services.

''(b) 9–1–1, E9–1–1, AND NEXT GENERATION 9–1–1 IMPLEMENTATION GRANTS.—

''(1) MATCHING GRANTS.—The Assistant Secretary and the Administrator, acting through the Office, shall provide grants to eligible entities for—

''(A) the implementation and operation of 9–1–1 services, E9–1–1 services, migration to an IP-enabled emergency network, and adoption and operation of Next Generation 9–1–1 services and applications;

''(B) the implementation of IP-enabled emergency services and applications enabled by Next Generation 9–1–1 services, including the establishment of IP backbone networks and the application layer software infrastructure needed to interconnect the multitude of emergency response organizations; and

''(C) training public safety personnel, including call-takers, first responders, and other individuals and organizations who are part of the emergency response chain in 9–1–1 services.

''(2) MATCHING REQUIREMENT.—The Federal share of the cost of a project eligible for a grant under this section shall not exceed 60 percent.

''(3) COORDINATION REQUIRED.—In providing grants under paragraph (1), the Assistant Secretary and the Administrator shall require an eligible entity to certify in its application that—

''(A) in the case of an eligible entity that is a State government, the entity—

''(i) has coordinated its application with the public safety answering points located within the jurisdiction of such entity;

''(ii) has designated a single officer or governmental body of the entity to serve as the coordinator of implementation of 9–1–1 services, except that such designation need not vest such coordinator with direct legal authority to implement 9–1–1 services, E9–1–1 services, or Next Generation 9–1–1 services or to manage emergency communications operations;

''(iii) has established a plan for the coordination and implementation of 9–1–1 services, E9–1–1 services, and Next Generation 9–1–1 services; and

''(iv) has integrated telecommunications services involved in the implementation and delivery of 9–1–1 services, E9–1–1 services, and Next Generation 9–1–1 services; or

''(B) in the case of an eligible entity that is not a State, the entity has complied with clauses (i), (iii), and (iv) of subparagraph (A), and the State in which it is located has complied with clause (ii) of such subparagraph.

''(4) CRITERIA.—Not later than 120 days after the date of enactment of the Next Generation 9–1–1 Advancement Act of 2012, the Assistant Secretary and the Administrator shall issue regulations, after providing the public with notice and an opportunity to comment, prescribing the criteria for selection for grants under this section. The criteria shall include performance requirements and a timeline for completion of any project to be financed by a grant under this section. The Assistant Secretary and the Administrator shall update such regulations as necessary.

''(c) DIVERSION OF 9–1–1 CHARGES.—

''(1) DESIGNATED 9–1–1 CHARGES.—For the purposes of this subsection, the term 'designated 9–1–1 charges' means any taxes, fees, or other charges imposed by a State or other taxing jurisdiction that are designated or presented as dedicated to deliver or improve 9–1–1 services, E9–1–1 services, or Next Generation 9–1–1 services.

''(2) CERTIFICATION.—Each applicant for a matching grant under this section shall certify to the Assistant Secretary and the Administrator at the time of application, and each applicant that receives such a grant shall certify to the Assistant Secretary and the Administrator annually thereafter during any period of time during which the funds from the grant are available to the applicant, that no portion of any designated 9–1–1 charges imposed by a State or other taxing jurisdiction within which the applicant is located are being obligated or expended for any purpose other than the purposes for which such charges are designated or presented during the period beginning 180 days immediately preceding the date of the application and continuing through the period of time during which the funds from the grant are available to the applicant.

''(3) CONDITION OF GRANT.—Each applicant for a grant under this section shall agree, as a condition of receipt of the grant, that if the State or other taxing jurisdiction within which the applicant is located, during any period of time during which the funds from the grant are available to the applicant, obligates or expends designated 9–1–1 charges for any purpose other than the purposes for which such charges are designated or presented, eliminates such charges, or redesignates such charges for purposes other than the implementation or operation of 9–1–1 services, E9–1–1 services, or Next Generation 9–1–1 services, all of the funds from such grant shall be returned to the Office.

''(4) PENALTY FOR PROVIDING FALSE INFORMATION.—Any applicant that provides a certification under paragraph (2) knowing that the information provided in the certification was false shall—

''(A) not be eligible to receive the grant under subsection (b);

''(B) return any grant awarded under subsection (b) during the time that the certification was not valid; and

''(C) not be eligible to receive any subsequent grants under subsection (b).

''(d) FUNDING AND TERMINATION.—

''(1) IN GENERAL.—From the amounts made available to the Assistant Secretary and the Administrator under section 6413(b)(6) of the Middle Class Tax Relief and Job Creation Act of 2012, the Assistant Secretary and the Administrator are authorized to provide grants under this section through the end of fiscal year 2022. Not more than 5 percent of such amounts may be obligated or expended to cover the administrative costs of carrying out this section.

''(2) TERMINATION.—Effective on October 1, 2022, the authority provided by this section terminates and this section shall have no effect.

''(e) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) 9–1–1 SERVICES.—The term '9–1–1 services' includes both E9–1–1 services and Next Generation 9–1–1 services.

''(2) E9–1–1 SERVICES.—The term 'E9–1–1 services' means both phase I and phase II enhanced 9–1–1 services, as described in section 20.18 of the Commission's regulations (47 C.F.R. 20.18), as in effect on the date of enactment of the Next Generation 9–1–1 Advancement Act of 2012, or as subsequently revised by the Commission.

''(3) ELIGIBLE ENTITY.—

''(A) IN GENERAL.—The term 'eligible entity' means a State or local government or a tribal organization (as defined in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l))).

''(B) INSTRUMENTALITIES.—The term 'eligible entity' includes public authorities, boards, commissions, and similar bodies created by one or more eligible entities described in subparagraph (A) to provide 9–1–1 services, E9–1–1 services, or Next Generation 9–1–1 services.

''(C) EXCEPTION.—The term 'eligible entity' does not include any entity that has failed to submit the most recently required certification under subsection (c) within 30 days after the date on which such certification is due.

''(4) EMERGENCY CALL.—The term 'emergency call' refers to any real-time communication with a public safety answering point or other emergency management or response agency, including—

''(A) through voice, text, or video and related data; and

''(B) nonhuman-initiated automatic event alerts, such as alarms, telematics, or sensor data, which may also include real-time voice, text, or video communications.

''(5) NEXT GENERATION 9–1–1 SERVICES.—The term 'Next Generation 9–1–1 services' means an IP-based system comprised of hardware, software, data, and operational policies and procedures that—

''(A) provides standardized interfaces from emergency call and message services to support emergency communications;

''(B) processes all types of emergency calls, including voice, data, and multimedia information;

''(C) acquires and integrates additional emergency call data useful to call routing and handling;

''(D) delivers the emergency calls, messages, and data to the appropriate public safety answering point and other appropriate emergency entities;

''(E) supports data or video communications needs for coordinated incident response and management; and

''(F) provides broadband service to public safety answering points or other first responder entities.

''(6) OFFICE.—The term 'Office' means the 9–1–1 Implementation Coordination Office.

''(7) PUBLIC SAFETY ANSWERING POINT.—The term 'public safety answering point' has the meaning given the term in section 222 of the Communications Act of 1934 (47 U.S.C. 222).

''(8) STATE.—The term 'State' means any State of the United States, the District of Columbia, Puerto Rico, American Samoa, Guam, the United States Virgin Islands, the Northern Mariana Islands, and any other territory or possession of the United States.''.

SEC. 6504. REQUIREMENTS FOR MULTI-LINE TELEPHONE SYSTEMS.

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Administrator of General Services, in conjunction with the Office, shall issue a report to Congress identifying the 9–1–1 capabilities of the multi-line telephone system in use by all Federal agencies in all Federal buildings and properties.

(b) COMMISSION ACTION.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Commission shall issue a public notice seeking comment on the feasibility of MLTS manufacturers including within all such systems manufactured or sold after a date certain, to be determined by the Commission, one or more mechanisms to provide a sufficiently precise indication of a 9–1–1 caller's location, while avoiding the imposition of undue burdens on MLTS manufacturers, providers, and operators.

(2) SPECIFIC REQUIREMENT.—The public notice under paragraph (1) shall seek comment on the National Emergency Number Association's ''Technical Requirements Document On Model Legislation E9–1–1 for Multi-Line Telephone Systems'' (NENA 06–750, Version 2).

SEC. 6505. GAO STUDY OF STATE AND LOCAL USE OF 9–1–1 SERVICE CHARGES.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Comptroller General of the United States shall initiate a study of—

(1) the imposition of taxes, fees, or other charges imposed by States or political subdivisions of States that are designated or presented as dedicated to improve emergency communications services, including 9–1–1 services or enhanced 9–1–1 services, or related to emergency communications services operations or improvements; and

(2) the use of revenues derived from such taxes, fees, or charges.

(b) REPORT.—Not later than 18 months after initiating the study required by subsection (a), the Comptroller General shall prepare and submit a report on the results of the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives setting forth the findings, conclusions, and recommendations, if any, of the study, including—

(1) the identity of each State or political subdivision that imposes such taxes, fees, or other charges; and

(2) the amount of revenues obligated or expended by that State or political subdivision for any purpose other than the purposes for which such taxes, fees, or charges were designated or presented.

SEC. 6506. PARITY OF PROTECTION FOR PROVISION OR USE OF NEXT GENERATION 9–1–1 SERVICES.

(a) IMMUNITY.—A provider or user of Next Generation 9–1–1 services, a public safety answering point, and the officers, directors, employees, vendors, agents, and authorizing government entity (if any) of such provider, user, or public safety answering point, shall have immunity and protection from liability under Federal and State law to the extent provided in subsection (b) with respect to—

(1) the release of subscriber information related to emergency calls or emergency services;

(2) the use or provision of 9–1–1 services, E9–1–1 services, or Next Generation 9–1–1 services; and

(3) other matters related to 9–1–1 services, E9–1–1 services, or Next Generation 9–1–1 services.

(b) SCOPE OF IMMUNITY AND PROTECTION FROM LIABILITY.—The scope and extent of the immunity and protection from liability afforded under subsection (a) shall be the same as that provided under section 4 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a) to wireless carriers, public safety answering points, and users of wireless 9–1–1 service (as defined in paragraphs (4), (3), and (6), respectively, of section 6 of that Act (47 U.S.C. 615b)) with respect to such release, use, and other matters.

SEC. 6507. COMMISSION PROCEEDING ON AUTODIALING.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Commission shall initiate a proceeding to create a specialized Do-Not-Call registry for public safety answering points.

(b) FEATURES OF THE REGISTRY.—The Commission shall issue regulations, after providing the public with notice and an opportunity to comment, that—

(1) permit verified public safety answering point administrators or managers to register the telephone numbers of all 9–1–1 trunks and other lines used for the provision of emergency services to the public or for communications between public safety agencies;

(2) provide a process for verifying, no less frequently than once every 7 years, that registered numbers should continue to appear upon the registry;

(3) provide a process for granting and tracking access to the registry by the operators of automatic dialing equipment;

(4) protect the list of registered numbers from disclosure or dissemination by parties granted access to the registry; and

(5) prohibit the use of automatic dialing or ''robocall'' equipment to establish contact with registered numbers.

(c) ENFORCEMENT.—The Commission shall—

(1) establish monetary penalties for violations of the protective regulations established pursuant to subsection (b)(4) of not less than $100,000 per incident nor more than $1,000,000 per incident;

(2) establish monetary penalties for violations of the prohibition on automatically dialing registered numbers established pursuant to subsection (b)(5) of not less than $10,000 per call nor more than $100,000 per call; and

(3) provide for the imposition of fines under paragraphs (1) or (2) that vary depending upon whether the conduct leading to the violation was negligent, grossly negligent, reckless, or willful, and depending on whether the violation was a first or subsequent offence.

SEC. 6508. REPORT ON COSTS FOR REQUIREMENTS AND SPECIFICATIONS OF NEXT GENERATION 9–1–1 SERVICES.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Office, in consultation with the Administrator of the National Highway Traffic Safety Administration, the Commission, and the Secretary of Homeland Security, shall prepare and submit a report to Congress that analyzes and determines detailed costs for specific Next Generation 9–1–1 service requirements and specifications.

(b) PURPOSE OF REPORT.—The purpose of the report required under subsection (a) is to serve as a resource for Congress as it considers creating a coordinated, long-term funding mechanism for the deployment and operation, accessibility, application development, equipment procurement, and training of personnel for Next Generation 9–1–1 services.

(c) REQUIRED INCLUSIONS.—The report required under subsection (a) shall include the following:

(1) How costs would be broken out geographically and allocated among public safety answering points, broadband service providers, and third-party providers of Next Generation 9–1–1 services.

(2) An assessment of the current state of Next Generation 9–1–1 service readiness among public safety answering points.

(3) How differences in public safety answering points' access to broadband across the United States may affect costs.

(4) A technical analysis and cost study of different delivery platforms, such as wireline, wireless, and satellite.

(5) An assessment of the architectural characteristics, feasibility, and limitations of Next Generation 9–1–1 service delivery.

(6) An analysis of the needs for Next Generation 9–1–1 services of persons with disabilities.

(7) Standards and protocols for Next Generation 9–1–1 services and for incorporating Voice over Internet Protocol and ''Real-Time Text'' standards.

SEC. 6509. COMMISSION RECOMMENDATIONS FOR LEGAL AND STATUTORY FRAMEWORK FOR NEXT GENERATION 9–1–1 SERVICES.

Not later than 1 year after the date of the enactment of this Act, the Commission, in coordination with the Secretary of Homeland Security, the Administrator of the National Highway Traffic Safety Administration, and the Office, shall prepare and submit a report to Congress that contains recommendations for the legal and statutory framework for Next Generation 9–1–1 services, consistent with recommendations in the National Broadband Plan developed by the Commission pursuant to the American Recovery and Reinvestment Act of 2009, including the following:

(1) A legal and regulatory framework for the development of Next Generation 9–1–1 services and the transition from legacy 9–1–1 to Next Generation 9–1–1 networks.

(2) Legal mechanisms to ensure efficient and accurate transmission of 9–1–1 caller information to emergency response agencies.

(3) Recommendations for removing jurisdictional barriers and inconsistent legacy regulations including—

(A) proposals that would require States to remove regulatory roadblocks to Next Generation 9–1–1 services development, while recognizing existing State authority over 9–1–1 services;

(B) eliminating outdated 9–1–1 regulations at the Federal level; and

(C) preempting inconsistent State regulations.

Subtitle F—Telecommunications Development Fund

SEC. 6601. NO ADDITIONAL FEDERAL FUNDS.

Section 309(j)(8)(C)(iii) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(C)(iii)) is amended to read as follows:

''(iii) the interest accrued to the account shall be deposited in the general fund of the Treasury, where such amount shall be dedicated for the sole purpose of deficit reduction.''.

SEC. 6602. INDEPENDENCE OF THE FUND.

Section 714 of the Communications Act of 1934 (47 U.S.C. 614) is amended—

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

''(c) INDEPENDENT BOARD OF DIRECTORS.—The Fund shall have a Board of Directors consisting of 5 people with experience in areas including finance, investment banking, government banking, communications law and administrative practice, and public policy. The Board of Directors shall select annually a Chair from among the directors. A nominating committee, comprised of the Chair and 2 other directors selected by the Chair, shall appoint additional directors. The Fund's bylaws shall regulate the other aspects of the Board of Directors, including provisions relating to meetings, quorums, committees, and other matters, all as typically contained in the bylaws of a similar private investment fund.'';

(2) in subsection (d)—

(A) by striking ''(after consultation with the Commission and the Secretary of the Treasury)'';

(B) by striking paragraph (1); and

(C) by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively; and

(3) in subsection (g), by striking ''subsection (d)(2)'' and inserting ''subsection (d)(1)''.

Subtitle G—Federal Spectrum Relocation

SEC. 6701. RELOCATION OF AND SPECTRUM SHARING BY FEDERAL GOVERNMENT STATIONS.

(a) IN GENERAL.—Section 113 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923) is amended—

(1) in subsection (g)—

(A) by striking the heading and inserting ''RELOCATION OF AND SPECTRUM SHARING BY FEDERAL GOVERNMENT STATIONS.—'';

(B) by amending paragraph (1) to read as follows:

''(1) ELIGIBLE FEDERAL ENTITIES.—Any Federal entity that operates a Federal Government station authorized to use a band of eligible frequencies described in paragraph (2) and that incurs relocation or sharing costs because of planning for an auction of spectrum frequencies or the reallocation of spectrum frequencies from Federal use to exclusive non-Federal use or to shared use shall receive payment for such relocation or sharing costs from the Spectrum Relocation Fund, in accordance with this section and section 118. For purposes of this paragraph, Federal power agencies exempted under subsection (c)(4) that choose to relocate from the frequencies identified for reallocation pursuant to subsection (a) are eligible to receive payment under this paragraph.'';

(C) by amending paragraph (2)(B) to read as follows:

''(B) any other band of frequencies reallocated from Federal use to non-Federal use or to shared use after January 1, 2003, that is assigned by competitive bidding pursuant to section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)).'';

(D) by amending paragraph (3) to read as follows:

''(3) RELOCATION OR SHARING COSTS DEFINED.—

''(A) IN GENERAL.—For purposes of this section and section 118, the term 'relocation or sharing costs' means the costs incurred by a Federal entity in connection with the auction of spectrum frequencies previously assigned to such entity or the sharing of spectrum frequencies assigned to such entity (including the auction or a planned auction of the rights to use spectrum frequencies on a shared basis with such entity) in order to achieve comparable capability of systems as before the relocation or sharing arrangement. Such term includes, with respect to relocation or sharing, as the case may be—

''(i) the costs of any modification or replacement of equipment, spares, associated ancillary equipment, software, facilities, operating manuals, training, or compliance with regulations that are attributable to relocation or sharing;

''(ii) the costs of all engineering, equipment, software, site acquisition, and construction, as well as any legitimate and prudent transaction expense, including term-limited Federal civil servant and contractor staff necessary to carry out the relocation or sharing activities of a Federal entity, and reasonable additional costs incurred by the Federal entity that are attributable to relocation or sharing, including increased recurring costs associated with the replacement of facilities;

''(iii) the costs of research, engineering studies, economic analyses, or other expenses reasonably incurred in connection with—

''(I) calculating the estimated relocation or sharing costs that are provided to the Commission pursuant to paragraph (4)(A);

''(II) determining the technical or operational feasibility of relocation to 1 or more potential relocation bands; or

''(III) planning for or managing a relocation or sharing arrangement (including spectrum coordination with auction winners);

''(iv) the one-time costs of any modification of equipment reasonably necessary—

''(I) to accommodate non-Federal use of shared frequencies; or

''(II) in the case of eligible frequencies reallocated for exclusive non-Federal use and assigned through a system of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) but with respect to which a Federal entity retains primary allocation or protected status for a period of time after the completion of the competitive bidding process, to accommodate shared Federal and non-Federal use of such frequencies for such period; and

''(v) the costs associated with the accelerated replacement of systems and equipment if the acceleration is necessary to ensure the timely relocation of systems to a new frequency assignment or the timely accommodation of sharing of Federal frequencies.

''(B) COMPARABLE CAPABILITY OF SYSTEMS.—For purposes of subparagraph (A), comparable capability of systems—

''(i) may be achieved by relocating a Federal Government station to a new frequency assignment, by relocating a Federal Government station to a different geographic location, by modifying Federal Government equipment to mitigate interference or use less spectrum, in terms of bandwidth, geography, or time, and thereby permitting spectrum sharing (including sharing among relocated Federal entities and incumbents to make spectrum available for non-Federal use) or relocation, or by utilizing an alternative technology; and

''(ii) includes the acquisition of state-of-the-art replacement systems intended to meet comparable operational scope, which may include incidental increases in functionality.'';

(E) in paragraph (4)—

(i) in the heading, by striking ''RELOCATIONS COSTS'' and inserting ''RELOCATION OR SHARING COSTS'';

(ii) by striking ''relocation costs'' each place it appears and inserting ''relocation or sharing costs''; and

(iii) in subparagraph (A), by inserting ''or sharing'' after ''such relocation'';

(F) in paragraph (5)—

(i) by striking ''relocation costs'' and inserting ''relocation or sharing costs''; and

(ii) by inserting ''or sharing'' after ''for relocation''; and

(G) by amending paragraph (6) to read as follows:

''(6) IMPLEMENTATION OF PROCEDURES.—The NTIA shall take such actions as necessary to ensure the timely relocation of Federal entities' spectrum-related operations from frequencies described in paragraph (2) to frequencies or facilities of comparable capability and to ensure the timely implementation of arrangements for the sharing of frequencies described in such paragraph. Upon a finding by the NTIA that a Federal entity has achieved comparable capability of systems, the NTIA shall terminate or limit the entity's authorization and notify the Commission that the entity's relocation has been completed or sharing arrangement has been implemented. The NTIA shall also terminate such entity's authorization if the NTIA determines that the entity has unreasonably failed to comply with the timeline for relocation or sharing submitted by the Director of the Office of Management and Budget under section 118(d)(2)(C).'';

(2) by redesignating subsections (h) and (i) as subsections (k) and (l), respectively; and

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

''(h) DEVELOPMENT AND PUBLICATION OF RELOCATION OR SHARING TRANSITION PLANS.—

''(1) DEVELOPMENT OF TRANSITION PLAN BY FEDERAL ENTITY.—Not later than 240 days before the commencement of any auction of eligible frequencies described in subsection (g)(2), a Federal entity authorized to use any such frequency shall submit to the NTIA and to the Technical Panel established by paragraph (3) a transition plan for the implementation by such entity of the relocation or sharing arrangement. The NTIA shall specify, after public input, a common format for all Federal entities to follow in preparing transition plans under this paragraph.

''(2) CONTENTS OF TRANSITION PLAN.—The transition plan required by paragraph (1) shall include the following information:

''(A) The use by the Federal entity of the eligible frequencies to be auctioned, current as of the date of the submission of the plan.

''(B) The geographic location of the facilities or systems of the Federal entity that use such frequencies.

''(C) The frequency bands used by such facilities or systems, described by geographic location.

''(D) The steps to be taken by the Federal entity to relocate its spectrum use from such frequencies or to share such frequencies, including timelines for specific geographic locations in sufficient detail to indicate when use of such frequencies at such locations will be discontinued by the Federal entity or shared between the Federal entity and non-Federal users.

''(E) The specific interactions between the eligible Federal entity and the NTIA needed to implement the transition plan.

''(F) The name of the officer or employee of the Federal entity who is responsible for the relocation or sharing efforts of the entity and who is authorized to meet and negotiate with non-Federal users regarding the transition.

''(G) The plans and timelines of the Federal entity for—

''(i) using funds received from the Spectrum Relocation Fund established by section 118;

''(ii) procuring new equipment and additional personnel needed for relocation or sharing;

''(iii) field-testing and deploying new equipment needed for relocation or sharing; and

''(iv) hiring and relying on contract personnel, if any, needed for relocation or sharing.

''(H) Factors that could hinder fulfillment of the transition plan by the Federal entity.

''(3) TECHNICAL PANEL.—

''(A) ESTABLISHMENT.—There is established within the NTIA a panel to be known as the Technical Panel.

''(B) MEMBERSHIP.—

''(i) NUMBER AND APPOINTMENT.—The Technical Panel shall be composed of 3 members, to be appointed as follows:

''(I) One member to be appointed by the Director of the Office of Management and Budget (in this subsection referred to as 'OMB').

''(II) One member to be appointed by the Assistant Secretary.

''(III) One member to be appointed by the Chairman of the Commission.

''(ii) QUALIFICATIONS.—Each member of the Technical Panel shall be a radio engineer or a technical expert.

''(iii) INITIAL APPOINTMENT.—The initial members of the Technical Panel shall be appointed not later than 180 days after the date of the enactment of the Middle Class Tax Relief and Job Creation Act of 2012.

''(iv) TERMS.—The term of a member of the Technical Panel shall be 18 months, and no individual may serve more than 1 consecutive term.

''(v) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy shall be filled in the manner in which the original appointment was made.

''(vi) NO COMPENSATION.—The members of the Technical Panel shall not receive any compensation for service on the Technical Panel. If any such member is an employee of the agency of the official that appointed such member to the Technical Panel, compensation in the member's capacity as such an employee shall not be considered compensation under this clause.

''(C) ADMINISTRATIVE SUPPORT.—The NTIA shall provide the Technical Panel with the administrative support services necessary to carry out its duties under this subsection and subsection (i).

''(D) REGULATIONS.—Not later than 180 days after the date of the enactment of the Middle Class Tax Relief and Job Creation Act of 2012, the NTIA shall, after public notice and comment and subject to approval by the Director of OMB, adopt regulations to govern the workings of the Technical Panel.

''(E) CERTAIN REQUIREMENTS INAPPLICABLE.—The Federal Advisory Committee Act (5 U.S.C. App.) and sections 552 and 552b of title 5, United States Code, shall not apply to the Technical Panel.

''(4) REVIEW OF PLAN BY TECHNICAL PANEL.—

''(A) IN GENERAL.—Not later than 30 days after the submission of the plan under paragraph (1), the Technical Panel shall submit to the NTIA and to the Federal entity a report on the sufficiency of the plan, including whether the plan includes the information required by paragraph (2) and an assessment of the reasonableness of the proposed timelines and estimated relocation or sharing costs, including the costs of any proposed expansion of the capabilities of a Federal system in connection with relocation or sharing.

''(B) INSUFFICIENCY OF PLAN.—If the Technical Panel finds the plan insufficient, the Federal entity shall, not later than 90 days after the submission of the report by the Technical panel under subparagraph (A), submit to the Technical Panel a revised plan. Such revised plan shall be treated as a plan submitted under paragraph (1).

''(5) PUBLICATION OF TRANSITION PLAN.—Not later than 120 days before the commencement of the auction described in paragraph (1), the NTIA shall make the transition plan publicly available on its website.

''(6) UPDATES OF TRANSITION PLAN.—As the Federal entity implements the transition plan, it shall periodically update the plan to reflect any changed circumstances, including changes in estimated relocation or sharing costs or the timeline for relocation or sharing. The NTIA shall make the updates available on its website.

''(7) CLASSIFIED AND OTHER SENSITIVE INFORMATION.—

''(A) CLASSIFIED INFORMATION.—If any of the information required to be included in the transition plan of a Federal entity is classified information (as defined in section 798(b) of title 18, United States Code), the entity shall—

''(i) include in the plan—

''(I) an explanation of the exclusion of any such information, which shall be as specific as possible; and

''(II) all relevant non-classified information that is available; and

''(ii) discuss as a factor under paragraph (2)(H) the extent of the classified information and the effect of such information on the implementation of the relocation or sharing arrangement.

''(B) REGULATIONS.—Not later than 180 days after the date of the enactment of the Middle Class Tax Relief and Job Creation Act of 2012, the NTIA, in consultation with the Director of OMB and the Secretary of Defense, shall adopt regulations to ensure that the information publicly released under paragraph (5) or (6) does not contain classified information or other sensitive information.

''(i) DISPUTE RESOLUTION PROCESS.—

''(1) IN GENERAL.—If a dispute arises between a Federal entity and a non-Federal user regarding the execution, timing, or cost of the transition plan submitted by the Federal entity under subsection (h)(1), the Federal entity or the non-Federal user may request that the NTIA establish a dispute resolution board to resolve the dispute.

''(2) ESTABLISHMENT OF BOARD.—

''(A) IN GENERAL.—If the NTIA receives a request under paragraph (1), it shall establish a dispute resolution board.

''(B) MEMBERSHIP AND APPOINTMENT.—The dispute resolution board shall be composed of 3 members, as follows:

''(i) A representative of the Office of Management and Budget (in this subsection referred to as 'OMB'), to be appointed by the Director of OMB.

''(ii) A representative of the NTIA, to be appointed by the Assistant Secretary.

''(iii) A representative of the Commission, to be appointed by the Chairman of the Commission.

''(C) CHAIR.—The representative of OMB shall be the Chair of the dispute resolution board.

''(D) VACANCIES.—Any vacancy in the dispute resolution board shall be filled in the manner in which the original appointment was made.

''(E) NO COMPENSATION.—The members of the dispute resolution board shall not receive any compensation for service on the board. If any such member is an employee of the agency of the official that appointed such member to the board, compensation in the member's capacity as such an employee shall not be considered compensation under this subparagraph.

''(F) TERMINATION OF BOARD.—The dispute resolution board shall be terminated after it rules on the dispute that it was established to resolve and the time for appeal of its decision under paragraph (7) has expired, unless an appeal has been taken under such paragraph. If such an appeal has been taken, the board shall continue to exist until the appeal process has been exhausted and the board has completed any action required by a court hearing the appeal.

''(3) PROCEDURES.—The dispute resolution board shall meet simultaneously with representatives of the Federal entity and the non-Federal user to discuss the dispute. The dispute resolution board may require the parties to make written submissions to it.

''(4) DEADLINE FOR DECISION.—The dispute resolution board shall rule on the dispute not later than 30 days after the request was made to the NTIA under paragraph (1).

''(5) ASSISTANCE FROM TECHNICAL PANEL.—The Technical Panel established under subsection (h)(3) shall provide the dispute resolution board with such technical assistance as the board requests.

''(6) ADMINISTRATIVE SUPPORT.—The NTIA shall provide the dispute resolution board with the administrative support services necessary to carry out its duties under this subsection.

''(7) APPEALS.—A decision of the dispute resolution board may be appealed to the United States Court of Appeals for the District of Columbia Circuit by filing a notice of appeal with that court not later than 30 days after the date of such decision. Each party shall bear its own costs and expenses, including attorneys' fees, for any appeal under this paragraph.

''(8) REGULATIONS.—Not later than 180 days after the date of the enactment of the Middle Class Tax Relief and Job Creation Act of 2012, the NTIA shall, after public notice and comment and subject to approval by OMB, adopt regulations to govern the working of any dispute resolution boards established under paragraph (2)(A) and the role of the Technical Panel in assisting any such board.

''(9) CERTAIN REQUIREMENTS INAPPLICABLE.—The Federal Advisory Committee Act (5 U.S.C. App.) and sections 552 and 552b of title 5, United States Code, shall not apply to a dispute resolution board established under paragraph (2)(A).

''(j) RELOCATION PRIORITIZED OVER SHARING.—

''(1) IN GENERAL.—In evaluating a band of frequencies for possible reallocation for exclusive non-Federal use or shared use, the NTIA shall give priority to options involving reallocation of the band for exclusive non-Federal use and shall choose options involving shared use only when it determines, in consultation with the Director of the Office of Management and Budget, that relocation of a Federal entity from the band is not feasible because of technical or cost constraints.

''(2) NOTIFICATION OF CONGRESS WHEN SHARING CHOSEN.—If the NTIA determines under paragraph (1) that relocation of a Federal entity from the band is not feasible, the NTIA shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives of the determination, including the specific technical or cost constraints on which the determination is based.''.

(b) CONFORMING AMENDMENT.—Section 309(j) of the Communications Act of 1934 is further amended by striking ''relocation costs'' each place it appears and inserting ''relocation or sharing costs''.

SEC. 6702. SPECTRUM RELOCATION FUND.

Section 118 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928) is amended—

(1) by striking ''relocation costs'' each place it appears and inserting ''relocation or sharing costs'';

(2) by amending subsection (c) to read as follows:

''(c) USE OF FUNDS.—The amounts in the Fund from auctions of eligible frequencies are authorized to be used to pay relocation or sharing costs of an eligible Federal entity incurring such costs with respect to relocation from or sharing of those frequencies.'';

(3) in subsection (d)—

(A) in paragraph (2)—

(i) in subparagraph (A), by inserting ''or sharing'' before the semicolon;

(ii) in subparagraph (B), by inserting ''or sharing'' before the period at the end;

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

(iv) by inserting before subparagraph (B), as so redesignated, the following:

''(A) unless the eligible Federal entity has submitted a transition plan to the NTIA as required by paragraph (1) of section 113(h), the Technical Panel has found such plan sufficient under paragraph (4) of such section, and the NTIA has made available such plan on its website as required by paragraph (5) of such section;'';

(B) by striking paragraph (3); and

(C) by adding at the end the following:

''(3) TRANSFERS FOR PRE-AUCTION COSTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Director of OMB may transfer to an eligible Federal entity, at any time (including prior to a scheduled auction), such sums as may be available in the Fund to pay relocation or sharing costs related to pre-auction estimates or research, as such costs are described in section 113(g)(3)(A)(iii).

''(B) NOTIFICATION.—No funds may be transferred pursuant to subparagraph (A) unless—

''(i) the notification provided under paragraph (2)(C) includes a certification from the Director of OMB that—

''(I) funds transferred before an auction will likely allow for timely implementation of relocation or sharing, thereby increasing net expected auction proceeds by an amount not less than the time value of the amount of funds transferred; and

''(II) the auction is intended to occur not later than 5 years after transfer of funds; and

''(ii) the transition plan submitted by the eligible Federal entity under section 113(h)(1) provides—

''(I) to the fullest extent possible, for sharing and coordination of eligible frequencies with non-Federal users, including reasonable accommodation by the eligible Federal entity for the use of eligible frequencies by non-Federal users during the period that the entity is relocating its spectrum uses (in this clause referred to as the 'transition period');

''(II) for non-Federal users to be able to use eligible frequencies during the transition period in geographic areas where the eligible Federal entity does not use such frequencies;

''(III) that the eligible Federal entity will, during the transition period, make itself available for negotiation and discussion with non-Federal users not later than 30 days after a written request therefor; and

''(IV) that the eligible Federal entity will, during the transition period, make available to a non-Federal user with appropriate security clearances any classified information (as defined in section 798(b) of title 18, United States Code) regarding the relocation process, on a need-to-know basis, to assist the non-Federal user in the relocation process with such eligible Federal entity or other eligible Federal entities.

''(C) APPLICABILITY TO CERTAIN COSTS.—

''(i) IN GENERAL.—The Director of OMB may transfer under subparagraph (A) not more than $10,000,000 for costs incurred after June 28, 2010, but before the date of the enactment of the Middle Class Tax Relief and Job Creation Act of 2012.

''(ii) SUPPLEMENT NOT SUPPLANT.—Any amounts transferred by the Director of OMB pursuant to clause (i) shall be in addition to any amounts that the Director of OMB may transfer for costs incurred on or after the date of the enactment of the Middle Class Tax Relief and Job Creation Act of 2012.

''(4) REVERSION OF UNUSED FUNDS.—Any amounts in the Fund that are remaining after the payment of the relocation or sharing costs that are payable from the Fund shall revert to and be deposited in the general fund of the Treasury, for the sole purpose of deficit reduction, not later than 8 years after the date of the deposit of such proceeds to the Fund, unless within 60 days in advance of the reversion of such funds, the Director of OMB, in consultation with the NTIA, notifies the congressional committees described in paragraph (2)(C) that such funds are needed to complete or to implement current or future relocation or sharing arrangements.'';

(4) in subsection (e)—

(A) in paragraph (1)(B)—

(i) in clause (i), by striking ''subsection (d)(2)(A)'' and inserting ''subsection (d)(2)(B)''; and

(ii) in clause (ii), by striking ''subsection (d)(2)(B)'' and inserting ''subsection (d)(2)(C)''; and

(B) in paragraph (2)—

(i) by striking ''entity's relocation'' and inserting ''relocation of the entity or implementation of the sharing arrangement by the entity'';

(ii) by inserting ''or the implementation of such arrangement'' after ''such relocation''; and

(iii) by striking ''subsection (d)(2)(A)'' and inserting ''subsection (d)(2)(B)''; and

(5) by adding at the end the following:

''(f) ADDITIONAL PAYMENTS FROM FUND.—

''(1) AMOUNTS AVAILABLE.—Notwithstanding subsections (c) through (e), after the date of the enactment of the Middle Class Tax Relief and Job Creation Act of 2012, there are appropriated from the Fund and available to the Director of OMB for use in accordance with paragraph (2) not more than 10 percent of the amounts deposited in the Fund from auctions occurring after such date of enactment of licenses for the use of spectrum vacated by eligible Federal entities.

''(2) USE OF AMOUNTS.—

''(A) IN GENERAL.—The Director of OMB, in consultation with the NTIA, may use amounts made available under paragraph (1) to make payments to eligible Federal entities that are implementing a transition plan submitted under section 113(h)(1) in order to encourage such entities to complete the implementation more quickly, thereby encouraging timely access to the eligible frequencies that are being reallocated for exclusive non-Federal use or shared use.

''(B) CONDITIONS.—In the case of any payment by the Director of OMB under subparagraph (A)—

''(i) such payment shall be based on the market value of the eligible frequencies, the timeliness with which the eligible Federal entity clears its use of such frequencies, and the need for such frequencies in order for the entity to conduct its essential missions;

''(ii) the eligible Federal entity shall use such payment for the purposes specified in clauses (i) through (v) of section 113(g)(3)(A) to achieve comparable capability of systems affected by the reallocation of eligible frequencies from Federal use to exclusive non-Federal use or to shared use;

''(iii) such payment may not be made if the amount remaining in the Fund after such payment will be less than 10 percent of the winning bids in the auction of the spectrum with respect to which the Federal entity is incurring relocation or sharing costs; and

''(iv) such payment may not be made until 30 days after the Director of OMB has notified the congressional committees described in subsection (d)(2)(C).

''(g) RESTRICTION ON USE OF FUNDS.—No amounts in the Fund on the day before the date of the enactment of the Middle Class Tax Relief and Job Creation Act of 2012 may be used for any purpose except—

''(1) to pay the relocation or sharing costs incurred by eligible Federal entities in order to relocate from the frequencies the auction of which generated such amounts; or

''(2) to pay relocation or sharing costs related to pre-auction estimates or research, in accordance with subsection (d)(3).''.

SEC. 6703. NATIONAL SECURITY AND OTHER SENSITIVE INFORMATION.

Part B of title I of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 921 et seq.) is amended by adding at the end the following:

''SEC. 119. NATIONAL SECURITY AND OTHER SENSITIVE INFORMATION.

''(a) DETERMINATION.—If the head of an Executive agency (as defined in section 105 of title 5, United States Code) determines that public disclosure of any information contained in a notification or report required by section 113 or 118 would reveal classified national security information, or other information for which there is a legal basis for nondisclosure and the public disclosure of which would be detrimental to national security, homeland security, or public safety or would jeopardize a law enforcement investigation, the head of the Executive agency shall notify the Assistant Secretary of that determination prior to the release of such information.

''(b) INCLUSION IN ANNEX.—The head of the Executive agency shall place the information with respect to which a determination was made under subsection (a) in a separate annex to the notification or report required by section 113 or 118. The annex shall be provided to the subcommittee of primary jurisdiction of the congressional committee of primary jurisdiction in accordance with appropriate national security stipulations but shall not be disclosed to the public or provided to any unauthorized person through any means.''.

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 7001. REPEAL OF CERTAIN SHIFTS IN THE TIMING OF CORPORATE ESTIMATED TAX PAYMENTS.

The following provisions of law (and any modification of any such provision which is contained in any other provision of law) shall not apply with respect to any installment of corporate estimated tax:

(1) Section 201(b) of the Corporate Estimated Tax Shift Act of 2009.

(2) Section 561 of the Hiring Incentives to Restore Employment Act.

(3) Section 505 of the United States-Korea Free Trade Agreement Implementation Act.

(4) Section 603 of the United States-Colombia Trade Promotion Agreement Implementation Act.

(5) Section 502 of the United State-Panama Trade Promotion Agreement Implementation Act.

SEC. 7002. REPEAL OF REQUIREMENT RELATING TO TIME FOR REMITTING CERTAIN MERCHANDISE PROCESSING FEES.

(a) REPEAL.—The Trade Adjustment Assistance Extension Act of 2011 (title II of Public Law 112–40; 125 Stat. 402) is amended by striking section 263.

(b) CLERICAL AMENDMENT.—The table of contents for such Act is amended by striking the item relating to section 263.

SEC. 7003. TREATMENT FOR PAYGO PURPOSES.

The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

And the Senate agree to the same.

That the Senate recede from its amendment to the title of the bill.

DAVE CAMP,
FRED UPTON,
KEVIN BRADY,
GREG WALDEN,
TOM PRICE,
TOM REED,
RENEE L. ELLMERS,
NAN A.S. HAYWORTH,
SANDER M. LEVIN,
XAVIER BECERRA,
CHRIS VAN HOLLEN,
ALLYSON Y. SCHWARTZ,
HENRY A. WAXMAN,
Managers on the Part of the House.

MAX BAUCUS,
JACK REED,
BENJAMIN L. CARDIN,
ROBERT P. CASEY, Jr.,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3630), to provide incentives for the creation of jobs, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate to the text with an amendment that is a substitute for the House bill and the Senate amendment. The Senate recedes from its amendment to the title. The committee of the conference met on February 16, 2012 (the House chairing) and resolved their differences. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

TITLE

House bill

''Middle Class Tax Relief and Job Creation Act of 2011''

Senate bill

''Temporary Payroll Tax Cut Continuation Act of 2011''

Conference substitute

''Middle Class Tax Relief and Job Creation Act of 2012''

TITLE I—JOB CREATION INCENTIVES

SUBTITLE B—EPA REGULATORY RELIEF

H1102,1103,1104,1105/S—

Current law

Section 112 of the Clean Air Act (42 U.S.C. 7412) requires the Environmental Protection Agency (EPA) to promulgate Maximum Achievable Control Technology (MACT) standards for ''major'' sources of emissions of 187 hazardous air pollutants (HAPs) and Generally Available Control Technology (GACT) standards for smaller (''area'') sources of HAP emissions. Section 129 of the act (42 U.S.C. 7429) requires EPA to promulgate MACT standards for solid waste combustion units. Under the act, existing boilers would be required to comply with the applicable emission standards within 3 years of the effective date of promulgated regulations, with a possibility of a one-year extension for individual sources if necessary for the installation of controls. Existing solid waste incinerators would be required to meet the standards no later than 5 years after promulgation. On March 21, 2011, EPA finalized four related rules applicable to boilers and commercial and industrial solid waste incinerator (CISWI) units. Three rules established applicable MACT and GACT standards for boilers and MACT standards for CISWI units. The fourth rule (established under authority of the Resource Conservation and Recovery Act) clarified when materials used as fuel in a combustion unit would be defined as ''solid waste'' (a definition necessary to determine whether a combustion unit would be subject to the CISWI standards rather than the less stringent standards for boilers). EPA stayed the effective date of its major sources and CISWI emission standards pending reconsideration. EPA expects to complete the reconsideration by April 2012. On January 9, 2012, a district court vacated EPA's stay of the major sources and CISWI rules.

House bill

Sections 1102–1105 apply to EPA's four March 2011 rules. Each rule would be revoked and EPA required to promulgate new standards 15 months after the date of enactment (Section 1102). In establishing the relevant emission standards, the Administrator would be required to choose the ''least burdensome'' regulatory alternatives. Further, EPA would be required to establish standards that can be met under actual operating conditions consistently and concurrently with other standards (Section 1105). The compliance date for the air emission standards would be no earlier than 5 years after the date of the new regulation and could take feasibility, cost, and other factors into account in setting the compliance date (Section 1103). In promulgating new rules defining materials that are solid waste when used as a fuel, EPA would be required to adopt the definition of terms promulgated by the agency in a December 2000 CISWI rule (Section 1104).

Senate bill

No provision.

Conference substitute

No provision.

TITLE II—EXTENSION OF CERTAIN EXPIRING PROVISIONS AND RELATED MEASURES

SUBTITLE B—UNEMPLOYMENT COMPENSATION

PART 1—REFORMS OF UNEMPLOYMENT COMPENSATION TO PROMOTE WORK AND JOB CREATION

H2121,2122,2123,2124,2125,2126,2127/S—

Current law

Federal unemployment law does not contain explicit job search requirements for the receipt of regular state unemployment compensation (UC). Through interpretation of the framework of the Federal unemployment laws contained within the Social Security Act (SSA) and in the Federal Unemployment Tax Act (FUTA), it is generally understood that workers must have lost their jobs through no fault of their own and must be able, available, and willing to work. Variations exist in state law requirements concerning ability and availability to work. All states have work search requirements in state law or regulation in order for an individual to receive regular UC benefits. Most state laws require evidence of ability to work through the filing of claims and registration for work at a public employment office. Availability for work is often translated to mean being ready, willing, and able to work. Meeting the requirement of registration for work at a public employment office may be considered as evidence of availability in some states. There are often particular requirements and/or exceptions for those workers on temporary layoff and for workers that find employment through union hiring halls. Section 202(c)(A)(ii) of the Federal-State Extended Unemployment Compensation Act of 1970 (P.L. 97–373), as amended, does explicitly require active job search. However, the method of determining active job search is left to the determination of the States.

Federal law does not require minimum educational standards as a condition of benefit receipt. Section 303(a)(10) of the SSA requires any claimant who has been referred to reemployment services pursuant to the profiling system under Section 303(j)(1)(B) to participate in such services or in similar services unless the state agency charged with the administration of the state law determines (1) such claimant has completed such services; or (2) there is justifiable cause for such claimant's failure to participate in such services. Section 303(j) requires the state use a system of profiling all new claimants for regular compensation. The profiling system must: (1) identify which claimants will be likely to exhaust regular compensation and will need job search assistance services to make a successful transition to new employment; and (2) refer the identified claimants to reemployment services (including job search assistance services) that are available under any state or Federal law. Section 3304(a)(8) of the Internal Revenue Code (IRC) requires, as a condition for employers in a state to receive normal credit against the Federal tax, that a state's unemployment benefits laws provide that compensation shall not be denied to an individual for any week because he is in training with the approval of the state agency (or because of the application, to any such week in training, of state law provisions relating to availability for work, active search for work, or refusal to accept work). A recent Training and Employment Guidance Letter (TEGL) No. 21–08, among other items, strongly encouraged states to broaden their definition of approved training for UC beneficiaries during economic downturns.

Section 3304(a)(4) of the IRC and Section 303(a)(5) of the SSA set the withdrawal standards for States to use funds within the State account in the Unemployment Trust Fund (UTF). All funds withdrawn from the unemployment fund of the state shall be used solely in the payment of unemployment compensation, exclusive of expenses of administration. Few exceptions exist; these include, for instance, withholding for tax purposes, for child support payments, to repay UI overpayments or covered unemployment compensation debt, and for benefits for the Self-Employment Assistance program and the Short-Time Compensation program. Section 303(a)(1) requires that the state UC program personnel be merit employees.

Section 3306(t) of the Federal Unemployment Tax Act (FUTA) defines the Self-Employment Assistance (SEA) program. Section 303(a)(5) of the Social Security Act permits the use of expenditures from the Unemployment Trust Fund (UTF) for SEA. The regular UC program generally requires unemployed workers to be actively seeking work and to be available for wage and salary jobs as a condition of eligibility for UC benefits. In states that have opted to create SEA programs under current law, SEA provides allowances in the same amount as regular UC

benefits to individuals who (1) would otherwise be eligible for regular UC and (2) have been identified as likely to exhaust regular UC benefits. Under SEA a participating individual is not subject to worker search requirements so long as the individual is participating in entrepreneurial training or other activities.

Section 303(g)(1) of the Social Security Act and Section 3304(a)(4)(D) of the Internal Revenue Code (IRC) allow states but do not require states to offset UC payments by nonfraud overpayments. States may opt in state law to waive deductions if it would be contrary to equity and good conscience.

There are no specific federal laws or regulations related to uniform data elements for improved data matching in the Federal-state unemployment compensation program. Section 303(a)(6) of the SSA requires states to make reports of information and data as required by the U.S. Labor Secretary. But current Federal law contains no precise requirements regarding codes or identifiers attached to UC, Emergency Unemployment Compensation (EUC08), or Extended Benefit (EB) program data or any other data standards.

Federal law does not specifically authorize drug testing of applicants as a condition of UC benefit eligibility. No state currently requires drug tests as a condition of eligibility for unemployment benefits. There are states that do, however, have state law provisions related to disqualification for previously failed drug tests/use of illegal drugs during prior employment.

House bill

Section 2121 would add new federal law requirements for state UC eligibility related to being ''able, available, and actively seeking work''—with the latter specifically defined under federal law, including at least (1) registering for employment services within 10 days after initial filing for UC benefits; (2) posting a resume, record, or other application for employment through a state agency database; and (3) applying for work under state requirements [effective for weeks beginning after end of first state legislative session after enactment]. No new funds would be provided for such activities. There would be no exceptions for those on temporary lay-off with expectation of recall, union members, or for those who are striking.

Section 2122 would add new federal law requirements for state UC eligibility: (1) UC claimants must meet minimum education requirements: either earn HS diploma, attain GED, or enroll/make satisfactory progress in classes leading to HS diploma or GED (states would be allowed to waive this educational requirement if state law deems it unduly burdensome); and (2) UC claimants referred to reemployment services must participate. Additionally, the proposal would add a new federal law provision to stipulate that UC may not be denied to an individual enrolled/making satisfactory progress in education or state-approved job training [effective for weeks beginning after end of first state legislative session after enactment].

Section 2123 would authorize under federal law up to 10 state UC demonstration projects a year (lasting up to 3 years). Demonstration projects would test and evaluate measures designed to expedite the reemployment of individuals who establish initial eligibility for regular UC or to improve the effectiveness of state reemployment efforts. States would provide a general description of the proposed demonstration project. The description would include: (1) a description of the proposed project, its authority under State law, and the period during which the project would be conducted; (2) the specifics of any waiver to Federal law and the reason for such waiver; (3) a description of the goals and expected outcomes of the project; (4) assurances and supporting analysis that the project would not result in a net increase cost to the state's Unemployment Trust Fund (UTF); (5) a description of the impact evaluation; and (6) assurances of reports required by the U.S. Labor Secretary. Section 2123 would allow the U.S. Labor Secretary to waive the withdrawal standard and/or merit employee requirements if requested by the state (state UTF funds would be allowed to be used for purposes other than paying unemployment benefits). Authority ends 5 years after date of enactment of the section. Administrative grants to the states for administration of the regular UC program may be used for an approved project.

Section 2124 would require the U.S. Department of Labor (U.S. DOL) to develop and maintain model language for states to use in enacting SEA programs for regular UC claimants (as authorized under current federal law); this model language would be developed through U.S. DOL consultation with employers, labor organizations, state UC agencies, and other relevant program experts; would require U.S. DOL to provide technical assistance and guidance to states in enacting, improving, and administering SEA programs; would require U.S. DOL to establish reporting requirements for state SEA programs, including reporting (1) on the number of jobs and businesses created by SEA programs and (2) the federal and state tax revenues collected from such businesses and their employees; and would require U.S. DOL to coordinate with the Small Business Administration to ensure adequate funding for the entrepreneurial training of SEA participants in states with SEA programs.

Section 2125 would require states to recover 100% of any erroneous overpayment by reducing up to 100% of the UC benefit in each week until the overpayment is fully recovered. The proposal would not allow states to waive such deduction if it would be contrary to equity and good conscience. Section 2125 also would create authority for states to recover Federal Additional Compensation (FAC) overpayments through deductions to regular unemployment compensation.

Section 2126 would require that the U.S. Labor Secretary designate standard data elements for any information required under title III or title IX of the SSA. This section would require the standard data elements incorporate interoperable standards that have been developed and used by an international standards body (as established by the Office of Management and Budget (OMB) and the U.S. Labor Secretary); intergovernmental partnerships; and Federal entities with contracting and financial assistance authority. In addition, Section 106(a) of this proposal would require the U.S. Labor Secretary, in consultation with an OMB interagency working group and States, to designate standard data elements that, to the extent practicable: (1) Make use of a widely-accepted, non-proprietary, digital, searchable format (2) Are consistent with and use relevant accounting principles (3) Are able to be upgraded on a continual basis (4) Incorporate non-proprietary standards (such as the eXtensible Business Reporting Language).

Section 2127 would clarify federal law to allow (but would not require) drug testing of UC applicants.

Senate bill

No provision.

Conference substitute

The conference agreement follows the House bill with regard to specifying new federal minimum standards for state unemployment compensation eligibility related to being ''able, available, and actively seek work.'' (See also part 3 of this section with regard to job search requirements related to Federal unemployment benefits.)

The conference agreement follows the House bill with regard to State flexibility (i.e. new waiver authority), but with the following modifications:

(1) Permits a total of no more than 10 States to receive waivers;

(2) Specifies that waivers may only be used to operate programs providing subsidies for employer-provided training or for direct disbursements (such as wage subsidies) to employers who hire individuals receiving UC benefits, not to exceed the weekly benefit amount, to cover part of the cost of their wages, and provided that the overall wage is greater than the unemployment benefit the individual had been receiving;

(3) Limits the operation of State waiver programs to no more than 3 years, and specifies that the waiver programs cannot be extended;

(4) Requires the state to evaluate their waiver programs; and

(5) Requires States to provide assurances that any employment meets the State's suitable work requirement and requirements of section 3304(a)(5) of the Internal Revenue Code and that the waiver programs end by December 31, 2015.

The conference agreement follows the House bill and incorporates S. 1826 with regard to the Self-Employment Assistance Program, while also authorizing States to operate SEA programs to assist individuals eligible for benefits under the Emergency Unemployment Compensation (EUC) and Extended Benefit (EB) programs, and providing funds to assist States with the administration of such programs.

The conference agreement includes a new provision based on S. 1333 authorizing work sharing programs and providing program and administrative funding for that purpose.

The conference agreement follows the House bill with regard to requiring States to offset current State benefits to recover prior overpayments of State, other States', or Federal unemployment benefits. With regard to efforts to recover overpayments owed to other States and the Federal government, the conference agreement requires each State to apply hardship exceptions and related terms that follow State practice used to recover overpayments of its own State benefit funds.

The conference agreement follows the House bill with regard to the data standardization provisions.

The conference agreement follows the House bill with regard to drug testing provisions, with the modification that drug screening and testing is permitted in any State, but only in cases in which the individual applying for unemployment benefits either (1) was terminated from their prior employment because of unlawful drug use (2) is applying for work for which passing a drug test is a standard eligibility requirement.

PART 2—PROVISIONS RELATING TO EXTENDED BENEFITS

H2142,2143,2144/S201,202

Current law

Under P.L. 110–252, as amended, the authorization of the EUC08 program expires the week ending on or before March 6, 2012. Individuals receiving benefits in any tier of EUC08 would be able to finish out that tier of benefits only (grandfathering for current tier only). No EUC08 benefits—regardless of tier—are payable for any week after August 15, 2012. The current structure of unemployment benefits available through the EUC08 program is: Tier I: up to 20 weeks of unemployment benefits (available in all states);

Tier II: up to 14 weeks (available in all states); Tier III: up to 13 weeks (available in states with a total unemployment rate (TUR) of at least 6% or an insured unemployment rate (IUR) of at least 4%); Tier IV: up to 6 weeks (available in states with a TUR of at least 8.5% or an IUR of at least 6%). Section 4001(e) of P.L. 110–252, as amended allows states the option to pay EUC08 before EB.

Under permanent law (P.L. 97–373), EB benefits are financed 50% by the federal government (through federal unemployment taxes; i.e., FUTA) and states fund the other half (50%) of EB benefit costs through their state unemployment taxes (SUTA). ARRA (P.L. 111–5, as amended) temporarily changed the federal-state funding arrangement for the EB program. Currently, the FUTA finances 100% of sharable EB benefits through March 7, 2012. P.L. 111–312 made some temporary technical changes to certain triggers in the EB program, which allow states to temporarily use lookback calculations based on three years of unemployment rate data (rather than the permanent law lookback of two years of data) as part of their EB triggers if states would otherwise trigger off or not be on a period of EB benefits. This temporary option to use three-year EB trigger lookback expires the week ending on or before February 29, 2012.

P.L. 111–5, as amended, temporarily increased the duration of extended unemployment benefits for railroad workers. Railroad workers who previously were not eligible for extended unemployment benefits because they did not have 10 years of service may be eligible for benefits of up to 65 days within an extended period consisting of seven consecutive two-week registration periods. Railroad workers who previously were eligible for extended unemployment benefits of up to 65 days (because they had 10 years of service) may now be eligible for benefits of up to 130 days within an extended period consisting of 13 consecutive two-week registration periods. P.L. 111–312 extended the ARRA provisions by one year to June 30, 2011. Under P.L. 111–312, the special extended unemployment benefit period could begin no later than December 31, 2011. P.L. 112–78 extended the temporary extended railroad unemployment benefit (authorized under ARRA (P.L. 111–5), as amended) for two months through February 29, 2012, to be financed with funds still available under P.L. 111–312.

House bill

Section 2142 would extend the authorization of Tiers I and III of EUC08 until the week ending on or before January 31, 2013. The duration and conditions for availability of Tier II would be altered. There would be no benefits payable after that date. (There would be no grandfathering of benefits.) Tier I would continue to offer up to 20 weeks in all states, Tier II would offer up to 13 weeks (rather than 14) and would be available in states with at least 6.0% TUR or an IUR of at least 4% (rather than in all states). Tiers III and IV would not be reauthorized. Note: Included in this subsection was an intent to require states to pay EUC08 before any EB entitlement. However, the version passed by the House would require states to pay EB before EUC08 and will need correction to reflect the intended ordering of benefits. (At the time of House passage, the authorization for all EUC08 tiers would have expired on the week ending on or before January 3, 2012 and no EUC08 benefit would have been payable for any week after June 9, 2012.)

Section 2143 would extend the 100% federal financing of EB through January 31, 2013, as well as the option for states to use three-year lookback in their EB triggers until the week ending on or before January 31, 2013. (At the time of House passage, the FUTA financed 100% of sharable EB benefits through January 4, 2012 and the three-year lookback would have expired on the week ending on or before December 31, 2011.)

Section 2144 would extend the temporary extended railroad unemployment benefit (authorized under ARRA (P.L. 111–5), as amended) for 13 months through January 31, 2013, to be financed with funds still available under P.L. 111–312. (At the time of House passage, the special extended unemployment benefit period could begin no later than December 31, 2011.)

Senate bill

Section 201 would extend the authorization for the EUC08 program (as structured under current law) until the week ending on or before March 6, 2012. No EUC08 benefits—regardless of tier—would be payable for any week after August 15, 2012. (At the time of Senate passage, the authorization for all EUC08 tiers would have expired on the week ending on or before January 3, 2012 and no EUC08 benefit would have been payable for any week after June 9, 2012.) This section would extend the 100% federal financing of EB through March 7, 2012. This section would also extend the option for states to use the three-year lookback in their EB triggers until the week ending on or before February 29, 2012. (At the time of Senate passage, the FUTA financed 100% of sharable EB benefits through January 4, 2012 and the three-year lookback would have expired on the week ending on or before December 31, 2011.)

Section 202 would extend the temporary extended railroad unemployment benefit (authorized under ARRA (P.L. 111–5), as amended) for two months through February 29, 2012, to be financed with funds still available under P.L. 111–312. (At the time of Senate passage, the special extended unemployment benefit period could begin no later than December 31, 2011.)

Conference substitute

The conference agreement follows the House bill in continuing the operation of the Federal Emergency Unemployment Compensation (EUC) program beyond its current expiration at the end of February 2012, with the following modifications:

(1) The authorization of the EUC program is extended through the end of December 2012;

(2) The EUC program will not continue to provide benefits after December 2012 (i.e. there will be no ''phase-out'' of benefits beyond December 2012);

(3) EUC benefits would continue to be payable in up to four tiers as under current law. However, as the table below reflects, in the case of tiers two through four, higher total unemployment rate (TUR) ''triggers'' will apply from June through December 2012, as follows:

EUC Tier	March through May 2012	June through August 2012	September through December 2012
1 ...	20 weeks in all states.	20 weeks in all states.	14 weeks in all states
2 ...	14 weeks in all states.	14 weeks in 6% or higher states.	14 weeks in 6% or higher states
3 ...	13 weeks in 6% or higher states.	13 weeks in 7% or higher states.	9 weeks in 7% or higher states
4 ...	6 weeks in 8.5% or higher states (16 weeks if not on EB).	6 weeks in 9% or higher states.	10 weeks in 9% or higher states

(4) Through May 2012 only, individuals who have not already received up to 20 weeks of EB program benefits due to the application of that program's ''3-year lookback'' would be eligible to receive up to an additional 10 weeks of benefits under Tier 4 of the EUC program (that is, in addition to the six weeks otherwise available), provided they are in a State with an unemployment rate above 8.5%, and with the condition that no such individual could receive a total of more than 99 weeks of benefits from all sources (counting State, EUC and EB programs).

(5) As the table above reflects, weeks of benefits payable in tiers 1, 3 and 4 in September through December 2012 would be adjusted, with tier 1 dropping from 20 to 14 weeks, tier 3 dropping from 13 to 9 weeks, and tier 4 rising from 6 to 10 weeks. In all, these changes will result in the maximum weeks of benefits payable under the EUC program falling from 53 weeks under current law (in the case of States with unemployment rates today at or above 8.5%) to a maximum of up to 47 weeks (in the case of States with an unemployment rate of 9% or higher) from September through December 2012. In each period, an individual's eligibility for a tier of benefits will be determined according to the State's unemployment rate in that period. For example, individuals exhausting tier 2 of benefits will be eligible to begin tier 3 of benefits in the spring only if their State has an unemployment rate of at least 6%, while those exhausting tier 2 in the summer and fall months can qualify for tier 3 benefits only if they are in a State with an unemployment rate of at least 7%.

The conference agreement specifies that States are required to pay EUC benefits before any benefits under the EB program.

The conference agreement follows the House bill in terms of extending the current temporary 100% Federal financing of EB as well as the three-year lookback used to determine State eligibility for EB, with the modification that in each case the extension would apply through December 2012.

The conference agreement follows the House bill and Senate amendment with regard to the temporary extended railroad unemployment benefit program, with the modification that the extension would apply through December 2012.

PART 3—IMPROVING REEMPLOYMENT STRATEGIES UNDER THE EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM

H2161,2162,2163,2164,2165/S—

Current law

Federal unemployment law does not contain explicit job search requirements for the receipt of EUC08 benefits. Federal unemployment law does not require states to have work search requirements in the regular UC program. However, all states have work search requirements in state law or regulation in order for an individual to receive regular UC benefits. Section 202(a)(3)(A)(ii) of the Federal-State Extended Unemployment Compensation Act of 1970 (P.L. 97–373), as amended, explicitly requires active job search for receipt of Extended Benefits (EB). However, the method of determining active job search is left to the determination of the states.

Federal law does not require minimum educational standards or reemployment service participation as a condition of EUC08 benefit receipt.

P.L. 110–252, as amended, requires that all EUC08 benefits be paid directly to the unemployed who have exhausted entitlement to all regular UC benefits. There is no provision for demonstration projects.

Section 4005(c)(1) of P.L. 110–252, as amended allows states but does not require states to offset EUC08 payments by non-fraud overpayments. Any offset under current law may not be more than 50% of total EUC08 benefit.

Section 4001(g) of the Supplemental Appropriations Act of 2008 (P.L. 110–252), as amended, prevents states from decreasing the average weekly benefit amount of regular UC payments. That is, a state is not permitted to pay an average weekly UC benefit that is less than what would have been paid under

state law prior to what was in effect on June 2, 2010. This ''nonreduction rule'' is a condition of the EUC08 Federal-State agreement of P.L. 110–252, as amended.

House bill

Section 2161 would require active work search for EUC08 entitlement where active work search must require at least the following: individuals to register with reemployment services within 30 days, individuals post a resume, record, or other application for employment on a database required by the state, and individuals apply for work in such a manner as required by the state.

Section 2162 would require EUC08 beneficiaries (1) to participate in reemployment services if referred and (2) to actively search for work, effective on or after 30 days of enactment for those individuals who enter a tier of EUC08. This section would require individuals to meet the minimum educational requirements (high school degree, GED, or enrolled in program) created earlier in Section 2122 of the proposal (amending Section 303(a)(10)(B) of the SSA). The participation requirement for reemployment services would be waived if individuals have already completed this requirement or if there is ''justifiable cause'' as specified by guidance to be issued by the U.S. DOL Secretary within 30 days. This section would authorize up to $5 of an individual's EUC08 benefit each week to be diverted (at state option) to fund these reemployment services and activities.

Section 2163 would allow for up to 20% of all EUC08 recipients in each state to be diverted into demonstration projects. The demonstration projects would need to be designed to expedite reemployment. Allowable demonstration activities would include: subsidies for employer provided training; work sharing or Short-Time Compensation; enhanced employment strategies and services; SEA programs; services that enhance skills that would assist in obtaining reemployment; direct reimbursements to employers who hire individuals that were receiving EUC08; and other innovative activities not otherwise described. Authority for demonstration projects would end when EUC08 ceases to be payable. Demonstration projects would be required to provide appropriate reemployment services and assurances of no net increase in cost to the EUC08 program. This section would require states to provide information on demonstration projects for reporting and evaluation purposes.

Section 2164 would require states to offset an individual's EUC08 benefit if they received an unemployment benefit overpayment. States would be required to offset by at least 50% of the EUC08 benefit in any week.

Section 2165 would repeal the ''nonreduction rule'' in terms of the regular UC benefit amount. This would give states the option to decrease average weekly benefit amounts without invalidating their EUC08 Federal-state agreements.

Senate bill

No provision.

Conference substitute

The conference agreement follows the House bill with regard to explicit job search requirements, with several modifications designed to closely align the work search requirements between the EUC and EB programs. In order to be eligible for benefits in any week, the state agency shall find that the individual is able to work, available to work, and making reasonable efforts to secure suitable work.

For purposes of this provision, the term ''making reasonable efforts to secure suitable work'' means, with respect to an individual, that such individual: (1) Is registered for employment services in such manner and to such extent as prescribed by the state agency; (2) Has engaged in an active search for employment that is appropriate in light of the individual's skills, capabilities and work history, and includes a number of employer contacts that is consistent with reasonable standards communicated to the individual by the state; (3) Has maintained a record of such work search, including employers contacted, method of contact and date contacted; and (4) When requested, has provided such work search record to the state agency. The Secretary of Labor shall prescribe to each state a minimum number of claims for which work search records must be audited on a random basis in any given week.

The conference agreement follows the House bill with regard to the requirement that EUC recipients participate in reemployment services if referred and as well as actively search for work. The conference agreement follows the Senate amendment with regards to there being no minimum education requirements for individuals receiving EUC benefits.

The conference agreement follows the House bill with regard to the requirement that States provide reemployment services and reemployment and eligibility assessment activities to long-term unemployed individuals who begin receiving EUC benefits and throughout their time collecting EUC benefits. The conference agreement follows the Senate amendment with regard to no State authority to reduce EUC benefits to support the cost of such reemployment services and activities. In its place, the conference agreement provides new one-time funding to States to support the cost of such reemployment services and activities.

The conference agreement follows the Senate amendment with respect to no additional State flexibility to assist the long-term unemployed with improved reemployment services using EUC funds.

The conference agreement follows the House bill with regard to requiring States to offset current Federal benefits to recover prior overpayments of State, other States', or Federal unemployment benefits. With regard to efforts to recover such overpayments owed to other States and the Federal government, the conference agreement requires each State to apply hardship exceptions and related terms that follow State practice used to recover overpayments of its own State benefit funds.

The conference agreement modifies the House bill with regard to effect of the current ''nonreduction rule,'' which generally blocks the payment of Federal EUC funds to States that have reduced State unemployment benefits. Several States, in order to address solvency have passed laws to reduce future State benefit amounts, and others may be considering doing the same. Thus, the continued application of the ''nonreduction rule'' (if not adjusted) would bar such States from receiving EUC funds otherwise provided under this legislation. For this reason, the conference agreement changes the effective date of the non-reduction rule to March 1, 2012 in order to allow for changes states have made (i.e. both those that have already enacted laws changing benefit amounts, as well as those with legislation pending that would do so),'' This permits States to adjust benefits as they have planned, while remaining eligible for Federal EUC funds throughout CY 2012.

SUBTITLE D—TANF EXTENSION

H2302/S312

Current law

The Temporary Payroll Tax Cut Continuation Act of 2011 (P.L. 112–78) provided program authorization and funding for most Temporary Assistance for Needy Families (TANF) grants through February 29, 2012. It provided authority and funding for state family assistance grants (the basic block grant), healthy marriage and responsible fatherhood grants, mandatory child care grants, tribal work program grants, matching grants for the territories, and research funds. Grants are funded at the same level as in FY2011, and paid on a pro-rated quarterly basis. No funding was provided for TANF supplemental grants. The TANF contingency fund was provided an FY2012 appropriation in legislation enacted in 2010, P.L. 111–242.

House bill

Section 2302 provides FY2012 appropriations for TANF state family assistance grants, healthy marriage and responsible fatherhood grants, mandatory child care grants, tribal TANF work programs, matching grants for the territories, and research funds. FY2012 grants are provided at the same level as were provided in FY2011.

Senate bill

Section 312 extends program authorization and funding for TANF through February 29, 2012. Grants are funded at the same level as in FY2011, and paid on a pro-rated quarterly basis. (Provision is the same as current law. It is identical to that subsequently enacted in P.L. 112–78.)

Conference substitute

The conference agreement follows the House bill with technical corrections to ensure the provisions operate as intended. Section 2302(c)(1) is revised by changing the year to 2013 instead of 2012 to correct a drafting error. Section 2302(c)(2)(A) is revised by changing the year to 2012 instead of 2011 to correct a drafting error. Section 2302(i) is revised by striking ''or section 403(b) of the Social Security Act'' to reflect the intent that TANF contingency funds are not affected by this bill and that they continue as previously authorized and appropriated for FY 2012, and also to update the provision to add a reference the Temporary Payroll Tax Cut Continuation Act of 2011 which extended TANF through February 29, 2012.

H2303,2304,2305/S—

Current law

States are required to report case- and individual-level demographic, monthly financial and monthly work participation information to the Department of Health and Human Services (HHS) on a quarterly basis.

There are no relevant provisions in current law regarding Section 2304 of the House bill.

House bill

Section 2303 requires HHS to issue a rule designating standard data elements for any category of information required to be reported under TANF. The rule would be developed by HHS in consultation with an interagency workgroup established by the Office of Management and Budget (OMB) and with consideration of state and tribal perspectives. To the extent practicable, the standard data elements required by the rule would be non-proprietary and incorporate the interoperable standards developed and maintained by other recognized bodies. To the extent practicable, the data reporting standards required by the rule would incorporate a widely-accepted, nonproprietary, searchable, computer-readable format; be consistent with and implement applicable accounting principles; be capable of being continually upgraded as necessary; and incorporate existing nonproprietary standards, such as the ''eXtensible Business Reporting Language.'' The data standardization requirement would take effect on October 1, 2012.

Section 2304 requires states to maintain policies and practices to prohibit TANF assistance from being used in any transaction in liquor stores, casinos and gaming establishments, and strip clubs. States have up to 2 years after enactment to implement such policies and practices. States that fail to report actions they have taken are at risk of being penalized by up to a 5% reduction in their block grant.

Section 2305 makes technical corrections to the TANF statute.

Senate bill

No provision.

Conference substitute

The conference agreement follows the House bill with the following technical modifications to Section 2303: Section 2303(a) is modified to clarify that the goal of the provision is to standardize the data exchange processes, not standardize data elements. Section 2303(b) is modified to require that the Department of Health and Human Services issue proposed rules for this section within 12 months of the enactment of this section, and that the agency finalize these regulations within 24 months of the enactment of this section.

The conference agreement follows the House bill with the following technical modifications to Section 2304: Section 2304(a)(12)(A) is modified to clarify that States are required to block access to TANF funds provided on electronic benefit transfer cards at ATMs and point-of-sale devices in specified locations. Section 2304(a)(12)(B) is modified by adding a definition of electronic benefit transfer transactions. Section 2304(b)(16)(A) is modified to clarify that each State must provide a report to the Secretary of Health and Human Services regarding their implementation of this provision.

TITLE III—FLOOD INSURANCE REFORM

REFORM OF PREMIUM RATE STRUCTURE

H3005(a),3005(b),3005(c),3005(d),3005(e)/S—

Current law

The Federal Emergency Management Agency (FEMA) is authorized to increase chargeable risk premium rates for flood insurance for any properties within any single risk classification 10% annually. 42 U.S.C. 4015 (e)

Full actuarial rates begin on the effective date of a revised Flood Hazard Boundary Map or Flood Insurance Rate Map for a community. § 61.11

FEMA is authorized to establish risk premium rates for flood insurance coverage. The agency is also authorized to offer ''chargeable'' (subsidized) premium rates for pre-FIRM buildings. Post-FIRM structures (i.e., buildings constructed on or after December 31, 1974) and the effective date of the FIRM, whichever is later, must pay the full actuarial risk premium rates. § 61.8

Pre-FIRM structures continue to receive subsidized premium rates after the lapsed policy provided the policyholder pays the appropriate premium to reinstate the policy.

FEMA is authorized to determine whether a community has made adequate progress on the construction of a flood protection system involving federal funds. Adequate progress means the community has provided FEMA with necessary information to determine that 100% of the cost has been authorized, 60% has been appropriated or 50% has been expended. § 61.12

House bill

Section 3005(a) would increase the annual cap on premium increases from 10% to 20%.

Section 3005(b) would clarify that newly mapped properties are phased-in to full actuarial, flood insurance rates at a consistent rate of 20% per year over 5 years and requires that newly mapped property owners pay 100% of actuarial rates at the end of the 5 year phase-in period. For areas eligible for the lower-cost Preferred Risk Policy (PRP) rates, the phase-in begins after the expiration of their PRP rates. For all properties, the phase-in of rates only applies to residential properties occupied by their owner or a bona fide tenant as a primary residence.

Section 3005(c) would require that, beginning one year after enactment, the premium rate subsidies (pre-FIRM discounts) for certain properties in the following categories be phased-out, with annual rate increases limited by a 20 percent annual cap. This would apply to commercial properties, second and vacation homes (i.e., residential properties not occupied by an individual as a primary residence), homes sold to new owners, homes damaged or improved (substantial flood damage exceeding 50 percent or substantial improvement exceeding 30 percent of the fair market value of the property), and properties with multiple flood claims (i.e., statutorily defined severe repetitive loss properties.)

Section 3005(d) would remove the eligibility of property owners who allow their policies to lapse by choice to receive discounted rates on those properties.

Section 3005(e) would update the standards by which FEMA evaluates a community's eligibility for special flood insurance rates by considering state and local funding, in addition to federal funding, of flood control projects.

Senate bill

No provision.

Conference substitute

No provision.

MANDATORY PURCHASE REQUIREMENTS

H3003(b)(3),3003(c),3004(a),3007(e),3014,3017,3018/S—

Current law

There are no relevant provisions in current law regarding Section 3003(b)(3) of the House bill.

FEMA is authorized to enter into arrangements with individual private sector property insurance companies or other insurers, such as public entity risk sharing organizations. Under this Write-Your-Own company arrangement, such companies may offer flood insurance coverage under the program to eligible applicants. § 62.23

The NFIP requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of federal or federally-related financial assistance for acquisition or construction purposes with respect to insurable buildings and mobile homes within an identified special flood, mudslide, or flood-related erosion hazard area that is located within any community participating in the NFIP. § 59.2 The mandatory purchase of insurance is required in areas identified as being within designated Zones A, A1–30, AE, A99, AO, AH, AR, AR/A1–30, AR/AE, AR/AO, AR/AH, AR/A, V1–30, VE, V, VO, M, and E. § 64.3

When FEMA has provided a notice of final flood elevations for one or more special flood hazard areas (SFHA) on the community's FIRM, the community shall require that all new construction and substantial improvements of residential structures within Zones A1–30, AE and AH zones on the community's FIRM have the lowest flood (including basement) elevation to or above the base flood level, unless the community is granted an exception by FEMA for the allowance of basements. § 60.3(a) Structures in SFHAs that receive any form of federal or federally-related financial assistance are required to purchase flood insurance. § 59.2(a)

FEMA is required to provide notice of final base flood elevations within Zones A1–30 and/or AE on the community's FIRM that is available for public viewing by homeowners in SFHAs. §60.3(e) Structures located in these zones are classified as SFHA and are, therefore, required to purchase flood insurance. § 59.2(a)

The NFIP was established to provide flood insurance protection to property owners in flood-prone areas. However, flood insurance is only available in communities that participate in the NFIP. §59.2 To qualify for flood insurance availability a community must apply for the entire area within its jurisdiction and shall submit copies of legislative and executive actions indicating a local need for flood insurance and an explicit desire to participate in the NFIP. §59.22

There are no relevant provisions in current law regarding Section 3018 of the House bill.

House bill

Section 3003(b)(3) would require lenders or servicing companies to terminate policies purchased on behalf of the homeowner to satisfy the mandatory purchase requirement within 30 days of being notified that the homeowner has purchased another policy. Lenders would be required to refund any premium payments and fees made by the homeowner for the time when both policies were in effect. Moreover, the declaration page in the insurance policy would be considered sufficient to demonstrate having met the mandatory insurance purchase requirements.

Section 3003(c) would require lenders to accept flood insurance from a private company if the policy fulfills all federal requirements for flood insurance.

Section 3004(a) would authorize the Administrator of FEMA to delay mandatory purchase requirement for owners of properties in newly designated special flood hazard areas. The delay would not be longer in duration than 12 months with the possibility of two 12 month extensions at the discretion of FEMA. Eligible areas defined as an area that meets the following three requirements: (1) area with no history of special flood hazards; (2) area with a flood protection system under improvement; or (3) area has filed an appeal of the designation of the area as having special flood hazards. Upon a request submitted from a local government authority, FEMA could suspend the mandatory purchase for a possible fourth and fifth year for certain communities that are making more than adequate progress in their construction of their flood protection systems.

Section 3007(e) would clarify that mandatory purchase requirement would not apply to a property located in an area designated as having a special flood hazard if the owner of such property submits to FEMA an elevation certificate showing that the lowest level of the primary residence is at an elevation that is at least three feet higher than the elevation of the 100-year flood plain. FEMA would be required to accept as conclusive each elevation certificate unless the Administrator conducts a subsequent elevation survey and determines that the lowest level of the primary residence in question is not at an elevation that is at least three feet higher than the elevation of the 100-year flood plain. This section would require FEMA to expedite any requests made by an owner of a property showing that the property is not located within the area having special flood hazards. FEMA would be prohibited from charging a fee for reviewing the flood hazard data with respect to the expedited request and requiring the owner to provide any additional elevation data.

Section 3014 would require the Administrator of FEMA, in consultation with affected communities, to notify annually residents in areas having special flood hazards

that they reside in such an area, the geographic boundaries of such areas, the requirements to purchase flood insurance coverage and the estimated cost of flood insurance coverage.

Section 3017 would amend the Real Estate Settlement Procedures Act of 1974 (RESPA) to require mortgage lenders to include specific information about the availability of flood insurance in each good-faith estimate.

Section 3018 would amend RESPA to explicitly state that the escrowing of flood insurance payments is required for many types of loans.

Senate bill

No provision.

Conference substitute

No provision.

REFORM OF COVERAGE TERMS

H3004(a),3004(b),3004(d),3004(e),3015,3016,3021/S—

Current law

There are no relevant provisions in current law regarding Section 3004(a) of the House bill.

The maximum amount of coverage for a single family residential structure is $250,000 and $100,000 for personal contents. The limit for nonresidential building structures is $500,000 and $500,000 for contents. § 61.6

Insurance coverage under the NFIP is available only for property structures and personal contents. § 61.3

Payment of full policyholder premium must be made at the time of application or renewal. § 61.5

There are no relevant provisions in current law regarding Section 3015 of the House bill.

FEMA is authorized to enter into arrangements with individual private insurers to offer flood coverage to policyholders. § 62.23

The Standard Flood Insurance Policy issued under the NFIP excludes coverage for hot tubs and spas that are not bathroom fixtures, and swimming pools, and their equipment, such as, but not limited to, heaters, filters, pumps, and pipes, wherever located. Appendix A(1) to Part 62.

House bill

Section 3004(a) would set the minimum deductible levels at $1,000 for properties with full-risk rates and $2,000 for properties with discounted rates. The section would also establish that maximum coverage limits be indexed for inflation, starting in 2012.

Section 3004(b) would authorize insurance coverage under policies issued by the NFIP to be adjusted for inflation since September 30, 1994. This section would clarify that insured or applicants for residential insurance coverage under the NFIP would receive up to an ''aggregate liability'' of $250,000 per claim rather than a ''total amount'' of $250,000. Nonresidential property owners would be insured for a total of $500,000 aggregate liability for structure and $500,000 aggregate liability for content. These amounts would be adjusted or indexed for inflation using the percentage change over the period beginning on September 30, 1994 through the date of enactment of the law.

Section 3004(d) would authorize the Administrator of FEMA to offer optional coverage for additional living expenses, up to a maximum of $5,000, as well as to offer optional coverage for the interruption of business operations up to a maximum of $20,000, provided that FEMA: (1) charges full-risk rates for such coverage; (2) makes a finding that a competitive private market for such coverage does not exist; and (3) certifies that the NFIP has the capacity to offer such coverage without the need to borrow additional funds from the U.S. Treasury.

Section 3004(e) would authorize the Administrator of FEMA to offer policyholders the option of paying their premiums for one-year policies in installments, and authorizes FEMA to impose higher rates or surcharges, or to deny future access to NFIP coverage, if property owners attempt to limit their coverage to coincide only with the annual storm season by neglecting to pay their premiums on schedule.

Section 3015 would require the Administrator of FEMA to notify tenants of a property located in areas having special flood hazard, that flood insurance coverage is available under the NFIP for contents of the unit or structure leased by the tenant, the maximum amount of such coverage for contents, and how to obtain information regarding how to obtain such coverage.

Section 3016 would require the Administrator of FEMA to notify the holders of direct policies managed by FEMA that they could purchase flood insurance directly from an insurance company licensed by FEMA to administer NFIP policies. The coverage provided or the premiums charged to holders of flood insurance policies that are administered by an insurance company are no different from those directly managed by FEMA.

Section 3021 would require under the NFIP that the presence of an enclosed swimming pool located at ground level or in the space below the lowest flood of a building after November 30, and before June 1 of any year, would have no effect on the terms of coverage or the ability to receive coverage for such building if the pool is enclosed with non-supporting breakaway walls.

Senate bill

No provision.

Conference substitute

No provision.

FINANCIAL AND BORROWING AUTHORITY

H3011,3025,3033/S—

Current law

FEMA is authorized to carry out a program to provide financial assistance to states and communities, using amounts made available from the National Flood Mitigation Fund for planning and carrying out activities designed to reduce the risk of flood damage to structures. Such assistance shall be made available to states and communities in the form of grants to carry out mitigation activities. 44 U.S.C. 4104c(a)

FEMA is authorized to issue notes or other obligations to the Secretary of the Treasury, without the approval of the President, to finance the flood insurance program. All funds borrowed under this authority shall be deposited in the National Flood Insurance Fund. 42 U.S.C. § 4016(a)

FEMA is authorized to borrow from the U.S. Treasury. Borrowed funds must be repaid with interest. 42 U.S.C. § 4017 (a)(3)

House bill

Section 3011 would streamline and reauthorize the Flood Mitigation Assistance Program, the Repetitive Flood Claims Program and the Severe Repetitive Loss Program in order to improve their effectiveness and efficiency. Financial assistance would be made available to states and communities in the form of grants for carrying out mitigation activities, especially with respect to severe repetitive loss structures, repetitive loss structures, and to property owners in the form of direct grants. This section would expand eligibility for mitigation assistance grants from mitigating flood risk to mitigating multiple hazards. Amounts provided could be used only for mitigation activities that are consistent with mitigation plans approved by FEMA. FEMA Administrator could approve only mitigation activities that are determined to be technically feasible, cost-effective, and result in savings to the NFIF. This section would expand eligibility to include mitigation activities for the elevation, relocation, and flood-proofing of utilities (including equipment that serve structures). The FEMA Administrator is required to consider demolition and rebuilding of properties as eligible activities under the mitigation grant programs. This section establishes a matching requirement for severe repetitive loss structures of up to 100% of all eligible costs and up to 90% for repetitive loss structures. Other mitigation activities would be in an amount up to 75% of all eligible costs. Failure to award a grant within 5 years of receiving a grant application would be considered to be a denial of the application and any funding amounts allocated for such grant applications would remain in the National Flood Mitigation fund. This section authorizes $40 million in grants to States and communities for mitigation activities, $40 million in grants to States and communities for mitigation activities for severe repetitive loss structures, and $10 million in grants to property owners for mitigation activities for repetitive loss structures. This section would eliminate the Grants Program for Repetitive Insurance Claims Properties. (Sec. 3011(b))

Section 3025 would establish a reserve fund requirement to meet the expected future obligations of the National Flood Insurance Program. This section contains phase-in requirements similar to H.R. 3121. For example, this section requires the Fund to maintain a balance equal to 1% of the sum of the total potential loss exposure of all outstanding flood insurance policies in force in the prior fiscal year, or a higher percentage as the Administrator determines to be appropriate. FEMA has the discretion to set the amount of aggregate annual insurance premiums to be collected for any fiscal year necessary to maintain the reserve ratio, subject to any provisions relating to chargeable premium rates and annual increases of such rates.

Section 3033 would require FEMA to submit a report to Congress not later than 6 months after enactment of this Act setting forth a plan for repayment within 10 years on the amounts borrowed from the U.S. Treasury under the NFIP.

Senate bill

No provision.

Conference substitute

No provision.

POLICY CLAIMS AND WRITE-YOUR-OWN INSURERS

H3004,3022,3023,3028,3032/S—

Current law

The ''Exclusions'' section ''V'' of the Standard Flood Insurance Policy stipulates that ''We do not insure a loss directly or indirectly caused by a flood that is already in progress at the time and date: (1) the policy term begins; or (2) coverage is added at your request. Appendix A(1) to Part 61. Coverage for a new contract for flood insurance coverage shall become effective upon the expiration of the 30–day period beginning on the date that all obligations for such coverage are satisfactorily completed. § 61.11; 42 U.S.C. 4013(c)

There are no relevant provisions in current law regarding Section 3022 of the House bill.

There are no relevant provisions in current law regarding Section 3023 of the House bill.

There are no relevant provisions in current law regarding Section 3028 of the House bill.

House bill

Sections 3004 and 3032 would clarify the effective date of insurance policies covering properties affected by floods in progress. Property experiencing a flood during the 30-

day waiting period following the purchase of insurance would be covered for damage to the property that occurs after the 30-day period has expired, but only if the property has not suffered damage or loss as a result of such flood before the expiration of such 30-day period. These sections would require FEMA to review the processes and procedures for determining that a flood event has commenced or is in progress for purposes of flood insurance coverage and report to Congress within 6 months.

Section 3022 would require FEMA to grant policy holders the right to request engineering reports and other documents relied on by the Administrator and/or participating WYO companies in determining whether the damage was caused by flood or any other peril (e.g., wind). FEMA would also be required to provide the information to the insured within 30 days of the request for information.

Section 3023 would authorize FEMA to refuse to accept future transfers of policies to the NFIP Direct program.

Section 3028 would require FEMA to submit a report to Congress describing procedures and policies for limiting the number of flood insurance policies that are directly managed by the Agency to not more than 10% of the total number of flood insurance policies in force. After submitting the report to Congress, the Administrator would have 12 months to reduce the number of policies directly managed by the Agency, or by the Agency's direct servicing contractor that is not an insurer, to not more than 10% of the total number of flood insurance policies in force.

Senate bill

No provision.

Conference substitute

No provision.

FLOOD RISK ASSESSMENT AND MAPPING

H3006,3007,3008,3013,3014,3018,3020,3024,3026, 3030/S—

Current law

There are no relevant provisions in current law regarding Section 3006 of the House bill.

FEMA is authorized to identify and publish information with respect to all areas within the United States having special flood, mudslide, and flood-related erosion hazards. § 65.1

FEMA will only recognize in its flood hazard and risk mapping effort those levee systems that meet, and continue to meet, minimum design, operation, and maintenance standards that are consistent with the level of protection sought through the comprehensive floodplain management regulations. §65.10

There are no relevant provisions in current law regarding Section 3013 of the House bill.

FEMA publishes in the Federal Registry a notice of the proposed flood elevation determination sent to the Chief Executive Officer of the community. The agency also publishes a copy of the community's appeal or a copy of its decision not to appeal the proposed flood elevation determination. §67.3

A Standard Flood Insurance policyholder whose property has become the subject of a Letter of Map Amendment may cancel the policy within the current policy year and receive a premium refund. §70.8 The policy could be canceled provided (1) the policyholder was required to purchase flood insurance; and (2) the property was located in a SFHA as represented on an effective FIRM when the financial assistance was provided. If no claim under the policy has been paid or is pending, the full premium shall be refunded for the current policy year, and for an additional policy year where the insured had been required to renew the policy. §62.5

FEMA publishes a notice of the community's proposed flood elevation determination in a prominent local newspaper at least twice during the ten day period immediately following the notification of the CEO. §67.4

FEMA publishes a notice of the community's proposed flood elevation determination in a prominent local newspaper at least twice during the ten day period immediately following the notification of the CEO. §67.4 Any owner or lessee of real property, within a community where a proposed flood elevation determination has been made who believes his property rights to be adversely affected by the proposed base flood determination may file a written appeal of such determination with the CEO within 90 days of the second newspaper publication of the FEMA proposed determination. §67.5

There are no relevant provisions in current law regarding Section 3026 of the House bill.

The NFIP participating community must provide written assurance that they have complied with the appropriate minimum floodplain management regulation. §60.3

House bill

Section 3006 would establish the Technical Mapping Advisory Council (Council) to develop and recommend new mapping standards for FIRMs. The Council would include representatives from FEMA, the U.S. Geological Survey (USGS), the U.S. Army Corps of Engineers (USACE), other federal agencies, state and local governments, as well as experts from private stakeholder groups. This section would require that there is adequate number of representatives from the states with coastlines or the Gulf of Mexico and other states containing areas at high-risk for floods or special flood hazard areas. The Council would submit the new mapping standards for 100-year flood insurance rate maps to FEMA and the Congress within 12 months of enactment and would continue to review those standards for four additional years, at which time the Council would be terminated. This section would place a moratorium on the issuance of any updated flood insurance rate maps from the date of enactment until the Council submits to FEMA and Congress the proposed new mapping standards. This section would allow for the revision, update and change of rate maps only pursuant to a letter of map change.

Section 3007 would direct FEMA to establish new standards for FIRMs beginning six months after the Technical Mapping Advisory Council issues its initial set of recommendations. The new standards would delineate all areas located within the 100-year flood plain and areas subject to gradual and other risk levels, as well as ensure the standards reflect the level of protection levees confer. The standard must also differentiate between a property that is located in a flood zone and a structure located on such property that is not at the same risk level for flooding as such property due to the elevation of the structure and provide that such rate maps are developed on a watershed basis. This section would require FEMA to submit a report to Congress specifying which Council recommendations were not implemented and explaining the reasons such recommendations were not adopted. FEMA would have 10 years to update all FIRMs in accordance with the new standards subject to the availability of appropriated funds. This section would eliminate requirements to more broadly map areas considered to be residual risk.

Section 3008 would prohibit the Administrator of FEMA from issuing flood insurance maps, or make effective updated flood insurance maps, that omit or disregard the actual protection afforded by an existing levee, floodwall, pump or other flood protection feature, regardless of the accreditation status of such feature.

Section 3013 would require the Administrator of FEMA, upon any revision or update of any floodplain area or flood-risk zone and the issuance of a preliminary flood map, to notify in writing the Senators of each state affected and each Member of Congress for each congressional district affected by the flood map revision or update.

Section 3014 would require the Administrator of FEMA to establish projected flood elevations and to notify the chief executive officer of each community affected by the proposed elevation a notice of the elevations, including a copy of the maps for the elevations and a statement explaining the process to appeal for changes in such elevations.

Section 3018 would require the Administrator of FEMA to reimburse owners of any property, or a community in which such property is located, for the reasonable costs involved in obtaining a Letter of Map Amendment (LOMA) and Letter of Map Revision (LOMR) if the change was due to a bona fide error on the part of FEMA. The Administrator would be authorized to determine a reasonable amount of costs to be reimbursed except that such costs would not include legal or attorney fees. The reasonable cost would consider the actual costs to the owner of utilizing the services of an engineer, surveyor or similar services. This section would require FEMA to issue regulation pertaining to the reimbursements.

Section 3020 would require FEMA to provide to a property owner newly included in a revised or updated proposed flood map a copy of the proposed FIRM and information regarding the appeals process at the time the proposed map is issued.

Section 3024 would require FEMA to notify a prominent local television and radio station of projected and proposed changes to flood maps for communities. This section would authorize FEMA to grant an additional 90 days for property owners or a community to appeal proposed flood maps, beyond the original 90 day appeal period, so long as community leaders certify they believe there are property owners unaware of the proposed flood maps and appeal period, and community leaders would use the additional 90 day appeal period to educate property owners on the proposed flood maps and appeal process.

Section 3026 would authorize the use of Community Development Block Grants to supplement state and local funding for local building code enforcement departments and flood program outreach.

Under Section 3030, the Administrator of FEMA would be required to conduct a study regarding the impact, effectiveness, and feasibility of including widely used and nationally recognized building codes as part of FEMA's floodplain management criteria and submit a report to the House Committee on Financial Services and Senate Banking, Housing, and Urban Affairs Committee. The study would assess the regulatory, financial, and economic impacts of such building code requirement on homeowners, states and local communities, local land use policies, and FEMA.

Senate bill

No provision.

Conference substitute

No provision.

STUDIES AND REPORTS FOR CONGRESS

H3009(a),3009(b),3009(c),3009(d),3010,3025,3029, 3031/S—

Current law

There are no relevant provisions in current law regarding Section 3009(a) of the House bill.

FEMA is authorized to encourage insurance companies and other insurers to form,

associate, or otherwise join together in a pool to provide the flood insurance coverage authorized under the NFIP. 44 U.S.C. §4051 (a) FEMA is authorized to take such action as may be necessary in order to make available reinsurance for losses which are in excess of losses assumed by private industry flood insurance pools. 42 U.S.C. §4055(a)

There are no relevant provisions in current law regarding Section 3009(d) of the House bill.

There are no relevant provisions in current law regarding Section 3010 of the House bill.

There are no relevant provisions in current law regarding Section 3025 of the House bill.

There are no relevant provisions in current law regarding Section 3029 of the House bill.

There are no relevant provisions in current law regarding Section 3031 of the House bill.

House bill

Section 3009(a) would require the Administrator of FEMA and the Comptroller General of the United States to conduct separate studies to assess a broad range of options, methods, and strategies for privatizing the NFIP. FEMA and GAO would submit reports (within 18 months of the date of the enactment of this Act) to the House Committee on Financial Services and the Senate Banking, Housing, and Urban Affairs Committee that make recommendations for the best manner to accomplish privatization of the NFIP.

Section 3009(b) would authorize the Administrator of FEMA to carry out private risk-management initiatives to determine the capacity of private insurers, reinsurers, and financial markets to assist communities, on a voluntary basis only, in managing the full range of financial risk associated with flooding. The Administrator would assess the capacity of the private reinsurance, capital, and financial markets by seeking proposals to assume a portion of the program's insurance risk and submit to Congress a report describing the response to such request for proposals and the results of such assessment. The Administrator would be required to develop a protocol to provide for the release of data sufficient to conduct the assessment of the insurance capacity of the private sector.

Under Section 3009(c), the Administrator of FEMA would be authorized to secure reinsurance coverage from private market insurance, reinsurance, and capital market sources in an amount sufficient to maintain the ability of the program to pay claims and that minimizes the likelihood of having to borrow from the U.S. Treasury.

Under Section 3009(d), the Administrator would be required to conduct an assessment of the claims-paying ability of the NFIP, including the program's utilization of private sector reinsurance and reinsurance equivalents, with and without reliance on borrowing authority.

Section 3010 would require the Administrator of FEMA to submit an annual report to the Congress on the financial status of the NFIP, including current and projected levels of claims, premium receipts, expenses, and borrowing under the program.

Under Section 3025, the Administrator of FEMA would be required to conduct a study regarding the impact, effectiveness, and feasibility of including widely used and nationally recognized building codes as part of FEMA's floodplain management criteria and submit a report to the House Committee on Financial Services and Senate Banking, Housing, and Urban Affairs Committee. The study would assess the regulatory, financial, and economic impacts of such building code requirements on homeowners, states and local communities, local land use policies, and FEMA.

Section 3029 would require the Administrator of FEMA and the Comptroller General of the United States to conduct separate studies to assess options, methods, and strategies for offering voluntary community-based flood insurance under the NFIP. The studies would consider and analyze how the policy options would affect communities having varying economic bases, geographic locations, flood hazard characteristics or classification, and flood management approaches. The report and recommendations would be submitted within 18 months after the enactment of this Act to the House Committee on Financial Services and the Senate Banking, Housing, and Urban Affairs Committee.

Section 3031 would require the National Academy of Sciences (NAS) to conduct a study of methods for understanding graduated risk behind levees and the associated land development, insurance, and risk communication dimensions. The NAS would submit a report with recommendations within 12 months of the date of enactment of this Act to the House Committee on Financial Services and Senate Banking, Housing, and Urban Affairs Committee.

Senate bill

No provision.

Conference substitute

No provision.

MISCELLANEOUS PROVISIONS

H3035/S—

Current law

There are no relevant provisions in current law regarding Section 3035 of the House bill.

House bill

Section 3035 would allow state and local governments to use the Army Corps of Engineers to evaluate locally operated levee systems which were either built or designed by the Corps, and which are being reaccredited as part of a NFIP remapping. All costs associated with evaluations would continue to be covered by the state or local government requesting the evaluation.

Senate bill

No provision.

Conference substitute

No provision.

TITLE IV—JUMPSTARTING OPPORTUNITY WITH BROADBAND SPECTRUM ACT OF 2011

SUBTITLE A—SPECTRUM AUCTION AUTHORITY

H4005,4101,4102,4103,4104,4105,4106,4107/S—

Current law

There are no relevant provisions in current law regarding Section 4005 of the House bill.

Current law provides for auction of electromagnetic spectrum assigned for federal use but does not establish deadlines for specified frequencies. Current law provides for a Spectrum Relocation Fund. It requires that spectrum license proceeds be paid to the General Fund except in the case of auctions of federal spectrum being reallocated for commercial use in which case unexpended proceeds are held for 8 years before being deposited in the Treasury.

Current law requires that 24 MHz of spectrum licenses in 700 MHz band be assigned for use by public safety agencies. FCC regulations have designated 12 MHz for use by narrowband radios carrying primarily voice communications and 2 MHz as guard bands to mitigate radio interference. Licenses are administered by state and local authorities. Current law requires that auction proceeds be deposited in the General Fund.

The FCC has broad regulatory powers that might permit it to reallocate TV broadcasting spectrum. Current law requires that auction proceeds be deposited in the General Fund.

There are no relevant provisions in current law regarding Section 4104 of the House bill.

The law requires the FCC to set rules regarding participation in spectrum licenses auctions and for spectrum use (service rules).

Authority of FCC to use competitive bidding systems to assign licenses for the use of designated portions of electro-magnetic spectrum expires September 30, 2012.

There are no relevant provisions in current law regarding Section 4107 of the House bill.

House bill

Under Section 4005, payments of funds to and access to spectrum license auctions would be prohibited for any person who is barred by a federal agency for reasons of national security.

Section 4101 would set requirements for commercial auctions of electro-magnetic spectrum currently assigned for federal use as described by the bill. With exceptions, process of preparing auctions would begin within three years of enactment. Spectrum license auction proceeds would be distributed to the Spectrum Relocation Fund, which would receive an amount equal to 110% of projected federal agency relocation costs, with the balance deposited with the Public Safety Trust Fund.

Section 4102 would require that these spectrum licenses be released for commercial auction within five years of a decision by a federally appointed Administrator. The decision would be triggered by a declaration by the Administrator that technology was available that would allow the migration of voice communications from the 700 MHz narrowband networks to the 700 MHz broadband network, thereby freeing up the narrowband spectrum for auction to the commercial sector. Would allocate $1 billion of auction proceeds to a new grant program for states to acquire radio equipment.

Section 4103 would provide the FCC with the authority to establish incentive auctions for television broadcasters, within specified limits. It would create a TV Broadcaster Relocation Fund as a means for broadcasters to receive up to $3 billion of auction revenue to cover relocation costs and for other purposes. Proceeds above that amount would go to the Public Safety Trust Fund through FY2021, after which funds are to be deposited in the General Fund.

Section 4104 would establish procedures for the FCC to follow in reallocating television broadcasting spectrum licenses for commercial auction.

Section 4105 would set limitations on FCC auction and service rules for future auctions. Would prohibit auction rules that placed new conditions on prospective bidders (spectrum caps). Would prohibit service rules that restrict licensee's ability to manage network traffic (net neutrality) or that would require providing network access on a wholesale basis.

Section 4106 would extend the FCC's auction authority through FY 2021.

Section 4107 would lay the groundwork to expand commercial use of unlicensed spectrum within the federally managed 5GHz band of wireless spectrum by requiring the FCC to commence a proceeding as described in the bill.

Senate bill

No provision.

SUBTITLE B—ADVANCED PUBLIC SAFETY COMMUNICATIONS

PART 1—NATIONAL IMPLEMENTATION

H4201,4202,4203,4204,4205/S—

Current law

The FCC is empowered to manage public safety use and assign access to spectrum. FCC has assigned a single, nationwide license for 10 MHz of public safety broadband

spectrum, which it regulates. The law requires that the D Block be auctioned for commercial purposes, with proceeds deposited in the General Fund.

The Office of Emergency Communications (OEC) within the Department of Homeland Security, as required by law, has prepared a National Emergency Communications Plan. The law also requires the OEC to work with other federal agencies in developing appropriate standards for interoperability, among other requirements. The FCC has used its regulatory authority to create requirements for the use of public safety spectrum at 700 MHz, including interoperability and standard-setting.

Law has required that each state, in order to receive federal funding for certain grants for public safety, must establish a State Communications Interoperability Plan (SCIP) and designate plan administrators at the state or local level. OEC is charged with assisting and overseeing these plans. Each state has submitted a SCIP to the OEC. Law also required the creation of Regional Emergency Communications Centers to facilitate regional planning for interoperability at the regional level.

There are no relevant provisions in current law regarding Section 4204 of the House bill.

House bill

Section 4201 would assign a total of 20 MHz of 700 MHz spectrum designated for public safety use to an Administrator, competitively chosen by the NTIA. The Administrator would manage the distribution of spectrum capacity to individual states and enforce requirements established in the bill. Specifically, provisions would reallocate 10 MHz (the D Block) from commercial use to public safety use.

Section 4202 would establish requirements for the FCC to create a Public Safety Communications Planning Board. The Board would prepare, and submit to the FCC for approval, a National Public Safety Communications Plan. The Plan would include requirements for interoperability and standards, among other provisions.

Section 4203 would require the NTIA to request proposals for the administration of the Plan. Would establish the duties of the Administrator in working with State Public Safety Broadband Offices to build interoperable networks within each state.

Section 4204 would provide borrowing authority of up to $40 million for the creation and initial operation of the Administrator's office, to be repaid from auction revenue received by the Public Safety Trust Fund.

Section 4205 would require the OEC to submit to Congress a study that would: review the importance of amateur radio in responding to disasters; make recommendations for how to enhance the use of amateur radio federally; and to identify impediments to amateur radio such as private land use restrictions on antennas.

Senate bill

No provision.

PART 2—STATE IMPLEMENTATION

H4221,4222,4223,4224,4225/S—

Current law

FCC has promulgated regulations and requirements for public safety broadband access.

There are no relevant provisions in current law regarding Section 4222 of the House bill.

There are no relevant provisions in current law regarding Section 4223 of the House bill.

There are no relevant provisions in current law regarding Section 4224 of the House bill.

State and local governments have right to apply zoning law procedures for requests to modify existing cell towers.

House bill

Section 4221 would require each state seeking to establish a public safety broadband network, using 700 MHz public safety broadband spectrum, to create a Public Safety Broadband Office. Each office would prepare proposals for building networks based on the requirements established through the National Public Safety Communications Plan, including for requests for proposal. The Administrator would work with each state office in preparing and carrying out the plans. In general, states would be required to sign a contract with a commercial mobile provider to build the network to specifications as provided in the bill and in accordance with requirements established by the Public Safety Communications Planning Board and by the Administrator.

Section 4222 would establish a matching grant program to assist state Public Safety Broadband Offices.

Section 4223 would create a State Implementation Fund for the State Implementation Grant Program. The fund would receive up to $100 million in auction revenue as specified in the bill. Funds remaining at the end of 2021 would be deposited in the General Fund.

Section 4224 would provide grants to states for payments under contracts entered into with the approval of the Administrator.

Section 4225 would require approval of requests for modification of cell towers. This section would provide for federal agencies to grant easements for the placement of antennas on federal property. This section would require the General Services Administration (GSA) to provide a common request form for easements and rights-of-way and to establish fees for this service, based on direct cost recovery. This section would require the GSA to develop one or more contracts for antenna placement and other specifications.

Senate bill

No provision.

PART 3—PUBLIC SAFETY TRUST FUND

H4241/S—

Current law

There are no relevant provisions in current law regarding Section 4241 of the House bill.

House bill

Section 4241 would create a fund to receive, hold and disburse all auction proceeds as provided in the bill except for $3 billion to be directed to the TV Broadcaster Relocation Fund. Designated uses are: State and Local Implementation, $100 million; Public Safety Administrator, $40 million; Public Safety Broadband Network Deployment, $4.96 billion plus 10% of any remaining amounts deposited in the fund up to $1.5 billion; Deficit Reduction, $20.4 billion from fund and balances upon expiration in FY 2021, plus at least 90% of any additional auction revenue.

Senate bill

No provision.

PART 4—NEXT GENERATION 9–1–1 ADVANCEMENT ACT

H4265,4266,4267,4268,4269,4270,4271/S—

Current law

Similar provisions were in effect through statutes that expired at the end of FY2009. Provisions included requirements for a grant program and for planning for the eventual transition to Next Generation 9–1–1.

There are no relevant provisions in current law regarding Section 4266 of the House bill.

Law Requires FCC to study 9–1–1 fee collection and use and issue a report annually.

Law extends similar protection for existing 9–1–1 services.

There are no relevant provisions in current law regarding Section 4269 of the House bill.

There are no relevant provisions in current law regarding Section 4270 of the House bill.

House bill

Section 4265 would establish a federal 9–1–1 Coordination Office to advance planning for next-generation 9–1–1 systems and to fund a grant program with an authorization of $250 million. This section would direct the Assistant Secretary (NTIA) and the Administrator of the National Highway Traffic Safety Administration (NHTSA) to establish a 9–1–1 Implementation Coordination Office to reestablish and extend matching grants, through October 1, 2021, to eligible state or local governments or tribal organizations for the implementation, operation, and migration of various 9–1–1, E9–1–1 (wireless telephone location), Next Generation 9–1–1 (voice, text, video), and IP-enabled emergency services and public safety personnel training. This section would provide immunity and liability protection, to the extent consistent with specified provisions of the Wireless Communications and Public Safety Act of 1999, to various users and providers of Next Generation 9–1–1 and related services, including for the release of subscriber information.

Section 4266 would require GAO to prepare a report on 9–1–1 capabilities of multi-line telephone systems in federal facilities, and would require the FCC to seek comment on the feasibility of improving 9–1–1 identification for calls placed through multi-line telephone systems.

Section 4267 requires GAO to study how states assess fees on 9–1–1 services and how those fees are used.

Section 4268 would provide immunity and liability protection, to the extent consistent with specified provisions of the Wireless Communications and Public Safety Act of 1999, to various users and providers of Next Generation 9–1–1 and related services, including for the release of subscriber information.

Section 4269 would direct the FCC to: (1) initiate a proceeding to create a specialized Do-Not-Call registry for public safety answering points, and (2) establish penalties and fines for autodialing (robocalls) and related violations.

Section 4270 requires an analysis of costs and assessments and analyses of technical uses.

Section 4271 would require the FCC to assess the legal and regulatory environment for development of NG9–1–1 and barriers to that development, including state regulatory roadblocks.

Senate bill

No provision.

SUBTITLE C—FEDERAL SPECTRUM RELOCATIONS

H4301,4302,4303/S—

Current law

Law provides conditions of use and relinquishment of spectrum, and related actions, by federal agencies. Federal agencies that are relocating to new spectrum allocations in order to accommodate commercial users for other uses may be reimbursed for certain costs of relocation from the Spectrum Relocation Fund, established for that purpose.

Spectrum Relocation Fund created by the Commercial Spectrum Enhancement Act of 2004 (P.L. 108–494, Title II).

There are no relevant provisions in current law regarding Section 4303 of the House bill.

House bill

Section 4301 would include shared use as an eligible action and expenditures for planning would be newly included among those costs eligible for reimbursement from the Spectrum Relocation Fund. This section would establish a Technical Panel to review a transition plan that the NTIA would be required to prepare in accordance with provisions in the bill. This section would require that the NTIA give priority to options that would reallocate spectrum for exclusive, nonfederal uses assigned through auction.

Section 4302 would address uses of the Fund, as described in Sec. 4301, and would establish requirements regarding transfers of funds in advance of auctions and reversion of unused funds.

Section 4303 would establish provisions under which non-disclosure of information regarding federal spectrum use would be determined.

Senate bill

No provision.

SUBTITLE D—TELECOMMUNICATIONS DEVELOPMENT FUND

H4401,4402/S—

Current law

The Telecommunications Development Fund (TDF) was created to provide funding for new ventures in telecommunications. One source of funds comes from the requirement that interest from certain escrow accounts overseen by the FCC be transferred to the TDF.

The law that created TDF requires board members to consult with the FCC and the Treasury before finalizing decisions.

House bill

Section 4401 would require that interest accrued in specified accounts be deposited in the General Fund.

Section 4402 eliminates the role of federal agencies in oversight of board activities.

Senate bill

No provision.

Conference substitute

Title VI—Public Safety Communications and Electromagnetic Spectrum Auctions. The public safety and spectrum provisions of this legislation advance wireless broadband service by clearing spectrum for commercial auction, promoting billions of dollars in private investment, and creating tens of thousands of jobs. These provisions also deliver on one of the last outstanding recommendations of the 9/11 Commission by creating a nationwide interoperable broadband communications network for first responders and generating billions of dollars of Federal revenue.

TITLE V—OFFSETS

SUBTITLE A—GUARANTEE FEES

H5001/S401,402

Current law

Similar provisions were enacted in Title IV of P.L. 112–78.

House bill

Section 5001 increases guarantee fees to reflect risk of loss and cost of capital as if enterprises were fully private regulated institutions. This section requires a minimum increase of 10 basis points (0.10%) greater than average 2011 guarantee fees. To the extent that amounts are received from fee increases imposed under this section that are necessary to comply with the minimum increase required by this subsection, such amounts shall be deposited directly into the United States Treasury, and shall be available only to the extent provided in subsequent appropriations Acts. Such fees shall not be considered a reimbursement to the Federal Government for the costs or subsidy provided to an enterprise. This section provides for a two-year phase-in at discretion of Director of FHFA. This section requires all lenders to be charged a uniform guarantee fee. This section requires an annual FHFA Report to Congress to include information on up-front and annual guarantee fee increases, and changes in riskiness of new mortgages. This section applies to mortgages closed after the date of enactment. This section expires October 1, 2021.

Senate bill

Sections 401 and 402 increase guarantee fees to reflect risk of loss and cost of capital as if enterprises were fully private regulated institutions. This section requires a minimum increase of 10 basis points (0.10%) greater than average 2011 guarantee fees. Amounts received from fee increases imposed under this section shall be deposited directly into the United States Treasury, and shall be available only to the extent provided in subsequent appropriations Acts. The fees charged pursuant to this section shall not be considered a reimbursement to the Federal Government for the costs or subsidy provided to an enterprise. This section provides for a two-year phase-in at discretion of Director of FHFA. This section requires all lenders to be charged a uniform guarantee fee. This section requires an annual FHFA Report to Congress to include information on up-front and annual guarantee fee increases, and changes in riskiness of new mortgages. This section applies to mortgages closed after the date of enactment. This section expires October 1, 2021. This section increases guarantee fees on FHA-insured mortgages by 10 basis points (0.10%) with phase-in over two years.

Conference substitute

No provision.

TITLE VI—MISCELLANEOUS PROVISIONS

H6002,6003(a),6003(b),6004/S511,512

Current law

Section 263 of the Trade Adjustment Assistance Extension Act of 2011 (P.L. 112–40) requires any fees for processing merchandise entered between October 1 and November 12, 2012, to be paid no later than September 25, 2012, in an amount equivalent to the amount of such fees paid with respect to merchandise entered between October 1 and November 12, 2011. The section requires the Secretary of the Treasury to refund with interest any overpayment of such fees. The section prohibits any assessment of interest for any underpayments based on the amount of fees paid for merchandise entered between October 1 and November 12, 2012.

Section 601(c) of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (26 U.S.C. 1401 note) specifies the calendar year in which the payroll tax holiday period applies. There is no Senate point of order against the consideration of legislation that would amend this section of the law.

Section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 (BBEDCA), as amended by the Budget Control Act of 2011 (BCA), establishes enforceable statutory limits on discretionary spending for each fiscal year covering FY2012–FY2021. Section 251(b)(2)(A)(i) of the BBECCA provides for these limits to be adjusted to accommodate discretionary spending designated as emergency requirements in statute (i.e., effectively exempting such spending from the limits). Section 314 of the Congressional Budget Act of 1974, as amended by the BCA, allows the chairs of the budget committees in each chamber to make similar adjustments for purposes of congressional enforcement of these and other spending limits during the consideration of spending legislation. The existing Senate point of order against an emergency designation (Section 403 of S. Con. Res. 13, 111th Congress, the FY2010 budget resolution) does not apply to an emergency designation pursuant to the BBEDCA; therefore, there is no current Senate point of order against such a designation.

Under the Statutory Pay-As-You-Go Act of 2010 (Title I of P.L. 111–139), the five-year and 10-year budgetary effects of direct spending and revenue legislation enacted during a session are placed on respective scorecards. At the end of a session of Congress, if either scorecard shows an increase in the deficit, a sequestration of non-exempt budgetary resources is required to eliminate such deficit. Under the law, off-budget effects and discretionary spending effects are not counted.

House bill

Section 6002 repeals a requirement that importers pre-pay certain fees authorized under the Consolidated Omnibus Budget Reconciliation Act of 1985.

Section 6003(a) creates a Senate point of order against the consideration of any measure that ''extends the dates referenced in section 601(c) of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010.'' Provides that a two-thirds affirmative vote would be required to waive the point of order.

Section 6003(b) amends the Budget Act to create a point of order against an emergency designation pursuant to the BBEDCA included in any measure. The new point of order is similar to the existing Senate emergency designation point of order: (1) if point of order is made, emergency designation is stricken from the measure; and (2) a three-fifths affirmative vote is required to waive the point of order and to sustain an appeal of the ruling of the chair.

Section 6004 provides that the budgetary effects of H.R. 3630 are not placed on either PAYGO scorecard, as long as the legislation does not increase the deficit over the FY2013–FY2021 period. Also provides that off-budget effects, changes to the statutory discretionary spending limits, and changes in net income to the National Flood Insurance Program are to be counted in determining the budgetary effects of the legislation.

Senate bill

The Senate bill does not contain a provision regarding the repeal of a requirement relating to time for remitting certain merchandise processing fees.

Section 511 amends the Budget Act to create a point of order against an emergency designation pursuant to the BBEDCA included in any measure. The new point of order is similar to the existing Senate emergency designation point of order: (1) if point of order is made, emergency designation is stricken from the measure; and (2) a three-fifths affirmative vote is required to waive the point of order and to sustain an appeal of the ruling of the chair.

Section 512 provides that the budgetary effects of H.R. 3630 are not placed on either PAYGO scorecard. Senate provision makes no modifications to the conventional budget scoring of the legislation.

Conference substitute

Section 7002. Repeal of Requirement Relating to Time for Remitting Certain Merchandise Processing Fees: Repeals a requirement that importers pre-pay certain fees authorized under the Consolidated Omnibus Budget Reconciliation Act of 1985. The provision is identical to that contained in Section 6002 of the House bill.

Section 7003. Points of Order in the Senate: Includes two Senate points of order related to (1) protecting the Social Security Trust Fund and (2) emergency spending. The provision is identical to that contained in Section 6003 of the House bill.

Section 7004. PAYGO Scorecard Estimates: Provides that the budgetary effects of the bill shall not be entered on the statutory PAYGO scorecards provided that the bill is deficit neutral over 10 years. The provision is identical to that contained in Section 6004 of the House bill.

FEDERAL CIVILIAN EMPLOYEES PROVISIONS

Current law

Pay Freeze: The Continuing Resolution of December of 2010 included a two-year freeze

on all across-the-board, annual pay adjustments for federal civilian employees, January 1, 2011 through December 31, 2012.

Federal Employee Pensions: Most federal civilian employees are participants in the Federal Employees Retirement System (FERS), under which they make a contribution toward a defined benefit pension equal to 0.8 percent of basic pay. Their employing agency covers the remainder of the pension cost. At normal retirement age, an employee is entitled to a pension equal to 1 percent (or 1.1 percent for those retiring at age 62 with 20 years of service) of the average of the employee's highest three years' compensation times the employee's years of service. Certain FERS participants retiring prior to age 62 are entitled to the FERS annuity supplement. This benefit is paid in addition to their defined benefit annuity, and equals the Social Security benefit they would receive for their FERS civilian service from the Social Security Administration if eligible to receive Social Security on their date of retirement. Most employees who first entered federal government service before 1987 are covered by the Civil Service Retirement System (CSRS), under which they contribute 7 percent of their pay toward their defined benefit pension. CSRS employees are not covered by Social Security, so, unlike FERS employees, they are not subject to the 6.2 percent Social Security contribution. Under both FERS and CSRS, employee contributions and benefits for special occupational groups and Members of Congress are higher. Separate but comparable retirement systems exist for Foreign Service and CIA employees.

House bill

Pay Freeze: The House bill would extend the current freeze on across-the-board statutory pay adjustments for federal civilian employees and Members of Congress through December 31, 2013.

Federal Employee Pensions: The House bill would increase the employee contribution for both CSRS and FERS employees by 0.5 percentage points each year for three years, beginning in 2013. Corresponding changes would be made to the Foreign Service, CIA, and TVA retirement systems. The House bill would establish new retirement rules for federal employees hired after December 31, 2012, with less than 5 years of service. Their contribution to FERS would increase by 3.2 percentage points. The FERS pension formula salary base for new employees would change to the highest-five years' average salary instead of highest three years. The FERS pension formula multiplier for most new employees would be reduced to 0.7 percent per year of service, instead of 1 percent (or 1.1 percent for those retiring at age 62 with 20 or more years of service). Employees in special occupational groups are subject to a proportional adjustment to the multiplier (0.3 percentage points lower than current law). Finally, the House bill would eliminate the FERS Annuity Supplement for individuals not subject to mandatory retirement, beginning January 1, 2013. Individuals subject to mandatory retirement include certain categories of employees such as law enforcement, fire fighters, air traffic controllers, and nuclear materials couriers.

Senate bill

No Provision.

Conference substitute

Pay Freeze: No provision.

Federal Employee Pension: The Conference Agreement would increase by 2.3 percent the employee pension contribution for federal employees entering service after December 31, 2012, who have less than 5 years of creditable civilian service. Corresponding increases in employee contributions would be made for individuals entering the CIA and Foreign Service pension systems. Members of Congress and congressional employees entering service after December 31, 2012 who have less than 5 years of creditable civilian service would be subject to the same contribution rate and annuity calculation as other federal employees.

MEDICARE AND OTHER HEALTH PROVISIONS

Extension of MMA Section 508 Reclassifications

Current law

Under Medicare's Inpatient Prospective Payment System (PPS), payments are adjusted by a wage index that is intended to reflect the cost of labor in the area where the services are furnished compared to a national average. Hospitals in areas with higher wage costs have higher wage indices and therefore receive higher PPS payments; hospitals in lower wage areas have lower wage indices and receive lower payments.

Recognizing that the indices are not always accurate, Congress in 1989 established a process whereby hospitals could apply to ''reclassify'' to a nearby area, and receive the higher wage index of that area. While a significant number of hospitals (nearly 40%) have a reclassified wage index, other hospitals have not been able to meet the established criteria.

Section 508 of the Medicare Modernization Act of 2003 (MMA) directed the Centers for Medicare and Medicaid Services (CMS) to develop new criteria that would allow additional hospitals to qualify for a one-time, three-year reclassification.

According to CMS, there were 89 hospitals receiving Section 508 reclassification payments in FY 2011.

House bill

No provision.

Senate bill

Section 302 extended the Section 508 reclassification payments for two months (October and November 2011).

Conference substitute

Section 3001 extends Section 508 reclassification payments through March 31, 2012.

Extension of Outpatient Hold Harmless Payments

Current law

In 2000, Medicare implemented a PPS for hospital outpatient services; prior to this time hospitals received cost-based payments. For certain hospitals, primarily those located in rural areas, the outpatient PPS payments were lower than the payments they had received under the prior cost-based system. The Balanced Budget Refinement Act of 1999 (BBRA) mandated that rural hospitals with fewer than 100 beds receive 100% of the difference between OPPS payments and what these hospitals would have received under the cost-based system (thus the name ''hold harmless'' payments). Over time, Congress has lowered the payment percentage (it currently is 85%) and has expanded the policy to sole community hospitals (SCHs), hospitals that are further than 35 miles from another hospital.

House bill

No provision.

Senate bill

Section 308 extended the hold harmless payment to all eligible hospitals for two months (January and February 2012).

Conference substitute

Section 3002 extends the outpatient hold harmless payments through December 31, 2012, except for SCHs with more than 100 beds. The provision requires a study by the Department of Health and Human Services (HHS) by July 1, 2012, on which types of hospitals should continue to receive hold harmless payments in order to maintain adequate beneficiary access to outpatient services.

Physician Payment Update

Current law

The Sustainable Growth Rate (SGR) formula system was established by the Balanced Budget Act of 1997 (BBA) as the mechanism to determine the update to Medicare physician payments beginning in 1999. The formula allows spending to grow at the rate of the economy, adjusted for other factors such as the number of beneficiaries in Medicare fee-for-service. The tally of actual and target expenditures is cumulative in that it is maintained on an on-going basis since the formula's inception. The update adjustment that results from the SGR system is made through the conversion factor. If spending exceeds the target, the adjustment to the conversion factor is negative (physicians payments get reduced). If spending is below the target, the adjustment is positive (physician payments are increased). Physician spending has routinely exceeded the target such that the SGR formula has specified negative updates since 2002. Congress has intervened 13 times to avert the cuts since 2003. The SGR currently calls for a 27.4 percent across-the-board rate cut for physicians to take effect on March 1, 2012.

House bill

Section 2201 replaced the 27.4 percent cut with a 1 percent rate increase in 2012 and another 1 percent increase in 2013. This section also required reports from the: Medicare Payment Advisory Commission (MedPAC) on aligning private sector initiatives to reward quality, efficiency, and practice improvements with Medicare performance-based initiatives; Government Accountability Office (GAO) on examining private sector initiatives that base or adjust physician payments for quality, efficiency, or care delivery improvement; and Secretary of HHS on options for bundling payments for common physician services. It also required the committees of jurisdiction to provide information to Congress to assist in the development of a long-term replacement to the current Medicare physician payment system.

Senate bill

Section 301 froze physician payment rates at their 2011 level for two months (January and February 2012).

Conference substitute

Section 3003 freezes physician payment rates at their current levels until December 31, 2012, averting a 27.4 percent reduction. The provision also requires reports from the Secretary of HHS, due January 1, 2013, that examines bundled or episode-based payments to cover physicians' services for one or more prevalent chronic conditions or major procedures. It also requires a GAO report, due January 1, 2013, that examines private sector initiatives that base or adjust physician payment rates for quality, efficiency, and care delivery improvement, such as adherence to evidence-based guidelines.

Work Geographic Adjustment

Current law

Medicare payment for each physician service is made up of three components: 1) physician work (the time, skill and intensity for a physician to provide a service), 2) practice expense (associated overhead costs), and 3) physician liability insurance. Each of these components is adjusted based on the relative costs associated with the geographic area in which the physician practices. Medicare makes these adjustments, known as Geographic Practice Cost Indices (GPCIs), in each of its designated 89 geographic areas.

The national average work adjustment is set at a value of 1.0. Thus, geographic areas with an adjustment value greater than 1.0 receive higher work payments than the areas with an adjustment below that threshold. Current law maintains a work adjustment floor—set at the national average value of 1.0—that increases work payments to physicians in the areas that have a value below the national average. This floor increases payments in 54 of 89 geographic areas. The MMA established this policy starting in 2004 and Congress subsequently extended it five times.

House bill

Section 2204 extended the work GPCI floor through December 31, 2012 and required that MedPAC submit a report by June 1, 2012 that assesses whether any work geographic adjustment is needed, if so, at what level it should be applied, and the impact of the floor on beneficiary access to care.

Senate bill

Section 303 extended the 1.0 GPCI floor for two months (January and February 2012).

Conference substitute

Section 3004 extends the 1.0 work GPCI floor through December 31, 2012. It also requires MedPAC to report by June 15, 2013, assessing whether any work geographic adjustment is needed and, if so, at what level it should be applied, and the impact of the floor on beneficiary access to care.

Payment for Outpatient Therapy Services

Current law

The BBA imposed two annual per beneficiary payment limits for all outpatient therapy services delivered by non-hospital providers. For 2012, the annual limit on the allowed amount for outpatient physical therapy (PT) and speech-language pathology (SLP) combined is $1,880. There is a separate $1,880 limit for occupational therapy (OT). Enforcement of the caps has been blocked by legislation every year since 2000, with the exception of three months in 2003. The Deficit Reduction Act of 2006 (DRA) required the HHS Secretary to implement an exceptions process in 2006 for cases in which the provision of additional therapy services above the cap was determined to be medically necessary. Congress has extended this exceptions process several times.

House bill

Section 2203 extended the exceptions process through December 31, 2013, and made specific refinements to the exceptions process to ensure that medical necessity is documented and appropriately reviewed. Specifically, the HHS Secretary was required to ensure, through claims processing edits, that appropriate modifiers are on the claims indicating that the responsible providers have documented medical necessity for services paid above the therapy cap threshold. In addition, all Medicare claims for therapy services were required to include the national provider identifier (NPI) for the physician or practitioner (not the therapist rendering services) who periodically reviews the therapy plan of care. The spending cap was permanently expanded to include spending for therapy services provided in hospital outpatient departments. Starting on July 1, 2012, when a beneficiary's annual spending for therapy services furnished in calendar year 2012 reaches $3,700 in PT and SLP, or $3,700 in OT, any additional services would be subject to a manual medical review process.

By January 1, 2013, the Secretary was required to collect detailed data on therapy patient conditions and outcomes that could assist in reforming the current therapy payment system. In addition, MedPAC was required to submit a report to the committees of jurisdiction, making recommendations on how to reform the payment system so that the benefit is better designed to reflect individual acuity, condition, and therapy needs of the patient. GAO was required to submit a study to the committees of jurisdiction, examining CMS implementation of the manual review process.

Senate bill

Section 304 extended the exceptions process for Medicare outpatient therapy caps for two months (January and February 2012).

Conference substitute

Section 3005 extends the therapy caps exceptions process through December 31, 2012. Starting with services provided on or after October 1, 2012, the Secretary is required to ensure that appropriate modifiers and NPIs are on the Medicare claims and implement a manual medical review process for beneficiaries whose annual spending for therapy services furnished in calendar year 2012 reaches $3,700 in PT and SLP, or $3,700 in OT. The spending caps are temporarily expanded (through December 31, 2012) to include spending for therapy services provided in hospital outpatient departments. The conference agreement also requires the Secretary to collect detailed data to assist in refining the therapy payment system and also requires reports from GAO and MedPAC.

Payment for Technical Component of Certain Physician Pathology Services

Current law

Medicare pays for the preparation of pathology lab samples (the ''technical component'') as well as the physician interpretation and diagnosis associated with those samples (''professional component''). Prior to 1999, independent labs that performed the technical component (TC) of pathology lab services for hospitals could bill Medicare directly for the TC payment. In 1999, CMS implemented a new rule that prohibited independent laboratories from billing for these services, with the rationale that Medicare payment was already included in the bundled payment to the hospital. Hospitals that had in-house labs were unaffected. Hospitals that had been utilizing independent labs as of July 22, 1999, however, were ''grandfathered'' in the Benefits Improvement and Protection Act (BIPA) of 2000, allowing them to continue billing Medicare directly.

House bill

No provision.

Senate bill

Section 305 extended the TC grandfather policy for two months (January and February 2012).

Conference substitute

Section 3006 extends the TC grandfather policy until June 30, 2012.

Ambulance Add-On Payments

Current law

In 2002, a fee schedule was established for ground and air ambulance services; it was fully implemented in 2006. Currently, all ground ambulance services receive some type of add-on: 2 percent for urban ground ambulance trips, 3 percent for rural ground ambulance trips, and 22.6 percent for ground ambulance trips that originate in ''super rural'' areas (those in the lowest quartile in terms of population density).

Under the air ambulance fee schedule, rural providers receive a 50% add-on. In 2006, the Office of Management and Budget (OMB) changed the designation of a number of areas from rural to urban, based on updated Census data, which would have ended the rural add-on for air ambulances originating in the affected areas. The Medicare Improvements for Patients and Providers Act of 2008 (MIPPA) allowed these affected areas to continue to be considered rural so that air ambulances could continue to receive the rural add-on.

House bill

Section 2202 extended the payment add-ons for ground ambulance services until December 31, 2012.

Additionally, the House bill required GAO to update their 2007 report detailing current ambulance costs. The House bill also required MedPAC to submit a report on the appropriateness of the ambulance fee schedule and whether there is a need to reform the ambulance fee schedule.

Senate bill

Section 306 extended the add-ons for ground ambulance services and continued the rural designation for certain air ambulance services for two months (January and February 2012).

Conference substitute

Section 3007 extends payment add-ons for ground ambulance services and continued the rural designation for certain air ambulance services until December 31, 2012. This provision requires GAO to update its 2007 report by October 1, 2012, to reflect current costs for ambulance providers and requires MedPAC to submit a report by June 15, 2013, on the appropriateness of the ambulance add-on payments and whether there is a need to reform the ambulance fee schedule.

Qualifying Individual Program

Current law

The Qualifying Individual (QI) program is a Medicare savings program for certain low-income Medicare beneficiaries, who are fully eligible for Medicare and receive Medicaid assistance with their Medicare Part B premiums. Unlike full benefit dually-eligible beneficiaries who are fully eligible for both Medicare and Medicaid (known as qualified Medicare beneficiaries (QMBs), or those with incomes below 100 percent of poverty) and specified low-income Medicare beneficiaries (SLMBs, or those with incomes between 100 and 120 percent of poverty), QI is a block grant to states that must be reauthorized each year. Enrollment in QI is limited by federal appropriations, and applications are approved on a first-come, first-served basis. QI beneficiaries must have incomes between 120 and 135 percent of poverty ($13,404 to $15,079 for an individual in 2012).

House bill

Section 2211 extended the QI program through December 31, 2012.

Senate bill

Section 310 extended the QI program for two months (January and February 2012).

Conference substitute

Section 3101 extended the QI program through December 31, 2012.

Transitional Medical Assistance

Current law

Congress expanded the Transitional Medical Assistance (TMA) program in 1988 as part of welfare-to-work programs, requiring states to provide TMA to families who lose Medicaid eligibility for work-related reasons for at least six, and up to twelve, months. During the first six months of TMA, states must provide the same benefits the family was receiving or pay for costs of similar employer-based coverage. The second six months of TMA is available for families who continue to have a dependent child at home, meet reporting requirements, and have average gross monthly earnings below 185% of poverty.

Congress created an additional work-related TMA option in the American Recovery and Reinvestment Act of 2009 (ARRA). Under

the ARRA option, states may choose to provide work-related TMA for a full twelve-month period rather than two six-month periods. These changes were informed by GAO work that found the reporting requirements to be a substantial paperwork barrier that caused significant numbers of eligible families to lose coverage to which they were entitled. Thirteen states have taken up the ARRA option: Alaska, Colorado, Connecticut, Florida, Idaho, Maryland, Montana, New Mexico, New York, Ohio, Oregon, South Dakota, and Wisconsin.

House bill

Section 2212 extended TMA, through December 31, 2012. In addition, this provision contained new income reporting requirements for any month of TMA coverage and limited TMA to only those individuals with incomes below 185 percent of poverty.

Senate bill

Section 311 extended TMA for two months (January and February 2012).

Conference substitute

Section 3102 provides for an extension of TMA through December 31, 2012.

Modification to Requirements for Qualifying for Exception to Medicare Prohibition on Certain Physician Referrals for Hospitals

Current law

Physicians are generally prohibited from referring Medicare patients to a health care facility in which they, or an immediate family member, have a financial stake. However, physician-owned hospitals have operated under an exception to anti-trust laws, known as the ''whole hospital exception.''

The Affordable Care Act (ACA) amended the ''whole hospital exception'' by requiring that all hospitals with physician-ownership have a Medicare provider number by December 31, 2010. Any hospital without a Medicare provider number is not permitted to bill Medicare for services provided to beneficiaries under the ''whole hospital exception.'' Grandfathered physician-owned hospitals, those with Medicare provider numbers by December 31, 2010, may continue to operate. However, they may not alter the proportion of physician-ownership in the hospital. Under current law, a grandfathered hospital may apply to expand the number of operating rooms, procedure rooms and/or beds if it meets five criteria.

House bill

Section 2213 allowed physician-owned hospitals that were under construction but without a Medicare provider number on December 31, 2010, to open and operate under the ''whole hospital exception.'' The provision would also allow a grandfathered hospital the ability to utilize the existing expansion process if it certifies that it does not discriminate against beneficiaries in federal health care programs.

Senate bill

No provision.

Conference substitute

No provision.

Extending Minimum Payment for Bone Mass Measurement

Current law

Dual energy X-ray absorptiometry (DXA) machines are used to measure bone mass to identify individuals who may have or be at risk of having osteoporosis. For those individuals who are eligible, Medicare will pay for a bone density study once every two years, or more frequently if the procedure is determined to be medically necessary. The DRA capped reimbursement of the technical component for x-ray and imaging services as the lesser rate of the hospital outpatient rate or the physician fee schedule. Additionally, CMS implemented a new methodology for determining resource-based practice expense payments for all services contributed to the reduction in the technical component reimbursement. The ACA set DXA payments at 70 percent of the 2006 reimbursement rates for these services in 2010 and 2011.

House bill

No provision.

Senate bill

Section 309 extended the 70 percent of the 2006 payment rate for two months (January and February 2012).

Conference substitute

No provision.

Extension of Physician Fee Schedule Mental Health Add-on Payment

Current law

Medicare pays for mental health services under the physician fee schedule. MIPPA increased the fee schedule amount for certain mental health service by 5 percent beginning on July 1, 2008. Subsequent legislation extended this add-on.

House bill

No provision.

Senate bill

Section 307 extended the 5 percent payment add-on for two months (January and February 2012).

Conference substitute

No provision.

Reduction of Bad Debt Treated as an Allowable Cost

Current law

Medicare reimburses providers for beneficiaries' unpaid coinsurance and deductible amounts after reasonable collection efforts. Medicare currently reimburses 70 percent of beneficiary bad debts in acute care hospitals. Medicare reimburses skilled nursing facilities 100 percent of the allowable bad debt costs for Medicare beneficiaries who are eligible for Medicaid (dual eligibles) and 70 percent of the allowable costs for all other beneficiaries. Medicare reimburses 100 percent of allowable bad debt in critical access hospitals, rural health clinics, federally qualified health clinics, community mental health clinics, health maintenance organizations reimbursed on a cost basis, competitive medical plans, and health care prepayment plans. Medicare also reimburses end stage renal disease facilities 100 percent of allowable bad debt claims, with such payments capped at the facilities' unrecovered costs.

House bill

Section 2224 gradually reduced the bad debt reimbursement, beginning in 2013 and over a period of three years, for all providers to 55 percent.

Senate bill

No provision.

Conference substitute

Section 3201 will reduce bad debt reimbursement for all providers to 65 percent. Providers paid at 100 percent would have a three-year transition of 88 percent in 2013, 76 percent in 2014, and 65 percent in 2015. Providers paid at 70 percent would be reduced to 65 percent in 2013.

Rebase Medicare Clinical Laboratory Payment Rates

Current law

Medicare pays for clinical laboratory services under carrier-specific fee schedules subject to national payment limits. Most lab services receive payment at the national limit amount.

House bill

No provision.

Senate bill

No provision.

Conference substitute

Section 3202 resets clinical lab base payment rates by 2 percent in 2013.

Rebasing State DSH Allotments for Fiscal Year 2021

Current law

Medicaid Disproportionate Share Hospital (DSH) payments provide additional funding to hospitals that serve a disproportionate number of low-income patients. States receive an annual DSH allotment to cover the costs of DSH hospitals that provide care to low-income, uninsured patients. This annual allotment is calculated by law and includes requirements to ensure that the DSH payments to individual hospitals are not higher than actual uncompensated care costs. Each state's federal allotment is capped based on either the prior year's allotment plus inflation or twelve percent of the state's total Medicaid benefits payments for the year. Once a state receives its federal allotment, the state has discretion to distribute the funding to hospitals, as long as the state's methodology is based on the Medicaid inpatient utilization rate (exceeding one standard deviation above the mean for all hospitals in the state) or a low-income utilization rate exceeding 25 percent.

The ACA reduced DSH payments between 2014 and 2020, based on a formula that the Secretary of HHS will develop through future regulation.

House bill

Section 2225 would rebase the DSH allotments for FY2021 and determine future allotments from the rebased level using current law methodology.

Senate bill

No provision.

Conference substitute

Section 3203 extends the ACA Medicaid DSH payment reductions in 2021.

Technical Correction to the Disaster Recovery FMAP Provision

Current law

The ACA included a provision known as the 'disaster-recovery FMAP' designed to help states adjust to drastic changes in FMAP following a statewide disaster. Once triggered, the policy would provide assistance for as many as seven years following the disaster, as long as the state continued to experience an FMAP drop of more than three percentage points.

During the first year, a state would receive an FMAP increase equal to 50 percent of the difference between the regular FMAP and the artificially lower FMAP. In the second and succeeding years, the FMAP increase would be 25 percent of the difference between the regular FMAP and the adjusted FMAP from the previous year. However, there is an error in the statute for the second and succeeding years. Instead of creating a glide path downward, so that the affected state could adjust to its new, lower FMAP, the 25 percent bump is added to the higher, adjusted FMAP of the previous year rather than the lower, base FMAP. This results in increasing FMAPs for each year of the disaster-recovery period, compounding over time. It also makes it easier for the state to continue to qualify each year because it is easier for there to be a three percentage point difference between the artificially high FMAP and the base FMAP.

House bill

No provision.

Senate bill

No provision.

Conference substitute

Section 3204 would address the error by instituting a lower FMAP in the second and subsequent years.

Prevention and Public Health Fund

Current law

The ACA established a Prevention and Public Health Trust Fund to help shift the focus of the health care system to prevention rather than treatment. The fund provides increasing mandatory direct spending from $500 million in 2010 to $2 billion in 2015 and each year thereafter.

House bill

Section 2222 reduced trust fund dollars beginning in FY2013, saving $8 billion.

Senate bill

No provision.

Conference substitute

Section 3205 reduces trust fund dollars beginning in FY2013, saving $5 billion.

Parity in Medicare Payments for Hospital Outpatient Department Evaluation and Management Services

Current law

When a physician treats a beneficiary in a hospital outpatient department, the physician's services are reimbursed under Medicare's physician fee schedule and the hospital receives a facility payment from Medicare under the outpatient prospective payment system (OPPS). Because of the facility payment, the total payment generally exceeds payments for the same services provided in a physician office.

House bill

Section 2223 would reduce hospital facility fee payments for evaluation and management services provided in a hospital outpatient department so that payment for the service in aggregate would not exceed the amount under the Medicare physician fee schedule beginning in 2012. These lower payments would not be considered in the review of different components of Medicare's OPPS to ensure that annual adjustments are budget neutral.

Senate bill

No provision.

Conference substitute

No provision.

Increase in Medicare Part B and Part D Premiums for High-Income Beneficiaries

Current law

The MMA of 2003 established that high-income beneficiaries enrolled in Part B would pay a higher premium. The ACA expanded this provision to the Part D program. Currently, high-income beneficiaries are required to pay a greater share of the Medicare Part B and Part D premiums (35 percent, 50 percent, 65 percent, or 80 percent) depending on their income. For 2012, the income thresholds for those premium shares are $85,000, $107,000, $160,000, and $214,000, respectively for single filers. For married couples, the corresponding income thresholds are twice those values. Because of a provision in the ACA, the income thresholds for both Medicare Part B and Part D are frozen through 2019.

House bill

Sections 5601 and 5602 would increase the applicable premium percentage higher income beneficiaries would pay by 15 percent such that the levels would become 40.25 percent, 57.5 percent, 74.75 percent, and 90 percent in 2017. This provision would also reduce the income thresholds in 2017, to $80,000, $100,000, $150,000 and $200,000 for single filers (and twice those values for married couples) and extend the freeze of the income thresholds beyond 2019, until 25 percent of all beneficiaries are paying higher income premiums.

Senate bill

No provision.

Conference substitute

No provision.

TAX PROVISIONS

A. Extension of Payroll Tax Reduction (sec. 2001 of the House bill, sec. 101 of the Senate amendment, and sec. 1001 of the conference agreement)

PRESENT LAW

Federal Insurance Contributions Act (''FICA'') tax

The FICA tax applies to employers based on the amount of covered wages paid to an employee during the year.[1] Generally, covered wages means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash.[2] Certain exceptions from covered wages are also provided. The tax imposed is composed of two parts: (1) the old age, survivors, and disability insurance (''OASDI'') tax equal to 6.2 percent of covered wages up to the taxable wage base ($106,800 for 2011 and $110,100 for 2012); and (2) the Medicare hospital insurance (''HI'') tax amount equal to 1.45 percent of covered wages.

In addition to the tax on employers, each employee is generally subject to FICA taxes equal to the amount of tax imposed on the employer (the ''employee portion'').[3] The employee portion of FICA taxes generally must be withheld and remitted to the Federal government by the employer.

Self-Employment Contributions Act (''SECA'') Tax

As a parallel to FICA taxes, the SECA tax applies to the self-employment income of self-employed individuals.[4] The rate of the OASDI portion of SECA taxes is generally 12.4 percent, which is equal to the combined employee and employer OASDI FICA tax rates, and applies to self-employment income up to the FICA taxable wage base. Similarly, the rate of the HI portion of SECA tax is 2.9 percent, the same as the combined employer and employee HI rates under the FICA tax, and there is no cap on the amount of self-employment income to which the rate applies.[5]

An individual may deduct, in determining net earnings from self-employment under the SECA tax, the amount of the net earnings from self-employment (determined without regard to this deduction) for the taxable year multiplied by one half of the combined OASDI and HI rates.[6]

Additionally, a deduction, for purposes of computing the income tax of an individual, is allowed for one-half of the amount of the SECA tax imposed on the individual's self-employment income for the taxable year.[7]

Railroad retirement tax

Instead of FICA taxes, railroad employers and employees are subject, under the Railroad Retirement Tax Act (''RRTA''), to taxes equivalent to the OASDI and HI taxes under FICA.[8] The employee portion of RRTA taxes generally must be withheld and remitted to the Federal government by the employer.

Temporary reduced OASDI rates

Under the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010,[9] for 2011, the OASDI rate for the employee portion of the FICA tax, and the equivalent employee portion of the RRTA tax, is reduced by two percentage points to 4.2 percent. Similarly, for taxable years beginning in 2011, the OASDI rate for a self-employed individual is reduced by two percentage points to 10.4 percent.

Special rules coordinate the SECA tax rate reduction with a self-employed individual's deduction in determining net earnings from self-employment under the SECA tax and the income tax deduction for one-half of the SECA tax. The rate reduction is not taken into account in determining the SECA tax deduction allowed for determining the amount of the net earnings from self-employment for the taxable year. The income tax deduction allowed for the SECA tax for taxable years beginning in 2011 is 59.6 percent of the OASDI portion of the SECA tax imposed for the taxable year plus one-half of the HI portion of the SECA tax imposed for the taxable year.[10]

The Federal Old-Age and Survivors Trust Fund, the Federal Disability Insurance Trust Fund and the Social Security Equivalent Benefit Account established under the Railroad Retirement Act of 1974[11] receive transfers from the General Fund of the United States Treasury equal to any reduction in payroll taxes attributable to the rate reduction for 2011. The amounts are transferred from the General Fund at such times and in such a manner as to replicate to the extent possible the transfers which would have occurred to the Trust Funds or Benefit Account had the provision not been enacted.

For purposes of applying any provision of Federal law other than the provisions of the Internal Revenue Code of 1986, the employee rate of OASDI tax is determined without regard to the reduced rate for 2011.

Under the Temporary Payroll Tax Cut Continuation Act of 2011,[12] the reduced employee OASDI tax rate of 4.2 percent under the FICA tax, and the equivalent employee portion of the RRTA tax, is extended to apply to covered wages paid in the first two months of 2012. A recapture applies for any benefit a taxpayer may have received from the reduction in the OASDI tax rate, and the equivalent employee portion of the RRTA tax, for remuneration received during the first two months of 2012 in excess of $18,350.[13] The recapture is accomplished by a tax equal to two percent of the amount of wages (and railroad compensation) received during the first two months of 2012 that exceed $18,350. The Secretary of the Treasury (or the Secretary's delegate) is to prescribe regulations or other guidance that is necessary and appropriate to carry out this provision.

In addition, for taxable years beginning in 2012, the OASDI rate for a self-employed individual is reduced to 10.4 percent, for self-employment income of up to $18,350 (reduced by wages subject to the lower OASDI rate for 2012). Related rules for 2011 concerning coordination of a self-employed individual's deductions in determining net earnings from

[1] Sec. 3111.

[2] Sec. 3121(a).

[3] Sec. 3101. For taxable years beginning after 2012, an additional HI tax applies to certain employees.

[4] Sec. 1401.

[5] For taxable years beginning after 2012, an additional HI tax applies to certain self-employed individuals.

[6] Sec. 1402(a)(12).

[7] Sec. 164(f).

[8] Pub. L. No. 111–312.

[9] This percentage replaces the rate of one half (50 percent) otherwise allowed for this portion of the deduction. The percentage is necessary to allow the self-employed individual to deduct the full amount of the employer portion of SECA taxes. The employer OASDI tax rate remains at 6.2 percent, while the employee portion falls to 4.2 percent. Thus, the employer share of total OASDI taxes is 6.2 divided by 10.4, or 59.6 percent of the OASDI portion of SECA taxes.

[10] 45 U.S.C. 231n–1(a).

[11] Pub. L. No. 112–78, enacted after passage of H.R. 3630 by the House of Representatives and the Senate.

[12] $18,350 is 1/6 of the 2012 taxable wage base of $110,100.

self-employment and income tax also apply for 2012, except that the income tax deduction allowed for the OASDI portion of SECA tax imposed for taxable years beginning in 2012 is computed at the rate of 59.6 percent[14] of the OASDI portion of the SECA tax imposed on self-employment income of up to $18,350. For self-employment income in excess of this amount, the deduction is equal to half of the OASDI portion of the SECA tax.

Rules related to the OASDI rate reduction for 2011 concerning (1) transfers to the Federal Old-Age and Survivors Trust Fund, the Federal Disability Insurance Trust Fund and the Social Security Equivalent Benefit Account established under the Railroad Retirement Act of 1974, and (2) determining the employee rate of OASDI tax in applying provisions of Federal law other than the Code also apply for 2012.

HOUSE BILL[15]

Under the House bill, the reduced employee OASDI tax rate of 4.2 percent under the FICA tax, and the equivalent portion of the RRTA tax, is extended to apply for 2012. Similarly, a reduced OASDI tax rate of 10.4 percent under the SECA tax, is extended to apply for taxable years beginning in 2012.

Related rules concerning (1) coordination of a self-employed individual's deductions in determining net earnings from self-employment and income tax, (2) transfers to the Federal Old-Age and Survivors Trust Fund, the Federal Disability Insurance Trust Fund and the Social Security Equivalent Benefit Account established under the Railroad Retirement Act of 1974, and (3) determining the employee rate of OASDI tax in applying provisions of Federal law other than the Code also apply for 2012.

Effective date.—The provision applies to remuneration received, and taxable years beginning, after December 31, 2011.

SENATE AMENDMENT[16]

Under the Senate amendment, the reduced employee OASDI tax rate of 4.2 percent under the FICA tax, and the equivalent employee portion of the RRTA tax, applies to covered wages paid up to $18,350 in the first two months of 2012.[17]

In addition, for taxable years beginning in 2012, the Senate amendment provides that the OASDI rate for a self-employed individual is reduced to 10.4 percent, for self-employment income of up to $18,350 (reduced by wages subject to the lower OASDI rate for 2012). Related rules for 2011 concerning coordination of a self-employed individual's deductions in determining net earnings from self-employment and income tax also apply for 2012, except that the income tax deduction allowed for the OASDI portion of SECA tax imposed for taxable years beginning in 2012 is computed at the rate of 59.6 percent[18] of the OASDI portion of the SECA tax imposed on self-employment income of up to $18,350. For self-employment income in excess of this amount, the deduction is equal to half of the OASDI portion of the SECA tax.

The Senate amendment also contains rules related to the OASDI rate reduction for 2011 concerning (1) transfers to the Federal Old-Age and Survivors Trust Fund, the Federal Disability Insurance Trust Fund and the Social Security Equivalent Benefit Account established under the Railroad Retirement Act of 1974, and (2) determining the employee rate of OASDI tax in applying provisions of Federal law other than the Code also apply for 2012.

Effective date.—The provision applies to remuneration received, and taxable years beginning, after December 31, 2011.

CONFERENCE AGREEMENT

The conference agreement follows the House bill, providing for a reduced employee OASDI tax rate of 4.2 percent under the FICA tax, and the equivalent potion of the RRTA tax, through 2012. Similarly, a reduced OASDI tax rate of 10.4 percent under the SECA tax applies for taxable years beginning in 2012.

As in the House bill and Senate amendment, related rules concerning (1) coordination of a self-employed individual's deductions in determining net earnings from self-employment and income tax, (2) transfers to the Federal Old-Age and Survivors Trust Fund, the Federal Disability Insurance Trust Fund and the Social Security Equivalent Benefit Account established under the Railroad Retirement Act of 1974, and (3) determining the employee rate of OASDI tax in applying provisions of Federal law other than the Code also apply for 2012.

The conference agreement repeals the present-law recapture provision applicable to a taxpayer who receives the reduced OASDI rate with respect to more than $18,350 of wages (or railroad compensation) received during the first two months of 2012, and removes the $18,350 limitation on self-employment income subject to the lower rate for taxable years beginning in 2012.

Effective date.—The provision applies to remuneration received, and taxable years beginning, after December 31, 2011.

B. Repeal of Certain Shifts in the Timing of Corporate Estimated Tax Payments (sec. 6001 of the House bill and sec. 7001 of the conference agreement)

PRESENT LAW

In general, corporations are required to make quarterly estimated tax payments of their income tax liability.[19] For a corporate whose taxable year is a calendar year, these estimated payments must be made by April 15, June 15, September 15, and December 15. In the case of a corporation with assets of at least $1 billion (determined as of the end of the preceding taxable year):

(i) payments due in July, August or September, 2012, are increased to 100.5 percent of the payment otherwise due;[20]

(ii) payments due in July, August, or September, 2014, are increased to 174.25 percent of the payment otherwise due;[21]

(iii) payments due in July, August or September, 2015, are increased to 163.75 percent of the payment otherwise due;[22]

(iv) payments due in July, August, or September 2016 are increased to 103.5 percent of the payment otherwise due; and[23]

(v) payments due in July, August or September, 2019, are increased to 106.50 percent of the payment otherwise due.[24]

HOUSE BILL

The House bill reduces the applicable percentage for 2012 (100.5 percent), 2014 (174.25 percent), 2015 (163.75 percent), 2016 (103.5 percent), and 2019 (106.5 percent) to 100 percent. Thus corporations will make estimated tax payments in 2012, 2014, 2015, 2016, and 2019 as if the prior legislation had never been enacted or amended.

Effective date.—The provision is effective on the date of enactment.

SENATE PROVISION

No provision.

CONFERENCE AGREEMENT

The conference agreement follows the House bill, providing reductions in the applicable percentages for 2012 (100.5 percent), 2014 (174.25 percent), 2015 (163.75 percent), 2016 (103.5 percent), and 2019 (106.5 percent) to 100 percent. Thus corporations will be required to make estimated tax payments in 2012, 2014, 2015, 2016, and 2019 as if the prior legislation had never been enacted or amended.

C. Extension of 100 Percent Bonus Depreciation (sec. 1201(a) of the House bill and secs. 168(k)(5) and 460(c)(6) of the Code)

PRESENT LAW

An additional first-year depreciation deduction is allowed equal to 50 percent of the adjusted basis of qualified property placed in service between January 1, 2008 and September 8, 2010 or between January 1, 2012 and January 1, 2013 (January 1, 2014 for certain longer-lived and transportation property).[25] An additional first-year depreciation deduction is allowed equal to 100 percent of the adjusted basis of qualified property if it meets the requirements for the additional first-year depreciation and also meets the following requirements. First, the taxpayer must acquire the property after September 8, 2010 and before January 1, 2012. Second, the taxpayer must place the property in service after September 8, 2010 and before January 1, 2012 (before January 1, 2013 in the case of certain longer-lived and transportation property). Third, the original use of the property must commence with the taxpayer after September 8, 2010.[26]

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[14] This percentage used with respect to the first $18,350 of self-employment income is necessary to continue to allow the self-employed taxpayer to deduct the full amount of the employer portion of SECA taxes. The employer OASDI tax rate remains at 6.2 percent, while the employee portion falls to a 4.2 percent rate for the first $18,350 of self-employment income. Thus, the employer share of total OASDI taxes is 6.2 divided by 10.4, or 59.6 percent of the OASDI portion of SECA taxes, for the first $18,350 of self-employment income.

[15] The House bill passed prior to the enactment of the ''Temporary Payroll Tax Cut Continuation Act of 2011'', Pub. L. No. 112–78, described above.

[16] The Senate amendment passed prior to the enactment of the ''Temporary Payroll Tax Cut Continuation Act of 2011'', Pub. L. No. 112–78, described above.

[17] $18,350 is ⅙ of the 2012 taxable wage base of $110,100.

[18] See footnote 14.

[19] Sec. 6655.

[20] United States-Korea Free Trade Agreement Implementation Act, Pub. L. No. 112–41, sec 505, and United States-Panama Trade Promotion Agreement Implementation Act of 2011, Pub. L. No. 112–43, sec 502.

[21] Haiti Economic Lift Program of 2010, Pub. L. No. 111–171, sec. 12(a); Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111–152, sec. 1410; Hiring Incentives to Restore Employment Act, Pub. L. No. 111–147, sec. 561 (1); Act to extend the Generalized System of Preferences and the Andean Trade Preference Act, and for other purposes, Pub. L. No. 111–124, sec. 4; Worker, Homeownership, and Business Assistance Act of 2009, Pub. L. No. 111–92, sec. 18; Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes, Pub. L. No. 111–42, sec. 202(b)(1).

[22] Omnibus Trade Act of 2010, Pub. L. No. 111–344, sec. 10002; Small Business Jobs Act of 2010, Pub. L. No. 111–240, sec. 2131; Firearms Excise Tax Improvements Act of 2010, Pub. L. No. 111–237, sec. 4(a); United States Manufacturing Enhancement Act of 2010, Pub. L. No. 111–227, sec. 4002; Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes, No. 111–210, sec. 3; Haiti Economic Lift Program of 2010, Pub. L. No. 111–171, sec. 12(b); Hiring Incentives to Restore Employment Act, Pub. L. No. 111–147, sec. 561(2).

[23] United States-Korea Free Trade Agreement Implementation Act, Pub. L. No. 112–41, sec 505; United States-Columbia Trade Promotion Agreement Implementation Act, Pub. L. No. 112–42, sec 603; and United States-Panama Trade Promotion Agreement Implementation Act, Pub. L. No. 112–43, sec 502.

[24] Hiring Incentives to Restore Employment Act, Pub. L. No. 111–147, sec. 561(3).

[25] Sec. 168(k). The additional first-year depreciation deduction is subject to the general rules regarding whether an item must be capitalized under section 263 or section 263A.

[26] See Rev. Proc. 2011–26, 2011–16 I.R.B. 664 (Apr. 18, 2011) for guidance regarding additional first-year depreciation.

The additional first-year depreciation deduction is allowed for both regular tax and alternative minimum tax purposes, but is not allowed for purposes of computing earnings and profits. The basis of the property and the depreciation allowances in the year of purchase and later years are appropriately adjusted to reflect the additional first-year depreciation deduction. In addition, there are no adjustments to the allowable amount of depreciation for purposes of computing a taxpayer's alternative minimum taxable income with respect to property to which the provision applies. The amount of the additional first-year depreciation deduction is not affected by a short taxable year. The taxpayer may elect out of additional first-year depreciation for any class of property for any taxable year.

The interaction of the additional first-year depreciation allowance with the otherwise applicable depreciation allowance may be illustrated as follows. Assume that in 2009, a taxpayer purchased new depreciable property and placed it in service.[27] The property's cost is $1,000, and it is five-year property subject to the half-year convention. The amount of additional first-year depreciation allowed is $500. The remaining $500 of the cost of the property is depreciable under the rules applicable to five-year property. Thus, 20 percent, or $100, is also allowed as a depreciation deduction in 2009. The total depreciation deduction with respect to the property for 2009 is $600. The remaining $400 adjusted basis of the property generally is recovered through otherwise applicable depreciation rules.

Property qualifying for the additional first-year depreciation deduction must meet all of the following requirements. First, the property must be (1) property to which MACRS applies with an applicable recovery period of 20 years or less; (2) water utility property (as defined in section 168(e)(5)); (3) computer software other than computer software covered by section 197; or (4) qualified leasehold improvement property (as defined in section 168(k)(3)).[28] Second, the original use[29] of the property must commence with the taxpayer after December 31, 2007.[30] Third, the taxpayer must acquire the property within the applicable time period (as described below). Finally, the property must be placed in service before January 1, 2013. An extension of the placed-in-service date of one year (i.e., January 1, 2014) is provided for certain property with a recovery period of 10 years or longer and certain transportation property.[31] Transportation property generally is defined as tangible personal property used in the trade or business of transporting persons or property.[32]

To qualify, property must be acquired (1) after December 31, 2007, and before January 1, 2013, but only if no binding written contract for the acquisition is in effect before January 1, 2008, or (2) pursuant to a binding written contract which was entered into after December 31, 2007, and before January 1, 2013.[33] With respect to property that is manufactured, constructed, or produced by the taxpayer for use by the taxpayer, the taxpayer must begin the manufacture, construction, or production of the property after December 31, 2007, and before January 1, 2013. Property that is manufactured, constructed, or produced for the taxpayer by another person under a contract that is entered into prior to the manufacture, construction, or production of the property is considered to be manufactured, constructed, or produced by the taxpayer. For property eligible for the extended placed-in-service date, a special rule limits the amount of costs eligible for the additional first-year depreciation. With respect to such property, only the portion of the basis that is properly attributable to the costs incurred before January 1, 2013 (''progress expenditures'') is eligible for the additional first-year depreciation deduction.[34]

Property does not qualify for the additional first-year depreciation deduction when the user of such property (or a related party) would not have been eligible for the additional first-year depreciation deduction if the user (or a related party) were treated as the owner. For example, if a taxpayer sells to a related party property that was under construction prior to January 1, 2008, the property does not qualify for the additional first-year depreciation deduction. Similarly, if a taxpayer sells to a related party property that was subject to a binding written contract prior to January 1, 2008, the property does not qualify for the additional first-year depreciation deduction. As a further example, if a taxpayer (the lessee) sells property in a sale-leaseback arrangement, and the property otherwise would not have qualified for the additional first-year depreciation deduction if it were owned by the taxpayer-lessee, then the lessor is not entitled to the additional first-year depreciation deduction.

The limitation under section 280F on the amount of depreciation deductions allowed with respect to certain passenger automobiles is increased in the first year by $8,000 for automobiles that qualify (and for which the taxpayer does not elect out of the additional first-year deduction). The $8,000 increase is not indexed for inflation.

Percentage-of-completion method

In general, in the case of a long-term contract, the taxable income from the contract is determined under the percentage-of-completion method. Solely for purposes of determining the percentage of completion under section 460(b)(1)(A), the cost of qualified property with a MACRS recovery period of seven years or less is taken into account as a cost allocated to the contract as if bonus depreciation had not been enacted for property placed in service after December 31, 2009 and before January 1, 2011 (January 1, 2012, for certain longer-lived and transportation property). Bonus depreciation is taken into account in determining taxable income under the percentage-of-completion method for property placed in service after December 31, 2010.

HOUSE BILL

The House bill increases the additional first-year depreciation deduction from 50 percent to 100 percent of the adjusted basis of qualified property placed in service after December 31, 2011, and before January 1, 2013 (January 1, 2014, for certain longer-lived and transportation property).

The provision provides that solely for purposes of determining the percentage of completion under section 460(b)(1)(A), the cost of qualified property with a MACRS recovery period of seven years or less which is placed in service after December 31, 2011, and before January 1, 2013 (January 1, 2014, for certain longer-lived and transportation property) is taken into account as a cost allocated to the contract as if bonus depreciation had not been enacted.

Effective date.—The provision applies to property placed in service after December 31, 2011.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not include the provision from the House bill.

D. Expansion of Election to Accelerate AMT Credits in Lieu of Bonus Depreciation (sec. 1201(b) of the House bill and sec. 168(k)(4) of the Code)

PRESENT LAW

A corporation may elect to claim additional alternative minimum tax (''AMT'') credits in lieu of claiming additional first year depreciation (''bonus depreciation'') on eligible qualified property[35] placed in service after December 31, 2010, and before January 1, 2013 (January 1, 2014, in the case of certain longer-lived property and transportation property).[36] A corporation making the election (i) forgoes bonus depreciation for eligible qualified property, (ii) uses the straight-line method of depreciation for eligible qualified property, and (iii) increases the limitation on the allowance of AMT credit by the bonus depreciation amount.[37] The increase in the allowable AMT credit by reason of the election is treated as refundable.

The bonus depreciation amount is 20 percent of the difference between (i) the aggregate amount of depreciation for all eligible qualified property placed in service by the corporation that would be allowed if bonus depreciation applied using the most accelerated depreciation method (determined without regard to this provision), and shortest life allowable for each property, and (ii) the amount of depreciation that would be allowed if bonus depreciation did not apply using the same method and life for each property.

[27] Assume that the cost of the property is not eligible for expensing under section 179.

[28] The additional first-year depreciation deduction is not available for any property that is required to be depreciated under the alternative depreciation system of MACRS. The additional first-year depreciation deduction is also not available for qualified New York Liberty Zone leasehold improvement property as defined in section 1400L(c)(2).

[29] The term ''original use'' means the first use to which the property is put, whether or not such use corresponds to the use of such property by the taxpayer. If in the normal course of its business a taxpayer sells fractional interests in property to unrelated third parties, then the original use of such property begins with the first user of each fractional interest (i.e., each fractional owner is considered the original user of its proportionate share of the property).

[30] A special rule applies in the case of certain leased property. In the case of any property that is originally placed in service by a person and that is sold to the taxpayer and leased back to such person by the taxpayer within three months after the date that the property was placed in service, the property would be treated as originally placed in service by the taxpayer not earlier than the date that the property is used under the leaseback. If property is originally placed in service by a lessor, such property is sold within three months after the date that the property was placed in service, and the user of such property does not change, then the property is treated as originally placed in service by the taxpayer not earlier than the date of such sale.

[31] Property qualifying for the extended placed-in-service date must have an estimated production period exceeding one year and a cost exceeding $1 million.

[32] Certain aircraft which is not transportation property, other than for agricultural or firefighting uses, also qualifies for the extended placed-in-service date, if at the time of the contract for purchase, the purchaser made a nonrefundable deposit of the lesser of 10 percent of the cost or $100,000, and which has an estimated production period exceeding four months and a cost exceeding $200,000.

[33] Property does not fail to qualify for the additional first-year depreciation merely because a binding written contract to acquire a component of the property is in effect prior to January 1, 2008.

[34] For purposes of determining the amount of eligible progress expenditures, it is intended that rules similar to section 46(d)(3) as in effect prior to the Tax Reform Act of 1986, Pub. L. No. 99–514, apply.

[35] The term ''eligible qualified property'' means property eligible for bonus depreciation, with minor effective date differences.

[36] Sec. 168(k)(4).

[37] Sec. 53(c) otherwise limits the allowable AMT credit for a taxable year to the excess of the regular tax liability (reduced by certain credits) over the tentative minimum tax for the taxable year.

The bonus depreciation amount for any taxable year is limited to the lesser of (i) $30 million, or (ii) six percent of the AMT credit for the year attributable to the adjusted net minimum tax for taxable years beginning before January 1, 2006 (determined by treating credits as allowed on a first-in, first-out basis), reduced by the sum of certain bonus depreciation amounts for prior taxable years.

In the case of an electing corporation that is a partner in a partnership, the corporation's distributive share of partnership items is determined without regard to bonus depreciation and by using the straight-line method of depreciation. No partnership property is taken into account in determining a corporation's bonus depreciation amount.

Generally an election under this provision for a taxable year applies to subsequent taxable years.

All corporations treated as a single employer under section 52(a) are treated as one taxpayer for purposes of the provision and are treated as having made an election under this provision if any of the corporations so elects.

HOUSE BILL

The House bill revises the provision allowing a corporation to elect to claim additional AMT credits in lieu of bonus depreciation.[38] The House bill provision follows the substance of present law with the following changes:

Under the House bill, the bonus depreciation amount for any taxable year is limited to the lesser of (i) the AMT credit for the year attributable to the adjusted net minimum tax for taxable years ending before January 1, 2012 (determined by treating credits as allowed on a first-in, first-out basis), or (ii) 50 percent of the AMT credit for the first taxable year ending after December 31, 2011.

In the case of a partnership in which more than 50 percent of the capital and profits interests are owned (directly or indirectly) by one corporation (or by corporations treated as one taxpayer for purposes of this provision), the bonus depreciation amount is computed by treating each partner as having an amount equal to that partner's allocable share of the eligible property for the taxable year (as determined under regulations prescribed by the Secretary).

A corporation may make a separate election for each taxable year.

Effective date.—The provision applies to taxable years ending after December 31, 2011.

For a taxable year which begins before January 1, 2012, and ends after December 31, 2011, the bonus depreciation amount is the sum of the amounts computed separately for each portion of the taxable year by treating each portion as a separate taxable year taking into account property placed in service by the corporation during that portion of the taxable year.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not include the provision from the House bill.

E. Adjustments to Maximum Thresholds for Recapturing Overpayments Resulting From Certain Federally-subsidized Health Insurance (sec. 2221 of the House bill and sec. 36B of the Code)

PRESENT LAW

Premium assistance credit

For taxable years ending after December 31, 2013, section 36B provides a refundable tax credit (the ''premium assistance credit'') for eligible individuals and families who purchase health insurance through an American Health Benefit Exchange. The premium assistance credit, which is refundable and payable in advance directly to the insurer, subsidizes the purchase of certain health insurance plans through an American Health Benefit Exchange.

The premium assistance credit is available for individuals (single or joint filers) with household incomes between 100 and 400 percent of the Federal poverty level (''FPL'') for the family size involved who do not receive health insurance through an employer or a spouse's employer.[39] Household income is defined as the sum of: (1) the taxpayer's modified adjusted gross income, plus (2) the aggregate modified adjusted gross incomes of all other individuals taken into account in determining that taxpayer's family size (but only if such individuals are required to file a tax return for the taxable year). Modified adjusted gross income is defined as adjusted gross income increased by: (1) any amount excluded by section 911 (the exclusion from gross income for citizens or residents living abroad), (2) any tax-exempt interest received or accrued during the tax year, and (3) an amount equal to the portion of the taxpayer's social security benefits (as defined in section 86(d)) that is excluded from income under section 86 (that is, the amount of the taxpayer's Social Security benefits that are excluded from gross income).[40] To be eligible for the premium assistance credit, taxpayers who are married (within the meaning of section 7703) must file a joint return. Individuals who are listed as dependents on a return are ineligible for the premium assistance credit.

As described in Table 1 below, premium assistance credits are available on a sliding scale basis for individuals and families with household incomes between 100 and 400 percent of FPL to help offset the cost of private health insurance premiums. The premium assistance credit amount is determined based on the percentage of income the cost of premiums represents, rising from two percent of income for those at 100 percent of FPL for the family size involved to 9.5 percent of income for those at 400 percent of FPL for the family size involved. After 2014, the percentages of income are indexed to the excess of premium growth over income growth for the preceding calendar year. After 2018, if the aggregate amount of premium assistance credits and cost-sharing reductions[41] exceeds 0.504 percent of the gross domestic product for that year, the percentage of income is also adjusted to reflect the excess (if any) of premium growth over the rate of growth in the consumer price index for the preceding calendar year. For purposes of calculating family size, individuals who are in the country illegally are not included.

TABLE 1.—THE PREMIUM ASSISTANCE CREDIT PHASE-OUT

Household income (expressed as a percent of FPL)	Initial premium (percentage)	Final premium (percentage)
100% up to 133%	2.0	2.0
133% up to 150%	3.0	4.0
150% up to 200%	4.0	6.3
200% up to 250%	6.3	8.05
250% up to 300%	8.05	9.5
300% up to 400%	9.5	9.5

Minimum essential coverage and employer offer of health insurance coverage

Generally, if an employee is offered minimum essential coverage[42] in the group market, including employer-provided health insurance coverage, the individual is ineligible for the premium assistance credit for health insurance purchased through an exchange.

If an employee is offered unaffordable coverage by his or her employer or the plan's share of total allowed cost of provided benefits is less than 60 percent of such costs, the employee can be eligible for the premium assistance credit, but only if the employee declines to enroll in the coverage and satisfies the conditions for receiving a premium assistance credit through an American Health Benefit Exchange. Unaffordable coverage, as defined by Federal law, is coverage with a premium required to be paid by the employee that is more than 9.5 percent of the employee's household income, based on self-only coverage.[43]

Reconciliation

If the premium assistance credit received through advance payment exceeds the amount of premium assistance credit to which the taxpayer is entitled for the taxable year, the liability for the overpayment must be reflected on the taxpayer's income tax return for the taxable year subject to a limitation on the amount of such liability. For persons with household income below 400 percent of FPL, the liability for the overpayment for a taxable year is limited to a specific dollar amount (the ''applicable dollar amount'') as shown in Table 2 below (one-half of the applicable dollar amount shown in Table 2 for unmarried individuals who are not surviving spouses or filing as heads of households).[44]

TABLE 2.—RECONCILIATION

Household income (expressed as a percent of FPL)	Applicable dollar amount
Less than 100%	$600
At least 200% but less than 300%	1,500
At least 300% but less than 400%	2,500

If the premium assistance credit for a taxable year received through advance payment is less than the amount of the credit to which the taxpayer is entitled for the year, the shortfall in the credit is also reflected on the taxpayer's tax return for the year.

HOUSE BILL

The House bill changes the applicable dollar amount, as shown in Table 3 below (one-half of the applicable dollar amount shown in Table 3 for unmarried individuals who are not surviving spouses or filing as heads of households).

[38] The House bill rewrites section 168(k)(4) in order to delete a substantial amount of ''deadwood'' from the language of present law.

[39] Individuals who are lawfully present in the United States but are not eligible for Medicaid because of their immigration status are treated as having a household income equal to 100 percent of FPL (and thus eligible for the premium assistance credit) as long as their household income does not actually exceed 100 percent of FPL.

[40] The definition of modified adjusted gross income used in section 36B is incorporated by reference for purposes of determining eligibility to participate in certain other healthcare-related programs, such as reduced cost-sharing (section 1402 of PPACA)), Medicaid for the nonelderly (section 1902(e) of the Social Security Act (42 U.S.C. 1396a(e)) as modified by section 2002(a) of PPACA) and the Children's Health Insurance Program (section 2102(b)(1)(B) of the Social Security Act (42 U.S.C. 1397bb(b)(1)(B)) as modified by section 2101(d) of PPACA).

[41] As described in section 1402 of PPACA.

[42] As defined in section 5000A(f).

[43] The 9.5 percent amount is indexed for calendar years beginning after 2014 to reflect the excess of premium growth over income growth.

[44] Section 36B(f)(2), as amended by section 208 of the Medicare and Medicaid Extenders Act of 2010, Pub. L. No. 111–309 and section 4 of the Comprehensive 1099 Taxpayer Protection and Repayment of Exchange Subsidy Overpayments Act of 2011, Pub. L. No. 112–9.

TABLE 3.—ADJUSTED RECONCILIATION

Household income (expressed as a percent of FPL)	Applicable dollar amount
Less than 100%	$600
At least 100% but less than 150%	800
At least 150% but less than 200%	1,000
At least 200% but less than 250%	1,500
At least 250% but less than 300%	2,200
At least 300% but less than 350%	2,500
At least 350% but less than 400%	3,200

Effective date.—The provision is effective on the date of enactment.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not include the provision from the House bill.

F. Information for Administration of Social Security Provisions Related to Noncovered Employment (sec. 5101 of the House bill and secs. 6047 and 6103(l) of the Code)

PRESENT LAW

The administrator of an employer-sponsored retirement plan, including a plan maintained by a State or local government, is required to comply with reporting requirements prescribed by the IRS.[45] In the case of a distribution to a participant or beneficiary, the amount of the distribution and other required information must be reported to the IRS and the participant or beneficiary on the Form 1099–R.

Tax returns and return information (including information returns) received by the IRS are subject to confidentiality protections and cannot be disclosed, including to another Federal agency, unless specifically authorized.[46] Disclosure of certain returns and return information to the Social Security Administration for specific purposes is so authorized.[47]

HOUSE BILL

The House bill amends the reporting requirements applicable to employer-sponsored retirement plans of State and local governments to require the identification of any distribution based in whole or in part on earnings for service in the employ of the State or local government, to the extent such information is known or should be known.[48] The House bill authorizes disclosure of this information by the IRS to the Social Security Administration for purposes of its administration of the Social Security Act.

Effective date.—The provision applies to distributions and disclosures made after December 31, 2012.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not include the provision from the House bill.

G. Social Security Number Required to Claim the Refundable Portion of the Child Tax Credit (sec. 5201 of the House bill and sec. 24 of the Code)

PRESENT LAW

An individual may claim a tax credit for each qualifying child under the age of 17. The maximum amount of the credit per child is $1,000 through 2012 and $500 thereafter. A child who is not a citizen, national, or resident of the United States cannot be a qualifying child. If the child tax credit exceeds the taxpayer's tax liability, the taxpayer may be eligible for a refundable credit.

No credit is allowed to any taxpayer with respect to any qualifying child unless the taxpayer includes the name and the taxpayer identification number of the qualifying child on the return of tax for the taxable year. For individual filers, a taxpayer identification number may be either a Social Security number (''SSN''), an IRS individual taxpayer identification number (''ITIN''), or an IRS adoption taxpayer identification number (''ATIN'').

HOUSE BILL

The House bill adds a requirement that the refundable portion of the child tax credit is allowable only if the tax return includes the taxpayer's SSN (or in the case of a joint return, the SSN of either spouse).

Effective date.—The provision applies to taxable years beginning after the date of enactment.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not include the provision from the House bill.

H. Excise Tax on Unemployment Compensation Benefits of High-Income Individuals (sec. 5301 of the House bill and new sec. 5895 of the Code)

PRESENT LAW

Gross income includes any unemployment compensation benefits received under the laws of the United States or any State, and is taxed at the applicable individual income tax rate.[49]

HOUSE BILL

The House bill imposes an excise tax equal to 100 percent on unemployment compensation benefits received by individuals with adjusted gross income above certain thresholds. The adjusted gross income threshold is $750,000 ($1,500,000 for married individuals filing joint returns). The excise tax is phased-in ratably over a $250,000 range ($500,000 for married individuals filing joint returns). Therefore unemployment compensation benefits are taxed at a 100 percent rate for individuals with $1,000,000 or more of adjusted gross income ($2,000,000 or more of adjusted gross income for married individuals filing joint returns).

The excise tax is not deductible in computing the taxpayer's taxable income.

Effective date.—The provision applies to taxable years beginning after December 31, 2011.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not include the provision from the House bill.

TAX COMPLEXITY ANALYSES

The following tax complexity analysis is provided pursuant to section 4022(b) of the Internal Revenue Service Reform and Restructuring Act of 1998, which requires the staff of the Joint Committee on Taxation (in consultation with the Internal Revenue Service (''IRS'') and the Treasury Department) to provide a complexity analysis of tax legislation reported by the House Committee on Ways and Means, the Senate Committee on Finance, or a Conference Report containing tax provisions. The complexity analysis is required to report on the complexity and administrative issues raised by provisions that directly or indirectly amend the Internal Revenue Code and that have widespread applicability to individuals or small businesses. For each such provision identified by the staff of the Joint Committee on Taxation, a summary description of the provision is provided along with an estimate of the number and type of affected taxpayers, and a discussion regarding the relevant complexity and administrative issues.

Following the analysis of the staff of the Joint Committee on Taxation are the comments of the IRS and the Treasury Department regarding each of the provisions included in the complexity analysis, including a discussion of the likely effect on IRS forms and any expected impact on the IRS.

1. EXTENSION OF THE PAYROLL TAX REDUCTION (SEC. 1001 OF THE CONFERENCE AGREEMENT)

Summary description of provision

The conference agreement provides for a reduced employee OASDI tax rate of 4.2 percent under the FICA tax, and the equivalent portion of the RRTA tax, through 2012. Similarly, the reduced OASDI tax rate of 10.4 percent under the SECA tax, is extended to apply for taxable years of self-employed individuals that begin in 2012.

Related rules concerning (1) coordination of a self-employed individual's deductions in determining net earnings from self-employment and income tax, (2) transfers to the Federal Old-Age and Survivors Trust Fund, the Federal Disability Insurance Trust Fund and the Social Security Equivalent Benefit Account established under the Railroad Retirement Act of 1974, and (3) determining the employee rate of OASDI tax in applying provisions of Federal law other than the Code also apply for 2012.

The conference agreement repeals the present-law recapture provision applicable to a taxpayer who receives the reduced OASDI rate with respect to more than $18,350 of wages received during the first two months of 2012.

The bill is effective after the date of enactment.

Number of affected taxpayers

It is estimated that the provision will affect more than 10 percent of individual taxpayers and small businesses.

Discussion

It is not anticipated that taxpayers and small businesses will need to keep additional records due to this provision. Extensive additional regulatory guidance will not be necessary to effectively implement the provision. It is not anticipated that the provision will result in an increase in disputes between small businesses and the IRS.

The provision likely will not increase the tax preparation costs for most individuals and small businesses. Affected individuals and small businesses will not be required to perform additional and complex calculations to comply with the provision.

It is anticipated that the Secretary of the Treasury will have to make appropriate revisions to several types of tax forms and instructions.

DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE,
Washington, DC, February 15, 2012.

THOMAS A. BARTHOLD,
Chief of Staff, Joint Committee on Taxation, Washington, DC

DEAR MR. BARTHOLD: I am responding to your letter dated February 14, 2012, in which you requested a complexity analysis related to the extension of the payroll tax holiday enacted under section 101 of the Temporary Payroll Tax Cut Continuation Act of 2011.

Enclosed are the combined comments of the Internal Revenue Service and the Treasury Department for inclusion in the complexity analysis in the Conference Report on H.R. 3630.

Our comments are based on the description of the provision provided in your letter. The

[45] Sec. 6047(d).
[46] Sec. 6103.
[47] Sec. 6103(h)(5), (l)(1), (l)(5).
[48] For this purpose, State includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam and American Samoa.
[49] Sec. 85.

analysis does not include administrative cost estimates for the changes that would be required. Due to the short turnaround time, our comments are provisional and subject to change upon a more complete and in-depth analysis of the provision. The analysis does not cover any other provisions of the bill.

Sincerely,

DOUGLAS H. SHULMAN.

Enclosure.

COMPLEXITY ANALYSIS OF CONFERENCE AGREEMENT ON H.R. 3630

EXTENSION OF THE PAYROLL TAX HOLIDAY

The conference agreement provides for a reduced employee OASDI tax rate of 4.2 percent under the FICA tax, and the equivalent portion of the RRTA tax, through 2012. Similarly, the reduced OASDI tax rate of 10.4 percent under the SECA tax is extended for taxable years of self-employed individuals that begin in 2012.

The agreement provides related rules concerning (1) coordination of a self-employed individual's deductions in determining net earnings from self-employment and income tax, (2) transfers to the Federal Old-Age and Survivors Trust Fund, the Federal Disability Insurance Trust Fund and the Social Security Equivalent Benefit Account established under the Railroad Retirement Act of 1974, and (3) determining the employee rate of OASDI tax in applying provisions of Federal law other than the Code that also apply for 2012.

The conference agreement repeals the present-law recapture provision applicable to a taxpayer who receives the reduced OASDI rate with respect to more than $18,350 of wages received during the first two months of 2012.

IRS AND TREASURY COMMENTS

- This provision is an extension of current law (except for the repeal of the recapture of excess benefit) and should not add significant burden to taxpayers and the public in general.
- IRS has taken measures to prepare in case the Temporary Payroll Tax Cut is not extended, including revising forms and instructions and programming systems. If this provision is enacted, the IRS will have to adjust its forms and systems to reflect the extension. Computer software providers and large employers may also have programmed their systems for current law and would need to make similar adjustments.
- No new guidance would be required.
- IRS will have to make small modifications to certain notices to, and publications for, employers.
- There will be minimal impact on IRS training and the Internal Revenue Manual.

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, no provision in this conference report or joint explanatory statement includes a congressional earmark, limited tax benefit, or limited tariff benefit.

DAVE CAMP,
FRED UPTON,
KEVIN BRADY,
GREG WALDEN,
TOM PRICE,
TOM REED,
RENEE L. ELLMERS,
NAN A.S. HAYWORTH,
SANDER M. LEVIN,
XAVIER BECERRA,
CHRIS VAN HOLLEN,
ALLYSON Y. SCHWARTZ,
HENRY A. WAXMAN,
Managers on the Part of the House.

MAX BAUCUS,
JACK REED,
BENJAMIN L. CARDIN,
ROBERT P. CASEY, Jr.,
Managers on the Part of the Senate.

PROTECTING INVESTMENT IN OIL SHALE THE NEXT GENERATION OF ENVIRONMENTAL, ENERGY, AND RESOURCE SECURITY ACT

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative in which to revise and extend their remarks and include extraneous material on H.R. 3408.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 547 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 3408.

□ 1655

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3408) to set clear rules for the development of United States oil shale resources, to promote shale technology research and development, and for other purposes, with Mr. WOODALL (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, amendment No. 20 printed in part A of House Report 112–398 offered by the gentleman from Louisiana (Mr. SCALISE) had been disposed of.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part A of House Report 112–398 on which further proceedings were postponed, in the following order:

Amendment No. 13 by Mr. THOMPSON of California.

Amendment No. 15 by Ms. HANABUSA of Hawaii.

Amendment No. 16 by Mr. HASTINGS of Washington.

Amendment No. 17 by Mr. MARKEY of Massachusetts.

Amendment No. 18 by Mr. MARKEY of Massachusetts.

Amendment No. 19 by Mr. LABRADOR of Idaho.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 13 OFFERED BY MR. THOMPSON OF CALIFORNIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. THOMPSON) 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 167, noes 253, not voting 13, as follows:

[Roll No. 64]

AYES—167

Ackerman
Andrews
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bilbray
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Clyburn
Coble
Cohen
Connolly (VA)
Conyers
Costello
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Dold
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
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
Reichert
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—253

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Baca
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coffman (CO)
Cole
Conaway
Cooper
Costa
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)

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

NOT VOTING—13

Austria
Bilirakis
Bono Mack
Campbell
Cleaver
Gosar
Mack
Paul
Payne
Rangel
Sanchez, Loretta
Serrano
Shuler

□ 1724

Messrs. COFFMAN of Colorado, FLAKE, and BURGESS changed their vote from ''aye'' to ''no.''

Ms. MOORE, Messrs. MCDERMOTT, LUJÁN, and RYAN of Ohio changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. BILIRAKIS. Mr. Chair, on rollcall No. 64, had I been present, I would have voted ''no.''

AMENDMENT NO. 15 OFFERED BY MS. HANABUSA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Hawaii (Ms. HANABUSA) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 189, noes 228, not voting 16, as follows:

[Roll No. 65]

AYES—189

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Clyburn
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dent
Deutch
Dicks
Dingell
Doggett
Dold
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Frank (MA)
Fudge
Garamendi
Gibson
Gonzalez
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hanna
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Reichert
Reyes
Richardson
Richmond
Ros-Lehtinen
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Sewell
Sherman
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth
Young (FL)

NOES—228

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

NOT VOTING—16

Austria
Bono Mack
Buchanan
Campbell
Cleaver
Cohen
Harris
Mack
Mulvaney
Paul
Payne
Rangel
Sanchez, Loretta
Serrano
Shuler
Sullivan

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 30 seconds remaining.

□ 1728

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 16 OFFERED BY MR. HASTINGS OF WASHINGTON

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Washington (Mr. HASTINGS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 250, noes 171, not voting 12, as follows:

[Roll No. 66]

AYES—250

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

NOES—171

Ackerman
Amash
Andrews
Baldwin
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Dold
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Harris
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Peters
Pingree (ME)
Price (NC)
Quigley
Rahall
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—12

Austria
Bono Mack
Campbell
Cleaver
Mack
Pascrell
Paul
Payne
Rangel
Sanchez, Loretta
Serrano
Shuler

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 30 seconds remaining.

□ 1734

Messrs. OLVER, WELCH, CARNEY and Ms. ROYBAL-ALLARD changed their vote from ''aye'' to ''no.''

Mr. JOHNSON of Illinois changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 17 OFFERED BY MR. MARKEY OF MASSACHUSETTS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) 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 168, noes 254, not voting 11, as follows:

[Roll No. 67]

AYES—168

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (NY)
Clay
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Doggett
Dold
Donnelly (IN)
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Fudge
Garamendi
Gerlach
Gibson
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Hayworth
Heinrich
Higgins
Hinchey
Hirono
Hochul
Holden
Holt
Honda
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Peters
Pingree (ME)
Platts
Polis
Price (NC)
Quigley
Rahall
Reyes
Richardson
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Sewell
Sherman
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—254

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Clarke (MI)
Coble
Coffman (CO)
Cole
Conaway
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dingell
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gibbs
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck
Hensarling
Herger
Herrera Beutler

Himes
Hinojosa
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
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
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (OH)
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—11

Austria
Bono Mack
Campbell
Cleaver
Mack
Paul
Payne
Rangel
Sanchez, Loretta
Serrano
Shuler

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 30 seconds remaining.

□ 1738

Mr. RICHMOND changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 18 OFFERED BY MR. MARKEY OF MASSACHUSETTS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 183, noes 238, not voting 12, as follows:

[Roll No. 68]

AYES—183

Ackerman
Andrews
Baca
Baldwin
Bartlett
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Buchanan
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dent
Deutch
Dicks
Dingell
Doggett
Dold
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Fortenberry
Frank (MA)
Fudge
Garamendi
Gerlach
Gibson
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Platts
Polis
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Ros-Lehtinen
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Sewell
Sherman
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth
Young (FL)

NOES—238

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Bachmann
Bachus
Barletta
Barrow
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
Denham
DesJarlais
Diaz-Balart
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gibbs
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hinojosa
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jackson Lee (TX)
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
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
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

NOT VOTING—12

Austria
Bono Mack
Campbell
Cleaver
Mack
Neal
Paul
Payne
Rangel
Sanchez, Loretta
Serrano
Shuler

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 30 seconds remaining.

□ 1742

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 19 OFFERED BY MR. LABRADOR

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Idaho (Mr. LABRADOR) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 244, noes 177, not voting 12, as follows:

[Roll No. 69]

AYES—244

Adams
Aderholt
Akin
Alexander
Amodei
Bachmann
Bachus
Barletta
Barrow

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

NOES—177

Ackerman	Capuano	Critz
Altmire	Carnahan	Crowley
Amash	Carney	Cuellar
Andrews	Carson (IN)	Cummings
Baca	Castor (FL)	Davis (CA)
Baldwin	Chandler	Davis (IL)
Bass (CA)	Chu	DeFazio
Becerra	Cicilline	DeGette
Berkley	Clarke (MI)	DeLauro
Berman	Clarke (NY)	Deutch
Bishop (NY)	Clay	Dicks
Blumenauer	Clyburn	Dingell
Bonamici	Cohen	Doggett
Brady (PA)	Connolly (VA)	Dold
Braley (IA)	Conyers	Doyle
Brown (FL)	Cooper	Edwards
Butterfield	Costello	Ellison
Capps	Courtney	Engel
Eshoo	Levin	Roybal-Allard
Farr	Lewis (GA)	Runyan
Fattah	Lipinski	Ruppersberger
Filner	LoBiondo	Rush
Frank (MA)	Loebsack	Ryan (OH)
Fudge	Lofgren, Zoe	Sánchez, Linda T.
Garamendi	Lowey	Sarbanes
Gonzalez	Luján	Schakowsky
Green, Al	Lynch	Schiff
Green, Gene	Maloney	Schrader
Grijalva	Markey	Schwartz
Gutierrez	Matsui	Scott (VA)
Hahn	McCarthy (NY)	Scott, David
Hanabusa	McCollum	Sewell
Hastings (FL)	McDermott	Sherman
Heinrich	McGovern	Sires
Higgins	McNerney	Slaughter
Himes	Meeks	Smith (NJ)
Hinchey	Michaud	Smith (WA)
Hinojosa	Miller (NC)	Speier
Hirono	Miller, George	Stark
Hochul	Moore	Sutton
Holden	Moran	Thompson (CA)
Holt	Murphy (CT)	Thompson (MS)
Honda	Nadler	Tierney
Hoyer	Napolitano	Tonko
Inslee	Neal	Towns
Israel	Olver	Tsongas
Jackson (IL)	Owens	Van Hollen
Jackson Lee (TX)	Pallone	Velázquez
Johnson (GA)	Pascrell	Visclosky
Johnson, E. B.	Pastor (AZ)	Walz (MN)
Kaptur	Pelosi	Wasserman Schultz
Keating	Perlmutter	Waters
Kildee	Peters	Watt
Kind	Pingree (ME)	Waxman
Kucinich	Price (NC)	Welch
Langevin	Quigley	Wilson (FL)
Larsen (WA)	Rahall	Woolsey
Larson (CT)	Reyes	Yarmuth
Lee (CA)	Richmond	
	Rothman (NJ)	

NOT VOTING—12

Austria	Johnson (IL)	Rangel
Bono Mack	Mack	Sanchez, Loretta
Campbell	Paul	Serrano
Cleaver	Payne	Shuler

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 30 seconds remaining.

□ 1746

Mr. CARNAHAN changed his vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. JOHNSON of Illinois. Mr. Chair, on rollcall No. 69, on the Labrador amendment, I was detained off the floor talking with constituents. Had I been present, I would have voted ''present.''

The Acting CHAIR. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. YODER) having assumed the chair, Mr. WOODALL, 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. 3408) to set clear rules for the development of United States oil shale resources, to promote shale technology research and development, and for other purposes, and, pursuant to House Resolution 547, reported the bill, as amended by that resolution, back to the House with sundry further amendments adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any further amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Ms. CASTOR of Florida. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. CASTOR of Florida. I am opposed.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. CASTOR of Florida moves to recommit the bill H.R. 3408 to the Committee on Natural Resources with instructions to report the same back to the House forthwith with the following amendment:

Add at the end the following:

TITLE ___—MISCELLANEOUS PROVISIONS

SEC. ___. RESTRICTION ON PERMITS AND LEASES FOR THE GREAT LAKES AND THE FLORIDA EVERGLADES.

No Federal or State permit or lease shall be issued for new oil and gas slant, directional, or offshore drilling in, under, or within 5 miles of any of the Great Lakes or the Florida Everglades.

The SPEAKER pro tempore. The gentlewoman from Florida is recognized for 5 minutes.

Ms. CASTOR of Florida. Thank you, Mr. Speaker.

Mr. Speaker, the Republican leadership's transportation package is a dead end. It is being panned by businesses, Democrats and Republicans alike. What we will vote on next is the Republican funding portion of the package and it is a little bit different.

See, this is a special story. In fact, it is a love story, the love story of a breathtaking display of affection of Big Oil by the Republican party. The bill is a special Valentine, a love letter of the Republicans' undying devotion to Big Oil. No others compare.

□ 1750

The problem is that, with the Republican congressional leaders' blind passion for Big Oil, they correspondingly demonstrate an animosity to American families and businesses. See, it's been less than 2 years since the BP Deepwater Horizon disaster, and the Republicans in Congress now propose to drill for oil just about anywhere.

Have safety measures been adopted by this Congress? No. Do they recognize that there are special places across America that are not appropriate for oil drilling? Not really.

For example, the bill would allow drilling right off of the beaches of Florida. Florida's tourism industry, meanwhile, employs more than 1 million people. Tourism and fishing are multi-billion-dollar industries. Drilling closer to our shores puts those jobs at risk. Yet that's what the Republicans propose here. And for what? The CBO says

that if you drill off the coast of Florida, that will generate $100 million. Billion dollars in industry and tourism and fishing or $100 million?

BP decimated the gulf coast and caused billions of dollars of damage to our economy and our environment. The disaster is estimated to have cost the State of Florida, alone, $2.2 billion and almost 40,000 jobs.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded not to traffic the well when other Members are under recognition.

Ms. CASTOR of Florida. Mr. Speaker, the Republican love letter to Big Oil could be the kiss of death for small businesses, hotels, motels, shrimpers, fishermen, and families that rely on tourism, and that's just in the State of Florida. This bill puts too many jobs at risk in a misguided, love-struck attempt to allow Big Oil to drill just about anywhere, including unique and sensitive areas all across America.

Republican leadership has made it abundantly clear they are willing to sell America to the highest bidder. Well, I'm here to say America is not for sale.

Is nothing sacred in this country anymore? Is nothing off limits? How about Mount Vernon, George Washington's home? Would we drill there if Big Oil could make a few bucks? How about Gettysburg National Battlefield? I hear there may be some natural gas nearby. Why not check Grandma and Grandpa's backyard. You're already trying to take away their Medicare, so why stop there?

There are places in America that are not for sale and should be protected, and my amendment provides a test. Here's the test:

I pick two special areas to put to the test in this Congress. My amendment will prevent drilling within 5 miles of any of the Great Lakes or the Everglades.

Now, don't get me wrong, we must have robust domestic oil production—in fact, that is happening now. We are currently producing in America at higher levels than ever before. We have more domestic production than we import. Last year, U.S. crude oil production reached its highest level since 2003. And the Obama administration has offered and continues to offer millions of acres of public lands and Federal waters for oil and gas exploration and production.

In 2010, the Department of the Interior offered 37 million acres in the Gulf of Mexico for oil and gas exploration, but the oil companies have only tapped 2.4 million acres. So why are we going to open up even more public lands for drilling when we haven't even used one-fifteenth of what's available? It's a love story. It's a love story.

Last year, although Exxon made $41 billion, BP made over $25 billion, the Republicans saw to it that American taxpayers chipped in another $10 billion from 2002 to 2008.

Well, enough is enough. We are not going to turn the Great Lakes into the ''Okay Lakes,'' and we're not going to turn the Everglades into the ''Neverglades.'' The Great Lakes and Everglades are not just environmental treasures; they are the lifeblood of our local economies. The Great Lakes and Everglades employ many Americans who work in tourism, lodging, fishing, and ecological industries.

I urge my colleagues not to play an enabling role in this tawdry love affair between most Republicans in Congress and Big Oil.

Vote ''yes'' on this motion and pledge your devotion to our great Nation rather than Big Oil.

I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Speaker, this is one more example where the other side is playing politics with American energy and American job creation.

At a time, Mr. Speaker, when Iran is threatening a global energy meltdown, the Middle East is undergoing numerous uprisings, China's thirst for oil is growing and our consumers are facing rising prices at the pump, it's time to secure our own future with American-made energy.

The other side talks about energy security. This legislation, the underlying legislation, offers real opportunity to expand our domestic energy production and secure our Nation.

The other side talks about Federal revenue. This legislation would bring in billions of dollars to the Federal and State governments and bring tens of billions of dollars of investment into this country.

Most importantly, Mr. Speaker, while the other side talks about creating jobs for Americans, this legislation will create hundreds of thousands of good-paying jobs for American workers. And while the other side cheapens these jobs by calling them temporary, we call these jobs what they really are—American jobs.

The underlying legislation sets out a commonsense action plan to secure our future, create jobs, and increase Federal revenue and investment into this country. Oppose this motion to recommit and vote ''no,'' and vote ''yes'' on the underlying legislation.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Ms. CASTOR of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered; and approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—ayes 176, noes 241, not voting 16, as follows:

[Roll No. 70]

AYES—176

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

NOES—241

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers

Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
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
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—16

Austria
Bono Mack
Butterfield
Campbell
Chu
Clarke (NY)
Cleaver
Honda
Lungren, Daniel E.
Mack
Paul
Payne
Rangel
Sanchez, Loretta
Shuler
Smith (TX)

□ 1814

Mr. CRAWFORD changed his vote from ''aye'' to ''no.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 237, noes 187, not voting 10, as follows:

[Roll No. 71]

AYES—237

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

NOES—187

Ackerman
Adams
Andrews
Baca
Baldwin
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Bilbray
Bilirakis
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Buchanan
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Clyburn
Cohen
Connolly (VA)
Conyers
Costello
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gonzalez
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Hayworth
Heinrich
Higgins
Himes
Hinchey
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (FL)
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Nugent
Olver
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Reichert
Reyes
Richardson
Rivera
Ros-Lehtinen
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (NJ)
Smith (WA)
Southerland
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
West
Wilson (FL)
Woolsey
Yarmuth
Young (FL)

NOT VOTING—10

Austria
Bono Mack
Campbell
Cleaver
Mack
Paul
Payne
Rangel
Sanchez, Loretta
Shuler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1820

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

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

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

RESIGNATION AS MEMBER OF COMMITTEE ON HOMELAND SECURITY

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Homeland Security:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 16, 2012.

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

DEAR SPEAKER BOEHNER: I hereby respectfully submit my resignation from the Committee on Homeland Security effective today, February 16, 2012. I have accepted an assignment to the House Armed Services Committee.

If you and your staff should have any questions or concerns, please feel free to contact me at 202–225–3531.

All the best,

JACKIE SPEIER.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON THE BUDGET

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on the Budget:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 16, 2012.

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

DEAR SPEAKER BOEHNER: I resign my position on the House Committee on the Budget, effective today, Thursday, February 16, 2012.

Sincerely,

PAUL D. TONKO,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

COMMUNICATION FROM THE HONORABLE JOHN D. DINGELL, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN D. DINGELL, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 10, 2012.

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

DEAR MR. SPEAKER: This is to notify you formally pursuant to rule VIII of the Rules of the House of Representatives that I have been served with a subpoena, issued by the United States District Court for the Eastern District of New York, to produce documents in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the precedents and privileges of the House.

Sincerely,

JOHN D. DINGELL,
Member of Congress.

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. 553

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.—Ms. Speier.

(2) COMMITTEE ON THE BUDGET.—Ms. Bonamici.

(3) COMMITTEE ON NATURAL RESOURCES.—Mr. Tonko.

(4) COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY.—Ms. Bonamici.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RELIGIOUS FREEDOM

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

Mr. FLEMING. Mr. Speaker, President Obama's mandate on abortion-inducing drugs and contraceptive services has not gone away—I repeat—has not gone away. It has not been settled. There is no compromise. The administration's assault on the First Amendment continues. The deeply held beliefs of people who oppose abortifacients are still under attack.

Let's be clear. The President remains as determined as ever to force insurance companies and their customers to pay for services which defy the moral fiber of their beings and which are contrary to religious beliefs and sacred teachings.

Let me be clear. Despite what you have heard, no rules have changed. There has been no accommodation. President Obama is simply hoping to cover this issue with a smokescreen to push it past Election Day so he can still get his way.

That's why this Congress needs to act—and act right now—to put in place conscience protections that the administration cannot violate. We need to safeguard our religious liberties against these attacks by the Obama administration.

RELIGIOUS FREEDOM

The SPEAKER pro tempore (Mr. HANNA). Under the Speaker's announced policy of January 5, 2011, the gentleman from Colorado (Mr. LAMBORN) is recognized for 60 minutes as the designee of the majority leader.

Mr. LAMBORN. Thank you, Mr. Speaker.

America has a long history of religious freedom.

In the 17th century, colonists fled to what would become the United States of America in search of religious freedom. In 1789, Congress drafted the First Amendment, ensuring the right to the free exercise of religion. Throughout the 20th century, the Supreme Court has repeatedly upheld the rights of individuals to practice their religions according to the dictates of their own consciences. In 2001, President Bush established the Office of Faith-Based and Community Initiatives to ''encourage faith-based programs without changing their mission.''

But today, the Obama administration's policies threaten that fundamental freedom. President Obama's new health care mandate, despite a flimsy, politically motivated, so-called ''compromise,'' forces religious organizations to pay for contraceptives and abortion-inducing drugs in their health care plans.

So much for over 200 years of religious freedom.

The mandate is an unprecedented act of government trampling over the deeply held beliefs of millions of Americans. I stand with my colleagues tonight in showing our united opposition to any efforts by the Obama administration to flagrantly disregard deeply held religious beliefs.

I am a cosponsor of the Respect for Rights of Conscience Act, introduced by Representative JEFF FORTENBERRY of Nebraska, which would protect the rights of conscience for faith-based organizations and would leave Federal law where it was before the President's divisive health care plan was passed.

A number of Representatives from around the country are very troubled by this unprecedented government intrusion into the First Amendment right of freedom of religion. We are going to take the next 60 minutes to explore just how wrong this decision was, how meaningless the so-called ''compromise'' is, and how vital to our country freedom of religion is today.

At this point, I would like to yield to the courageous sponsor of the Respect for Rights of Conscience Act, Representative FORTENBERRY of Nebraska.

Mr. FORTENBERRY. First of all, let me thank the gentleman from Colorado for his leadership in holding this discussion tonight. This is a very important discussion because it is about a fundamental American principle.

As you mentioned, over a year ago, we actually began work on the Respect for Rights of Conscience Act in anticipation that the new health care law may actually be used to undermine religious freedom and the moral precepts, the deeply held beliefs, of many Americans in this country.

You had mentioned that this particular bill—hopefully, we'll get it through this House soon, and there is a companion measure, by the way, in the Senate—would not only protect faith-based organizations, which seem to be most perniciously targeted by this new HHS mandate from the strong arm of government, which is forcing them to pay for drugs and procedures that may violate their ethics norms, but it would also protect all Americans because, right now, these institutions, as well as other people of good will, are being asked to choose: to follow your deeply held, reasoned beliefs or to obey President Obama and Secretary of Health and Human Services Kathleen Sebelius'

new mandate, which is in violation of your conscience rights.

That's a false choice.

That's un-American.

That violates a deeply held principle of this country, namely religious liberty, which we have held so dear throughout our history.

□ 1830

The Respect for Rights of Conscience Act really does one simple thing: It restores us to where we were a year and a half ago before the new health care law came into being, and it would prevent things such as this new mandate, which is an intrusion of government into the faith life of many Americans, from ever happening.

Again, I'm very pleased for your willingness to hold this hour of discussion with fellow Members. It is a bipartisan bill, by the way. There are Democrats and Republicans on this bill. It is a bicameral bill. There are over 200 House Members who have cosponsored this bill 200, Democrats and Republicans; and there are 37 Members on the companion piece in the United States Senate, dropped by my friend Senator ROY BLUNT from Missouri. In fact, Senator BLUNT has offered this as potential amendments to must-pass legislation in the other body. We haven't seen that go through yet.

So there is tremendous momentum for this piece of legislation because it's not about politics. It's not about partisanship. It's about a principle, a fundamental American principle: the rights of conscience and religious liberty, as applied in health care.

I'm pleased by the outpouring of support from Members of both sides of the aisle here. I think that is due to the intensity of concern across America about how this time, the government has gone too far.

Again, I appreciate your willingness to hold a good conversation tonight on this fundamental principle of religious liberty and the rights of conscience for all Americans.

Mr. LAMBORN. Thank you. And I do want to applaud Representative FORTENBERRY of Lincoln, Nebraska, for this courageous move that he has taken, for being a leader on this important issue of protecting the rights of the conscience for Americans. I thank you for your leadership on this issue.

Mr. FORTENBERRY. Well, I appreciate it. I hope that we continue to hold more conversations about this because America needs to know. America is already speaking. And that is evident in the number of Members who are deeply interested in this bill.

Mr. LAMBORN. And I can certainly count that 200 Members is close to the magic number of 218, which is 50 percent of the House. Likewise, 37 is getting close to the magic number of 50 needed over in the Senate. So you're doing great work. And I appreciate that, and many Americans appreciate your work.

Mr. FORTENBERRY. Thank you very much.

Mr. LAMBORN. At this point, I yield to the gentleman from Louisiana, STEVE SCALISE.

Mr. SCALISE. I thank my friend, the gentleman from Colorado, for yielding and for taking the lead on this hour dedicated to standing up for religious freedom.

I also thank my colleague from Nebraska (Mr. FORTENBERRY) for his leadership and for bringing forth legislation, of which I am a proud cosponsor, that would repeal the decision that President Obama came down with that is an attack on religious freedom.

As a Catholic who attends church, it's rare when you see a Catholic priest talking from the pulpit, calling on the parishioners to call Congress, to contact Congress about any issue. Yet I want to applaud the Catholic bishops who have been so vocal in helping bring this issue to light, for standing up and saying, This is something that we will not comply with because it violates our own religious beliefs.

The beauty of the Constitution—and especially when you look at the Bill of Rights—are the rights that it lays out to all Americans. And when you read that First Amendment, there is a reason why freedom of religion is included in the First Amendment placed in the Bill of Rights, because our Founders believed it was a right that was handed down to us from God through our Founding Fathers and that it was given to all American citizens.

But yet the President came out with this ruling, and he says, Well, we'll tailor a little exemption just for places of worship. Not religious organizations, just places of worship. And everybody else, they're on their own. They've got religious beliefs that—they don't want to have to pay for abortion-inducing drugs, for example, which the President mandated. Then the President basically said, No, you have to do this, even if it violates your religious beliefs. That violates the First Amendment of the Constitution. It violates the Bill of Rights. No President has the ability to violate the Bill of Rights, those constitutional rights we have.

And then the President, just a few days ago, came out with what he called ''an accommodation,'' an accommodation where he said, Okay, we'll carve out a little more exception. It still doesn't apply to an employer, for example, that has those same religious beliefs, so we'll carve out an exemption.

Well, guess what? After the President carved out that exemption, so to speak, they actually issued a final rule. This is the final rule from the Obama administration after he gave a press conference, a political speech. And in the final rule, it says, ''These regulations finalize, without change, interim final regulations.'' In other words, they didn't even put any of the things from the President's press conference where he said he was going to give accommodations. None of that is in the final rule.

The final rule still says, if you're a Catholic school, for example, or a Catholic Church—and I know Colorado Christian University is one of the plaintiffs in a lawsuit because they would face a $500,000 fine under this rule. Even if the President gave a press conference, you can't go to court and say, Look, I'm not going to comply with this rule, because they're going to say, Well, you have to comply; it's the law. And they will say, Oh, but the President gave a speech saying I don't have to. It's still in the rule.

Again, any President who thinks that he has the power to issue accommodations to the Bill of Rights is a President who thinks he's got the ability to take away that Bill of Rights. He doesn't have that. And that's why I'm so proud to stand here with my colleague from Colorado and so many others that have stood up and said, we are going to stand up and defend those religious freedoms that are so precious, not just for religious organizations, but for all Americans, as is called for in the Bill of Rights. So it's an important issue that we need to keep fighting for because this is all a component of the President's health care law.

I remember back in those days when the President stood right here on this House floor at that podium and he looked at all Members of Congress and he said, If you like what you have, you can keep it. Do you remember that? All Americans heard that. Time and time again, the President said, If you like the health insurance you have, you can keep it. Guess what: With this ruling, he broke that promise he made to the American people because if you're a religious organization and you like the fact that you don't have to provide—and you are not going to provide—abortion-inducing drugs because it violates your own conscience, the President is now saying, You can't keep it. You have to abide by my ruling. That goes against the will. And if you are a religious organization that is self-insured, they're left out of this too.

There are so many problems with this. I'm glad that they're fighting it in the courts. But the bottom line is, they shouldn't have to go to the court to defend the First Amendment. That should be something that's sacrosanct. The President shouldn't be trying to violate and attack our religious freedoms.

I appreciate the gentleman for his leadership tonight.

Mr. LAMBORN. I thank the gentleman for making his remarks.

And he mentioned Colorado Christian University. The president of that fine institution is former U.S. Senator Bill Armstrong, who served Colorado both in the U.S. House and in the U.S. Senate in such a distinguished manner. And that is not necessarily a Catholic institution. It's more of a Protestant evangelical institution, although people of different Christian backgrounds attend there. But this shows that it's not strictly a ''Catholic'' issue. All people of faith are concerned about violations of conscience.

You see here this quote from Martin Luther King. February is Black History Month. And I think it's appropriate to look at what he said. He said, There comes a time when one must take a position that is neither safe nor politic nor popular but because conscience tells one it is right. He pointed to the need to listen to our consciences when deciding matters of great importance. And Martin Luther King left a great legacy for this country, and his respect for the conscience of the individual is one of those marks of his legacy.

I now yield to my colleague and friend, the gentleman from Maryland.

Mr. HARRIS. I thank the gentleman.

Mr. Speaker, we have one of the most serious assaults on religious liberty in American history. The President's rule, finalized last Friday, in its unchanged form, as we just heard, violates the individual rights to religious freedom that every American shares.

The Bill of Rights doesn't pertain to organizations. It wasn't written for groups. It was written for individuals, every individual having the right to exercise their religious belief. The President's rule not only restricts individuals, but it restricts everything except what exists between the walls of a church building. Mr. Speaker, that's not what the First Amendment is about.

□ 1840

My parents, like many immigrants to this country, fled countries where those beliefs weren't held. My parents came from communist countries where we don't find it farfetched to believe that they would imprison, they would punish individuals for their religious beliefs.

Let's look at what the President's Affordable Care Act has turned into.

We knew and America knew when that bill was passed, because the previous Speaker of the House said: We just have to wait to pass it; we'll find out what's in it. Mr. Speaker, we are finding out what's in it, and America doesn't like it, because what's in it is the ability, under the current rule, to restrict individual religious freedom. And if you choose to exercise your religious freedom, you are punished by the government with a fine. And it's not just a few dollars; it's $2,000 per employee.

If an employer has deeply held religious beliefs, deeply held, it's not up to the President or the Secretary of Health or anyone in the Federal bureaucracy or government to decide if those are appropriate religious beliefs. Yet that is exactly what this rule does. It says if you don't share their religious beliefs or their beliefs in certain types of health care, you are going to pay a fine to the government. Well, that sounds a lot like governments where immigrants have fled from to this country to share in the individual religious belief.

Let's go down the list of what this final rule impairs. It violates the Religious Freedom Restoration Act passed in this Congress two decades ago. It obviously violates the First Amendment Free Exercise Clause because it does place a substantial burden on individuals who choose to exercise religious belief. That's all they're doing. We have made it an effective crime to hold a certain religious belief that this administration disagrees with. That's not America. That describes a whole lot of other countries in the world, but it doesn't describe America.

It violates the First Amendment free exercise rights because it intentionally discriminates—intentionally discriminates—against religious beliefs. It imposes requirements on some religions, not on others. It picks winners and losers. That's exactly what the First Amendment was meant not to do.

And, Mr. Speaker, it's not going to be adequate if we just extend it to religious organizations because, I remind you, the First Amendment is not about groups or buildings or churches or any institutions; it's about the ability of every American to not violate their conscience. And if their conscience says, It would be wrong for me to provide insurance to an employee that would provide something that my religious belief disagrees with, who are we, as the government, to step in and say, You have to violate your religious beliefs; and if you don't, you pay a fine to the government.

That's not the America we believe in. It never has been; hopefully, it never will be.

We know that the President's final rule, because we just heard it—and, Mr. Speaker, you know, some people listening to us will say, That's not true; that's not true. Go Google the final rule and compare it to the rule last summer, the final rule, issued hours after the President claimed a compromise, and compare it with the interim rule issued last summer. Not a comma is different; not a comma was changed. The smoke and mirrors was: Don't listen to what I say; don't watch my hands as I do this magic.

Go and read the final rule. There was not a single change. There was an accounting gimmick. Americans understand accounting gimmicks. That's why we're in the fiscal mess we're in, because Washington likes them. This time the accounting gimmick attempts to override Americans' religious conscience, and you can't do that. Americans understand there's no such thing as free anything. Somebody pays for it. And if the government is going to mandate that an employer provide insurance that includes provisions that conflict with their conscience beliefs, this is an accounting gimmick to say that somebody else has to pay for the rest of that insurance policy that you provided. Every American knows that's not true. We know specifically for larger institutions that self-insure, they are the insurer. There is no other insurance company. Large bodies, and if they happen to be religious, self-insure. You will now force them to violate their conscience or pay a $2,000 per person fine.

I want to thank the Representative from Colorado for bringing this point up tonight, reminding the American public to pay attention to the debate. Go look at that final rule and understand that we're in the same situation as we were last week with a violation of religious liberty that we should never tolerate.

Mr. LAMBORN. I thank the gentleman from Maryland for his insight into this issue and his comments.

A couple of organizational things just very quickly. Because of the keen interest to address this important issue, we're going to ask for a 4-minute timeframe for each speaker, and there are several that I need to take out of the rough order that we have to accommodate tight schedules.

So, as Mr. KELLY comes forward, I will read a quote here from John F. Kennedy. Let me read what John F. Kennedy said about conscience:

> I would not look with favor upon a President working to subvert the First Amendment's guarantee of religious liberty.

What a powerful statement.

I now yield to the gentleman from Pennsylvania.

Mr. KELLY. I thank the gentleman.

Mr. Speaker, where I come from in western Pennsylvania, there's an old saying that goes something like this: Fool me once, shame on you; fool me twice, shame on me.

And I think that tonight, my colleagues and I come before you and come before this House to talk about some very egregious action that this administration has just taken. And for the President, who at one time was a professor of constitutional law and who knows better, he relies on constitutional convenience. When it's convenient, he follows the Constitution; when it's not, he follows what he wants to do. And then he looks upon us, saying, You just didn't get it. Maybe I didn't use the right words to frame it.

And so he takes policy that is horrible policy, policy that is against our First Amendment, policy that restricts our free speech, restricts our freedom of religion, and puts an onerous burden on people not to be able to choose what they want but what this administration wants. And he says, You know what? Let me take what I just told you, put it in a little different box, a little different color paper and put a little different bow around it, and this is what we're going to use.

And some people sit back and say, Oh, my gosh, I'm so glad he was accommodating. That is not accommodating.

Now, I'm a Roman Catholic, and I will tell you that for many, many months and for many years I have wondered why our religious leaders, the people we look to for spiritual guidance, have been silent and have taken a back seat and have let things happen that they should not have let happen.

Bishop Zubik from Pittsburgh, Bishop Trautman from Erie, and my

priest, Father Steven Neff in Butler, have all spoken up from the pulpit, and they have spoken very clearly about this violation, and they have articulated much better than any of us can. They have done it from the pulpit. They have done it in the papers. They have done it on the radio and on the TV. The American people now know what is going on.

Fool me once, shame on you; fool me twice, shame on me. No way.

And we are here tonight because we have had enough of an administration that continues to trample on our Constitution, marginalize it, and use it only when it's convenient. And when it doesn't meet their means, we talk about constitutional niceties. We talk about a Constitution that was well written at the time, really doesn't address the needs of today.

I would tell you that the needs of today have nothing to do with the needs of the American people, the rights of the American people, the freedom of the American people in speech or religion. It has to do with an administration that finds it a little too onerous for their agenda.

So I thank the gentleman from Colorado, and I would hope that all Americans, not just Catholics, not just Christians, but all Americans, are outraged by this attempt to violate our First Amendment rights.

□ 1850

Mr. LAMBORN. I thank the gentleman for his remarks.

There are a number of freshmen, including Mr. KELLY, who are making a big impact here in Congress just at 13 months of service.

Another one, who I would like to refer to as speaking next, is ANN MARIE BUERKLE of the State of New York.

Thank you for coming and speaking.

Ms. BUERKLE. I thank my colleague for putting together this hour that is so meaningful and so important not just for Democrats or Republicans but for every American, not just for people of faith but for those who have no faith. This is a First Amendment issue.

I stand here tonight as a health care professional, someone who is so vitally aware of the importance of conscience and the protection of conscience rights.

This HHS rule is the largest intrusion that we have ever seen from the Federal Government on our rights of conscience. Every American—every American—must understand what an insult this is to our constitutional rights.

I want to just take this opportunity, Mr. Speaker, to challenge our media as they listen to this debate, and it is a debate that really encompasses so many unlikely bedfellows, I would say, that you see liberals, conservatives, Catholics, atheists, Christians, and Jews coming together in an outrage because our First Amendment rights have been assaulted and have been attacked by this administration. But I would challenge the media to not be fooled by the red herring that this administration continues to throw out there. Mr. Speaker, this is not about contraception. This is not about women's health. This is not about Catholicism. This is about protecting the most fundamental right that we, as Americans, have.

So many of my colleagues have mentioned about the reasons people came to this country and they continue to want to come to this country, because we ensure that you will not be persecuted for your beliefs, for your religious beliefs. That's the bedrock of the United States of America. That's why there's such outrage over this HHS rule.

As my colleague from Maryland mentioned, this rule has not been changed. Do not be fooled by the smoke and mirrors of this administration. This rule remains the same. It remains an assault on our First Amendment rights. I plead with America and I plead with the media to understand what's at stake in this debate.

I thank my colleague again for this opportunity.

Mr. LAMBORN. I thank the gentlelady for her comments.

There's one other person who has a strong scheduling issue that I would like to come forward, from the State of Kansas, another person in his first term who has impressed me greatly, Representative HUELSKAMP.

Mr. HUELSKAMP. Thank you, Congressman. It's a pleasure to stand with you today. It is a pleasure to be here. But it is a real shock to see what is happening today.

I would agree with the comments of my colleague and many others. I must admit—and I guess in today's environment it is an admission. I must admit I am Roman Catholic. This issue is not about what faith you call your own. This issue is about our religious freedoms, whichever we choose.

Who would have thought of an administration that would identify and select a certain group and say, We are going to violate their conscience? We knew this was coming. We knew this was coming.

I'm reminded of a few quotes that I've heard in the last few months—actually, in the last few years—a famous quote that was already used previously, that we have to pass this bill to find out what's in it, the former Speaker of this House. We're finding out what was in it. We found out many things that we did know were in it.

Actually, when this was debated on the Senate side, there was an attempt by our leadership, Republican leadership, that said, no, let's make certain that this doesn't happen. This was anticipated by this administration, I believe, to attempt to violate the conscience of millions and millions of Americans, and yet they continued forward with that.

We also found out that, once we read the bill and it was passed—or passed and then read it—that this administration, the HHS Secretary who we talk about, Kathleen Sebelius, began to give waivers and said, well, it applies to some groups and not others. If you happen to know the Secretary or happen to be from the right district or happen to work for the right company, you can find a waiver, and I remember speaking out about it. What I didn't anticipate was having to ask a waiver to actually have your beliefs, still hold those in America. Who would have thought that we'd have to get permission from the President of the United States and his Secretary, Kathleen Sebelius, for permission to believe what I believe? That's shocking.

As I mentioned, I am a Catholic, and Pope Benedict XVI a few months ago said that freedom of religion is the most American of all freedoms. And I think about the thousands of folks that have served in this Chamber, that have walked up here and fought for our freedoms and spoke on the floor for them; they would have never guessed that if you are of a particular group—in this case, Catholic, and others that disagree with this administration—you would have to pay a fine to actually disagree with them.

Congressman, you have showed a real civil rights leader in the history of our country, Martin Luther King. One of his other tremendous quotes was that injustice anywhere is a threat to justice everywhere. That didn't just apply to his beliefs. He thought it applied to all Americans. But what is shocking to me is that we have a President who disregards basic American freedoms and is willing, somehow—it's just shocking to me that he's willing to risk his election, to alienate folks because of what he's attempting to impose. But that's what we expect from ObamaCare. That's what we expect from his health care plan, because it is government mandates. It is government control.

As the Attorney General of Virginia said, the President's health care plan, the debate over that is not about health care. The fundamental issue is liberty. And that's what we're finding out right here.

I call upon this President, I call upon Kathleen Sebelius, please, reach deep down into your soul, and also think about your next election. Because we know if this rolls back, it's about the next election. But we don't care about the next election. Americans care about their freedoms and liberties.

I want to thank my colleague for bringing this to our attention. We've been fighting this on many routes, and I think it's just absolutely critical. I thank you for your efforts, and, hopefully, we will recall those words: An injustice anywhere is a threat to justice everywhere.

Mr. LAMBORN. If I could ask the gentleman, is there any chance that Kathleen Sebelius will issue waivers to religious organizations, not just the labor unions who up until now have been the main ones getting waivers?

Mr. HUELSKAMP. That is an excellent idea I guess we would expect from

the administration, but, fundamentally, that is favoritism. That is picking who gets to believe what. And as previous colleagues talked about escaping, immigrants that came to this country came here for this particular reason, to avoid paying a fine for what they believed. That's exactly what we are being forced to do.

Do we get permission from the President not to pay the fine? Do we get a waiver? Well, how do we accommodate religious freedom, Mr. President? How do we accommodate that, Secretary Sebelius? How do we balance? It doesn't say anywhere in the Constitution we're going to balance what you want with our freedoms.

The First Amendment is very clear. And the first part of the First Amendment is the freedom to believe in the God as we choose. And I appreciate and thank you for that.

I'll do this. Let's ask for a waiver for everybody in America to actually get a waiver so we can believe what we want to believe. I would ask for that as well.

So thank you, Congressman, for your leadership, and we will continue to join you in this effort.

Mr. LAMBORN. I thank the gentleman from Kansas. He's been an excellent addition to the newer Members coming here to Congress, an excellent addition.

Among those who are having scheduling conflicts, unfortunately, is me. I have a committee that's meeting right now that's having a markup. We're having recorded votes on amendments and passage of bills out of committee, so I have to leave in just a moment. As much as I so badly wish I could finish up this discussion and hear the comments that have been moving to me so far, I have to depart.

I yield back the balance of my time.

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from California (Mr. DANIEL E. LUNGREN) is recognized for the remainder of the hour as the designee of the majority leader.

□ 1900

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, might I make an inquiry as to how much time I have remaining.

The SPEAKER pro tempore. The gentleman has 26 minutes remaining.

Mr. DANIEL E. LUNGREN of California. I thank the Speaker.

At this time, I would recognize the gentleman from Mississippi (Mr. NUNNELEE). We are trying to keep it to about 4 minutes apiece. And I'm not just saying that because you're ready to talk, but that's the time we have.

Mr. NUNNELEE. I want to thank the chairman, the gentleman from California, for your leadership in this area.

Religious freedom in America is under attack, not from some outside source, but from within. And if we've learned anything from history, we should have learned that great civilizations are at a greater risk of destroying themselves from within than they ever are in danger from any outside peril.

Freedom of religion is one of the cornerstones of our society. In 1789, when James Madison and the rest of the Framers of our Constitution were crafting that great document, their genius created the concepts of separation of powers, checks and balances, limited government. However, when that document was presented to the States, the people said that with all of its genius, that document was inadequate. While it outlined a framework for government, it failed to guarantee individual rights.

So in order to establish the Government of the United States of America as we know it today, our ancestors insisted that our Nation adopt the Bill of Rights—10 amendments to the Constitution that would guarantee rights to every individual. That Bill of Rights begins:

> Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof.

Yet the Obama administration has displayed a disturbing contempt for the religious liberty guaranteed in that Bill of Rights. The message coming out of them seems to be: it's okay to have religious beliefs as long as you confine that practice to your church. They just don't get it. They don't seem to grasp the fact that our faith is part of who we are. We don't check it in and check it out when we walk into our places of worship. We take it with us everywhere we go.

Now, defenders of this health mandate are attempting to play a clever political game. They're attempting to frame this as a narrow debate between women's rights and the Catholic Church. The truth is, this is about an outrageous idea that the State can force citizens of this Nation to violate their religious beliefs by some degree or regulation, and that some bureaucrat at Health and Human Services can violate constitutional rights.

All Americans—its individuals, not just religious institutions—should be free to purchase and provide health insurance that does not violate their religious beliefs. This principle is so basic that it's tragic that we even have to introduce legislation to reaffirm it. But it's the position of the Obama administration that has put us in the position we're in today. That's why I'm a proud cosponsor of the Rights of Conscience Act, and I urge its swift passage.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for his comments.

It is now my pleasure to yield to the gentleman from Indiana (Mr. STUTZMAN).

Mr. STUTZMAN. It's a privilege to be here to stand on the House floor with my colleagues this evening and discuss an issue that is facing Americans today that really we should not be standing here talking about. We face tough economic times, but instead we have to be dealing with the administration's rule that he is implementing that came out of the health care bill passed several years ago. This is a freedom-of-religion issue. This issue is not about birth control. This issue is about government control.

I'd like to share a couple of lines from our founding documents that I think are very important. I think one thing that has happened over the past couple of years is that Americans have become more familiar with our Constitution, because I believe the Constitution has the answers for the problems that we face today.

Mr. Speaker, I'd like to share this particular line that actually influenced the Bill of Rights and the First Amendment:

> All men are equally entitled to the free exercise of religion, according to the dictates of conscience.

That is found in the Virginia Declaration of Rights. The First Amendment says this:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Mr. Speaker, I come to the floor today and I believe that this is a threat to our freedoms. I stand here as a Baptist, along with my colleagues from many denominations who believe that this is a threat to our freedom of religion. Can you imagine the outcry if the President told journalists what stories they could write? This is no less appalling. The President's decision to force individuals of faith to violate their conscience is a blatant assault on the First Amendment.

One of the things that is so foundational here in America is that we are a people of strong convictions. We are a people of faith. What this rule does is it puts the real American safety net at risk. We have so many faith-based organizations, charities, people that organize to help those who are in need. They are the backbone of the social safety net of this country. I believe that this rule interferes with those core beliefs and that HHS has jeopardized the mission that so many Americans have to help people across this country.

Mr. Speaker, I'd like to share this quote by one of our famous and well-respected Founders and Forefathers of our country, and it is Daniel Webster, who said this in addressing Americans about preserving the principles of the Constitution. He said:

> It is hardly too strong to say that the Constitution was made to guard the people against the dangers of good intentions. There are men in all ages who mean to govern well, but they mean to govern. They promise to be good masters, but they mean to be masters.

Mr. Speaker, I'd submit to you today that this administration, past Congresses, has good intentions; but they are beginning to control and to rule

the people in ways that violate our constitutional freedoms and our liberties.

So I want to thank the gentleman for organizing this Special Order because I believe that the people must know that this is a rule that will infringe on their First Amendment rights.

The last quote I'd like to read tonight is a quote from Thomas Jefferson. Thomas Jefferson says:

All tyranny needs to gain a foothold is for people of good conscience to remain silent.

I ask the American people to voice their opinion, to voice their freedom, and to let their Member of Congress know what this ruling does to the freedom of religion.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for his comments.

It is now a pleasure on my part to be able to recognize for his words the gentleman from Michigan (Mr. WALBERG).

Mr. WALBERG. I appreciate the opportunity from the gentleman from California to stand with my colleagues tonight to speak on an important issue.

It was an amazing experience for me this morning to be part of the Oversight and Government Reform Committee and to have a hearing where we had numerous members of religious organizations, including leaders in the Catholic, the Jewish, and the Protestant faiths, in front of us, men who were appealing for rights that should be taken for granted in this country, the rights of religious freedom.

It brought back to me the thoughts that I experienced just a year ago almost this very day when I was in Israel and had the opportunity to hear from the Prime Minister of Israel as he spoke with glowing admiration for America. He talked about the religious liberty that was unlike any other place in the world in Israel today for all faiths, all religions, based upon, as he said, the experience, the value, and the documents of America and its foundings.

□ 1910

And so, today, to hear our religious leaders speaking for their religious liberty was unreal. Those documents that the Prime Minister of Israel referred to going back to the Declaration of Independence, where it says:

We hold these truths to be self-evident that all men are created equal and endowed with certain unalienable rights, that among these are Life, Liberty and the pursuit of Happiness.

Liberty.

And our First Amendment has been quoted numerous times tonight. The beginning of the Bill of Rights:

Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof.

These truly sacred documents, documents that we live by, at least we should, documents that we can carry and quote from, are under serious attack today. These documents of liberty, liberty, not just for organizations but for individuals, not just for churches, but for parishioners who have businesses, who are body shop owners, who are lawyers, who are doctors and have employees that they want to care for.

We have today a Justice of the Supreme Court who recommends to a country looking for a constitution to write, not America's Constitution, but constitutions of other countries. Unbelievable.

And attorneys, labor attorneys poohpoohing the opposition to attacks on our own Constitution as constitutional niceties. This is not America that we understand.

And now the attack on the constitutional right of religious conscience, the foundational liberty upon which this great land was birthed, our churches and our individuals.

We would do well to listen, Mr. Speaker, to the warnings of our Framers and Founders.

And with this I close: Jonathan Witherspoon, a minister who signed the Declaration of Independence said:

A republic once equally poised must either preserve its virtue or lose its liberty.

John Adams followed by saying:

Liberty lost once is liberty lost forever.

We would do well also to take the heed of enemy voices who desire the destruction of America and its liberty, lest we unwittingly follow and fall into their advice, advice such as this that was said:

America is like a healthy body and its resistance is threefold; its patriotism, its morality, its spiritual life. If we undermine these three areas, America will collapse from within.

Joseph Stalin.

May God grant us, Mr. Speaker, wisdom so that our President, this Congress, and all of America will never let these words be a prophecy fulfilled.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for his powerful words.

At this time I would yield to the gentleman from Tennessee, Dr. ROE.

Mr. ROE of Tennessee. I thank the gentleman for yielding, and I thank the gentleman for holding this Special Order tonight.

Mr. Speaker, as a young man, I swore an oath to protect and uphold the Constitution of the United States when I was sworn into the United States military. Literally, millions of young men and women have sworn that oath, shed blood, precious blood, to protect the individual liberties and freedoms that we take for granted in this Nation. And now, no longer, due to the actions of this President, can we take those for granted.

I want to associate my remarks tonight with my colleagues who've so eloquently spoken. Once again, it tells us why government should be out of these individual decisions that we make. We passed almost 2 years ago, and Mr. LUNGREN remembers this very well, on this House floor we debated this health care bill that now mandates not only what we should buy, an essential benefits package, but what's in it and how it's administered. How ridiculous that is. Individuals have that right and should maintain that right and that freedom to do that.

Our government was established to protect rights of conscience for all Americans, not just some Americans, but all Americans. Neither the HHS nor any other government Department should have the power to force people to violate their conscience. Since 1973, health care and coverage providers—and I am a physician, I am an obstetrician and gynecologist—were granted protections in the law to follow their conscience. This rule that was passed and will be the law of the land cancels those protections. Cancels those protections.

This HHS rule will force individuals and organizations to violate deeply held moral convictions with no opportunity to opt out, no opportunity to opt out. Protection of the rights of conscience is a fundamental American principle, a fundamental liberty, not a marginal consideration to be subordinated or ignored because of Federal mandates. It's guaranteed in this book right here, the Constitution. The freedom of religion is the first one mentioned in the First Amendment of the Bill of Rights.

The HHS rule gives people and me, a provider, an impossible choice: either break the law, or violate your beliefs. This rule is causing buyer's remorse in someone who previously supported the health care reform bill.

Former Representative Kathy Dahlkemper recently said:

I would never have voted for the final version of the bill if I expected the Obama administration to force Catholic hospitals and Catholic colleges and universities to pay for contraception.

Christians cannot distinguish between purely religious activities and provisions of health care. Because of this rule and because of this President, many may have no choice but to stop providing coverage for their employees. And providers like myself and others with conscience clauses may have to stop providing care.

This is not a choice that any of us should have to make. It's a freedom guaranteed by over 200 years of bloodshed for this Nation.

Mr. Speaker, the American people cannot stand by and let this happen.

I appreciate very much the gentleman holding this Special Order tonight.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for his remarks.

Mr. Speaker, it is my privilege to share the last 9 minutes with the gentleman from New Jersey, the man I call the William Wilberforce of this Congress, Mr. CHRIS SMITH.

Mr. SMITH of New Jersey. I thank my great friend from California for his leadership, former Attorney General of California, one of the most decisive and

wonderful debaters in the House of Representatives and a great champion of life.

Mr. Speaker, President Obama's slick public relations offensive this past Friday contained neither an accommodation nor a compromise, nor a change in his coercion rule. It was, instead, a pernicious attack on religious freedom.

The Obama final rule promulgated on Friday is an unprecedented government attack on the conscience rights of religious entities and anyone else, and I repeat that, anyone else who, for moral reasons, cannot and will not pay for abortion-inducing drugs, such as ella, or contraception and sterilization procedures in their private insurance plans.

Mr. Obama is arrogantly using the coercive power of the state to force faith-based charities, hospitals and schools to conform to his will at the expense of conscience.

Mr. Obama's means of coercing compliance, ruinous fines of $2,000 per employee when faith-based organizations refuse to comply, and they will refuse to comply, will impose incalculable harm on millions of children educated in faith-based schools. It will also impose harm on the poor, sick, disabled, and frail elderly who are served with such extraordinary compassion and dignity by faith-based entities.

For example, Catholic Charities employs 70,000 employees. They will be hit with a fine by the Obama administration of $140 million per year. That's the fine. That's the penalty: $2,000 per employee.

Notre Dame has about 5,000 employees. That will be a $10 million fine on Notre Dame. And so it goes for those faith-based organizations.

Let me just say to my colleagues that vocal apologists of the Obama coercion rule say over and over again that the IOM, the Institute of Medicine, panel that reportedly researched and did recommend the coercion rule was somehow independent. Nothing could be further from the truth.

□ 1920

Journalist Kathryn Jean Lopez reported that the Human Life International organization looked into the members of the panel. You stack the panel, you get a predetermined outcome. They found that it was packed with pro-abortion activists.

For example, member Claire Brindis, member of the organization of NARAL Pro-Choice America; Angela Diaz, member of Physicians for Reproductive Choice and Health; Paula Johnson, chairwoman of Planned Parenthood League of Massachusetts; Magda Peck, also on the board of directors, or was, of Planned Parenthood of Nebraska and Council Bluffs. She was chair of the board as well as vice chair. If you just stack an IOM or any other panel, you will get a predetermined outcome, and so they did.

Mr. Speaker, finally, the Respect for Rights of Conscience Act reasserts and restores conscience rights by making absolutely clear that no one can be compelled to subsidize so-called services in private insurance plans contrary to their religious beliefs or moral convictions. This legislation must be on the floor soon, and I hope the American people will realize how important this bill offered by Mr. FORTENBERRY is to conscience rights in America.

I thank my good friend for yielding.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members to avoid personalities with regard to the President, such as accusations of arrogance.

The Chair recognizes the gentleman from California.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for his comments, and I thank him for his leadership on many, many issues of human rights, not only in the United States but around the world.

I was astounded when I heard the comments of the leader of the minority party in the House of Representatives several days ago when she referred to those who were concerned about this decision by the President of the United States and the secretary of HHS as using religious liberty as an excuse. What an insult to those men and women of good faith who've expressed their concern about how this will require them to either violate their consciences or pay fines in tribute to the Federal Government.

Interestingly enough, Alexis de Tocqueville said this about Catholics:

> The American Catholics are faithful to the observance of their religion. Nevertheless, they constitute the most Republican and most Democratic class of citizens which exists in the United States. Although this fact may surprise some observers at first, the causes by which it is occasioned may easily be discovered upon reflection.

What he suggested was the consciences of Catholics who utilized their consciences to bring to the public debate did not undermine America, it fortified America.

We've crossed this bridge before. Unfortunately there were those who claimed to be Republicans in the 1800s who led the fight against men and women of conscience who happened to be Catholic. This caused Abraham Lincoln to say these words in a letter to Joshua Speed in 1855:

> As a Nation, we began by declaring that all men are created equal. We now practically read it ''all men are created equal except Negroes.'' When the Know-Nothings get control, it will read ''all men are created equal except Negroes and foreigners and Catholics.''

What does it mean? The Know-Nothings feared that Catholics would bring their conscience and their values of faith to the public debate.

We've been across this bridge before. We should not accept it. It's not just Catholics. It is men and women of all religious beliefs and even those of no religious beliefs who understand that a government that commands that you do something against your conscience is a government that can basically take anything away from you, and in this case, perhaps the most precious thing there is in you, your faith.

We cannot let it stand. It is a question of the culture of America, the tradition of America, the first amendment to the Constitution of America.

This is a serious debate because it questions whether anyone, anybody in government, can basically tell you that you must check your religious values at the door.

Interestingly enough, just a week and a half ago, I was present when I heard the President speak at the National Prayer Breakfast and say he does not and we do not and we cannot check our religious values at the door. That's precisely what this edict—and that's what it is—this edict does.

We ought to understand. We speak not just for Catholics, we speak not just for Christians, we speak not just for Jews, for Muslims, for Hindus, for people of faith, and for those who have no faith. We speak for all Americans in understanding that the First Amendment is not made up of mere words; it is made up of first principles. And we cannot allow first principles to be cast aside.

That's why we must stand in unity against this rule, this unprincipled, this unlawful, this unconstitutional rule that has no basis in fact, has no basis in the Constitution, and has no basis in the culture of this country properly understood.

I thank the gentleman for his contribution. I thank all for their contribution.

GENERAL LEAVE

Mr. DANIEL E. LUNGREN of California. I would ask, Mr. Speaker, that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the subject of this Special Order this evening.

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

Mrs. SCHMIDT. Mr. Speaker, I'd like to start tonight by continuing our discussion on conscience protections and our First Amendment rights.

As I did yesterday during the press conference on the same topic, I'd like to read the First Amendment to our Constitution. It states: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; of the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

Our Founding Fathers thought that those specific five tenets were crucial to the citizens of America—so critical that they needed to be guaranteed first and foremost.

The conscience protection debate that started a few weeks ago with the administration's announcement of a new rule regarding contraception, sterilization, and insurance policies is a perfect example of the importance of these rights.

The government cannot, and should not, be forcing any employer, whether they are Catholic charities and schools or an individual businessman, to violate the tenets of their faith.

As this debate continues, it highlights the great need to have a standard that explicitly protects employers from attempts to erode our First Amendment rights.

We need to fight for the standard in H.R. 1179, the Respect for Rights of Conscience Act of 2011, introduced by my good friend from Nebraska, Mr. FORTENBERRY.

It simply protects employers from being forced to violate their religious or moral beliefs by an overreaching mandate from the administration. It takes nothing away from the public, nor does it prohibit women from getting services that are already provided, as some have alleged.

H.R. 1179 is a responsible and reasonable response to clarify what can and cannot be mandated through the healthcare law regarding conscience protections.

We cannot allow the federal government to start going down the slippery slope of eroding our constitutionally protected rights—we took an oath to uphold the Constitution.

As a mother and grandmother, I will do everything in my power to ensure that the rights we enjoy today continue to be guaranteed for my daughter, grandchildren, and generations to come.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 3630, MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2012

Mr. SCOTT of South Carolina (during the Special Order of Mr. DANIEL E. LUNGREN of California), from the Committee on Rules, submitted a privileged report (Rept. No. 112–400) on the resolution (H. Res. 554) providing for consideration of the conference report to accompany the bill (H.R. 3630) to provide incentives for the creation of jobs, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PROGRESSIVE CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the minority leader.

Mr. ELLISON. Mr. Speaker, thank you for the time.

The Progressive Congressional Caucus is that caucus in Congress that comes together to talk about the most important values that our country is founded on—ideas like fairness, inclusion, prosperity for all, protecting our world and the environment that we live in. The Progressive Caucus can be found talking about civil and human rights, standing for an economy that is fair and inclusive and has shared benefits and responsibilities for everybody. The Progressive Caucus is that caucus in Congress that will stand up for peace and diplomacy and also will make the case for the human rights of all people.

We bring you the progressive message to illustrate what's at stake in America today. I'm very pleased that I'm joined by my good friend from the great State of Illinois, JAN SCHAKOWSKY. We're going to bring the progressive message tonight and just talk a little bit about the values that we share.

You know, I want to set up a question I have for you, Congresswoman SCHAKOWSKY, because we have been dealing with this transportation bill over the last several days, and we will be up until the week of February 27.

One of the things about it that I found most galling is that one of the ways that the Republican majority intends to pay for the transportation bill is by charging Federal employees a fee, and really a tax, on their retirement and then using the money that they're going to gain to pay for their transportation bill.

□ 1930

When I think about people who are Federal employees, I'm thinking of people who take care of our veterans—the nurses at the VA. I'm thinking of people who make sure our roads and our parks are safe. I'm thinking about Federal employees who make sure our water and our air is clean. So I just want to ask you:

Do you think it's fair to sort of go after Federal employees, working people, to try to pay for this transportation budget we've been talking about over these last few days?

Ms. SCHAKOWSKY. I thank you for that question and for leading this hour in this important discussion.

No. In fact, our colleagues in the majority want to pay for the legislation in the transportation bill, but what they want to continue to do is to refuse to touch a single hair on the heads of millionaires and billionaires, and they stand firm in their defense of the big oil companies and the corporations that ship their jobs overseas. Instead of asking the wealthiest Americans to contribute a little bit more, they want to ask Federal workers. Instead of going to the 1 percent, they want to ask people who are solidly in the 99 percent to pay the price.

Federal employees are hardworking, middle class Americans, who work for the Federal Government all across this country, not just in Washington. In fact, only about 30 percent of Federal employees are in Washington. Of course, some of them work in our offices, and they work in this House of Representatives. We all represent Federal workers.

So who are they? You mentioned a few. Yet there are also those benefit specialists who help our seniors get their Social Security and Medicare benefits, and they're the law enforcement professionals who defend our borders and our ports and our skies and us when we're here in the Capitol.

Mr. ELLISON. FBI agents who are protecting us from everything from terrorism to drugs to guns, are these people Federal employees?

Ms. SCHAKOWSKY. Those are called Federal employees, as are the Capitol Police; and they're computer and network specialists who spend their days making sure that we're safe from cyberattacks. They're medical and scientific researchers who are looking for cures for devastating diseases. They're the nurses and doctors who take care of our wounded warriors. They're the men and women who make sure the food supply is safe and that our water is clean enough for our children to drink. They're the hardworking support staff. I just left my office, and I was having my trash and recycling taken away.

Those are all Federal employees. There are 423,000 Federal employees who earn less than $50,000 a year; and 48 percent of them are women, but 60 percent of the employees earning less than $50,000 a year are women. They are the people who have seen their pay frozen for 2 years while health care and other costs are going up.

Mr. ELLISON. If I may just ask the gentlelady a question.

Do you mean to tell me and the American people and the Speaker tonight that not only is this transportation bill proposing to cut into and to basically tax Federal employees' retirement benefits, but they've already had a freeze on top of this?

Ms. SCHAKOWSKY. For 2 years. That's about $30 billion a year in cuts. So they've already given up, really, about $60 billion from a normal increase in wages just to pay for the cost of things going up. Everybody knows that the cost of food and gasoline and those kinds of things are going up, and still we aren't asking millionaires—or they aren't. The Republicans who propose these cuts, these additional contributions from Federal employees, are not asking millionaires and billionaires to contribute their fair share.

Mr. ELLISON. I will say to the gentlelady that I have brought a document here with me today. I had a great meeting with some Federal employees the other day, and they said, Explain it to me, GOP.

One person, Paul here, says: I earn less than $45,000 a year. Explain it to me, GOP, how cutting my pay creates jobs. This person, Paul, represents the Tobyhanna Army Depot workers. They do something really important.

Then there is another Federal employee: Twelve percent of my salary I earn caring for veterans goes to my retirement. Explain it to me, GOP, how cutting my retirement puts people to

work. That's what Teresa has to say, and she represents nurses at the Minnesota VA hospital.

Then here is Eric Young, and he represents correction officers in Miami, and he says: I pay more than $9,000 a year for my family health insurance. Explain it to me, GOP, how cutting my take-home pay lowers unemployment.

These are the faces of Federal employees. Sometimes when we talk about, oh, just cut the Federal employees, they're nameless, faceless. Who are these people? But as you pointed out, they are the people who really improve the quality of our lives every single day—people who protect us here in the Capitol but also who protect our veterans, who work in our Federal prisons, and who are Army Depot workers. This is the face of Federal workers, and I just think it's fair to say that they deserve to have somebody speak up for them as they have put their lives on the line to protect all of us.

Ms. SCHAKOWSKY. Let me also say this.

Some argue that, oh, well, it's such a cushy job to work for the Federal Government and that Federal employees actually make more money than in the private sector. Let me explain that.

As for the people who work in the lower-wage jobs for the Federal Government, women actually make more working for government than they do in the private sector because, in the private sector, they make about 70 cents on the dollar, and thank goodness the Federal Government has more equity in what it pays. The same is true for minorities, who earn much less than white men do in the private sector; but when you work for the Federal Government, you have certain protections and certain equity that we've all supported, so they make more money.

When you get to the higher-wage jobs, working for the National Institutes of Health or more, for the higher-skilled jobs, in fact, those workers who work for the Federal Government could make more in the private sector, but they have made a decision to help our government, to help our country by working in the public sector.

So when they say some Federal workers earn more, I say God bless them because we don't discriminate like many in the private sector do, and we wish that the private sector would not discriminate in pay against women and minorities. It's not as if they should go out there and earn less money.

Mr. ELLISON. What I hear them say is, oh, well, the Federal workers earn more money than the people who pay their salaries in the form of taxes. They say this divisively and in a very smug way. And I think to myself, aren't we a country that should value public service, people working in the public interest for the public good? Does bread cost less for them? Is gasoline cheaper for them? No, it's not. Thank heavens that the Federal Government can pay people fairly and that we don't have these vast disparities in pay between men and women for Federal workers.

Basically, the protections that the people have in working for the Federal Government don't always prevail in the private sector, and that accounts for some of the disparity. Then, of course, as you just pointed out, people at the higher income levels, they could do just as well and be paid much more handsomely if they were to work elsewhere.

Ms. SCHAKOWSKY. It's estimated, actually, that those individuals could probably make as much as 26 percent more working in the private sector, but they want to contribute to the common good and work for all of us. Then, in order to pay for our transportation bill or any other bill, we ask the Federal workers to contribute more.

□ 1940

Take a look around. I say to my colleagues, look around us. Everywhere we go in this Capitol, in our office building, we are looking at Federal employees that, without, this place simply would not run. We are dependent on them and we rely on them for a good reason—because we can count on them. They contribute often as much as anyone here to making our country the great country that it is, and working in the Capitol of the United States of America with enormous pride, I might add.

Mr. ELLISON. I ask the gentlelady, when did it happen that working in the public interest became, in the minds of some people, something less than honorable work to do?

Ms. SCHAKOWSKY. I think there has been a real demonization of all public sector workers lately, and that is why I'm so glad tonight we're able to put a face on these individuals and say who are they, what kind of work are they really doing.

But beyond that, to say, really, this is where we want to get the sacrifice? We're not going to ask one thing more of the oil companies or the gas companies or the businesses that are making record profits and taking those jobs overseas and outsourcing them and getting a tax break for them? We're not asking the millionaires and the billionaires in this country who have actually benefited from the work of public employees, of Federal employees to get what they need in order to get ahead, we're not asking them to pay any more? No, we're going to take it out of the hides of middle class workers, if they are lucky. Some of them are down at the lower end. We're going to take it from the middle class workers, the middle class families, and ask them to make the sacrifice and pay more for their pensions.

Mr. ELLISON. If the gentlelady will yield.

I actually see this as another wedge. We talk about the wedges. We talk about some folks often are associated with the right-wing conservative philosophy who make arguments that would divide people who were born here versus immigrants, gays versus straights, all these kind of wedges, the ''Willie Horton'' thing, all this kind of wedge stuff. This is a new wedge, Federal workers versus private sector workers. It seems like they're trying to engender a certain amount of resentment among private sector workers for public sector workers. When are we going to talk about the people at the very tip-top who have been compensated beyond imagination in the oil and gas sector, in the drug sector, in the health care sector, those in private equity, all these folks who have been making so much money on Wall Street? When do we ask them to do more?

Ms. SCHAKOWSKY. Actually, we did, didn't we, in the people's budget that the Progressive Caucus introduced? That budget balances the budget, cuts the deficit, cuts the debt, but doesn't try to take it out of the hide of middle class people in the same way that we see from our colleagues across the aisle.

I know included in that budget is my Fairness in Taxation Act that says that people starting at a million dollars ought to pay a higher tax bracket, ratcheting up to people who make a billion dollars a year. There may be somebody at home saying, oh, nobody makes a billion dollars a year. Yes, they do. Mr. Paulson made $5 billion in 2010. He probably paid at a rate that may have been lower than his secretary or secretaries.

Mr. ELLISON. I am glad that you raised this point about the people's budget, because that really is the point of the Progressive message, to talk to the Speaker and the American people about there being an alternative in our Congress. Not everybody is carried away with this philosophy that Federal workers need to pay more and get less.

Actually, there are a body of folks in the Democratic Caucus, and particularly the Progressive Caucus, who really want to see a more shared way of paying for the needs of our country.

We recently had a hearing in which we talked about jobs, and we had a group called the Patriotic Millionaires who was there. And this is the interesting thing about your particular tax proposal. A lot of people who are making a lot of money agree that they should pay more. I find this to be very interesting, because patriotic Americans do come from various income strata. I think it's commendable for people at the top end, the people who might pay a higher rate under your bill, who say, Yeah, tax us more because we believe there should be a good public school system; we believe the water should be clean; we believe that Federal workers should be fairly compensated; we have enough. What drives us is not the acquisition of more, but the idea of creating good products and services for Americans, which we charge for, of course, but at the end of

the day, everybody has to do their fair share.

I thank you for offering the Buffett Rule before there was a Buffett Rule. Before we were talking about a Buffett Rule, you were out in front of the pack.

Ms. SCHAKOWSKY. One of the themes that the President has underscored over and over again is that everybody should get a fair shot and everybody pay their fair share and everybody play by the same rules.

When we talk about where should the money come from for important things like transportation—of course there are many flaws in that bill. They take mass transportation, mass transit, out of the funding stream. Transportation, I think, has always before been a bipartisan issue, and, of course, we want to be able to pay for that. It creates a lot of jobs. Everybody uses the roads. They use the transit system. They benefit. Everybody needs to pay their fair share, what they are able to pay to contribute to the common good.

The President has talked about having each other's back as kind of a basic philosophy, that we're all in this together, not we're all in this alone. That's one of the early ideas in America.

Picture, now, the covered wagons and the rugged individualism of those people crossing. They were together in a row, each one a rugged individual, but all of them were making sure that they helped to take care of each other so that they could get across safely.

I think that's the vision, that we're a combination of individual freedoms, strong individualism, but we also understand that we all do better when we all do better.

Mr. ELLISON. As my hero Paul Wellstone famously said, ''We all do better when we all do better.''

But those people you're talking about, those rugged individuals crossing the prairie, when they had to put a barn up, they didn't do it alone, did they? They'd have a barn raising, which was a community event. This idea that we do what we do—what we do, we should do best together, we do those things together. Whatever we can do individually, we certainly have the freedom to do that.

I am concerned about shifting political winds, which sort of ignore the idea that we are in this together, that the road in the transportation system is part of our commonwealth, something that is a benefit to us all, and so we all should pay for it, which is why I was particularly concerned about this transportation bill, H.R. 7. For the first time in about 50 years, the House is going to consider a partisan transportation package. Republicans are breaking the historical tradition of bipartisan action to rebuild infrastructure, create jobs, and strengthen our economy.

This proposal, H.R. 7, would cut about 550,000 American jobs, cuts highway investments in 45 States and D.C.

Ms. SCHAKOWSKY. Everyone needs to hear that again. Would cut?

Mr. ELLISON. Cut.

The GOP proposal cuts 550,000 American jobs, cuts highway investments in 45 States, bankrupts the highway trust fund with a $78 billion shortfall. As you said, it takes transit funding and puts it in the regular appropriations process, not in the stream of funding.

□ 1950

It gets rid of biking paths; it gets rid of walking paths. The reviews are in, and they all agree: the GOP bill is bad for jobs.

A good friend of mine who happens to be a Republican but works for the Obama administration, Ray LaHood, said, ''This is the most partisan transportation bill that I have ever seen.'' And he's seen a lot of them. He's your home boy from Illinois, right?

Ms. SCHAKOWSKY. That he is.

Mr. ELLISON. Continuing to quote Mr. LaHood:

> And it also is the most anti-safety bill I have ever seen. It hollows out our No. 1 priority, which is safety, and frankly, it hollows out the guts of the transportation efforts that we've been about for the last three years. It's the worst transportation bill I've ever seen in 35 years of public service.

Now, that's saying a lot.

Ms. SCHAKOWSKY. That is saying a lot. As I said before, and as Ray LaHood was alluding to, as many differences that may have existed across the aisle, recognizing the importance of transportation for commerce, for business, for everyday Americans getting to work, for linking our country together, for transporting our goods, Democrats and Republicans have always been able to sit down and together craft a piece of legislation on transportation. And to come up with an equitable way to fund it. Everyone has been able to agree.

This time, not only the way the bill is funded—talking about putting the burden on public employees to help fund it, but the elements of the bill itself. The fact, as you read, it is going to actually cost jobs. The transportation bill has always been the place where we have created jobs in our country. I think it's really shameful. I don't see that this piece of legislation is going to pass, but those who proposed it, I think, have made a serious miscalculation in every way.

Mr. ELLISON. Now, you know, it's beyond my ability to comprehend that any American, any American, would do anything other than try to make sure that everybody had enough. We had enough jobs for everybody who wanted to work, and those jobs were well-paying. But I tell you, there has been polling out there on what Americans think. This is not what I think; this is what Americans have said. Half of Americans believe that Republicans are sabotaging our recovery to win an election; 55 percent believe that, and 44 percent believe other than that.

Now, when you hear that this transportation bill is going to cut over half a million jobs, it's difficult to go to Americans and explain that's not what they are doing. Now again, I'm not going to look into the inner recesses of anyone's heart. I don't know what people's motives are. But I do know any bill, when we have unemployment north of 8 percent, which is going to cut jobs, and has been a historic place where we have created jobs, I think Americans have reason to be suspicious, and I hope our Republican majority would come and clarify what they're actually doing because, like I just pointed out, half of Americans believe that the Republicans are sabotaging our recovery to win an election.

Ms. SCHAKOWSKY. Well, let me give you an example.

We have seen the unemployment rate now drop to 8.3 percent, and that's not good, but it's better. We've seen it drop, and we have seen 23 months now of private sector job growth every month, which is a great thing, a great record.

Yes, let everybody look at that chart. The orange-brown part is during the Bush administration when the economic crisis first hit. And then the blue is during the Obama administration, where you see a pretty steady decrease in unemployment, and then you see now we are above the line for many months and creating jobs, and that increase in jobs.

But if the Republicans had not gone after public sector jobs, if there had not been the cut in public sector jobs at the Federal level as well as at the State level, because a lot of Federal dollars were lost to the States, causing the layoffs of many teachers and firefighters and policemen, public sector workers have been laid off, we would have an unemployment rate of about 7.5 percent if those cuts hadn't happened in the public sector. So, you know, who's really for getting our economy going, putting people back to work, letting them be taxpayers rather than having to receive unemployment benefits, you know, which we better extend because people need them, but they'd rather have a job.

Mr. ELLISON. Absolutely. The gentlelady should note, I had this one chart up, and I would like to let folks know, because what the question was—Washington Post-ABC asked the following statement: President Obama is making a good-faith effort to deal with the country's economic problems, but the Republicans in Congress are playing politics by blocking his proposals and programs.

Or: President Obama has not provided leadership on the economy, and he's just blaming the Republicans in Congress as an excuse for not doing his job.

Fifty percent of the people responded to statement A, the first one. And that is: President Obama is making a good-faith effort to deal with the country's economic problems, but Republicans in Congress are playing politics by blocking his proposals and programs.

Now, I hope that Republicans are reading these, because they're not

looking good. The best thing for them to do is to stop making proposals like this transportation bill, H.R. 7, which literally cuts jobs, because the American people are watching this. And quite frankly, I want us all to succeed. I don't think that it's good for the American population to think that one party that is elected to promote the public interest is doing something other than that in order to win an election.

Again, this board here clearly shows that when President Bush was in, this was kind of red. It's kind of bleeding, and then the blue is going up, up, up, and now above the line, and we have been adding 23 consecutive months of private sector job growth, but that public sector job loss, as you pointed out, is literally a drag on the economy, and it's hurting us. We need people to get to work.

I just want to ask the gentlelady a question. Again, I mean, does a public sector paycheck offer less at the local grocery store when the person goes to buy some groceries with that public sector paycheck?

Ms. SCHAKOWSKY. No. It's a job and a paycheck, and you take it to the grocery store. And it resonates throughout the economy. But I'll tell you, it's a pinch. When that wage and that check is frozen for 2 years, people feel that. Prices at the grocery store still go up, and so that very same paycheck doesn't quite buy as much. You know, there may be some lifestyle changes, maybe not such big things but some little things that add to the quality of life that actually our Federal employees have had to do without because of the freeze. And then, they're asked now, in order to even pay for a transportation bill, to lose money out of their pension fund, to have to pay more of their pension, which is their retirement fund.

Mr. ELLISON. I just want to point you, you and I were just talking about this chart which shows that under the Bush administration, the unemployment rate going up, us losing jobs, and then the steady march back the other way.

This chart shows that GOP proposals would eliminate up to 7.4 million jobs by 2016. So if you look at the proposals that the GOP has been making while they have been in the majority, the transportation bill, H.R. 7, is just one example of job killing. They like to call stuff ''job killing.'' That's their little Frank Luntz talking point. But they have in actuality proposed job-killing legislation. Starting with H.R. 1, The Economist, The Center for American Progress, showed that it would cut a million jobs. Repealing health care reform would cut about 2 million. GOP budget cuts, that's the Ryan budget, cuts to the Federal workforce, their so-called JOBS Act, all the way down the line.

□ 2000

This red is, if they could have their way, this is the bleed of American jobs that would happen. Now, this is a projection. But the fact is this transportation bill is a typical example of their idea of how the economy should operate. And it is very disturbing—17.4 million jobs. Of course, this would simply renew a trend that we were on during the Bush administration. So I think it's time for Republicans to stop offering these bad jobs bills and start offering some things that are going to put Americans back to work. They can begin that process by yanking this H.R. 7.

Ms. SCHAKOWSKY. Let me also just say that you mentioned that the Republicans like to point to the President's proposals or Democratic proposals and say, oh, this is another job-killing measure. Well, the facts are the facts. And the facts are that we have seen 23 months of private sector job creation. Literally millions of jobs have been created. And so I haven't heard too much about the job killing lately because it's pretty hard to talk about every time the job numbers come out and those jobs are increasing.

I want to thank you very much for bringing up an example of a piece of legislation that doesn't address our transportation needs, that does result in job loss, and that is paid for by going after middle class Federal workers as the ones who have to sacrifice in order to fund legislation like this. Thank you.

Mr. ELLISON. I thank the gentlelady. I just want to make a few points before we begin to wrap it up. I just want to point out that economist Mark Zandi, who has advised Senator MCCAIN, said by 2014 real GDP is almost $200 billion lower, and there are 1.7 million fewer jobs under the Ryan approach than is under the case of the President's. That's just one honest economist's estimate.

The Economic Policy Institute's conservative estimate of the Republican budget is 2 billion to 3 billion jobs lost over 5 years. Again, H.R. 1 would cut a couple of hundred thousand jobs. So, I really think, Mr. Speaker, that the American people need to know what kind of a ''jobs program'' the Republicans are talking about. They're not talking adding jobs; they're talking about cutting them. And H.R. 7 is but a typical example of the kind of damage these Republican majority Members would do to the American economy.

With that, I yield back the balance of my time.

WAKE UP, AMERICA

The SPEAKER pro tempore (Mr. BUCSHON). Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for 30 minutes.

Mr. GOHMERT. Thank you, Mr. Speaker. These are interesting days in which we live. There is supposed to be an old Chinese curse that says: May you live in interesting times; and it's as if that curse has been placed on us. We certainly live in interesting times.

On 9/11/2001, this country suffered the worst attack in its history on its homeland. It was worse than December 7, 1941. It left thousands dead, it left the Nation reeling from the feeling of vulnerability, and it pushed the Federal Government to respond quickly.

Now, there are a number of things that could be effectuated more effectively in Iraq and Afghanistan. That would be a subject for another time.

I recall after 9/11, Bill Bennett coming to my hometown of Tyler, Texas, and speaking at Tyler Junior College. And there was a huge crowd that turned out. People, in fact, turned out during those few months after 9/11 in record numbers to their churches and to places of worship in record numbers. Because much like the children of Israel after a disaster, they realized they needed to get back closer to our Creator.

The FBI, our intelligence attributes, all of our Justice Department, State Department and all of the Bush administration immediately was pushed into gear to do something to protect us. And in that regard, Bill Bennett speaking there in Tyler said, Some people get offended if they look somewhat like someone who committed the worst attack in American history and they're searched more thoroughly than perhaps someone else.

And Bill said, I just know that if there was a red-headed Irishman that had attacked the United States, he said, I could anticipate having to go through heightened security checks every time I try to fly, every time I try to go anywhere. And he said, If that were to happen, I would understand because, he said, I love this country. I want people to be safe and feel safe, and since someone who looked like me with red hair and my same heritage had committed that act, even though he was and is a law-abiding citizen, he would understand being subjected to more scrutiny.

There was a time in this country when common sense like that did prevail, when no one would have ever dreamed that in going through security at an airport and somebody like me asking, why did I get pulled aside for the extra inspection and the puffery and all the added scrutiny, and being told, you look like you wouldn't get mad. That told me a lot. I stood there and watched for about 20 minutes. There were a couple of African American businessmen, well dressed, they were pulled aside for the heightened scrutiny. They certainly had no resemblance to anybody that had attacked America on 9/11. A little old lady, one of our seniors, full of vim, vigor and spirit, she was pulled aside. Anyway, interesting times.

I think our Justice Department, some of our folks who are supposed to be looking out for our protection have been lulled into a false sense of security, and they have done what some say

would be to respond to the squeaky wheel. The OIC, the 57 Islamic nations that make up the OIC, are the ones that invented the term ''Islamophobia,'' and it was Islamic nations that have funded some of our Ivy League schools, institutions of higher learning yearning for more dollars to accept massive contributions in return for their doing seminars and conferences on Islamophobia and trying to make Americans think there's something wrong with them if they fear the people who brought about 9/11.

□ 2010

Now, I am grateful for my Muslim friends. I am very grateful for the Muslim allies we had—and have, although this administration is throwing them under the bus—that we have in northern Afghanistan, the Northern Alliance, those in the Balochistan area of Pakistan. We've got Muslim friends all over the world. We have Muslim friends in this country who love the freedom here, who don't want to see this country hurt.

But there are those who have contributed to terrorism. There are those who have come here from other countries who hope to see our demise. My brother, who was living out north of the beltway, was shocked on 9/11, that afternoon, to see in a Muslim area north of the beltway children jumping and yelling and rejoicing over the deaths of Americans in the Pentagon and in the 9/11 towers. There was a time when Americans would have had more sensitivity than that. They would be so grateful to be in America they would not rejoice in the loss of innocent lives by Islamic jihadists.

The 9/11 Commission, bipartisan as it was, came to conclusions—with all of which I don't agree—but they made a very good-faith effort. They came to the conclusion about certain things, and it was clear that the actions of the terrorists that killed over 3,000 Americans were those of Islamic extremists, not rank-and-file, but Islamic extremists who believed that jihad meant the destruction of our way of life here in America, of Americans as infidels because they do not believe the same way.

Who would have believed that 10½ years later the mean people would not be those who have refused to denounce terrorist activities, those groups who have not only refused to denounce terrorist activity but who have actually supported terrorist activity through Hamas and Hezbollah—known terrorist organizations—and against whom there is sufficient evidence, as found by a district court in Texas and by the Federal Fifth Circuit Court of Appeals, sufficient evidence to move forward with the case. That's because the judge in the district court, Judge Solis, and the Fifth Circuit agreed that there was prima facia evidence of Muslim groups here in America who were named but unindicted coconspirators in funding terrorism, ''prima facia'' meaning adequate evidence to basically go forward. In fact, the words ''prima facia'' were used by Judge Solis in his decision.

Well, the FBI, over the years, seems to have relaxed in some regards, wanting to avoid being called Islamophobic, as the 57 Islamic states have shoved that notion further and further across our Nation, have pushed to meet one of their 10-year stated goals, as found in the materials of the Muslim Brotherhood archives found across the river in Virginia in a subbasement.

One of those goals was to subvert—actually subject the U.S. Constitution to sharia law; and the way to do that was to force a pronouncement that in America you could burn a Bible, you could put a cross in urine, you could call Christians all kinds of names, blaspheme Jesus Christ, you can burn an American flag, call the American Government all kinds of names, but under no circumstances should anyone defile a Koran.

As a Christian, I do not think anyone should ever abuse a Koran in any way. But the Constitution says if somebody wants to burn a Bible, that's been interpreted to mean you can burn a Bible. It's a freedom of speech issue. If you want to burn a flag, we're told you can do that.

Well, we had the Director of the FBI come before our Judiciary Committee in the not-too-distant past. And these are some of the documents that have been involved in the prosecution of the Holy Land Foundation in which groups like the Islamic Society of North America, CAIR, others, were named coconspirators. In any event, Director Mueller, March 16 of last year, before our Judiciary Committee, had testified in answer to a number of questions that, gosh, they viewed the Muslim community as absolutely the same as any other community, even those Muslim communities that rejoiced over 9/11—he didn't say this, but it was clear—that rejoiced over the deaths of Americans on 9/11. They saw them just like every other community. He also testified about the positive outreach that the FBI had been making to Muslim communities.

Well, I don't have a problem with that, but why would the FBI see the need to make positive outreach into any community of a specific nature?

So, after Director Mueller had indicated, yes, we have this wonderful outreach program with the Muslim communities and those communities are exactly like every other community, I said:

You had mentioned earlier—and it is in your written statement—that the FBI has developed extensive outreach to Muslim communities. And in answer to an earlier question, I understood you to say that Muslim communities were like all other communities. So I'm curious, as a result of the extensive outreach program the FBI has had to the Muslim community, how has your outreach program gone with the Baptists and the Catholics?

Mr. Mueller said:

I am not certain of necessarily the thrust of that question. I would say that our outreach to all segments of a particular city or county or society is good.

I said:

Well, do you have a particular program of outreach to Hindus, Buddhists, Jewish community, agnostics, or is it just an extensive outreach program to——

He interrupted and said:

We have outreach to every one of those communities.

I asked how he did that. And he started to filibuster. I said:

I have looked extensively, and I haven't seen anywhere in any one from the FBI's letters information that there has been an extensive outreach program to any other community trying to develop trust in this kind of relationship, and it makes me wonder if there is an issue of trust or some problem like that that the FBI has seen in that particular community.

□ 2020

And just so there's no mistaking, let me just read directly from the judge's opinion in the Holy Land Foundation case in response to the effort by ISNA, CAIR, NAIT, the Holy Land Foundation, and others.

The judge said:

The government has produced ample evidence to establish the associations of CAIR, ISNA, and NAIT with the Holy Land Foundation, the Islamic Association for Palestine, and with Hamas. While the Court recognizes that the evidence produced by the government largely predates the HLF designation date, the evidence is nonetheless sufficient to show the association of these entities with the Holy Land Foundation, the Islamic Association for Palestine, and Hamas.

There was plenty of evidence to support that, according to the judge. That was affirmed by the Fifth Circuit.

It is important to note that, out of concern for the FBI's outreach program, and the State Department, and the White House, for reaching out and bringing in people who courts have said have supported terrorism, and these people are being brought in—in the military we said brought inside the wire—in this case, brought inside the State Department, brought inside The White House on a regular basis, brought inside the Justice Department, my friend, FRANK WOLF, had this language added to the continuing resolution that was passed, that President Obama signed into law. This is language in the law, and my friend, Mr. WOLF, included it to reference the FBI's policy.

It says, and this is the language in the law:

Conferees support the FBI's policy prohibiting any formal non-investigative cooperation with unindicted coconspirators in terrorism cases. The conferees expect the FBI to insist on full compliance with this policy by FBI field offices, and to report to the Committees on Appropriations regarding any violation of the policy.

Well, guess what? We didn't get this from the FBI. We had to get it from the Islamic Society of North America's own Web site. They reported that on Wednesday, February 8, that's this year, the American Arab Anti-discrimination Committee, the Arab American

Institute, the Interfaith Alliance, the Islamic Society of North America, ISNA, which has been pronounced by the Fifth Circuit as having plenty of evidence to support that they fund terrorism and have, and then it mentions other groups, including the Shoulder-to-Shoulder Campaign.

But they, it says:

They had an opportunity to discuss the matter with the Public Affairs Office of the FBI. Director Robert Mueller joined the meeting to discuss these matters with representatives from the organizations.

The conversation with Director Mueller centered on material used by the agency that depicts falsehoods and negative connotations of the Muslim American community. The use of the material was first uncovered by Wired magazine.

And that was uncovered by an organization that seems to be right in there with those who were unindicted but named coconspirators in funding terrorism.

Well, from ISNA they say:

Director Mueller informed the participants that the FBI took the review of the training material very seriously, and he pursued the matter with urgency to ensure that this does not occur again in the future.

ISNA President Imam Magid, who's a frequent visitor to the White House, who the White House consults on speeches, or has, and welcomed to the inner sanctum of the State Department, other Departments here in Washington, Magid stated:

The discovery of FBI training materials that discriminated against Muslims did damage to the trust that was built between dedicated FBI officials and the American Muslim community. We welcome and appreciate Director Mueller's commitment to take positive steps toward eradicating such materials and rebuilding trust in an open dialogue.

The director also informed participants that to date, nearly all related FBI training materials, including more than 160,000 pages of documents, were reviewed by subject matter experts multiple times. Consequently, more than 700 documents, 300 presentations of material, have been deemed unusable by the Bureau and pulled from the training curriculum. Material was pulled from the curriculum if even one component was deemed to include factual errors or be in poor taste or be stereotypical, or lack precision.

I guess stereotypical would mean if they point out that terrorists have had one thing in common, that that would be stereotypical.

Well, ISNA also reports:

It was clear to all meeting participants that the issue of trust between community members and the FBI needs to be taken seriously by all our nation's decisionmakers. It was evident the Bureau must strengthen its efforts to build trust.

How about trust from the other side? How about condemnation of terrorist acts?

How about coming out and making clear all ties have been severed with Hamas and Hezbollah and those who would seek to make terror on innocent people?

Anyway, ISNA's rejoicing because they've gotten the FBI to actually go through and cull material that includes words like jihad, words like Islamist.

And, in fact, and I really do wish, Mr. Speaker, that our Director of the FBI would be as concerned about this law as he is about laws that don't exist, but his concern is about offending people who have been supporting terrorism that has been killing innocent people around the world.

Instead, this is what we have as a result of the efforts by this administration and the Director of the FBI. The 9/11 Commission report mentioned 322 times Islam because the people who were the hijackers, the people that planned the attacks, that hoped that they would kill tens of thousands of Americans instead of 3,000, those who helped train them in Afghanistan, those who helped plan and participate from other radical Islamist groups, they were Islamists. They believed in Islam. And thank God that they only represent a tiny percentage of Muslims around the world. But let's be realistic. As one intelligence officer said, we are blinding ourselves to being able to see who our enemy is.

Well, our FBI can be very, very proud. No longer in training materials, as the director told the named coconspirator of terrorism, ISNA, no longer are they going to mention Islam, Muslim, jihad, enemy. They don't mention the Muslim Brotherhood. They don't mention Hamas. They don't mention Hezbollah. They don't mention al Qaeda. They don't mention caliphate. They don't mention sharia law.

Those have been wiped clean from our training materials so that new FBI trainees, people coming in, will have no idea exactly what they're facing because they're being told, you must look only at a group as supporting heightened violence. But you cannot examine their books, things that mean very much to them, things that motivate these killers, these terrorists. You can't look at the things and their interpretations, what makes them tick.

How do you defeat an enemy if you cannot look at what makes them think the way they do? I would think that groups, our Muslim friends who want to help keep this country free, instead of demanding that we not realize that these are Islamic jihadists that want to kill us, that they would be out there pointing these people out publicly and condemning them. Instead, they're condemning those who simply want to protect America, who want to live in peace, want to live in freedom.

□ 2030

Imagine what these same kind of groups would have said if they had heard the prayer on D-day, live? Can you imagine these groups hearing Franklin Roosevelt's prayer on radio as he prayed for 6-to-10 minutes publicly, a prayer that you can find online?

Almighty God: Our sons, pride of our Nation, this day have set up on a mighty endeavor, a struggle to preserve our Republic, our religion, and our civilization to set free a suffering humanity.

He goes on and prays for a very long time on D-day as our troops were trying to retake Europe.

He also says in his prayer:

And, O Lord, give us faith. Give us faith in Thee; faith in our sons; faith in each other; faith in our crusade. Let not the keenness of our spirit ever be dulled. Let not the impacts of temporary events, of temporal matters of but fleeting moment—let not these deter us in our unconquerable purpose. With Thy blessing, we shall prevail over the unholy forces of our enemy.

Back then, Roosevelt didn't know you couldn't call your enemy that wanted to take over your Nation, that wanted to kill innocent people, that wanted to take away your liberty, Roosevelt didn't know you couldn't call them unholy forces of our enemy. So he used those terms because he cared about America. He cared about protecting America.

We want to live in peace. We want to live in peace with our Muslim friends, our Hindu friends, our agnostics, our atheists. But for heaven's sake, do not keep blinding our intelligence community, our justice community.

There was a time when in America you could call things just as they were, and in the Revolution one of the most quoted statements was attributed to Voltaire:

I disagree with what you say but will defend to the death your right to say it.

Now, when someone disagrees with what you say, they want to destroy your life, destroy your livelihood.

It's time for America to wake up before we get hit again. We have people in this country who are supporting terrorism. There's prima facie evidence to establish it; the courts have found it. This administration refused to pursue it when the evidence was clearly there, refused to pursue these people; and instead of pursuing the unindicted coconspirators after the convictions and the Holy Land Foundation—oh, sure, this administration says, Well, the Bush administration wasn't going to. The Bush administration was going to pursue the unindicted coconspirators if they got convictions in the Holy Land Foundation trial, which they did, near the end of 2008.

It's this administration that refused to go forward and prosecute anyone further.

So instead of prosecuting people supporting terrorism, this administration calls them into the White House, calls them into the Justice Department and says why can't we be friends.

It's time to wake up. We owe this country a defense with our eyes open, with our arms and heart open to help those who really are helpless, but to stand firm even to the death as our servicemembers are pledged to do, as I did my 4 years on active duty. Let's stand firm together until those who are intent on destroying us and supporting

terrorism are made to account and back off and say we're no longer your enemy. Then all communities can worship and love as one.

We've got to protect America.

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. BONO MACK (at the request of Mr. CANTOR) for today and February 17 on account of her daughter giving birth.

Mr. CAMPBELL (at the request of Mr. CANTOR) for today and the balance of the week on account of illness.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 34 minutes p.m.), the House adjourned until tomorrow, Friday, February 17, 2012, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5024. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of VOR Federal Airways B-81, V-89, and V-169 in the Vicinity of Chadron, Nebraska [Docket No.: FAA-2010-1016; Airspace Docket No. 11-ACE-6] (RIN: 2120-AA66) received January 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5025. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Restricted Areas R-2104A, B, C, D and E; Huntsville, AL [Docket No.: FAA-2010-0693; Airspace Docket No. 11-ASO-29] (RIN: 2120-AA66) received January 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5026. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Huntington, WV [Docket No.: FAA-2011-1057; Airspace Docket No. 11-AEA-21] received January 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5027. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revocation and Establishment of Compulsory Reporting Point; Alaska [Docket No.: FAA-2011-1238; Airspace Docket No. 11-AAL-20] received January 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5028. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of VOR Federal Airways V-320 and V-440: Alaska [Docket No.: FAA-2011-1014; Airspace Docket No. 11-AAL-19] (RIN: 2120-AA66) received January 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5029. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Anaktuvuk Pass, AK [Docket No.: FAA-2011-0867; Airspace Docket No. 11-AAL-16] received January 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5030. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and E Airspace; North Philadelphia, PA [Docket No.: FAA-2011-0625; Airspace Docket No. 11-AEA-16] received January 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5031. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Byron, OH [Docket No.: FAA-2011-0606; Airspace Docket No. 11-AGL-14] received January 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5032. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Spearfish, SD [Docket No.: FAA-2011-0431; Airspace Docket No. 11-AGL-11] received January 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5033. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Sturgis, SD [Docket No.: FAA-2011-0430; Airspace Docket No. 11-AGL-10] received January 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5034. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment to and Establishment of Restricted Areas; Warren Grove, NJ [Docket No.: FAA-2011-0104; Airspace Docket No. 11-AEA-2] (RIN: 2120-AA66) received January 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5035. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Federal Airways; Alaska [Docket No.: FAA-2011-0010; Airspace Docket No. 11-AAL-1] received January 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5036. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Carroll, IA [Docket No.: FAA-2011-0845; Airspace Docket No. 11-ACE-19] received January 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5037. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Stuart, IA [Docket No.: FAA-2011-0831; Airspace Docket No. 11-ACE-17] received January 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5038. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Mercury, NV [Docket No.: FAA-2011-0894; Airspace Docket No. 11-AWP-14] received January 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CAMP: Committee report on H.R. 3630. A bill to provide incentives for the creation of jobs, and for other purposes (Rept. 112–399). Ordered to be printed.

Mr. SCOTT of South Carolina: Committee on Rules. House Resolution 554. Resolution providing for consideration of the conference report to accompany the bill (H.R. 3630) to provide incentives for the creation of jobs, and for other purposes (Rept. 112–400). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. JOHNSON of Ohio:

H.R. 4048. A bill to amend title 38, United States Code, to clarify the contracting goals and preferences of the Department of Veterans Affairs with respect to small business concerns owned and controlled by veterans; to the Committee on Veterans' Affairs.

By Mr. NEAL (for himself and Mr. BLUMENAUER):

H.R. 4049. A bill to amend the Internal Revenue Code of 1986 to expand personal saving and retirement savings coverage by enabling employees not covered by qualifying retirement plans to save for retirement through automatic IRA arrangements, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEAL:

H.R. 4050. A bill to simplify and enhance qualified retirement plans, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUTZMAN:

H.R. 4051. A bill to direct the Secretary of Labor to provide off-base transition training, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUTZMAN:

H.R. 4052. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish an honorary Excellence in Veterans Education Award; to the Committee on Veterans' Affairs.

By Mr. TOWNS (for himself, Mr. PLATTS, Mr. SCHRADER, Mr. CONNOLLY of Virginia, Mr. ALTMIRE, Mr. BARROW, Mr. BISHOP of Georgia, Mr. BOREN, Mr. BOSWELL, Mr. CARDOZA, Mr. COOPER, Mr. DONNELLY of Indiana, Mr. HOLDEN, Mr. MATHESON, Mr. MCINTYRE, Mr. MICHAUD, Mr. PETERSON, Mr. ROSS of Arkansas, Mr. DAVID SCOTT of Georgia, Mr. SHULER, and Mr. THOMPSON of California):

H.R. 4053. A bill to intensify efforts to identify, prevent, and recover payment error, waste, fraud, and abuse within Federal spending; to the Committee on Oversight and Government Reform.

By Mr. WALZ of Minnesota (for himself, Ms. SLAUGHTER, and Mr. QUIGLEY):

H.R. 4054. A bill to amend the Lobbying Disclosure Act of 1995 to require the disclosure of political intelligence activities, to amend title 18, United States Code, to enhance the prosecution of public corruption, and for other purposes; to the Committee on the Judiciary.

By Ms. SPEIER (for herself, Mr. JONES, Mr. CUMMINGS, Ms. DELAURO, Mr. QUIGLEY, Mr. COOPER, Mr. GRIJALVA, Mr. HONDA, Mr. POLIS, and Mr. ELLISON):

H.R. 4055. A bill to count revenues from military and veteran education programs toward the limit on Federal revenues that certain proprietary institutions of higher education are allowed to receive for purposes of section 487 of the Higher Education Act of 1965, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Armed Services, and Veterans' Affairs, 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. BILBRAY (for himself, Mrs. DAVIS of California, Mr. LEWIS of California, Mr. ROYCE, Mr. CALVERT, Mrs. BONO MACK, and Mr. HUNTER):

H.R. 4056. A bill to amend the Federal Food, Drug, and Cosmetic Act to prevent a State or political subdivision thereof from conducting or requiring duplicative inspections of establishments in which a drug or device is manufactured, processed, packed, or held by a manufacturer or wholesale distributor of the drug or device; to the Committee on Energy and Commerce.

By Mr. BILIRAKIS:

H.R. 4057. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop a comprehensive policy to improve outreach and transparency to veterans and members of the Armed Forces through the provision of information on institutions of higher learning, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BLUMENAUER:

H.R. 4058. A bill to amend title 11 of the United States Code to provide authority to modify certain mortgages on principal residences of debtors to prevent foreclosure; and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Financial Services, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BONO MACK (for herself, Mr. INSLEE, Mr. COLE, Ms. ESHOO, Mr. GRIJALVA, Mr. KILDEE, and Mr. DEFAZIO):

H.R. 4059. A bill to amend the Communications Act of 1934 to establish a position for a representative of Indian Tribes on the Joint Board overseeing the implementation of universal service, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FLEISCHMANN:

H.R. 4060. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to cap the level of Federal spending at $949 billion for each of fiscal years 2013 through 2021, and for other purposes; to the Committee on the Budget.

By Mr. HUNTER:

H.R. 4061. A bill to support statewide individual-level integrated postsecondary education data systems, and for other purposes; to the Committee on Education and the Workforce.

By Mr. HUNTER (for himself, Mr. MCCLINTOCK, Mr. COSTA, Ms. SPEIER, Mr. BILBRAY, Mr. SCHIFF, Mr. ROYCE, Mr. HERGER, Mr. DENHAM, Mr. MCNERNEY, Mr. CALVERT, Mr. DANIEL E. LUNGREN of California, Mr. GARAMENDI, Ms. ZOE LOFGREN of California, Ms. LEE of California, Mr. NUNES, Ms. WOOLSEY, Mr. GALLEGLY, Mr. STARK, Ms. RICHARDSON, Mrs. DAVIS of California, Mr. BERMAN, Mr. HONDA, Mr. BACA, Mr. CARDOZA, Ms. LINDA T. SÁNCHEZ of California, Mr. SHERMAN, Ms. ESHOO, Mr. FILNER, Mrs. NAPOLITANO, Mr. MCKEON, Mr. THOMPSON of California, Mr. WAXMAN, Ms. HAHN, Mr. CAMPBELL, Mrs. CAPPS, Mr. ROHRABACHER, Ms. WATERS, Ms. BASS of California, Mrs. BONO MACK, Ms. CHU, Ms. MATSUI, and Mr. GEORGE MILLER of California):

H.R. 4062. A bill to designate the facility of the United States Postal Service located at 1444 Main Street in Ramona, California, as the ''Nelson 'Mac' MacWilliams Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. MCDERMOTT (for himself, Mr. DICKS, Mr. MORAN, Mr. RANGEL, Mr. HONDA, Mr. FARR, Ms. LEE of California, Mrs. MCCARTHY of New York, Mr. PASCRELL, and Mr. GEORGE MILLER of California):

H.R. 4063. A bill to repeal section 512 of the Credit Card Accountability Responsibility and Disclosure Act of 2009 which relates to carrying certain weapons in National Parks; to the Committee on Natural Resources.

By Mr. MULVANEY (for himself, Mr. DUNCAN of South Carolina, Mr. WILSON of South Carolina, Mr. WALSH of Illinois, Mr. CANSECO, Mr. BROUN of Georgia, Mr. FINCHER, Mr. WESTMORELAND, Mr. GRAVES of Georgia, Mr. SCHWEIKERT, Mr. MARCHANT, Mr. FLORES, Mr. ROE of Tennessee, Mr. YODER, and Mr. HUELSKAMP):

H.R. 4064. A bill to amend the Internal Revenue Code of 1986 to repeal certain tax increases; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PIERLUISI (for himself, Mr. SERRANO, Mr. SABLAN, Mrs. CHRISTENSEN, Mr. FALEOMAVAEGA, and Ms. VELÁZQUEZ):

H.R. 4065. A bill to amend title XVIII of the Social Security Act to provide parity to Puerto Rico hospitals with respect to inpatient hospital payments under the Medicare program; to the Committee on Ways and Means.

By Mr. PRICE of Georgia (for himself and Mr. KIND):

H.R. 4066. A bill to amend titles XVIII and XIX of the Social Security Act to exclude pathologists from incentive payments and penalties under Medicare and Medicaid relating to the meaningful use of electronic health records; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. QUAYLE (for himself and Mr. GOSAR):

H.R. 4067. A bill to approve the settlement of water rights claims of the Navajo Nation, the Hopi Tribe, and the allottees of the Navajo Nation and Hopi Tribe in the State of Arizona, to authorize construction of municipal water projects relating to the water rights claims, to resolve litigation against the United States concerning Colorado River operations affecting the States of California, Arizona, and Nevada, and for other purposes; to the Committee on Natural Resources.

By Mr. ROGERS of Alabama (for himself, Mr. CHAFFETZ, Mrs. BLACKBURN, and Mr. WALSH of Illinois):

H.R. 4068. A bill to require the Under Secretary for Science and Technology in the Department of Homeland Security to contract with an independent laboratory to study the health effects of backscatter x-ray machines used at airline checkpoints operated by the Transportation Security Administration and provide improved notice to airline passengers; to the Committee on Homeland Security.

By Mr. ROHRABACHER (for himself, Mr. COHEN, Mr. BARTLETT, Mr. STEARNS, Mr. KING of Iowa, Mr. SMITH of New Jersey, Mr. ROYCE, Mr. COBLE, Mr. FARENTHOLD, and Mr. GOHMERT):

H.R. 4069. A bill to award a Congressional Gold Medal to Dr. Shakeel Afridi; to the Committee on Financial Services.

By Mr. TURNER of New York:

H.R. 4070. A bill to clarify certain provisions relating to the interests of Iran in certain assets, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, and 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. GINGREY of Georgia (for himself, Mr. KLINE, Mr. ROONEY, Mr. WESTMORELAND, Mr. JONES, Mrs. BLACKBURN, Mr. LONG, Mr. NUNNELEE, Mr. HUIZENGA of Michigan, Mr. MARCHANT, Mr. PAUL, Mr. BURTON of Indiana, Mr. MILLER of Florida, Mr. BILIRAKIS, Ms. JENKINS, Mr. LANKFORD, Mr. COBLE, Mr. CANSECO, Mr. GOSAR, Mr. LATTA, Mr. MULVANEY, Mr. DUNCAN of South Carolina, Mr. WILSON of South Carolina, Mrs. BLACK, Mr. YODER, Mr. HUELSKAMP, Mr. ROE of Tennessee, Mr. SCHWEIKERT, Mr. COLE, Mr. CULBERSON, Mr. RIBBLE, Mr. WALSH of Illinois, Mr. QUAYLE, Mr. BROOKS, Mr. CONAWAY, Mr. KING of Iowa, Mr. GRAVES of Georgia, Mr. GOHMERT, Mr. WALBERG, Mr. OLSON, Mr. AKIN, Mr. BROUN of Georgia, Mrs. ROBY, Mr. LANDRY, Mrs. MYRICK, Mr. BOUSTANY, Mr. SULLIVAN, Mr. CARTER, Mr. GOWDY, Mr. DUNCAN of Tennessee, Mr. HARRIS, Mr. MACK, Mr. STIVERS, Mr. BUCSHON, Mr. DESJARLAIS, Mr. CALVERT, Mr. ALEXANDER, Mr. KINGSTON, Mr. WOMACK, Mr. AUSTRIA, Mr. GRIFFIN of Arkansas, Mr. SESSIONS, Mr. POMPEO, Mr. PEARCE, and Mr. AUSTIN SCOTT of Georgia):

H.J. Res. 103. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the National Labor Relations Board relating to representation election procedures; to the Committee on Education and the Workforce.

By Mr. GERLACH (for himself, Mr. NEAL, Mr. BUCHANAN, Mrs. BIGGERT, Mr. SAM JOHNSON of Texas, Mr. ROYCE, Mr. PAUL, Mr. SCHOCK, Mr. PLATTS, Mr. HERGER, Mr. TIBERI, Mr. BILBRAY, Mr. PAULSEN, Ms. JENKINS, Mr. WALBERG, Mr. WESTMORELAND, Mr. JONES, Mr. HUIZENGA of Michigan, Mr. LOBIONDO, Mr. FITZPATRICK, Mr. TURNER of Ohio, Mr. GARY G. MILLER of California, Mr. STIVERS, Mr. BISHOP of Utah, Mr. PITTS, Mr. WILSON of South Carolina, Mrs. BLACK, Mr. LATHAM, Mr. GUINTA, Mr. AUSTRIA, Mr. KING of Iowa, Mr.

NUNES, Mr. CHAFFETZ, Mr. MURPHY of Connecticut, Mr. REICHERT, Mr. DAVIS of Kentucky, Mr. MARCHANT, Mr. GUTHRIE, Mr. LUETKEMEYER, Mr. TERRY, Mr. NEUGEBAUER, Mr. LEWIS of California, Mrs. CAPITO, Mr. CHABOT, Mr. MEEHAN, Mr. BOUSTANY, Mr. THOMPSON of Pennsylvania, Mr. PRICE of Georgia, Mr. DENT, Mr. MCCOTTER, Mr. BASS of New Hampshire, Mr. MILLER of Florida, Mr. DUNCAN of South Carolina, Mr. STUTZMAN, Mr. AKIN, Mr. LATTA, Mr. SCOTT of South Carolina, Mr. MCKEON, Ms. BERKLEY, Mr. LARSON of Connecticut, Mr. RANGEL, Mr. LEWIS of Georgia, Mr. KIND, Mr. CICILLINE, Mr. LANGEVIN, Mr. WELCH, Mr. MICHAUD, Mr. STARK, Mr. PASCRELL, Mr. MORAN, Mrs. MCCARTHY of New York, Ms. SCHWARTZ, Mr. YARMUTH, Ms. PINGREE of Maine, Mr. HEINRICH, Mr. HOLT, Mr. FILNER, Mr. CARSON of Indiana, Mr. ANDREWS, Mr. MATHESON, Mr. COURTNEY, Mr. LOEBSACK, Mrs. MALONEY, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. BISHOP of New York, Mr. THOMPSON of California, Mr. BOSWELL, Mr. CAPUANO, Mr. HOLDEN, Ms. SPEIER, Mr. KEATING, Mr. BACA, Mr. BECERRA, Mr. LYNCH, Ms. WOOLSEY, Ms. LORETTA SANCHEZ of California, Mr. BRALEY of Iowa, Ms. MATSUI, Mr. PERLMUTTER, Mr. PAYNE, Ms. MOORE, Mr. KILDEE, Mr. ALTMIRE, Mr. FRANK of Massachusetts, Mr. CRITZ, and Mr. MARKEY):

H. Con. Res. 101. Concurrent resolution expressing the sense of the Congress that our current tax incentives for retirement savings provide important benefits to Americans to help plan for a financially secure retirement; to the Committee on Ways and Means.

By Mr. RYAN of Ohio (for himself, Mr. KUCINICH, Ms. KAPTUR, Mr. LATOURETTE, Mr. LATTA, Mr. CHABOT, Mr. TIBERI, Ms. SUTTON, and Ms. FUDGE):

H. Con. Res. 102. Concurrent resolution commemorating and praising the Honorable John Glenn on the 50th anniversary of his historic orbital space flight; to the Committee on Science, Space, and Technology.

By Mr. LIPINSKI (for himself, Mr. MANZULLO, Ms. SUTTON, Mr. HOLT, Mr. REYES, Ms. BORDALLO, Mr. HINOJOSA, Ms. ZOE LOFGREN of California, Mr. MCNERNEY, Mr. BARTON of Texas, Mr. PAYNE, Mr. TONKO, Mr. ROHRABACHER, Ms. RICHARDSON, Mr. HONDA, Mr. CALVERT, Mr. MCCAUL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GRIJALVA, Mr. CARNAHAN, Mr. MILLER of North Carolina, Mrs. CHRISTENSEN, Mr. MCKINLEY, and Ms. HIRONO):

H. Res. 552. A resolution supporting the goals and ideals of National Engineers Week; to the Committee on Science, Space, and Technology.

By Mr. LARSON of Connecticut:

H. Res. 553. A resolution electing Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. PAYNE (for himself, Mr. CONYERS, Ms. JACKSON LEE of Texas, Ms. RICHARDSON, Mr. JACKSON of Illinois, Mrs. CHRISTENSEN, Mr. DAVIS of Illinois, Mr. MEEKS, Mr. CUMMINGS, Ms. FUDGE, Ms. SEWELL, Mr. RANGEL, Mr. ROTHMAN of New Jersey, Mr. BISHOP of Georgia, Mr. RUSH, Ms. BROWN of Florida, Ms. LEE of California, Ms. WILSON of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CLEAVER, and Ms. WATERS):

H. Res. 555. A resolution to commemorate the life and accomplishments of Whitney Elizabeth Houston over the past 48 years; and expressing the condolences of the House of Representatives to her family upon her death; to the Committee on Education and the Workforce.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. LUETKEMEYER:

H.R 2453.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 5 states: ''The Congress shall have Power . . . To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures.''

By Mr. JOHNSON of Ohio:

H.R. 4048.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States.

By Mr. NEAL:

H.R. 4049.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Clause 1 of Section 8 of Article I and the 16th Amendment to the U.S. Constitution.

By Mr. NEAL:

H.R. 4050.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Clause 1 of Section 8 of Article I and the 16th Amendment to the U.S. Constitution.

By Mr. STUTZMAN:

H.R. 4051.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States.

By Mr. STUTZMAN:

H.R. 4052.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States.

By Mr. TOWNS:

H.R. 4053.

Congress has the power to enact this legislation pursuant to the following:

This Bill is enacted pursuant to Article I, Section 8, Clause 3 of the United States Constitution, known as the ''Commerce Clause.'' This provision grants Congress the broad power to ''regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.''[1]

By Mr. WALZ of Minnesota:

H.R. 4054.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8 of the United States Constitution.

By Ms. SPEIER:

H.R. 4055.

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 of the United States Constitution.

By Mr. BILBRAY:

H.R. 4056.

Congress has the power to enact this legislation pursuant to the following:

Article VI, Clause 2: This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

By Mr. BILIRAKIS:

H.R. 4057.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the United States Constitution (clauses 12, 13, 14, and 16), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; and to provide for organizing, arming, and disciplining the militia.

By Mr. BLUMENAUER:

H.R. 4058.

Congress has the power to enact this legislation pursuant to the following:

The Constitution of the United States provides clear authority for Congress to pass legislation to provide equity in the bankruptcy process. Article I, Section 8, Clause 4 of the Constitution provides that Congress has the power to ''establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States''.

By Mrs. BONO MACK:

H.R. 4059.

Congress has the power to enact this legislation pursuant to the following:

The authority for enactment of this Bill flows from Article I, Section 8, clause 3 of the U.S. Constitution. Congress may prescribe by statute the procedures which are reasonably necessary to effectuate its constitutional purpose of regulating commerce among the several states.

By Mr. FLEISCHMANN:

H.R. 4060.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 1 & 18.

By Mr. HUNTER:

H.R. 4061.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clauses 1 and 18.

By Mr. HUNTER:

H.R. 4062.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 7

By Mr. MCDERMOTT:

H.R. 4063.

Congress has the power to enact this legislation pursuant to the following:

''The Congress will have the Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States'' (article IV, section 3).

By Mr. MULVANEY:

H.R. 4064.

Congress has the power to enact this legislation pursuant to the following:

''clause 1 of Section 8 of Article I of the U.S. Constitution.''

By Mr. PIERLUISI:

H.R. 4065.

Congress has the power to enact this legislation pursuant to the following:

[1] Please note, pursuant to Article I, section 8, Congress has the power ''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.''

The constitutional authority on which this bill rests is the power of the Congress to provide for the general welfare of the United States, as enumerated in Article I, Section 8, Clause 1 of the United States Constitution; to make all laws which shall be necessary and proper for carrying into execution such power, as enumerated in Article I, Section 8, Clause 18 of the Constitution; and to make rules and regulations respecting the U.S. territories, as enumerated in Article IV, Section 3, Clause 2 of the Constitution.

By Mr. PRICE of Georgia:

H.R. 4066.

Congress has the power to enact this legislation pursuant to the following:

Current law has created a regulatory structure over the health care system. In order to make this system more compatible with a proper Constitutional structure, this bill will ensure that there is less regulation impeding the ability of pathologists to provide important services to patients and doctors.

By Mr. QUAYLE:

H.R. 4067.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 1 of the United States Constitution; Article 1 Section 8 of the United States Constitution, including but not limited to, Clauses 1, 3, 18.

By Mr. ROGERS of Alabama:

H.R. 4068.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the Constitution of the United States

Article I, Section 8, Clause 18 of the Constitution of the United States

By Mr. ROHRABACHER:

H.R. 4069.

Congress has the power to enact this legislation pursuant to the following:

Section 8 of Article 1 of the Constitution

By Mr. TURNER of New York:

H.R. 4070.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 9 of the Constitution of the United States:

[The Congress shall have Power] To constitute Tribunals inferior to the supreme Court;

Article I, Section 8, Clause 18 of the Constitution of the United States

The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the forgoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof.

By Mr. GINGREY of Georgia:

H.J. Res. 103.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution that states, ''The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes''

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Ms. BERKLEY.

H.R. 121: Mr. YODER.

H.R. 125: Mr. UPTON.

H.R. 205: Mr. KIND.

H.R. 262: Mr. WALZ of Minnesota.

H.R. 329: Mr. NUGENT and Mr. COURTNEY.

H.R. 409: Mr. ROSS of Florida and Mr. NUGENT.

H.R. 458: Mr. POLIS and Ms. MOORE.

H.R. 511: Mr. FARR and Mr. GALLEGLY.

H.R. 556: Mr. NUGENT.

H.R. 587: Ms. WOOLSEY.

H.R. 601: Ms. CHU.

H.R. 711: Mr. DOGGETT.

H.R. 733: Mr. COSTELLO.

H.R. 769: Ms. PINGREE of Maine.

H.R. 807: Mr. BRADY of Pennsylvania, Mr. DINGELL, and Mr. LUJÁN.

H.R. 835: Mr. ALTMIRE.

H.R. 870: Mr. ELLISON, Mr. CARSON of Indiana, and Mr. MEEKS.

H.R. 931: Ms. GRANGER, Mr. BROUN of Georgia, Mr. CANSECO, Mr. BRADY of Texas, Mr. KING of Iowa, Mr. CULBERSON, Mr. COLE, Mr. DIAZ-BALART, Mr. PEARCE, Mr. WESTMORELAND, and Mr. WOODALL.

H.R. 1006: Mr. JORDAN.

H.R. 1175: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CRAVAACK, and Mr. RIBBLE.

H.R. 1179: Mr. LATOURETTE, Mr. AUSTIN SCOTT of Georgia, Mr. GRAVES of Georgia, Ms. ROS-LEHTINEN, Mr. AMASH, Mr. GRIMM, Mr. ROGERS of Kentucky, Mr. STEARNS, Mrs. CAPITO, and Mr. WEST.

H.R. 1186: Mr. LANKFORD.

H.R. 1206: Mr. PALAZZO.

H.R. 1340: Mr. CRAVAACK.

H.R. 1370: Mr. GRAVES of Georgia.

H.R. 1381: Mr. SIRES.

H.R. 1386: Mr. BISHOP of New York and Mr. BERMAN.

H.R. 1417: Mr. BLUMENAUER.

H.R. 1479: Ms. LEE of California.

H.R. 1524: Ms. NORTON.

H.R. 1558: Mr. SCHWEIKERT.

H.R. 1681: Mr. CONNOLLY of Virginia.

H.R. 1684: Mr. BRADY of Pennsylvania.

H.R. 1704: Mr. SIRES, Ms. BONAMICI, Mr. VAN HOLLEN, Mr. POLLS, Mr. DONNELLY of Indiana, Mr. TIERNEY, and Ms. JACKSON LEE of Texas.

H.R. 1738: Mr. LUJÁN.

H.R. 1744: Mr. REHBERG.

H.R. 1895: Mr. RANGEL.

H.R. 1903: Mr. ELLISON.

H.R. 1912: Ms. SUTTON.

H.R. 1955: Mr. RANGEL.

H.R. 2020: Ms. DEGETTE and Mr. ROSS of Arkansas.

H.R. 2052: Mr. MANZULLO and Mr. THOMPSON of California.

H.R. 2088: Ms. NORTON.

H.R. 2098: Mr. FATTAH, Mr. DAVIS of Illinois, Ms. CLARKE of New York, and Ms. LEE of California.

H.R. 2179: Mrs. HARTZLER.

H.R. 2187: Mr. BRADY of Pennsylvania.

H.R. 2255: Mr. HONDA.

H.R. 2288: Mr. BOSWELL and Mr. MEEKS.

H.R. 2299: Mr. FLORES.

H.R. 2308: Mr. GARY G. MILLER of California.

H.R. 2310: Mrs. DAVIS of California.

H.R. 2335: Mr. MCHENRY, Mr. GRIFFIN of Arkansas, Mr. DESJARLAIS, Mr. FRANKS of Arizona, Mr. WALSH of Illinois, Mr. WESTMORELAND, Mr. CULBERSON, Mr. LAMBORN, Mr. KING of Iowa, Mr. MULVANEY, Mrs. LUMMIS, Mr. LANKFORD, Mr. ROE of Tennessee, Mr. HARRIS, Mr. PEARCE, Mr. BISHOP of Utah, Mr. YOUNG of Alaska, and Ms. BUERKLE.

H.R. 2367: Mr. MCNERNEY.

H.R. 2387: Mr. RIGELL.

H.R. 2407: Mr. SCHIFF.

H.R. 2414: Mr. NUGENT.

H.R. 2529: Mr. BERG and Mr. ALEXANDER.

H.R. 2569: Mr. MATHESON, Mr. DEUTCH, Mr. GRIMM, Mr. CRENSHAW, Mr. STARK, and Mr. PIERLUISI.

H.R. 2595: Mr. GENE GREEN of Texas.

H.R. 2679: Ms. LEE of California.

H.R. 2866: Mr. SCHOCK and Mr. CAPUANO.

H.R. 2954: Mr. TONKO.

H.R. 3059: Mr. TONKO, Mr. LYNCH, and Mr. HALL.

H.R. 3068: Mr. CHABOT, Mr. FRANKS of Arizona, and Mrs. LUMMIS.

H.R. 3096: Mr. BUCHANAN.

H.R. 3151: Mr. MICHAUD.

H.R. 3156: Mr. HASTINGS of Florida.

H.R. 3187: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. MEEKS.

H.R. 3225: Mr. WATT.

H.R. 3313: Ms. BROWN of Florida and Ms. HAHN.

H.R. 3515: Mr. CONYERS, Mrs. CHRISTENSEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DAVIS of Illinois, and Mr. RANGEL.

H.R. 3523: Mr. SHUSTER, Mr. OLSON, Mr. KLINE, Mrs. BONO MACK, Mr. BACHUS, and Mr. SCHOCK.

H.R. 3541: Mr. POMPEO.

H.R. 3551: Mr. FARENTHOLD.

H.R. 3572: Mr. MORAN and Mr. FILNER.

H.R. 3586: Mr. SCHOCK.

H.R. 3590: Mr. SMITH of New Jersey.

H.R. 3596: Mr. TIERNEY, Mr. HONDA, and Mr. BERMAN.

H.R. 3608: Mr. GARY G. MILLER of California and Mr. BROOKS.

H.R. 3611: Mr. FORBES.

H.R. 3618: Ms. WATERS.

H.R. 3626: Mr. JACKSON of Illinois and Ms. WOOLSEY.

H.R. 3635: Mr. TOWNS, Mr. RANGEL, and Mr. HINCHEY.

H.R. 3654: Mr. STARK.

H.R. 3662: Mr. OLSON, Mr. REHBERG, Mr. KINGSTON, and Mr. MCCAUL.

H.R. 3674: Mr. MEEHAN.

H.R. 3676: Mr. KLINE.

H.R. 3698: Mr. COFFMAN of Colorado.

H.R. 3767: Ms. BORDALLO.

H.R. 3790: Mr. BISHOP of Georgia.

H.R. 3803: Mr. GOSAR.

H.R. 3805: Mr. RYAN of Wisconsin and Mr. OLSON.

H.R. 3806: Mr. SCHILLING, Mr. WEST, and Ms. BUERKLE.

H.R. 3811: Mr. GARY G. MILLER of California.

H.R. 3820: Ms. CLARKE of New York.

H.R. 3826: Mr. ISRAEL, Ms. WILSON of Florida, and Mr. TOWNS.

H.R. 3828: Mr. KLINE.

H.R. 3860: Ms. KAPTUR.

H.R. 3866: Mr. MEEKS, Mr. STARK, and Ms. WILSON of Florida.

H.R. 3895: Mr. LOBIONDO and Mr. FLORES.

H.R. 3974: Ms. SCHAKOWSKY.

H.R. 3982: Mr. MARCHANT and Mr. JOHNSON of Ohio.

H.R. 4010: Ms. PINGREE of Maine, Ms. JACKSON LEE of Texas, and Mr. LUJÁN.

H.R. 4036: Mr. ROE of Tennessee, Mr. WALSH of Illinois, Mr. COLE, Mr. POSEY, Mrs. LUMMIS, and Mr. PEARCE.

H.R. 4045: Mr. PAULSEN and Mr. CRAVAACK.

H.R. 4046: Mrs. MCMORRIS RODGERS and Mr. HULTGREN.

H.J. Res. 90: Ms. SCHAKOWSKY.

H.J. Res. 102: Mr. LAMBORN, Mr. POSEY, Mr. FRANKS of Arizona, Mr. ROE of Tennessee, Mr. MULVANEY, Mrs. LUMMIS, and Mrs. SCHMIDT.

H. Con. Res. 87: Mr. WEST.

H. Res. 180: Ms. LORETTA SANCHEZ of California.

H. Res. 253: Mr. SCHILLING.

H. Res. 271: Mr. JORDAN.

H. Res. 275: Mr. SHERMAN.

H. Res. 367: Mr. WEST.

H. Res. 538: Mr. OWENS, Mr. REED, Mr. JOHNSON of Georgia, Ms. SLAUGHTER, Mr. BURTON of Indiana, Mr. ROTHMAN of New Jersey, and Mr. CARTER.

H. Res. 543: Mr. ENGEL.

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PROCEEDINGS AND DEBATES OF THE *112th* CONGRESS, SECOND SESSION

Vol. 158 WASHINGTON, THURSDAY, FEBRUARY 16, 2012 *No. 26*

Senate

The Senate met at 10 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by the Reverend Dr. Costa G. Christo, senior pastor of the St. George Greek Orthodox Cathedral in Philadelphia, PA.

The guest Chaplain offered the following prayer:

Let us bow our heads in prayer.

Be mindful of and protect, O Lord, these United States of America, our civil authorities, our Armed Forces by land, sea, and air, and all who reside and find shelter and refuge in this country from sea to shining sea, because ''blessed is that Nation whose God is the Lord.''

During these times of economic instability at home and across the globe, give us hope, restore order to our inner chaos, and strengthen our faith, because You are the God of all possibilities, sound judgment, stability, new beginnings, moderation, prudence, justice, and everlasting love, mercy, peace, and compassion. Enable our Nation—the land of the free and the home of the brave, one nation under God, indivisible, with liberty and justice for all—to be the example par excellence for all civilizations under the heavens.

Furthermore, let our esteemed Senators be Your instruments to bless our Nation and the entire world; for to You belong the kingdom, the power, and the glory, forevermore. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 16, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Following leader remarks, the Senate will be in a period of morning business for 1 hour. The majority will control the first half, the Republicans the second half. Following morning business, the Senate will resume consideration of the surface transportation bill.

Mr. President, we are doing our utmost to work through the matters we still have to do in the Senate. We have pending now a cloture motion on the surface transportation bill. That time will ripen tomorrow morning an hour after we come in. Following that, there is a vote on a person from New York who desires to be a Federal judge.

We will notify all Members when the conference report is scheduled in the House, and we will do it over here as quickly as we can. We are going to see if things can be expedited, but it appears that we will be in at least for tomorrow. I hope we don't have to be in longer than that, but it all depends on when the House completes the work on the conference report. That is not scheduled yet.

MEASURE PLACED ON THE CALENDAR—S. 2111

Mr. REID. Mr. President, there is a bill at the desk due for a second reading. It is S. 2111.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title for the second time.

The legislative clerk read as follows:

A bill (S. 2111) to enhance punishment for identity theft and other violations of data privacy and security.

Mr. REID. I object to any further proceedings with respect to this bill at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

Mr. REID. I ask the Chair to announce the business of the day.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

Mr. REID. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

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. WICKER. 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.

RUSSIAN HUMAN RIGHTS

Mr. WICKER. Mr. President, I expect to be joined in a moment by my colleague and good friend, Senator CARDIN, and he and I and perhaps others will be talking about the deteriorating situation in Russia with regard to human rights and the rule of law.

I came to the floor in November to speak about the deteriorating situation. I spoke about the wrongful imprisonment and tragic death of Russian lawyer Sergei Magnitsky.

Mr. President, let me state that at this point I will be happy to yield to my colleague from Maryland to actually kick off this discussion. I think that was the agreed-upon order, and staff believed I would have a few moments. But I would be glad to defer to my friend.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Mr. CARDIN. Mr. President, I ask unanimous consent that there be 30 minutes available for a colloquy controlled by Senator WICKER and myself.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CARDIN. I thank the Chair, and I thank Senator WICKER for starting us off on the discussion of what is happening in Russia today.

I rise today, along with some of my colleagues, to bring attention to the growing issue of human rights violations in Russia, typified by the case of Sergei Magnitsky. Just last week, as part of a bilateral Presidential commission, Attorney General Holder met with the the Russian Minister of Justice to discuss the rule of law issues. That same week, Russian officials moved in their criminal prosecution of Sergei Magnitsky. Mr. President, I remind you that Mr. Magnitsky has been dead for more than 2 years.

Last May I joined with Senator MCCAIN, Senator WICKER, and 11 other Senators from both parties to introduce the Sergei Magnitsky Rule of Law Accountability Act. We now have nearly 30 cosponsors, and I urge more to join us and look at ways to move forward on helping halt abuses like this in the future.

After exposing the largest known tax fraud in Russian history, Sergei Magnitsky, a Russian tax lawyer, working for an American firm in Moscow, was falsely arrested for crimes he did not commit and tortured in prison. Six months later, he became seriously ill and was consistently denied medical attention, despite 20 formal requests. Then, on the night of November 16, 2009, he went into critical condition. But instead of being treated in a hospital, he was put in an isolation cell, chained to a bed, beaten by eight prison guards with rubber batons for 1 hour and 18 minutes until he was dead. Sergei Magnitsky was 37 years old and left behind a wife, two children, and a dependent mother.

While the facts surrounding his arrest, detention, and death have been independently verified and accepted at the highest levels of Russian Government, those implicated in his death and the corruption he exposed remain unpunished, in positions of authority, and some have even been decorated and promoted. Following Magnitsky's death, they have continued to target others, including American business interests in Moscow.

These officials have been credibly linked to similar crimes and have ties to the Russian mafia, international arms trafficking, and even drug cartels. The money they stole from the Russian budget was laundered through a network of banks, including two in the United States. Calls for an investigation have fallen on deaf ears.

In an Orwellian turn of events, the law enforcement officers accused by Magnitsky and those complicit in his murder are moving to try him for the very tax crimes they committed. Think of the irony. He exposed corruption in Russia. As a result, he was arrested, imprisoned, tortured, and killed. Now those who perpetrated the crime on him are charging him, after his death, with the crimes they committed.

We cannot be silent. One of the most articulate voices in the Senate on this issue has been Senator WICKER, who is the leading Republican on the Helsinki Commission, and I applaud him for his efforts not only in bringing the Magnitsky abuse to public attention and what is happening in Russia, but in many other areas where human rights violations have occurred.

I will be glad to allow my colleague some time on this issue, Mr. President.

Mr. WICKER. I thank my colleague from Maryland. And yes, indeed, there are other cases of human rights violations, not the least of which I have highlighted time and again on this Senate floor—being the cases of Mikhail Khodorkovsky and Platon Lebedev. Each is an appalling story such as the one Senator CARDIN pointed out with regard to Mr. Magnitsky, a story about the corruption within the Russian Government itself. My colleagues and I will continue to speak out about these cases in the hope that attention will inspire change.

I look forward to the day when the focus of a floor statement can be about the progress we have made with Russia. This is something to which my colleague and I dearly look forward. We look forward to the day when Russia begins to uphold democracy, human rights, and the rule of law.

Unfortunately, today is not the day. In recent months, an overwhelming number of headlines out of Russia focus on the Russian spring. Opposition groups, citizens, and, in many cases, the mainstream media have reacted to moves by the Russian regime they view as no longer acceptable.

On September 24 of last year, President Medvedev struck a deal that would clear the way for his predecessor, Vladimir Putin, to run next month for a third Presidential term. As the Wall Street Journal noted in an opinion piece last December:

> Even the most thick-skinned citizens saw that turning the Presidency into the object of a private swap made a mockery of the Constitution.

Russia's fraudulent parliamentary elections in December further deepened the political crisis and affirmed the erosion of democracy. Secretary Clinton—our Secretary of State—called them neither free nor fair. So this is a bipartisan denunciation of the process.

Observers have claimed that 12 to 15 percent of the votes were falsified in favor of the United Russia Party. According to most analysts, improvement is not expected in the upcoming Presidential election this March.

But these corrupt actions have not been ignored. On December 10, more than 60,000 Russians took to the streets of Moscow in protest. Similarly, on February 4, some 120,000 citizens from across the political spectrum braved below-zero weather during a prodemocracy march in central Moscow. Their demands were clear: Release political prisoners such as Khodorkovsky and Lebedev. Allow opposition parties to register. Hold free and fair elections. And pledge not to give a single vote to Putin on March 4. Similar rallies were held in small towns across Russia.

We can be glad for the call for reform and we are glad it is growing louder. According to a February poll by Russia's independent Levada Center, 43 percent of Russians now support prodemocracy protests. Additional protests are already scheduled for later this month.

Specifically let me once again underscore the horrific facts about Sergei Magnitsky, because they need to be heard, and perhaps some of our colleagues were not listening the first time.

In the midst of this public outcry and demand for democratic process, the news out of Russia with regard to Mr. Magnitsky is almost unbelievable. Last week, it was revealed that the police in Russia plan to retry the tax evasion case of the late Sergei Magnitsky. As many of my colleagues are aware, Mr. Magnitsky is already dead. He died in Russian detention more than 2 years ago. He was a lawyer and a partner in an American-owned law firm based in Moscow. He was married, with two children, as my friend has said. His clients included the Hermitage Fund, which is the largest foreign portfolio investor in Russia.

Through his investigative work on behalf of Hermitage, Mr. Magnitsky

discovered that Russian Interior Ministry officers, tax officials, and organized criminals worked together to steal $230 million in public funds, orchestrating the largest tax rebate fraud in the history of the Russian Republic.

In 2008, Mr. Magnitsky voluntarily gave sworn testimony against officials from the Interior Ministry Russian tax department and the private criminals whom he found had perpetrated the fraud. A month later, an arrest was made—and the person arrested was Mr. Magnitsky himself. He was placed in pretrial detention and held without trial for 12 months.

While in custody, he was pressured and tortured by Russian officials, hoping he would withdraw his testimony and falsely incriminate himself and his client. But he refused to do so, and his condition worsened and his health worsened. He spent months without medical care. Requests for medical examination and surgery were denied by Russian government officials.

On November 13, 2009, Mr. Magnitsky's condition deteriorated dramatically. Doctors saw him on November 16, when he was transferred to a Moscow detention center that actually had medical facilities. Yet, instead of being treated at those facilities immediately, he was placed in an isolation cell, handcuffed, and beaten until he died.

In the months following his death, Russian officials repeatedly denied facts concerning his health condition. The Russian state investigative committee claimed that Magnitsky was not pressured or tortured, but died naturally of heart disease, and his death was nobody's fault. This is from the Russian Government.

Since Mr. Magnitsky's death, two subsequent reviews have helped clarify some of the facts. In late December of 2009, the Moscow Public Oversight Commission, an independent watchdog mandated under Russian law to monitor human rights, issued its conclusions on this case. This independent Russian oversight commission stated that in detention, Magnitsky had been subjected to torture, physical and psychological pressure; that he was denied medical care; and that his right to life had been violated by the Russian state.

The conclusions were sent to the Russian General Prosecutor's Office, the Russian State Investigative Committee, the Russian Ministry of Justice, and the Presidential Commission. None of these agencies has responded to the report's conclusions.

More recently, a second finding was issued by the Russian President's Human Rights Council. It issued its independent expert findings on the case. The report found that Magnitsky was arrested on trumped-up charges—yet, they are being brought forward again after his unfortunate death—in breach of Russian law and in breach of the European human rights convention, that his prosecution was unlawful, that he was systemically denied medical care, that he was beaten in custody which was the proximate cause of his death, that his medical records were falsified, and that there is an ongoing coverup and resistance by all government bodies to investigate.

Senator CARDIN and I and Senator MCCAIN and others have no choice but to continue coming to this floor, to continue using every forum we can possibly use to bring these facts to light.

I have taken quite a bit of our time with my prepared statement, so I yield back to my friend from Maryland as to any other thoughts he might have. I want to commend his leadership with regard to the legislation.

Do I understand now that we have some 30 cosponsors?

Mr. CARDIN. That is correct. And, again, I thank the Senator for his leadership and I thank him for his comments.

We have 30 cosponsors of the Magnitsky legislation and I am going to be encouraging more of our colleagues to join us in cosponsorship. I want to talk a little bit about that, if I might. But let me underscore the point Senator WICKER made.

Mr. Magnitsky died 2 years ago for crimes perpetrated on him that have been well documented. The Russian Federation is now charging him after his death for those crimes—after his death. Not even in Stalin's time did they try people after they died. This is the first time in Russian history that a man has been tried after his death. Further, they have summoned Mr. Magnitsky's widow and ailing mother as witnesses against their husband and son. This is a new chapter in brazen impunity.

An editorial last week in the Financial Times observed that:

> If he is convicted, the accused's citizenship could be revoked, he could be exiled, and forced to die somewhere else.

That might be funny if it weren't real.

If that weren't enough, the Russian Justice Minister recently proposed that the United States and Russia conclude an extradition treaty.

Legal farces like we have seen in the case of Sergei Magnitsky and many others bring reasonable people to only two conclusions, both of which are profoundly disturbing: Either senior leaders are not the ones running the country or the senior leadership is complicit in these outrages.

The Magnitsky story sounds like a Hollywood thriller, but his case is real and the rampant corruption, violence, and lawlessness do exist in the Russian Government. His cause has become a global campaign for justice.

As Senator WICKER pointed out, the popular opinion in Russia is on the side of justice. There have been over 4,000 stories on Sergei Magnitsky since his death in Russia.

We know from countless historical cases, such as the death in police custody of the anti-apartheid activist Steve Biko in 1977, that one person's life and sometimes death can change the system. Since we are now living on the Internet, such change often comes much faster than expected.

I am going to comment about the legislation I filed and the need for us to consider that, but I notice Senator SHAHEEN is on the floor. Senator SHAHEEN is a member of the Helsinki Commission. She also chairs the Subcommittee on European Affairs on the Senate Foreign Relations Committee and has been an outspoken champion on behalf of human rights. I am pleased she is here, and I wish to give her an opportunity to talk about this issue.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I thank Senator CARDIN and Senator WICKER for their efforts today coming down to the floor to raise this important human rights issue.

As you say, if we didn't see the facts, we would believe this was fiction, what is going on in Russia today. But I think these efforts are particularly important given what is happening today in Russia.

We have seen historic demonstrations on the streets of Moscow over the last several months. Ordinary Russian citizens, fed up with nearly a decade of corruption, have courageously taken to the streets to demand their voices be heard. The fraudulent Duma elections and the cynical and manipulative decision by Prime Minister Putin to return to the Presidency have reawakened civil society throughout Russia.

As a leading Russian social activist Alexei Navalny wrote from his jail cell following the peaceful December demonstrations:

> We all have the only weapon we need and the most powerful. That is the sense of self-respect.

Today, as we call for justice for human rights abuses in Russia, we also stand with those brave Russian citizens who have risked so much in calling for their rights to be respected, just as Sergei Magnitsky did.

As we have seen throughout this last year of upheaval around the globe, the rising voice of a public driven to peaceful protest can be deafening. Prime Minister Putin and his regime would be wise to listen to the people of Russia.

I also want to echo what Senators WICKER and CARDIN have said about the importance of passing the Sergei Magnitsky Rule of Law Accountability Act. There are now 28 Senate cosponsors. I am one of those cosponsors and am proud to be, and I want to associate myself with what Senators have said on the floor of the Senate today.

The case of Mr. Magnitsky is a tragic one. He was falsely imprisoned, beaten, denied medical care, and ultimately killed, as you all have so eloquently explained. And to this day, no one has been held accountable for his tragic and unnecessary killing. We stand here today to press for accountability in Mr. Magnitsky's death. However, I think it

is important for us to reiterate that this is more than simply a question of one man's tragic case.

The State Department's human rights report for this year described numerous violations, as Senator CARDIN said so well: attacks on journalists, physical abuse of citizens, harsh prison conditions, politically motivated imprisonments, and other government harassments and violence.

The European Court of Human Rights has issued more than 210 judgments, holding Russia responsible for grave human rights violations, including abductions, killings, and torture in Chechnya and throughout the northern Caucasus.

There are many more cases like Magnitsky, which is why the bill is so important. It seeks to ensure that no human rights abusers, in Russia or elsewhere in the world, are granted the privilege of traveling to this country or utilizing our American financial system.

As chair of the Subcommittee on European Affairs, I was pleased to preside over a hearing on the Magnitsky bill and on the state of human rights in Russia. I thank Chairman KERRY for helping to make that hearing possible.

During the hearing we had a very constructive conversation with State Department officials, and we heard unanimous support for the legislation from an impressive panel of human rights activists and Russian experts. We have also received letters that I ask unanimous consent to have printed in the RECORD from leading human rights and civil society leaders in Russia calling on the Senate to pass the Magnitsky bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PEOPLE'S FREEDOM PARTY,
Russia, December 11, 2011.

Sen. JEANNE SHAHEEN,
Chairman,
Sen. JOHN BARRASSO,
Ranking Member, Subcommittee on European Affairs, U.S. Senate Committee on Foreign Relations.

DEAR SENATORS: I am writing to express my strong support for S. 1039, the Sergei Magnitsky Rule of Law Accountability Act of 2011, currently under consideration by the U.S. Senate.

Last Saturday, over 100,000 Russian citizens gathered in central Moscow to protest against the authoritarian and kleptocratic regime of Vladimir Putin—the regime that has curtailed media freedom, turned elections into a farce, and Parliament and the judiciary into rubber-stamps, put opponents behind bars, and presided over unprecedented corruption (the latest Transparency International Index places Russia 143rd, below Eritrea and Sierra Leone). Too often, as in the case of Sergei Magnitsky, the corruption and the lawlessness result in human tragedy.

Apart from robbing the Russian people of its wealth and its dignity, Mr. Putin's regime is robbing it of its voice. The December 4th parliamentary election was marred by widespread fraud: some 13 million votes were stolen as a result of ballot-stuffing and other manipulations designed to preserve the ruling United Russia party's majority (even with this, the party received less than 50 percent of the vote). Nine opposition parties across the political spectrum, including the People's Freedom Party, were denied access to the ballot altogether. This behavior violates not only Russian, but also international norms—including the statutes of the OSCE, to which both Russia and the United States are party.

It is time to end the impunity for those who continue to show contempt for international norms and values, while enjoying the privileges of free travel and financial interactions in the West. S.1039 would provide an important measure of accountability for those who violate the basic—and internationally protected—rights and freedoms of Russian citizens. It is time to tell thieves and human rights violators that they are no longer welcome.

It is the task of Russian citizens and Russian citizens alone to bring about political change and democratic governance in our country. But by passing S. 1039, the U.S. Senate can do more to help the cause of democracy and the rule of law in Russia than by all the statements and speeches combined.

Sincerely,

BORIS NEMTSOV,
Co-Chairman.

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16 SEPTEMBER 2011.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Hon. JOHN KERRY,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MESSRS. SENATORS: This letter is an expression of support for S. 1039, the ''Sergei Magnitsky Rule of Law Accountability Act of 2011'', currently pending before the Senate Committee on Foreign Relations.

This bill prescribes sanctions in the form of denial of visas to the US and freezing of bank accounts in the USA for persons—including officials of the Russian Federation—who have engaged in human rights violations, ones such as abuses of power whether for personal or political motives or for covering up abuses by colleagues.

Egregious abuses of human rights are, unfortunately, common in today's Russia. Sergei Magnitsky, the namesake of the bill, was deprived of his liberty without cause and in violation of basic principles of justice. Russian authorities were responsible for his perishing while in custody. Magnitsky ended up in jail because, executing his official duties, he discovered theft from the Russian budget of a large sum of money, committed by a group of senior Russian officials. Russian authorities continue to evade bringing the officials guilty of Magnitsky's death to justice.

For us it is very important that US legislators take steps to bring the persons who are violating the law and abusing power in Russia to justice. We believe human rights should not be sidelined for perceived political interests.

Human rights should not be sidelined for the sake of political interests, whatever they may be.

Sergei Magnitsky fell victim to inhuman Russian justice. No small number of our citizens are illegally deprived of liberty in consequence of the defects of this system. Impunity for those who fabricated the charges against Magnitsky and caused him to die, gives free rein to other officials, who enrich themselves with the property of others or pursue the political opponents of the authorities. The felonious enforcement cliques seize the property of their victims who resist these takeovers, pursue them and deprive them of their liberty for many long years. And in detention they can be subjected to abuse and even torture.

The most famous victims of such takeovers are the owner of the YUKOS company Mikhail Khodorkovsky and the manager of this company Platon Lebedev. Amnesty International has recognized both of them as prisoners of conscience. The result of their arrest and the takeover of the company became expansion of the gigantic economic empire owned by persons from Prime Minister V. Putin's inner circle.

Opposition politicians, human rights advocates and civic activists have become victims of persecutions and unlawful arrests under made-up pretexts. Such persecutions will not cease as long as those who are responsible for the death of Magnitsky, for the imprisonment of Khodorkovsky and Lebedev, and the crackdown on Russian civil society remain unpunished.

Bill S. 1039 prescribes sanctions not only with respect to the Magnitsky case, but applies to the entire range of human rights abuses, among others, in Russia as well. Accordingly, officials responsible for the politically motivated persecution of Mikhail Khodorkovsky, Platon Lebedev and the other victims of the persecution of the YUKOS company as well as those who impede the exercise of fundamental democratic liberties, ones such as freedom of assembly, freedom to create parties, freedom of elections etc. ought to be included in this list. This is a list that is much longer that that list of roughly 60 individuals sent by Senator Cardin to the US State Department in 2010. Such a list must from now on be supplemented with new names.

The threat of sanctions against the perpetrators of the Magnitsky tragedy struck a raw nerve with the Russian officials responsible for this tragedy. The consistent implementation of international pressure on the corruptioneers in the leadership circles of Russia will be a significant support for our civil society and for those honest people within the Russian power structures who are trying to renew and reform government institutions.

We call upon you, Honorable Senators, to support S. 1039, the ''Sergei Magnitsky Rule of Law Accountability Act of 2011.'' We hope that it will be considered without delay and favorably in the Senate Committee on Foreign Relations and then by the full Senate.

Respectfully,

Ludmilla Alexeeva, chairwoman of the Moscow Helsinki Group; Lev Ponomarev, head of the All-Russia Movement For Human Rights; Nina Katerli, writer, member of the Russian PEN-CENTRE, member of the Public Expert Board of the All-Russia Movement For Human Rights; Lidiya Grafova, journalist; Liya Akhedzhakova, people's artist of the RF; Natalia Fateyeva, people's artist of the RF; Boris Vishnevsky, observer for Novaya gazeta; Konstantin Azadovskii, literary historian, Chairman of the executive committee of the Saint Petersburg PEN-club; Eldar Ryazanov, film director, scriptwriter, poet; Alexey Devotchenko, Russian theater and movie actor, honoured artist of Russia; Boris Nemtsov, politician; Mark Urnov, Russian political scientist, scientific head of the Applied Political Science Department of the Higher School of Economics State University; Victor Shenderovich, Soviet and Russian satirist, TV and radio host, liberal publicist, human rights advocate; Vladimir Ryzhkov, opposition politician; Rafail Ganelin, historian, corresponding member of the Russian Academy of Sciences.

Mrs. SHAHEEN. Around the world, governments are also taking up this

important call. The European Parliament, Canada, and The Netherlands are considering similar pieces of legislation. This summer, the U.S. State Department barred dozens of Russian officials from traveling to the United States over their involvement in the death of Magnitsky.

I want to commend the administration, and particularly Secretary Clinton for her strong words condemning the recent fraudulent elections in Russia. But despite all these efforts, there is more we can do to support human rights in civil society, freedom of expression in Russia.

Passing the Magnitsky bill this year is one of them. In the midst of an election year, at a time of difficult partisanship, I believe this is one effort—as we have seen so well from Senator CARDIN and Senator WICKER today—this is one effort on which both sides of the aisle can agree. We stand today unambiguously in support of the rule of law, democracy, and respect for human rights in Russia. I hope our colleagues in the Congress and at the State Department will work constructively in the months ahead to pass this critical legislation.

Before I yield the floor, I also think it is important to call attention to the particularly egregious act that Russia committed in recent days before the United Nations, when they vetoed the Security Council resolution aimed at halting the ongoing violence in Syria. Today, more than 25,000 people have fled Syria; more than 7,000 innocent Syrians have died at the hands of President Assad. Despite Syria's growing isolation, Russia continues to harbor and arm the Syrian regime. This is unacceptable. I think our passage of the Magnitsky bill will send a very strong sign to Russia that not only in the Magnitsky case and other human abuses in-country are they going to be held accountable, but their actions internationally will also make them accountable to the international community.

Again, I say thank you to Senators CARDIN and WICKER for their leadership on this issue. I am pleased and honored to be able to join them in making this fight.

Mr. WICKER. Mr. President, we were honored to have Senator SHAHEEN join us. I know there are others who would like to be here today.

We are here to tell the sordid facts of this case. But we are also here because change can occur. If this were completely hopeless, what would be the point of this exercise? Change occurred in Eastern Europe. I must admit there was a time in my younger days when I doubted it would ever occur. My hat is off to the intrepid members of the Public Oversight Commission who had the courage to issue a report critical of their government to the Russian President's Human Rights Council. So voices are being heard. There is a thread of truth coming from the almost Iron Curtain of authoritarianism that we have reverted to in Russia.

The Senator from New Hampshire mentioned other organizations in Russia. I am glad she has had those letters printed in the RECORD.

I also point out I have to applaud the international reaction. In December, the European Parliament passed a resolution recommending an EU-wide travel ban and asset freeze for officials tied to Mr. Magnitsky's death.

We need to act as a Senate and as a Congress. I am calling on every Senator within the sound of my voice today, every legislative director dealing with defense and foreign policy issues, once again to look at the Sergei Magnitsky Rule of Law Accountability Act.

I will tell my friend from New Hampshire that the number is now up to 30, we learned on the floor today from Senator CARDIN, so we have 30 Senators involved. We ought to have a majority of Senators before the end of this day, if people would just take the time to look. I join her in congratulating the Foreign Relations Committee on bringing further light to this issue. I thank the State Department, as she said. I will simply conclude my portion by saying recent events make it even more important that the Foreign Relations Committee and that this Senate take up and pass this legislation. I urge all my colleagues to consider joining us on this legislation.

Mr. CARDIN. If I might, I thank Senator SHAHEEN for her comments, but more importantly I thank her for her leadership. The hearing she held on the Sergei Magnitsky bill was very helpful.

First, I think in answer to the question of why we should care, we all understand America's leadership on moral issues. The world looks to America to stand against these fundamental abuses of human rights, so that in and of itself is a reason for us to act.

It is also apparent from the hearings that actions of these criminals, these violations in Russia, involve our financial institutions. So we are talking about the integrity of American companies to be able to do business internationally.

It is not only the moral issue about which we have a right to speak out. As my colleagues on the floor know, in the commitments we all signed onto in Helsinki in 1975, we had committed ourselves to basic human rights and the obligation of any member state to question the conduct in another state. Russia is a signator of the Helsinki Final Act. The United States is a signator. We have a responsibility to bring this to the world's attention.

We can do more. What can we do about this? There are many aspects of the Magnitsky tragedy that are difficult for us to pursue in the United States. It cannot be through our justice system; it has to be their justice system that has to be reformed. But there are steps we can take. The legislation we all filed recognizes the right to visit America is a privilege granted by the United States. The visa is a privilege. There is no guaranteed right to come to America.

One thing we can do is say those who are committing these gross human rights violations should not be given the privilege of entering the United States.

I wish to acknowledge and thank Secretary of State Clinton for taking action against human rights violators. That is the right policy. The legislation we have authored institutionalizes a process where we deny the right for those individuals to visit, to come to the United States.

Obviously, that has a price to them. Of course, what we are trying to do is get the government—in this case Russia—to do what is right.

The second thing we could do is deal with their financial participation in U.S. institutions. These people do get involved in international finance. They do have resources that travel through U.S. financial institutions. We do have laws that allow us to hold those funds through due process. We can do that.

That is the reason why the legislation we have talked about today, the legislation I introduced, along with my colleagues, would institutionalize those types of changes. For those who think it may not mean much, let me remind them about what we did when the Soviet Union denied the rights of Jews to be able to leave the country. In the Congress, we took action by legislation. Many said: Would that make any difference?

It made a huge difference. It brought about change in the Soviet Union. Other countries followed our leadership. As both my colleagues have pointed out, if we act, other countries will act. It will become the norm and that will help us establish the expectation that countries do need to address tragedies such as Sergei Magnitsky's and, more importantly, take steps so it never happens again. That is what we are attempting to do by moving forward with this legislation. As Senator WICKER said, we do urge our colleagues to join us in this effort.

Senator WICKER mentioned what is happening around the world. We see countries go through a democratic transformation we never thought we would see in our lifetime. It happened in Europe and they are now some model democracies, our NATO allies, countries that just a few decades ago we thought would be our enemies to this day. So we have seen change occur. We want to be on the right side of this issue, the right side of history, on moving Russia forward with the types of reforms to which the people of Russia are entitled.

We have the right to do that under the Helsinki Act. We have the responsibility to point out these issues. We can take action that can make a huge difference. That is why we are engaged in this discussion, to say we want Russia to do the right thing. We want to speak out to the Russian people. We think we can play a very important role.

The U.S. Helsinki Commission, of which I had the honor to be the Senate chair and Senator WICKER is the lead Republican on the Senate side, has a proud history of putting a spotlight on problems. People do not like name calling, but we have to point out where the violations occur. Unfortunately, if we do not do it, it becomes statistics. But if we do it, we put a face on it—so we realize these are people who have families who have been abused because they are trying to do the right thing—we can get action. That is why I am so proud of the legacy of the U.S. Helsinki Commission and what we have been able to do.

This is another chapter in that proud history of saying we are going to stand for basic human rights, that is a priority for our country, we can do better and we can do justice for Sergei Magnitsky and we can do justice for the people of Russia.

Mrs. SHAHEEN. Will the Senator yield for a question?

Mr. CARDIN. I will be glad to yield.

Mrs. SHAHEEN. One of the things the Senator talked about so eloquently, as we talked about the ability of our financial systems to impact what is happening in Russia—one of the things we heard about at the hearing on the Magnitsky bill was from the head of the American Chamber in Russia who talked about what the impact of this kind of case is on American companies trying to do business and the concern it raises about issues of corruption and the ability to operate freely in Russia. Does my colleague not agree that we can also urge those companies that are operating in Russia to speak out when cases such as this happen and they have concerns about what it does to their business in the country?

The ACTING PRESIDENT pro tempore. The majority's 30 minutes has expired.

Mr. CARDIN. We are going to yield the floor. Let me agree with my colleague, Senator SHAHEEN. She is absolutely right. It is going to be easier for them to speak out if they know we are going to continue raising these issues.

I thank Senators SHAHEEN and WICKER and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

THE BUDGET

Mr. BARRASSO. Mr. President, I come to the floor as someone who sat through the President's State of the Union and I have just come from a Senate Energy Committee hearing. I sat through the State of the Union near the Secretary of Energy and was happy when I heard some of the comments of the President when he talked about an ''all of the above'' strategy, needing all of the sources of energy. But this Monday the President's budget came out which is very different than that. It is a budget I would like to discuss this morning and talk about because, as I read through it, it looks to me as though the President has abandoned his role as leader of the Nation by not being honest with the American people about the significance of the debt that we as Americans face. To me, this budget ambushes the American people. The President, under the pretense of economizing, promises to cut $4 trillion of deficit over 10 years, but the budget itself actually piles $11 trillion of new debt in that same timeframe.

Under the pretense of helping everyone to prosper, to me the President's budget buries every single American under a mountain of debt and that is a debt that is going to rob more and more from their paychecks with each passing year. The savings the President promises are not going to come. The spending he demands is for things we cannot afford. It seems to me this President's budget is another painful step on the road to bankrupting America.

We are in the fourth year of the Presidency, and for each of those 4 years the deficit has exceeded $1 trillion; $1 trillion in each of the 4 years of this Presidency.

How does that match with what the President has been saying? In February of 2009, the President had been President about a month, he made a pledge. The pledge was he would cut the deficit in half by the end of his first term in office. Here we are, the final year of the President's first term in office, and this deficit is still above $1 trillion. Once again, what the President has said to the American people is very different than what he has delivered to the American people. I am still waiting for a chance in this body, in the Senate, to vote on the President's budget. The majority leader, who sits in the front row, has said he doesn't intend to even bring it to the floor of the Senate for a discussion or a debate or a vote. The law is pretty clear: The President has to introduce a budget by a certain date—the President missed that deadline—and the Senate and the House have to go ahead and pass a budget, which this body has not done now for over 1,000 days. Multiple years and no budget has passed this body.

There actually was a vote last year on the President's budget. It was one where the budget itself was called irresponsible, and there were a number of press renderings on it. The majority leader refused to bring it to the Senate floor, so the minority leader brought the President's budget to the Senate floor. Not one Republican voted for it, but not one Democrat voted for the President's budget either. The total count on the President's budget last year in the Senate: 0 votes for the President's budget, 97 votes against the President's budget. Yet the President introduces another budget this year ignoring the two major tidal waves we face, the tidal waves of Social Security and Medicare.

It is interesting. You read in the New York Times:

Obama Faces Task of Selling Dueling Budget Ideas.

President Obama more than ever confronts the challenge of persuading voters that he has a long-term plan to reduce the deficit, even as he highlights stimulus spending.

Challenging to persuade voters that he has a long-term plan to reduce the deficit. What did he promise? What did he deliver? What we see is a health care law where he promised one thing and delivered something very different. We see it now in the budget, and the numbers are so large. The numbers are so astronomically large that it is hard for one to comprehend how much a deficit of $1 trillion truly is. You can visit with high school students or service clubs or go to townhall meetings or senior centers, the number is so large it is hard to wrap one's mind around it.

The President tries to make people believe that everything would be OK if he could just raise some taxes—just a little bit, he says—on some other people—not you but other people—and everything would be fine. When you actually look through this, to get to $1.3 trillion, which is what the President has proposed in this year's budget as a deficit, you could take all the millionaires and billionaires—things he likes to rail about—and you could take every penny they earn over that $1 million, all of them combined, and then on top of that sell off all the gold in Fort Knox, add it all together, and that would not be enough to cover just the deficit, that $1 trillion the President plans to spend over and above what comes in. It is completely irresponsible, but that is what we have seen from this administration.

So we have a President who makes presentations, gives speeches, and yet what the American people see is something very different. So this morning in the Energy Committee, we had an opportunity to visit with the Secretary of Energy specifically on budgetary issues relating to the budget and the future.

Of course, the President said he supported an all-of-the-above energy plan for the country. Well, I support an all-of-the-above energy plan for the country, but when you go through the details, that is not exactly what the American people see. What the American people see is the cost of gasoline at the pump continuing to go up. They see an administration that is blocking an opportunity to move oil from northern parts of our country, as well as from Canada, to the United States for use here.

Take a look at the front-page headline of USA Today from a couple of days ago:

''Chaotic spring'' predicted for gas. Average prices likely to hit $4.05 a gallon.

People care about that. People all across the country drive around, they see the signs up, they see what the cost of a gallon of gasoline is, and they see it impacting their daily lives.

Today a number of us visited the Energy Committee and talked about today's Wall Street Journal article this

morning. ''Oil Rise Imperils Budding Recovery.'' We want this country to recover. We want people to get back to work. We want to make it easier and cheaper for the private sector to hire people and get America working again. The price of energy goes up, the price of oil goes up—''Oil Rise Imperils Budding Recovery.''

What does it say? ''The average price of a gallon of regular gasoline has jumped 13.1 cents to $3.51 cents in the past month.'' So gasoline at the pump is up 13 cents in the last month. This is according to AAA.

It goes on to say:

Some parts of the country have seen even bigger increases, with prices approaching $4 a gallon in parts of California.

Higher prices at the pump—and this is where it really hits home. This is what I hear about at home in Wyoming when the price of gasoline goes up. And we drive great distances, Mr. President, in your home State and my home State. People notice it because it impacts on other things for which they can use that same money.

It says here in the Wall Street Journal:

Higher prices at the pump force consumers to cut back spending on discretionary items like restaurant meals, hair cuts and family vacations, hurting those industries.

Isn't that what it is really about as the price of gasoline at the pump goes up? It hurts the ability of families and the quality of life—they could spend that money in other ways.

It says:

A prolonged increase can drive up inflation and drive down hiring.

We are a country that wants people to get back to work. We want to give them those opportunities, and it just seems that the President's budget and the policies of this administration and a rejection of things that would actually help us with American energy are going to make it harder for families. When the price of gasoline goes up, the impact on an average family is over $1,000 a year in terms of their ability to have disposable income. If it is a family dealing with a mortgage and bills and kids, that is a huge difference in the quality of life for those American families.

States around the country get it. I look at Wyoming. We are in our legislative session there right now. We balance our budget every year. The constitution demands it. If less money comes in, we spend less money. They make the tough decisions.

The President said he is ready to make the tough decisions, but I don't see tough decisions in this budget. What I see is a political document, a campaign document, something that has more stimulus money in it, money so he can promise people things. We all know how that first so-called stimulus program went. To me, it was a failure. We had spending of about $800 billion. The President promised that if we passed the stimulus program, the unemployment rate would stay less than 8 percent. They put out charts, and by today, from those charts, the unemployment rate should be 6 percent. The unemployment rate is still 8.3 percent. It has been over 8 percent for 36 months now.

When you look at this and look at the President's budget, to me, it is debt on arrival. The budget spends $47 trillion, it borrows $11 trillion, and it increases the national debt to $26 trillion by 2022. It is debt upon debt upon debt. So from were do you borrow the money? A lot of it you borrow from overseas. A lot of it comes from China. So what role is China playing now? Well, they are continuing to lend us money.

By the way, when the President blocked the Keystone XL Pipeline, what did China say to our northern neighbors, our big trading partner, Canada? If the United States doesn't want it, if President Obama isn't interested, we will take the oil in China. The Prime Minister of Canada was in China last week doing exactly that—cutting a deal with the Chinese for energy that will be sold from Canada. I think we should want it. I think if we want to be energy secure and work on energy security, which, to me, is an issue of national security, we should want that energy. Good jobs; the amount of money in terms of jobs that are available—this isn't government money, it is private money to put people back to work. We haven't seen it, and this administration, through its budget and through its policies, continues to oppose those efforts for American jobs.

So what we see is that under the President's 10-year budget proposal, the spending goes up every year without stop. Every year from now to over the next 10 years, spending goes up and we see trillion-dollar deficits year after year after year.

What is most disturbing to some of my colleagues who have accounting degrees—especially the senior Senator from the State of Wyoming, who is an accountant, who has run businesses; he looks at this, and he can easily point out the budgetary gimmicks, the accounting tricks that have been used over and over to make this budget, as irresponsible as it happens to be, look not as bad as it really is.

This budget is bad for America, and it is a continuation of a number of policies that have come out of this administration that have made it harder and more expensive for the private sector to create jobs. What I am trying to do is look for ways to make it easier and cheaper for the private sector to create jobs. We have not seen it in the President's budget, we have not seen it in the policies of this administration, and we have not seen it in this President.

Thank you very much.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEAHY. The Senate was forced to spend the better part of this week ending a filibuster against the nomination of Judge Adalberto Jordan of Florida to fill a judicial emergency vacancy on the Eleventh Circuit. Finally, after a four month Republican filibuster that was broken on Monday by an 89–5 cloture vote, and after Republicans insisted on two additional days of delay, the Senate was allowed to vote on the nomination. We voted 94–5 to confirm Judge Jordan. I suspect the vote would have been the same four months and two days sooner. It was a colossal waste of the Senate's time and another week lost to obstruction and delay.

Now the Senate Majority Leader has been required to file another cloture petition on yet another consensus nominee. This is the ninth time the Majority Leader has had to file a cloture petition to overcome a Republican filibuster of one of President Obama's superbly-qualified judicial nominees. The nomination of Jesse Furman to fill a vacancy on the Southern District of New York has been stalled for more than five months after being reported unanimously from the Senate Judiciary Committee. Consensus nominations like this to Federal district courts have nearly always been taken up and confirmed by the Senate within days or weeks, whether nominated by a Democratic or a Republican President. Certainly that was the approach taken by Senate Democrats when President Bush sent us consensus nominees. That is how we reduced vacancies in the presidential election years of 2004 and 2008 to the lowest levels in decades and how we confirmed 205 of President Bush's judicial nominees in his first term. Yet, in an almost complete reversal of this approach, Mr. Furman's nomination has been blocked by Senate Republicans for over five months, without reason or explanation.

Regrettably, for the second time, we will have to vote to end a Republican filibuster of one of President Obama's district court nominations. I cannot recall a single instance in which a President's judicial nomination to a Federal trial court, a Federal district court, was blocked by a filibuster. Yet, Senate Republicans nearly did so last year when they sought to filibuster Judge Jack McConnell's nomination to the Rhode Island District Court, despite the strong support of both home state Senators who know their state best. At that time I emphasized the danger of rejecting the Senate's traditional deference to home state Senators and beginning to filibuster district court nominations. Fortunately, the Senate rejected that filibuster and that path and Judge McConnell was confirmed. I trust the Senate will do so again, bringing to an end another filibuster, this time for a district court nominee, Mr. Furman, who was reported unanimously by the Judiciary Committee.

Like the needless delay in Judge Jordan's confirmation, the Republican filibuster of Jesse Furman, who by any traditional measure is a consensus nominee, is another example of the tactics that have all but paralyzed the Senate confirmation process and are damaging our Federal courts. It should not take five months and require a cloture motion for the Senate to proceed to vote on this nomination. At a time when nearly one out of every 10 judgeships is vacant and we have over 20 judicial nominations reported favorably by the Committee, 16 of which have been stalled on the Senate calendar since last year, nearly all of them superbly-qualified consensus nominees, our Federal courts and the American people cannot afford more of these partisan tactics.

I read with interest this morning Gail Collins' column in The New York Times on the approval rating of Congress. She notes that Congress is ''unpopular like the Ebola virus, or zombies . . . like TV shows about hoarders with dead cats in their kitchens.'' She goes on to discuss the Republican filibusters of judicial nominees and writes:

This week, the Senate confirmed Judge Adalberto Jose Jordan to a seat on the federal Court of Appeals for the 11th Circuit in Atlanta. A visitor from another country might not have appreciated the proportions of this achievement, given that Jordan, who was born in Cuba and who once clerked for Sandra Day O'Connor, had no discernible opposition.

I ask consent that a copy of Ms. Collins' column be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. BROWN of Ohio). Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. This is the kind of obstruction that is hard to explain to the American people. This Republican filibuster, like that of Judge Jordan, is very hard to understand. Jesse Furman is an experienced Federal prosecutor who has prosecuted international narcotics trafficking and terrorism and consulted on some of the Southern District's most complex cases, including the Galleon insider trading case, the prosecution of former Madoff employees, and the Times Square bomber case. A dedicated public servant, Mr. Furman has been a law clerk at all three levels of the Federal judiciary, including as a clerk to Supreme Court Justice David Souter.

I got to know Mr. Furman when he was the counselor to Attorney General Michael Mukasey. That is right: The Senate Republicans are filibustering someone strongly supported by President Bush's Attorney General who was himself a Federal judge. When Mr. Furman's nomination was before the Committee last summer, Attorney General Mukasey wrote to the Committee in strong support:

All I can hope to add is my own belief that he is a person to whom one can entrust decisions that are consequential to the lives of people and to the general welfare of the populace, with confidence that they will be made wisely and fairly . . . and I urge that he be confirmed.

Former Supreme Court clerks who served at the same time as Mr. Furman, including clerks for conservative Justices such as Chief Justice Rehnquist, Justice Thomas, and Justice Scalia wrote in support of Mr. Furman's nomination, stating that, ''Mr. Furman has demonstrated his deep respect for and commitment to the rule of law, over and above politics or ideology.''

With this bipartisan support, the strong support of his home state Senators, and his impressive background, Mr. Furman's nomination was reported by the Judiciary Committee on September 15, without opposition from a single member of the Committee. We should have voted on his nomination many months ago, and certainly before the end of the last session. Senate Republicans have blocked this nomination for over five months without any explanation.

Sadly, this is not the first New York judge to be filibustered by Senate Republicans. Just a few years ago, Judge Denny Chin, an outstanding nominee with 16 years of judicial experience, was delayed from being elevated to the Second Circuit for four months until the Majority Leader forced a vote and he was confirmed 98–0.

Last May, the Majority Leader was required to file for cloture to end the filibuster of Judge Jack McConnell of Rhode Island. By rejecting that filibuster, the Senate took a step toward restoring a longstanding tradition of deference to home state Senators with regard to Federal District Court nominations. The Senate turned away from a precipice. It is wrong now for us to approach that precipice again. Filibustering this nomination would set a new standard for obstruction of judicial nominations.

Indeed, I have looked back over the last six decades and found only four district court nominations—four in over 60 years, on which cloture was even filed. For two of those, the cloture petitions were withdrawn after procedural issues were resolved. In connection with the other two, the Senate voted on cloture and it was invoked and the filibuster ended. All of those nominations were confirmed.

From the start of President Obama's term, Republican Senators have applied a heightened and unfair standard to President Obama's district court nominees. Senate Republicans have chosen to depart dramatically from the long tradition of deference on district court nominees to the home state Senators who know the needs of their states best. Instead, an unprecedented number of President Obama's highly-qualified district court nominees have been targeted for opposition and obstruction. That approach is a serious break from the Senate's practice of advice and consent. Since 1945, the Judiciary Committee has reported more than 2,100 district court nominees to the Senate. Out of these 2,100 nominees, only six have been reported by party-line votes. Only six total in the last 65 years. Five of those six party-line votes have been against President Obama's highly-qualified district court nominees. Indeed, only 22 of those 2,100 district court nominees were reported by any kind of split roll call vote at all, and eight of those, more than a third, have been President Obama's nominees.

Democrats never applied this standard to President Bush's district court nominees, whether in the majority or the minority. And certainly, there were nominees to the district court put forth by that administration that were considered ideologues. All told, in eight years, the Judiciary Committee reported only a single Bush district court nomination by a party line vote. President Obama's nominees are being treated differently than those of any President, Democratic or Republican, before him.

When I first became Chairman of the Judiciary Committee in 2001, I followed a time when Senate Republicans, who had been in the majority, had pocket filibustered more than 60 of President Clinton's judicial nominations, blocking them with secret holds in backrooms and cloakrooms, obstructing more with winks and nods, but with little to no public explanation or accountability. I worked hard to change that and to open up the process. I sought to bring daylight to the process by making the consultation with home state Senators public so that the Senate Republicans' abuses during the Clinton years would not be repeated.

When Senate Democrats opposed some of President Bush's most ideological nominees, we did so openly, saying why we opposed them. And when there were consensus nominees—nominees with the support of both Democrats and Republicans—we moved them quickly so they could begin serving the American people. That is how we reduced vacancies in the presidential election years of 2004 and 2008 to the lowest levels in decades. That is how we confirmed 205 of President Bush's circuit and district nominees in his first term.

Now we see the reverse of how we treated President Bush's nominees. Senate Republicans do not move quickly to consider consensus nominees, like the 14 still on the Senate Calendar that were reported unanimously last year and should have had a Senate vote last year. Instead, as we are seeing today and have seen all too often, Senate Republicans obstruct and delay even consensus nominees, leaving us 43 judicial nominees behind the pace we set for confirming President Bush's judicial nominees. That is why vacancies remain so high, at 86, over three years into President Obama's first term. Vacancies are nearly double what they were at this point in President Bush's

third year. That is why 130 million Americans live in circuits or districts with a judicial vacancy that could have a judge if Senate Republicans would only consent to vote on judicial nominees that have been favorably voted on by the Senate Judiciary Committee and have been on the Senate Executive Calendar since last year.

This is an area where we should be working for the American people, and putting their needs first. It is the American people who pay the price for the Senate's unnecessary and harmful delay in confirming judges to our Federal courts. It is unacceptable for hardworking Americans who are seeking their day in court to find seats on one in 10 of those courts vacant. When an injured plaintiff sues to help cover the cost of medical expenses, that plaintiff should not have to wait for years before a judge hears his or her case. When two small business owners disagree over a contract, they should not have to wait years for a court to resolve their dispute. With over 20 judicial nominees favorably reported by the Committee and cloture motions being required for consensus nominees, the Senate is failing in its responsibility, harming our Federal courts and ultimately hurting the American people. Is it any wonder that barely 10 percent of the American people view Congress favorably?

The slow pace of confirmations of President Obama's judicial nominees is no accident or happenstance. It is the result of deliberate obstruction and delays. For the second year in a row, the Senate Republican leadership ignored long-established precedent and refused to schedule any votes before the December recess on the nearly 20 consensus judicial nominees who had been favorably reported by the Judiciary Committee. Here we are in the middle of February fighting to hold a vote on one of the 18 nominees who should have been confirmed last year. Fourteen of the nominees being blockaded by Senate Republicans were reported with the unanimous support of their home state Senators and every Republican and every Democrat on the Senate Judiciary Committee. The result of these Republican delay tactics is clear—we are far behind the pace set by the Senate during President George W. Bush's first term, with a judicial vacancy rate nearly twice what it was at this point in his first term.

During President George W. Bush's administration, Republican Senators insisted that filibusters of judicial nominees were unconstitutional. They threatened the ''nuclear option'' in 2005 to guarantee up-or-down votes for each of President Bush's judicial nominees. Many Republican Senators declared that they would never support the filibuster of a judicial nomination—never. Yet, only a few years later, Senate Republicans reversed course and filibustered President Obama's very first judicial nomination, that of Judge David Hamilton of Indiana, a widely-respected 15-year veteran of the Federal bench who had the support of the most senior and longest-serving Republican in the Senate, Senator LUGAR. The Senate rejected that filibuster and Judge Hamilton was confirmed.

But the partisan delays and opposition have continued. Senate Republicans have required cloture votes even for nominees who ended up being confirmed unanimously when the Senate finally overcame those filibusters and voted on their nomination. So it was with Judge Barbara Keenan of the Fourth Circuit, who was confirmed 99–0 when the filibuster of her nomination finally ended in 2010, and Judge Denny Chin of the Second Circuit, an outstanding nominee with 16 years judicial experience, who was ultimately confirmed 98–0 when the Republican filibuster was overcome after four months of needless delays. Just this week the long-delayed nomination of Judge Adalberto Jordan to the Eleventh Circuit was confirmed 94–5.

This obstruction is particularly damaging at a time when judicial vacancies remain at record highs. There are currently 86 judicial vacancies across the country, meaning that nearly one out of every 10 Federal judgeships remains vacant. The vacancy rate is nearly double what it had been reduced to by this point in the Bush administration, when we worked together to reduce judicial vacancies to 46.

Some Senate Republicans are now seeking to excuse these months of delay by blaming President Obama for forcing them to do it. They point to President Obama's recent recess appointments of a Director for the Consumer Financial Protection Bureau and members of the National Labor Relations Board. Of course, those appointments were made a few weeks ago, long after Judge Jordan's nomination was already being delayed. Moreover, the President took his action because Senate Republicans had refused to vote on those executive nominations and were intent on rendering the Government agencies unable to enforce the law and carry out their critical work on behalf of the American people. Some Senate Republicans are doubling down on their obstruction in response. They are apparently extending their blockage against nominees beyond executive branch nominees to these much-needed judicial nominees. This needless obstruction accentuates the burdens on our Federal courts and delays in justice to the American people. We can ill afford these additional delays and protest votes. The Senate needs, instead, to come together to address the needs of hardworking Americans around the country.

I, again, urge Senate Republicans to stop the destructive delays that have plagued our nominations process. I urge them to join us not only in rejecting the five-month filibuster of Mr. Furman's nomination, but also in restoring the Senate's longstanding practice of considering and confining consensus nominees without extended and damaging delays. The American people deserve no less.

EXHIBIT 1

CONGRESS HAS NO DATE FOR THE PROM

(By Gail Collins)

I am shocked to report that Congress, the beating heart of American democracy, is unpopular.

Not unpopular like a shy kid in junior high. Unpopular like the Ebola virus, or zombies. Held in near-universal contempt, like TV shows about hoarders with dead cats in their kitchens. Or people who get students to call you up during dinner and ask you to give money to your old university.

The latest Gallup poll gave Congress a 10 percent approval rating. As Senator Michael Bennet of Colorado keeps pointing out, that's lower than BP during the oil spill, Nixon during Watergate or banks during the banking crisis.

On the plus side, while 86 percent of respondents told Gallup that they disapproved of the job Congress was doing, only 4 percent said they had no opinion. That's really a great sense of public awareness, given the fact that other surveys show less than half of all Americans know who their member of Congress is.

So little attention, yet so much rancor. We're presuming that this is because of the dreaded partisan gridlock, which has made Congress increasingly unproductive in matters that do not involve the naming of post offices.

And Congress is listening! Lately, we have been seeing heartening new signs of bipartisan cooperation. For instance, the House and Senate are near an agreement on the payroll tax cut, namely that it will continue and not be paid for.

This is actually sort of a tradition. No matter who is in power in Washington, Congress has always shown a remarkable ability to band together and pass tax cuts that are not paid for. It's like naming post offices, only somewhat more expensive.

But there's much, much more. For instance, both chambers recently approved a big new ethics reform bill that would ban members of Congress from engaging in insider trading.

Perhaps you imagined that this was already against the law.

This piece of legislation had been lying around gathering dust since 2006. But, this year, the House and Senate decided to stand tall and pass it as a matter of principle. It had nothing to do with a ''60 Minutes'' report that made the whole place look like a convention of grifters. Totally unrelated. This was simply a bill whose time had come.

And that bill would probably already be signed into law were it not for a disagreement over whether to require the high-paid professionals who poke around Congress collecting information that might be of use to their Wall Street clients to register the same way lobbyists do.

You'd think this would be easy to sort out since most members of the House and the Senate have gone on the record in favor of registering these guys.

But, no, the idea ran afoul of the House majority leader, Eric Cantor, the Darth Vader of Capitol Hill. Cantor says the idea should be studied, which is, of course, legislatese for ''trampled to death by a thousand boots.''

Still, the good news is that the basic idea of prohibiting members of Congress from using the information they acquire in the course of their public duties to engage in insider trading did pass both chambers by enormous majorities.

Yippee.

And the bipartisan cooperation keeps rolling on. This week, the Senate confirmed Judge Adalberto Jose Jordan to a seat on the federal Court of Appeals for the 11th Circuit in Atlanta. A visitor from another country might not have appreciated the proportions of this achievement, given the fact that Jordan, who was born in Cuba and who once clerked for Sandra Day O'Connor, had no discernible opposition.

But Americans ought to have a better grasp of how the Senate works. The nomination's progress had long been thwarted by Mike Lee, a freshman Republican from Utah, who has decided to hold up every single White House appointment to anything out of pique over . . . well, it doesn't really matter. When you're a senator, you get to do that kind of thing.

This forced the majority leader, Harry Reid, to get 60 votes to move Judge Jordan forward, which is never all that easy. Then there was further delay thanks to Rand Paul, a freshman from Kentucky, who stopped action for as long as possible because he was disturbed about foreign aid to Egypt.

All that is forgotten now. The nomination was approved, 94 to 5, only 125 days after it was unanimously O.K.'d by the Judiciary Committee. Whiners in the White House pointed out that when George W. Bush was president, circuit court nominations got to a floor vote in an average of 28 days.

No matter. Good work, Senate! Only 17 more long-pending judicial nominations to go!

Meanwhile, the House named a post office in Missouri for a fallen Marine.

Mr. LEAHY. I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1813, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1813) to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

Pending:

Reid amendment No. 1633, of a perfecting nature.

Reid amendment No. 1634 (to amendment No. 1633), to change the enactment date.

Reid motion to recommit the bill to the Committee on Environment and Public Works, with instructions, Reid amendment No. 1635, to change the enactment date.

Reid amendment No. 1636 (to (the instructions) amendment No. 1635), of a perfecting nature.

Reid amendment No. 1637 (to amendment No. 1636), of a perfecting nature.

The PRESIDING OFFICER. The assistant Republican leader is recognized.

Mr. KYL. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes and that I be followed by the Senator from Texas, Mr. ALEXANDER.

The PRESIDING OFFICER. From Tennessee.

Mr. KYL. What did I say? From Tennessee. Whatever I said, I apologize. I said Texas. I apologize.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BUDGET AND OUR NUCLEAR ARSENAL

Mr. KYL. Mr. President, I need to speak for a few minutes this morning about two important news events of this week: the budget that was submitted by the President and the news reports that the President is considering reducing our nuclear arsenal to dramatically lower levels than they are today. Let me speak to both those subjects briefly this morning, and then I will have more to say about them as time goes on.

In the President's budget, there is a specific part for the Department of Energy that funds the nuclear weapons program. Despite promises of the President that he would follow what is called the 1251 study over the course of his Presidency and request in the budget the sums of money for the Department that is called the NNSA—part of the Department of Energy—he reduced that this year by $372 million less than the target. The net result of that over 5 years is going to be $4.3 billion.

I know my colleague from Tennessee is very interested in this. Before the START treaty was debated, there was a big debate about whether the funding for the NNSA in the nuclear modernization program was adequate.

On the Veterans Day recess, before we began the debate on START, General Chilton, former head of STRATCOM, and Dr. Miller, the Assistant Secretary of Defense, flew to Phoenix and said to me: You were right. We were wrong. We have underfunded this by over $4 billion. We are going to add that to our 5-year budget profile.

This was the argument we had been making all along: You have underfunded the nuclear modernization program. You need to add between $4 billion and $5 billion to it. They agreed and that is what went into the revised 1251 report.

As a result of the budget request this year, we are right back where we started from before the revision—$4.3 billion below—and that is where we were when the administration came forward and said: You were right. We were wrong. Our previous figure was not enough.

So we have a problem, and it is going to cause some real disruptions.

One of the things we have to do is extend the life of one of our old weapons called the B–61. This is a 2-year delay now on that, a 2-year delay on another warhead called the W–76, at least a 5-year delay in the construction of the plutonium processing facility at Los Alamos Laboratory called the CMRR facility.

Why is that important? We knew prior to commitments the President made before the START treaty was debated that the CMRR was critical. We do not have a production capacity. Unlike Russia and China, for example, we cannot produce new nuclear weapons. We have to go back and revise the ones we have. One of the facilities that would enable us to do that is this CMRR facility. In fact, that is where a great deal of the work would be done.

What we were told was that the President was fully committed to constructing this facility on a timetable set out in the 1251 report. Some of us were a little dubious. The President's representative said: We will put it to you in writing. So he did. What he said in his message on the New START treaty to the Senate with regard to this facility—I will quote it; the letter related to his intent to modernize and replace the triad:

[To] accelerate to the extent possible, the design and engineering phase of the Chemistry and Metallurgy Research Replacement (CMRR) building and the Uranium Processing Facility (UPF)—

That is the facility for uranium processing at Oak Ridge, TN—

[and to] request full funding, including on a multiyear basis as appropriate, for the CMRR building and the UPF upon completion of the design and engineering phase for such facilities.

We were concerned he would not request the funding in the outyears and that they would not accelerate the construction of these facilities. So he said he would. He would accelerate it to the extent possible and request full funding, including on a multiyear basis.

The budget he submitted this year breaks that commitment to the Senate, and those Senators who voted for the treaty based upon these commitments are obviously going to be reevaluating their support for the treaty. There are things that can be done by the Congress, including our power of the purse, to deal with the issue, which I will hope to have time to speak to in a moment.

Former Secretary Gates reflected on the Senate's reliance on these commitments when he said:

This modernization program was very carefully worked out between ourselves and the Department of Energy; and, frankly, where we came out on that played a fairly significant role in the willingness of the Senate to ratify the New START agreement.

For those who relied on the administration's commitment, they have been broken. We are right back to where we started from before the treaty was taken up.

If you want to know specifically what the problems are, Dr. Charles McMillan, the Los Alamos Director said:

Without CMRR, there is an identified path to meet the Nation's requirement of 50 to 80 pits per year . . . the budget reduction in FY13 compounds an already difficult set of FY12 budget challenges and raises questions about whether we can meet the pace of the modernization path outlined in the 2010 Nuclear Posture Review.

So we have a problem. Unless the President is willing to work with Members of Congress, and unless Members of Congress are willing to recognize that the Senate acted based upon some commitments the administration made and we have to keep our end of the bargain as well, we are going to find a huge problem with our modernization program, with our nuclear weapons

program, and all that portends with respect to our deterrent capability.

Now, let me turn to the other news of the week. The President's people confirmed that, yes, they are, in fact, studying whether we can reduce our nuclear warheads. Remember, we were at 1,500 for START, and an 80 percent reduction could take us down to 300. That is almost unthinkable, especially in today's environment where we have Russia and China with new production capacities. They are developing new nuclear weapons and producing them.

We are not designing or developing any new nuclear weapons. We have no plans to do so, and we have no production capacity to make them, even if we did. The capacity to refurbish the old ones is now going to be delayed another 5 years. So why would we be thinking about reducing our warheads even further under these circumstances? Well, some people say, with a robust missile defense program, and by upgrading our conventional capabilities, we might think about this. The problem with these two assumptions is, this budget cuts both of them dramatically as well. We are not enhancing conventional capabilities, we are drawing them down, which, by the way, is what has caused the Russians to rely much more heavily on their nuclear program.

What about the people who rely on our nuclear deterrence, the 32 countries that rely on our nuclear umbrella? If they see this, my guess is they are going to look at what they might do to develop their own weapons: So much for nonproliferation. What about the idea that countries that now have close to 300 weapons could become peers of the United States? How is that for strategy, to have Pakistan, which will soon have more weapons than Britain does, to have as many nuclear weapons as the United States?

That is not exactly the most stable place in the world today. Iran is developing its capability. North Korea already has it. The Chinese are already at roughly this level and improving their capability. Of course, Russia is much above it and talking about actually building more nuclear weapons, not fewer.

The Deputy Defense Minister in Russia recently said, on February 6:

> I do not rule out that under certain circumstances, we will have to boost, not cut our nuclear arsenal.

Now we are talking about reducing ours. How are we going to convince the Russians to reduce theirs? I presume this is all going to be done in some kind of additional treaty with the Russians, not likely to occur.

To me, what is most bothersome is that one of the arguments that nuclear opponents have always had is that we never want to get to a point where our doctrine, instead of holding hostage the military capability of any would-be adversary, would be to hold civilians hostage, innocent civilians. That is precisely what happens when instead of having enough nuclear weapons to cover all of the military targets of a potential adversary, we end up having only enough weapons to hold hostage the cities of our potential adversary and thus the civilian population of those countries.

That is not a moral deterrent. As a result, I think we have to think very carefully about this prospect of reducing our nuclear weaponry. We, obviously, have to do a lot more work on this issue in the Congress. As I said, we have some means of expressing our views to the administration. I think it needs to think very carefully about this. To the extent that it thinks it is going to solve or going to help with our financial crisis, reducing the number of warheads, unfortunately, does not reduce a lot of expense. It is a little bit like the BRAC Commission. So that cannot be cited as a reason to do this.

Finally, nor is there any prospect that we can serve as a moral example to other countries in the world by reducing our warheads to that level. The START treaty was supposed to be a new reset showing the world, through our moral example, the benefits of reducing warheads. Not a country in the world has reduced warheads since the signing of the New START treaty except the United States. Russia has not, China has not, Pakistan has not, our allies have not, and Iran and North Korea talk about expanding their programs.

So this is based on a very shaky proposition of benefits which are very unlikely to occur, and it is fraught with dangers that we must debate in this country before the President simply unilaterally decides to make such a drastic change in American policy.

We will have more time to discuss this in the future. Given the fact that these two events were kicked off this week—the President's budget and this latest announcement—I thought we should at least have a preliminary discussion of it on the floor of the Senate today.

I yield to my colleague from Tennessee.

The PRESIDING OFFICER. The senior Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MARKETPLACE FAIRNESS

Mr. ALEXANDER. Mr. President, I am here to talk about another subject, marketplace fairness. But before I do, I want to acknowledge the importance of what the Senator from Arizona has had to say and his leadership in the whole area of our nuclear doctrine, but especially in the area of nuclear weapons modernization.

I think he is correct to say that the discussion about section 1251, which he described—which is the goal for the amount of money we need to modernize our nuclear weapons that we have in this country—may not have been the reason that the New START treaty passed. But I doubt the New START treaty would have been ratified without it. So it is an important part of that debate, and it is an important part of the debate today.

I am one of those Senators who is right in the middle of the discussion. I worked with the Senator from Arizona on the last appropriations bill, and he worked harder than anyone to try to get the amount of appropriations closer to the 1251 number. We made some progress but still fell short. This represents a substantial challenge to us.

I think he has put his finger on a very important problem. When we talk about reducing defense spending—or sequestering defense spending—this is the kind of thing that we end up having to deal with because, even in the last year, both the administration and the Senate Appropriations Committee moved some money from defense over to this account to try to increase the money for nuclear weapons modernization, and still there was not enough to meet the 1251 commitment that many of us agreed to at the time the New START treaty was announced.

I thank him for his comments. I look forward to working with him on that important question.

I would like to talk about marketplace fairness, which ought to be an all-American subject in the Senate. It has turned out to be one that attracts strong bipartisan support. In November, Senator ENZI of Wyoming, the Democratic whip, Senator DURBIN, and I introduced, along with seven other Senators—an equal number from both sides of the aisle—what we call the Marketplace Fairness Act to close a 20-year loophole that distorts the American marketplace by picking winners and losers, by subsidizing some businesses at the expense of other businesses, and subsidizing some taxpayers at the expense of other taxpayers.

My colleagues and I keep talking about it because we strongly believe, as do many people across this country, that now is the time for Congress to act. Many Americans do not realize when they buy something online, which we increasingly do today, or order something through a catalog, which we have done for a long time, from a business outside of our own State that we still owe the State sales tax.

So what we are talking about does not even rise to the dignity of a loophole. What we are talking about is a law that says you owe the State sales tax even if you buy it online and even if you buy it from a catalog from out of State. The law already says, if you buy it you owe it.

This is not a problem only for big retailers such as Amazon and Walmart. It is a problem that is killing small businesses in Tennessee and across our country.

Last month, Gov. Bill Haslam of Tennessee and I spoke with small business owners from Knoxville and Oak Ridge,

Chattanooga, Johnson City, Nashville and Memphis about this problem. Every single one of those business owners shared personal stories about how this loophole has hurt their businesses.

Basically, this is what they said happened. I remember the story of the Nashville Boot Company. I talked to the owner. The customer came into the store, tried on a boot, got advice from employees about the boot, and then went home to buy the product online in order to avoid paying the State sales tax, which the customer owes. The State law already says you owe the tax.

The problem is, when you buy something at the Nashville Boot Company, or any other local store, the Nashville Boot Company collects the tax from you, adds it to your bill, and then sends the money to the State. That is how it has always worked. But if you buy the same boot or the same other item online or through a catalog, that business does not collect the State sales tax, even though you owe it. So the result is that similar businesses selling the same thing are being treated entirely different. That is not right, and it is not fair.

Most Americans who have looked at the issue agree with that. So how did this happen? Well, in 1992, when most of us could not possibly have imagined how the Internet would have changed the way we shop for things, the Supreme Court said States could not require out-of-State catalogs or online sellers to do the same thing States require of stores up and down Main Street. What was the reason? It was too complicated for an online seller such as Amazon or a catalog seller to figure out what the sales tax would be in Tennessee, and then how much to add on Maryville, which is the town in which I live.

Well, 20 years ago, I might have agreed with that. But today technology has made it easy for catalog sellers or online sellers to do the same thing Main Street sellers are required to do. Let me give an example.

This morning I wanted to know what the weather was in my hometown of Maryville, TN. So I opened my computer, went to Google, I typed in my ZIP Code, I typed in ''weather.'' It told me the weather. The software now exists to provide to catalog sellers or online sellers the same sort of easy way to find out sales tax.

If I were to buy a TV set online in Maryville, TN, I could just type in that city, the price, my name, and it would tell me the tax. I think it could even send the tax on to the State. In fact, it is about as easy—with this software that under our law is going to have to be provided by the State to out of state retailers—it is about as easy for them to find out what the tax is as it would be for the Nashville Boot Company when someone walks in and buys the boots in Nashville.

Some people have asked why should Congress get involved because nothing is preventing States from going ahead and collecting those taxes. That is true. If I were to buy my boots online and not pay the sales tax, the Governor could come knocking on my door and add the sales tax onto the purchase price of the boots. But that is not going to happen in a practical world. I mean, the State cannot do that for millions of purchases that are made every year online; and no one wants the Governor and his agents knocking on their doors about that.

So there is a simpler way to do it. Congress should make it easy for States to be able to do that because we should recognize the loophole is unfair, that it is anticompetitive, and it is distorting the marketplace.

As a Republican Senator, I believe our party should oppose government policies that prefer some businesses over other businesses and some taxpayers over other taxpayers. I believe in States rights. Our bill gives States the right to make decisions for themselves. If Illinois or Tennessee or California wants to prefer some businesses over others, wants to prefer some taxpayers over others, they can do that. That is their State's right. But we ought to make it possible for them to make their own decision.

A number of conservatives have been outspoken supporters for our legislation.

At times, conservatives were reluctant to support it over the years, because it was complicated and because it ''sounded like a'' tax. Well, it is about a tax, but it is a tax that is already owed.

Here is what Al Cardenas, chairman of the American Conservative Union, says. He supports our legislation and says:

> There is no more glaring example of misguided government power than when taxes or regulations affect two similar businesses completely differently.

Former Governor Haley Barbour also supports our bill. He said:

> There is simply no longer a compelling reason for government to continue giving online retailers special treatment over small businesses.

Governor Mitch Daniels of Indiana said a similar thing. Congressman MIKE PENCE of Indiana, a well-known conservative Congressman, said:

> I don't think Congress should be in the business of picking winners and losers. Inaction by Congress today results in a system that does pick winners and losers.

That is what Congressman MIKE PENCE had to say.

At CPAC this past weekend, in a gathering of conservative activists, there was a panel of leaders and industry experts talking about this issue. The general agreement was that Congress should act to solve the problem. The solution, the panelists said, should be fair, something people can understand, and meet the needs of States, consumers, and retailers.

I believe our legislation accomplishes all these goals. In the first place, it is a rarity in Federal legislation, because it is only 10 pages long. You can actually read it in a few minutes. It is fair because it gives States the right to decide for themselves how to enforce the States' own laws. It protects businesses and consumers by requiring States to adopt basic simplifications.

It exempts small businesses that sell less than $500,000 in remote sales each year. That is very important. I used the example of the Nashville Boot Company. The owner sells online and he sells out the front door. He said never in his history has he sold more than $400,000 worth of revenue from his boot sales online. And when he began, he was at least one of the larger online boot sellers. So the $500,000 exemption for small businesses from this legislation should go a long way to meeting the concerns of those Senators on both sides who want to make sure we don't impose some sort of new rule on very small entrepreneurs.

Another reason Congress should act now is that States and local governments will lose an estimated $23 billion in uncollected sales tax revenue in 2012 because of this loophole. Here is what former Governor Jeb Bush had to say about that:

> It seems to me there has to be a way to tax sales done online in the same way that sales are taxed in brick and mortar establishments. My guess is that there would be hundreds of millions of dollars that then could be used to reduce taxes to fulfill campaign promises.

Uncollected sales taxes could be used to pay for things our States need to pay for now. They could be used to reduce college tuition. They could be used to pay outstanding teachers. But they could also be used to reduce the sales tax rate or to reduce some other tax, or to avoid a tax altogether.

In Tennessee, where we don't have a State income tax, we want to avoid one. ''State income tax'' are probably the three worst words in our vocabulary, and collecting tax on sales from everybody who owes it could not only reduce our sales tax but help us avoid a State income tax.

Governor Haslam of Tennessee, who strongly supports our legislation, says:

> It's just too big of a piece of our economy now to treat it like we did 20 years ago.

Governor Haslam is right. Online sales set new records last year. And while the growth of e-commerce is very good news for our economy, our local businesses are getting hurt because they are not competing on a level playing field. That is why our legislation has the support of the National Governors Association, the National Conference of State Legislatures, the Conference of Mayors, and the National Association of Counties, to name a few.

About the only ones left who are complaining about our legislation are taxpayers and businesses who are being subsidized by other taxpayers and businesses because the playing field isn't level.

Amazon, a huge online seller, strongly supports our legislation. Over the

years, they have opposed legislation like this. Now they believe we have solved the problem. Why? Because they say our bill makes it easy for consumers and easy for retailers to comply with State sales tax laws, and it helps States without raising taxes or new Federal spending.

Some people will tell you we are talking about taxing the Internet. That is not true. Our legislation doesn't create a new tax. It doesn't tax the Internet. The Senate debated Internet access taxes several years ago. I was in the middle of the debate. It led to a moratorium on Internet access taxes. That moratorium is still in effect today.

We are talking about state taxes that are already owed, and the moratorium on an Internet access tax will stay in place and not be altered.

It is very hard to see how anyone can say with a straight face that giving States the right to collect taxes that are already owed is a tax increase.

I have spent a lot of time talking with my colleagues about making the Senate work more effectively. One way to do that is to make sure Senators have an opportunity to thoroughly consider important legislation.

On January 31, a few weeks ago, over 200 businesses and State and national trade associations sent a letter to the Senator from Montana, chairman of the Finance Committee, asking him to cosponsor our bill and to address the inequity this year. Senator ENZI and the bill's cosponsors have also urged the Senate Finance Committee to hold a hearing on our bill as soon as possible.

The House Judiciary Committee has already held a hearing. Their hearing on November 30, gave House Members of both political parties the opportunity to learn more about the issue and express their support for it. I hope the Senate Finance Committee will seriously consider our request and soon find time so Senators can have the same opportunity that House Members have had.

Ten years ago, the bills we considered to try to close this loophole simply weren't adequate to solve the problem. The legislation we introduced in November does solve the problem. It is simple, it is about States rights, it is about fairness, and it solves the problem. It doesn't cost the Federal Government a dime, it doesn't change Federal tax laws, and it doesn't require States to do anything. It simply gives States the right to decide for themselves how to enforce their own laws.

This is a 20-year-old problem that only the Federal Government can solve. Unless we act, States will continue to be deprived of their right to enforce their own tax laws and businesses will not be allowed to compete on a level playing field.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter to Chairman BAUCUS and Ranking Member HATCH from the 12 Senate bipartisan cosponsors of this legislation of January 31 asking for a hearing on the Marketplace Fairness Act, quotes from conservatives on this issue, and another memo with quotes from the Conservative Political Action Conference.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, January 31, 2012.

Hon. MAX BAUCUS,
Chairman, Committee on Finance, Dirksen Senate Office Building, Washington, DC.

Hon. ORRIN HATCH,
Ranking Member, Committee on Finance, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN BAUCUS AND RANKING MEMBER HATCH: We urge the Finance Committee to hold a hearing on The Marketplace Fairness Act (S. 1832), bipartisan legislation to allow States to collect sales and use taxes on remote sales that are already owed under State law. For the past 20 years, States have been prohibited from enforcing their own sales and use tax laws on sales by out-of-state, catalog and online sellers due to the 1992 Supreme Court decision Quill Corporation v. North Dakota. Congress has been debating solutions for more than a decade, and some States have been forced to take action on their own leading to greater confusion and further distorting the marketplace.

On November 9, 2011, five Democrats and five Republicans introduced The Marketplace Fairness Act, which would give states the right to decide for themselves whether to collect—or not to collect—sales and use taxes on all remote sales. Congressional action is necessary because the ruling stated that the thousands of different state and local sales tax rules were too complicated and onerous to require businesses to collect sales taxes unless they have a physical presence in the state.

Today, if an out-of-state retailer refuses to collect sales and use taxes, the burden is on the consumer to report the tax on an annual income tax return or a separate state tax form. However, most consumers are unaware of this legal requirement and very few comply with the law. Consumers can be audited and charged with penalties for failing to pay sales and use taxes.

Across the country, states and local governments are losing billions in tax revenue already owed. On average, States depend on sales and use taxes for 20% of their annual revenue. According to the National Conference of State Legislatures, this sales tax loophole will cost states and local governments $23 billion in avoided taxes this year alone. At a time when State budgets are under increasing pressure, Congress should give States the ability to enforce their own laws.

The Quill decision also put millions of local retailers at a competitive disadvantage by exempting remote retailers from tax collection responsibility. Local retailers in our communities are required to collect sales taxes, while online and catalog retailers selling in the same state are not required to collect any of these taxes. This creates a tax loophole that subsidizes some taxpayers at the expense of others and some businesses over others.

State and local governments, retailers, and taxation experts from across the country are urging Congress to pass The Marketplace Fairness Act because it gives states the right to decide what works best for their local governments, residents, and businesses. Given our fiscal constraints, we should allow states to enforce their own tax laws and make sure that state and local governments and businesses are not left behind in tax reform discussions. The House Judiciary Committee's hearing on this single issue on November 30, 2011, demonstrated the growing demand to close this loophole, and your committee would provide the best public forum for an open debate in the Senate on the merits of this important policy issue.

The Finance Committee is in the best position to shape the discussion on state and local taxation this year, particularly on sales and use taxes on remote sales. We urge the Committee to hold a hearing on the implications of The Marketplace Fairness Act at the earliest date possible. Thank you in advance for your consideration of this request.

Sincerely,

Michael B. Enzi; Lamar Alexander; John Boozman; Roy Blunt; Bob Corker; Richard J. Durbin; Tim Johnson; Jack Reed; Sheldon Whitehouse; Mark L. Pryor; Benjamin L. Cardin.

CONSERVATIVE VOICES ON E-FAIRNESS

''The only complete answer to this problem is a federal solution that treats all retailers and all states the same.''

—Indiana Governor Mitch Daniels, announcing that Amazon.com will begin collecting sales tax in Indiana beginning in 2014, January 9, 2012.

''I don't think Congress should be in the business of picking winners and losers. Inaction by Congress today results in a system today that does pick winners and losers.''

—Representative Mike Pence, House Judiciary Committee, hearing on ''Constitutional Limitations on States' Authority to Collect Sales Taxes in E-Commerce,'' November 30, 2011.

''. . . e-commerce has grown, and there is simply no longer a compelling reason for government to continue giving online retailers special treatment over small businesses who reside on the Main Streets across Mississippi and the country. The time to level the playing field is now . . .''

—Mississippi Governor Haley Barbour, letter to Sens. Enzi and Alexander endorsing S. 1832, the Marketplace Fairness Act, November 29, 2011.

''The National Governors Association applauds your efforts to level the playing field between Main Street retailers and online sellers by introducing S. 1832, the 'Marketplace Fairness Act.' This common sense approach will allow states to collect the taxes they are owed, help businesses comply with different state laws, and provide fair competition between retailers that will benefit consumers.''

—Tennessee Governor Bill Haslam and Washington Governor Christine Gregoire, National Governors Association letter to Sens. Durbin, Enzi, Tim Johnson and Alexander endorsing S. 1832, the Marketplace Fairness Act, November 28, 2011.

''When it comes to sales tax, it is time to address the area where prejudice is most egregious—our policy towards Internet sales. At issue is the federal government exempting some Internet transactions from sales taxes while requiring the remittance of sales taxes for identical sales made at brick and mortar locations. It is an outdated set of policies in today's super information age, when families every day make decisions to purchase goods and services online or in person. Moreover, it's unfair, punitive to some small businesses and corporations and a boon for others.''

—Al Cardenas, chairman of the American Conservative Union, ''The Chief Threat to American Competitiveness: Our Tax Code,'' National Review Online, November 8, 2011.

''It seems to me there has to be a way to tax sales done online in the same way that sales are taxed in brick and mortar establishments. My guess is that there would be hundreds of millions of dollars that then could be used to reduce taxes to fulfill campaign promises.''

—Former Florida Governor Jeb Bush, letter to Florida Governor Rick Scott, January 2, 2011.

''The truth is, Amazon's unfair sales tax exemption has seriously penalized its competition, which is mostly smaller, locally owned retail shops. It has hurt job creation and economic growth. It has resulted in government superseding market and consumer preferences. And it has left Main Streets across the country barren.''

—Stephen DeMaura, Americans for Job Security, ''Amazon's Argument Falls Apart,'' RedState.com, September 14, 2011.

''The mattress maker in Connecticut is willing to compete with the company in Massachusetts, but does not like it if out-of-state businesses are, in practical terms, subsidized; that's what the non-tax amounts to. Local concerns are complaining about traffic in mattresses and books and records and computer equipment which, ordered through the Internet, come in, so to speak, duty free.''

—William F. Buckley, National Review Editor at Large, ''Get that Internet Tax Right,'' National Review Online, October 19, 2001.

''Current policy makes the sales tax a distortion. Current policy gives remote sellers a price advantage, allowing them to sell their goods and services without collecting the sales tax owed by the purchaser. This price difference functions like a subsidy. It distorts the allocation between the two forms of selling. The subsidy from not collecting tax due means a larger share of sales will take place remotely than would occur in a free, undistorted market.''

—Hanns Kuttner, Hudson Institute, report on e-fairness entitled ''Future Marketplace: Free and Fair,'' November 29, 2011.

''Some opponents will argue against placing another burden on businesses and especially on small business. Unfortunately, today the burden is on those retailers who are trying to compete against someone who isn't collecting the tax. That 6–10% government mandated price advantage is the real burden on small business. However, all of the bills introduced in this Congress protect small businesses by excluding the smallest, by requiring states to simplify their laws and processes, and by requiring states to provide software.''

—Indiana State Senator Luke Kenley, testimony before the House Judiciary Committee, hearing on ''Constitutional Limitations on States' Authority to Collect Sales Taxes in E-Commerce,'' November 30, 2011.

''If action is not taken and Quill is allowed to remain the law of the land, then are we not picking winners and losers within the retail sector? How is a retailer, such as Bed, Bath and Beyond, J.C. Penney or Wal-Mart supposed to compete with Amazon.com, Blue Nile.com or Overstocked.com [sic] when the latter enjoy anywhere from an 8–10% discount due to not having to collect sales tax. This current law and policy discourages the continued development of the very brick and mortar establishments that support our state and local communities in numerous ways. This issue of fairness should be addressed and I believe that H.R. 3179 does that.''

—Texas State Representative John Otto, testimony before the House Judiciary Committee, hearing on ''Constitutional Limitations on States' Authority to Collect Sales Taxes in E-Commerce,'' November 30, 2011.

SUPPORT FOR MARKETPLACE FAIRNESS ACT AT CPAC

Conservative Political Action Conference (CPAC) panel demonstrates broad support among conservatives for Congressional action on state sales tax policy choice.

On Saturday, February 11, 2012, a panel of conservative leaders and industry experts at the CPAC conference discussed the issue of creating a Constitutional framework for collecting sales tax online. The discussion demonstrated the strong consensus that Congress should act to establish a fair, national approach that will address the needs of retailers, states and consumers. Conclusions from the panelists:

''The principles that we agree to as conservatives is generally: limited government, that taxes should be low, spending should restrained, no infringement on personal liberties and that elected officials certainly shouldn't be picking winners and losers in the marketplace.

''When [conservatives] apply these principles to this issue of e-fairness, we come up with the conclusion that the system is antiquated, flawed and should be replaced.''

—Steve DeMaura, President, Americans for Job Security.

''So, if we are going to change the system, we should make sure that it's something simple, something understandable and something fair across the board. Whatever burdens the system puts on online businesses should also be put on brick and mortar businesses. States should not be allowed to collect until they accept basic rules about what gets taxed and where.

''The bill before Congress now achieves this better than previous bills.''

—Joe Henchman, Vice-President of Legal and State Projects, Tax Foundation.

''If a consumer changes their behavior because of government policy, this is not a free market result. It's the result of the government and the government's policy. That's why you have to create a level playing field between the seller who has to collect the sales tax. . . and those who don't.''

—Hanns Kuttner, Visiting Fellow, Hudson Institute.

''We think the Congress should act. The time is right to act, for Congress to get this done and allow the states to make fiscal policy choices on their own—as a matter of fairness. As an added detail, there needs to be fairness not only between offline and online, but among online sellers and we certainly support that approach.''

—Paul Misener—Vice President for Global Public Policy, Amazon.

WHY CONSERVATIVES SUPPORT PASSAGE OF THE MARKETPLACE FAIRNESS ACT

The Marketplace Fairness Act protects states' rights to make their own policy choices.

The federal government should not prevent states from collecting taxes that are already owed.

Government should not pick winners and loses among various businesses. A new federal framework will level the playing field and make it easier for small businesses and consumers to comply with the law.

Mr. ALEXANDER. I thank the Chair. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, we have on the floor of the Senate the Transportation bill. You might wonder why a bill that is the No. 1 jobs bill that we can do here is moving so slowly. You might wonder. Any normal person would wonder why a bill that is so popular that it has everyone from the AFL–CIO to the Chamber of Commerce supporting it is moving so slowly. You might wonder why it is moving so slowly, since the transportation authorization for all of our highway and transit projects expires in about 1 month. You might wonder why it is moving so slowly. Why isn't anyone here? What is going on?

Yesterday, I came here and said I didn't see a clear path forward for this bill. It is very disturbing, and I will tell you why it is so disturbing. And that is that when you look at the construction area of our economy, it is still down. We have 1.5 million unemployed construction workers. If you think in your mind's eye what that is, I have a picture here of a stadium during the Super Bowl. You could see this stadium. I want you to picture everyone sitting in this stadium as an unemployed construction worker and think about 15 stadiums full. Yesterday, I said it was 10; that was incorrect. I stand corrected today. It is 15 stadiums full of unemployed construction workers praying that we pass this bill, because they are unemployed and this bill will create or save up to 2.8 million jobs. It will create or save 1.8 million jobs and create up to 1 million jobs.

Yesterday, I said I didn't see a clear path forward. Today, I see a path forward. I really do. There has been some progress overnight. But it isn't as clear as it should be. We asked both sides of the aisle, we said, Can you come up with amendments that you feel compelled to offer to this bill? And try to keep them related to transportation. Well, the bad news is there are a lot of extraneous amendments that were filed.

First and foremost, birth control. The Blunt amendment. Not only does it say that any employer could say they have a moral objection, it doesn't even have to be a religious objection. Any employer. So if I am an employer and I employ 100 people, and let's say I believe in prayer over medicine, I can then deny health care to all my employees. This makes no sense at all. Senator BLUNT says, well, you could

take it to court. Oh, sure. Some low-paid employee is going to take it to court.

So we have to deal with this birth control amendment and health care amendment on a highway bill. As I said yesterday, first when I saw the birth control amendment, I thought maybe it says you can't take your birth control pills when you are on a Federal highway. What is going on here? There is no relation. It is bizarre to offer these unrelated amendments.

Then we have an amendment on Egypt. Now, frankly, I am ready to vote on the birth control. I am happy to vote on an Egypt amendment, although I believe—this is my own view as a member of the Foreign Relations Committee—that when we have such delicate negotiations going on over the safety of our citizens who are being held there, we have to be very careful not to interfere in that important backdoor diplomacy that is going on. But we have one Senator who is holding up everything because he insists that we have to take a stand on Egypt even though we have Americans in danger over there.

My Republican friends have to understand what is at stake. The business community, the labor community, everyone is in favor of this transportation bill, and we are going to have to face votes that are unrelated.

There is an idea to repeal a very important environmental regulation that will clean up the pollution from boilers, pollution that is dangerous. It is mercury. It causes brain damage. It is arsenic. It is lead. And as I said yesterday—and I don't know whether you have had this experience. I have never in the history of my electoral career, which spans a long time, had anyone come up to me and say, Please, BARBARA, we really need more arsenic in our air, we need arsenic in our water, we need more lead, we need more mercury. People don't want it. Why on Earth would they now come forward in a highway bill and repeal a very important rule that will make our families healthier? That is what my Republican friends are putting out there. They want to drill off our coast, even though it might interfere with the fishing industry, the tourism industry, the recreation industry.

I would say to my colleagues with a hand of friendship, we are happy to look at transportation-related amendments. We can work those through. My staff and Senator INHOFE's staff have a very close working relationship, and we can take these relevant amendments and sit down and work through them. But obviously, if there is going to be a series of amendments on birth control and foreign policy matters and extraneous matters, it makes it very difficult. It diverts our attention from what is at stake. The clock is ticking on us. This transportation authorization we have expires in March.

Here is where we are: We are going to have a cloture vote on the various titles to the bill, the Finance title, the Banking title, the Commerce Committee title. I want to praise all of the committees. They have done their work. Four committees, including ours, the EPW, the Environment and Public Works Committee, we have all done our work. We have done our jobs. We did what we had to do. We passed out the legislation. Now let's marry all the pieces and get going with legitimate amendments and get this done. Get this done.

I urge colleagues to vote yes on cloture. I know some have problems with one of the titles, and we can amend that. If you don't like something in that title, we can amend it. And if we don't make cloture on the first round, we will come up with a path forward after that. But, please, it won't work if we have all of these bizarre, extraneous amendments. I am not saying the amendments are bizarre. Some are. But they are extraneous and they don't belong on this bill.

I want to take a minute to remind my colleagues how popular the transportation authorization is. We are going to show you the ad that is being run. But President Reagan was very clear on why it was so important to pass a transportation bill. Here is what he said:

The state of our transportation system affects our commerce, our economy, and our future.

He said, clearly, this program is an investment in tomorrow that we must make today. And there is a very good coalition out there, a broad coalition taking out ads on the radio. After they quote Ronald Reagan, they say:

It's time for leadership again, for new investments in transportation, to keep America moving and jobs growing. Call Congress. Tell them to pass the highway and transit bill and, once again, make transportation job number one.

This is out on the radio airwaves. I am very grateful that it is happening. I really, really am. Also, we have ads in the various newspapers. Then there is another one that marries up two Presidents' statements, President Reagan and President Clinton. They quote President Clinton by saying:

By modernizing and building roads, bridges, transit systems, and railroads, we can usher in two decades of unparalleled growth.

Then they also quote Ronald Reagan again. He says:

A network of highways and mass transit has enabled our commerce to thrive.

At the end it says:

Tell Congress to pass the highway and transit bill and make transportation job number one.

So here we sit—and I want to show you. I don't know if people can see this. I hope you can see this. This is an ad that is running all over today: President Reagan stood up for public transportation. Will you? Then they quote him and they say: A recovering economy is exactly the time to rebuild America. President Reagan knew it in 1983 when he signed into law dedicating motor fuel revenues to public transportation for years to come. But now the House—and they talk about the problem with the House bill and they tell the House to fix their proposal, which we hope they are doing as we speak.

This is a very important endeavor. Again, I have been around a long time. I have never seen the likes of the coalition we have seen. We have a coalition—it is the broadest coalition I have ever seen in my life in every single State, whether it is Ohio or California or New York or Alabama or Nevada or Kentucky. I am telling you, this is a strong coalition. And this is what they wrote to us:

In 2011, political leaders—Republican and Democrat, House, Senate, and the administration—stated a multi-year surface transportation bill is important for job creation and economic recovery. We urge you to follow words with action: Make Transportation Job #1 and move legislation immediately in the House and Senate to invest in the roads, bridges, and transit systems that are the backbone of the U.S. economy, its businesses large and small, and communities of all sizes.

That is basically from the letter signed by over 1,000 organizations.

I see my friend from California is here. She may be speaking on this topic or another topic, and I am going to yield to her momentarily.

I think it is important to take a look at the organizations I talked about to give you a sense of it. First of all, every State in the Union is listed on this letter.

I ask unanimous consent to have printed in the RECORD a copy of the letter from over 1,000 organizations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JANUARY 25, 2012.

TO THE MEMBERS OF THE U.S. HOUSE AND SENATE: As Congress embarks on a new legislative session, we, the undersigned companies and organizations, urge you to Make Transportation Job #1 in 2012 and pass federal highway, transit and safety legislation that, at a minimum, maintains investment levels before the current law expires on March 31. The long-delayed reauthorization of federal highway and public transportation programs is a major piece of unfinished business that can provide a meaningful boost to the U.S. economy and its workers and already has broad-based support.

To grow, the United States must invest. There are few federal efforts that rival the potential of critical transportation infrastructure investments for sustaining and creating jobs and economic activity over the short term.

Maintaining—and ideally increasing—federal funding for road, bridge, public transportation and safety investments can sustain and create jobs and economic activity in the short-term, and improve America's export and travel infrastructure, offer new economic growth opportunities, and make the nation more competitive over the long-term. Program reform would make the dollars stretch even further: reducing the time it takes transportation projects to get from start to finish, encouraging public-private partnerships and use of private capital, increasing accountability for using federal

funds to address the highest priority needs, and spurring innovation and technology deployment.

We recognize there are challenges in finding the resources necessary to adequately fund such a measure. However, with the economic opportunities that a well-crafted measure could afford and emerging political consensus for advancing such an effort, we believe it is time for all involved parties to come together and craft a final product.

In 2011, political leaders—Republican and Democrat, House, Senate and the Administration—stated a multi-year surface transportation bill is important for job creation and economic recovery. We urge you to follow words with action: Make Transportation Job #1 and move legislation immediately in the House and Senate to invest in the roads, bridges, transit systems that are the backbone of the U.S. economy, its businesses large and small, and communities of all sizes.

From over 1,000 organizations, led by U.S. Chamber.

Mrs. BOXER. Madam President, I am going to name a few of them: the American Composite Manufacturers Association, American Concrete Pavement Association, American Hotel and Lodging Association, American Nursery and Landscape Association, American Society of Civil Engineers, Associated General Contractors of America, National Society of Professional Engineers, National Resources Defense Council, North American Die Casting Association, Pacific Northwest Waterways Association, Reconnecting America, Retail Industry Leaders Association, Transportation for America, U.S. Chamber of Commerce, U.S. Travel Association, United Brotherhood of Carpenters and Joiners, Laborers International, International Bridge, Tunnel and Turnpike Association—it goes on and on, a thousand groups representing Democrats, Republicans, Independents.

I am so grateful to them. I speak to them, frankly, a couple of times a week to tell them what we are doing here to move this important bill forward. I told them yesterday they needed to contact every single Senator in this Chamber to let them know what is at stake in their State.

In closing, I will say this: Sometimes when we act we not only do something good, which this bill will do—it is a reform bill, it is a great bill, and it adds to the TIFIA Program, an idea that came out of Los Angeles and is going to create up to 1 million new jobs while protecting 1.8 million jobs—we do many good things. But also when we do this, we stop bad things from happening. What will happen if we fail to act by March 31 and there is no action to fill that trust fund, which our bill does? There will be over 600,000 jobs lost.

Later today, at a time when others are not here, I will go State by State. Here it is. ''Estimated jobs lost.'' There would be a 35-percent cut in transportation funding if we do not pass this bill and the finance title that raises the funds necessary. We will break this down. Let me tell you, it is an ugly picture for us to have to go home and face the music at home and tell construction workers that even though we have 1.5 million unemployed construction workers, that is going to go up by 600,000 jobs.

We cannot afford to let this bill stop. I will not let this bill go away. I will assert every right I have as a Senator from California, where we have 63,000 of these jobs at stake. I am going to be here on the Senate floor. We are going to get this bill done one way or another. We stand ready to work with our colleagues, to work with our Republican friends, to go through these amendments that are relevant and urge them to backtrack on these very unrelated amendments.

I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from California is recognized.

Mrs. FEINSTEIN. Madam President, I thank my friend and colleague, the distinguished chair of the committee, for her work in managing this bill. This is a huge bill. It has many titles. It is a complex bill. It is a totally vital bill. Both on this floor and off this floor, she has been advocating and pushing and doing what is necessary. I want to say thank you very much to my friend and colleague, Senator BOXER.

Mrs. BOXER. I thank the Senator, and we are working on that too.

Mrs. FEINSTEIN. Madam President, let me describe what happened in 2008 in Chatsworth, CA. On September 12, 2008, Metrolink commuter train 111, carrying more than 200 people, departed the Chatsworth train station about 4:20 p.m. Heading west, the commuter train ran through a train signal at 44 miles per hour at about 4:22 p.m. and 2 seconds. The train signal showed red, for stop.

At the same time, a Union Pacific freight train, weighing four times the weight of the commuter train, was heading east on the same track. It exited a tunnel with little time to react to the oncoming commuter train. Both trains were on the same track going in opposite directions, each going roughly 40 miles per hour. The trains collided head on.

The carnage was unspeakable; 25 people died. Their bodies, many torn to pieces, had to be extracted from heaps of steel and wreckage.

This is the scene. This is the commuter train. This is the freight train. This is the car that essentially chopped apart 25 people.

As Superior Court Judge Peter Lichtman wrote:

These were teachers, Federal, State, municipal employees, business owners, executives, artists and students that were all lost on that day.

Many families were left without any provider, not to mention the loss of a mom or dad.

Another 101 people were injured, many of them very seriously. Volunteers and rescue crews worked valiantly to pull them from the wreckage.

You can see this overturned train here. You see the rescue crews. It was a terrible, terrible scene.

Judge Peter Lichtman described many of these injuries. Passengers seated at table seats suffered ''horrible abdominal injuries that could not be medically resolved.'' ''All of the bench passengers were launched head [or] face first into a bulkhead.'' ''Almost all of these passengers suffered traumatic brain injuries to varying degrees.''

Let me explain how and why this happened. Seconds before the crash, the train's engineer was text-messaging on his cell phone. He was the only personnel aboard that train when he looked down to send a text to a teenage boy. This was one of 21 text messages sent by this engineer this day. He received 20 secretaries messages and made four outgoing telephone calls, all while he was driving a large commuter train.

According to the NTSB's comprehensive report on the crash, this behavior distracted the engineer and caused the collision. It led to the train running red signals. In fact, NTSB found the passenger train's engineer never even hit the brakes before impact. NTSB found that a crash avoidance system would have stopped the train and prevented this disaster, but, unfortunately, the tracks in Los Angeles had and have no such system nor do most tracks in the United States.

As a result of this accident, 25 people died and 100 people were injured. The statistics about the Chatsworth disaster do not begin to tell the story. Perhaps I might be able to better put into words what is at stake in this debate in one of the votes we will be taking about positive train control by telling you a little bit about Kari Hsieh and Atul Vyas.

Eighteen-year-old Kari did not want to trouble her father to drive her from the family's Newhall home to a restaurant in Simi Valley, so she took the train. In October 2008 she became one of many young people killed in this crash. She was just starting her senior year at Hart High School and looking forward to a career in medicine, according to her family. She played tennis for the school and was well liked by her classmates who described her as warm and caring. ''Anyone who knew her can remember her by her beaming smile and infectious laugh,'' one of her classmates told the Los Angeles Times.

Here she is.

''She had such a positive outlook on life and always had something nice to say about everyone,'' wrote a parent of a varsity tennis player. ''I feel blessed to have been part of her life.''

Then there is Atul Vyas, a student at Claremont McKenna College, who was studying to become a doctor. At 20 years old, he was in the process of applying to graduate programs at MIT, Duke, and Harvard. He scored in the top 1 percent of his medical school entry exams, but he was having trouble answering one question on applications: Describe a hardship you have overcome.

''He said 'I have not had any.' I have had a blessed life,'' explained his father. Atul never finished that application nor did he reach his goal of medical school. He took Metrolink train 111 home to visit his family as he did every 2 to 3 weeks, but he never made it home because an engineer was texting.

As the NTSB found, these young lives and the lives of 23 others could have been saved if crash avoidance technology, known as positive train control, had been in place. In 2008, Congress finally required railroads to deploy positive train control, which the National Transportation Safety Board had placed on its top 10 most wanted safety technologies listed since 1990. This body gave the railroad industry 7 years to deploy positive train control crash avoidance systems nationwide. The leaders of Southern California's Metrolink, Union Pacific, and BNSF railroads each committed to deploy positive train control systems in Los Angeles years earlier than the national mandate. These railroads are still on track to deploy the system next year.

I met yesterday with John Fenton, the new CEO of Metrolink, and Matt Rose, the CEO of BNSF. They both indicated their desire to make their highest priority positive train control, and I thank them. Metrolink is going to go ahead with it as soon as possible regardless. BNSF told us if they delay—if this bill delays it, they may take an additional year.

I salute both of them for their support of this program. However, I am very alarmed that others in the railroad industry and in Congress diminish the value of positive train control.

As a matter of fact, the bill we will most likely be voting on—in one of its titles, the commerce title—delays positive train control until 2018. The House bill delays it until 2020. When the technology is there, despite its complications of installation, when you have high-risk lines, freight lines and commuter lines traveling in opposite directions on the same track, and when you have human frailty—in this case one engineer texting aboard a commuter train of a couple of hundred people—the only answer to assure the safety to the commuter trains of this Nation, in my view, is positive train control. I view it as an emergency need. The NTSB views it as an emergency need.

According to them, scores of deadly accidents across the country since 1970 could have been prevented if positive train control in effect were installed. I agree strongly with the NTSB Chairman, Deborah Hersman, whom I happen to know, who recently wrote to the Congress that:

> The NTSB will be disappointed if installation of this vital safety system to prevent fatalities and injuries is delayed.

The need to extend the 2015 positive train control deployment deadline has not been demonstrated. The Senate Commerce Committee has held no hearings on this issue and no published reports investigating this question have recommended an extension, according to the NTSB experts.

Furthermore, every railroad has submitted an approved plan to meet the 2015 deadline to the Federal Railroad Administration, and the administration is preparing a report to Congress on positive train control deployment progress this year, which should provide us guidance on that effort to date.

I think Congress should consider the FRA's findings carefully before scaling back or delaying a system that can prevent crashes such as Chatsworth. And there have been three prior crashes that have taken lives on this Metrolink system. These are not isolated. They happen. We now have a technical system that can be 100 percent proof-positive to provide safety. So I am very concerned that without a national strategy, deployment of positive train control in southern California will become more difficult. There will be excuses, and there will be a lessening of effort. And both BNSF and Metrolink have made very strong efforts to comply with 2015. Why change it? The Los Angeles area is a huge commuter area, and when it is not necessary to change it, why do it? The national requirement to deploy the system by 2015 creates a substantial incentive for industry to develop new and cost-effective technology that lowers the deployment costs for everyone, including Metrolink.

The national strategy, which will hopefully be presented in the FRA's 2012 report to Congress, could play a significant role in addressing positive train control deployment barriers. This system can prevent human error from causing collisions, dangerous releases of hazardous materials, and passengers and train crews from being killed and injured.

So I make these remarks today in the hopes that there will be support in this body for the 2015 deadline. And I really appeal to the committee that right now it is locked in at 2018—we have tried, we have talked to the staff, and we have been rejected—to understand that what they are delaying is a device that saves lives, and there is no excuse for so doing. The case has not been made to do so. The hearings have not taken place, there was no markup to add this, and I strongly believe it should not be delayed in this bill. I hope Members will listen. I hope they will respond. Hundreds of thousands of commuters are at risk until this system is put into place.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Madam President, dependency often leads to indolence, lethargy, a sense of entitlement, and ultimately to a state of insolence. Egypt has been receiving welfare from the United States for nearly 40 years. America has lavished $60 billion on Egypt. They react with insolence and disregard by detaining 19 of our U.S. citizens. For several months now these citizens have been essentially held hostage, unable to leave Egypt. They are held on the pretense of trumped-up political charges, held in order to display them in show trials to placate the mob.

The United States can respond in one of two ways: We can hang our head low; we can take the tack of Jimmy Carter; we can try to placate Egypt with concessions and offer them bribes in the form of more government aid; or America can respond with strength.

Today the President should call the Egyptian Ambassador in and send him home with a message, a message that America will not tolerate any country holding U.S. citizens as political prisoners. Congress should act today to tell Egypt that we will no longer send our annual welfare check to them; that this year's $1.8 billion is not on the way. America could put Egyptian travelers on notice that the welcome sign in America will temporarily expire unless the Egyptian Government lets our people go; or America could hang her head, promise to continue the foreign aid to Egypt, and apologize for supporting democracy. Which will it be?

So far, the signal sent to Egypt from the President and from the Senate has been weak or counterproductive. In late January the President's Under Secretary of State said to the administration that he wanted to provide more immediate benefits to Egypt; let's speed up the welfare checks. The President's budget this week still continues to include $1.8 billion for Egypt without a single word of rebuke or any demand that our U.S. citizens be released. The President went one step further when he actually increased foreign aid to the Middle East in his budget, and now the Senate refuses to hold a single vote to spend 10 minutes discussing why U.S. citizens are being detained in Egypt.

One might excuse the Egyptians for not believing we will cut their aid. You cannot lead from behind. Senate leadership appears unwilling to address this issue head-on, so the Senate won't act to help our citizens this week.

I hope that when Senators return home and talk to their constituents in their States, their constituents will ask these questions: Senator, why do you continue to send our taxpayer money to Egypt? Why do you continue to send our money to Egypt when they detain our citizens? Senator, why do you continue to send billions of dollars to Egypt when 12 million Americans are out of work? Senator, why do you continue to send welfare to foreign countries when our bridges are falling down and in desperate need of repair? Senator, how can you continue to flush our taxpayer money down a foreign drain when we are borrowing $40,000 a second? The money we send to Egypt we must first borrow from China. That is insanity, and it must end. Finally, Mr. Senator, I hope your constituents ask you this when you go home: When working families are suffering under

rising food prices, when working families are suffering because gas prices have doubled, how can you justify sending our hard-earned taxpayer dollars to Egypt, to countries that openly show their disdain for us?

When will we learn? You can't buy friendship, and you can't convince authoritarians to love freedom with welfare checks.

America needs to send a clear and unequivocal message to Egypt that we will not tolerate the detention of U.S. citizens on trumped-up political charges or otherwise and that we will not continue to send welfare checks to Egypt, to a country that commits an injustice to American citizens.

I ask unanimous consent today to set aside the pending amendment and call up my amendment on Egypt that would end all foreign aid to Egypt if our U.S. citizens are not released within 30 days. I think this is an important amendment which deserves discussion, and Egypt deserves to hear a message from the Senate that we will not tolerate this.

I ask unanimous consent to bring up amendment No. 1541.

The PRESIDING OFFICER. Is there objection?

The Senator from California.

Mrs. BOXER. Madam President, reserving the right to object, I want to be very clear here that Members on both sides of the aisle, Republicans and Democrats, have very strong feelings that this amendment should not be brought up at this time. We need to be smart and strategic when we have people in harm's way in other countries.

Further, I think it is important to note what Senator LEAHY has said several times, which is already in law—we have certain conditions placed upon aid to Egypt, and I think that needs to be understood and explored.

So because there is so much objection to this amendment being brought up at this time, I will object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Iowa.

Mr. GRASSLEY. If it is appropriate, I would like to ask unanimous consent to speak as in morning business for about 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BUDGET

Mr. GRASSLEY. If a Republican like this Senator says that the President's 2013 budget doesn't pass the smell test, I would probably have half the country questioning my judgment. But I would like to quote the Washington Post's Dana Milbank's comments on the President's budget. This was recently in the Washington Post, these words by a columnist who I think is generally pretty favorable toward President Obama as a person and his administration, but there is great disagreement by this columnist about the President's budget.

The White House budget for fiscal 2013 begins with a broken promise, adds some phony policy assumptions, throws in a few rosy forecasts, and omits all kinds of painful decisions . . . the proposal would add $1 trillion more to the national debt than Obama contemplated a few months ago.

Dana Milbank added that the Obama budget ''is a nonstarter on Capitol Hill, where even Senate Democrats have no plans to take it up. It is, in other words, exactly what it was supposed to be: a campaign document.''

So with that background from somebody who is not a Member of Congress, not a Republican or Democrat—I don't know how he might be registered—I would like to give my views on the President's budget, but just so that people know it isn't just Republicans who disagree with the President's budget.

I think you could sum up the President's budget with three words that might say you are giving it a D grade, and probably most people would give it an F grade, but they would be debt, deficit, distrust, and disaster—too much spending, too much taxing, and too much debt. This comes from the fact that earlier this week the President submitted—as he has to every year—a budget proposal, and this budget proposal was all too predictable. It was predictable because it follows the same path as his previous three budgets. With breathtaking irresponsibility, the President's 2013 budget would expand the scope of government by spending more money, increase taxes on job creators, particularly small business, and continue on the path of enormous deficits and record debt—déjà vu.

The President's budget proposal is supposed to be a serious document, a document that lays out the President's priorities along with the President's ideas on how to address our national fiscal and economic challenges. This budget fails those goals miserably.

As a member of the Budget Committee, I have heard from numerous experts who come before that committee about the need for Congress and the President to get serious about the fiscal cliff we are approaching. We have had deficit commissions—you remember Simpson-Bowles, as an example—we have had task forces, and we have had what we call gangs, the Gang of 6, six Senators trying to work things out, and other Members of Congress. All have put forward deficit reduction plans. It is going to take more than a commission, and the President didn't even back the recommendations of his own commission a year ago. It is going to take more than task forces, and it is going to take more than gangs of Senators because the single most important political and moral leader in America is whoever holds the Presidency of the United States. In this particular instance of this executive budget, that person and that document has failed to lead on this critical issue. It does not matter how many commissions, how many tasks forces, and how many gangs of Senators we have, without Presidential participation a problem as big as this country's national debt is never going to be solved.

What President Obama put forward on Monday of this week is not a serious budget. As I said before, it is a political statement. The fact is Americans are going to pay a heavy price for the President's unwillingness and inability to lead.

While President Obama claims his budget will create an America built to last, his budget builds higher deficits and debt, a bigger, more intrusive government, and economic decline for future generations.

We want to remember that more important than the economic points of a budget is, when we get a more intrusive government, the less economic and social freedom people have.

By nearly every fiscal measure, President Obama's budget makes matters much worse. Not only has the President chosen to ignore the looming fiscal catastrophe, he has chosen to continue the course and even step on the accelerator.

This year, the Federal Government will spend $3.8 trillion—equal to 24.1 percent of our GDP. During the past 60 years, we have averaged about 21 percent of GDP. So we quantify government growing dramatically from taking 21 percent out of the economy—that government spends, 535 Members of Congress spend; instead of 300 million Americans—and that is raised to 24.3 percent.

Alarmingly, over the 10-year period ahead, in the 2013 budget, in this budget, spending never gets below 22 percent. So forever they are growing government and detracting from individual freedom.

The President intends to lock in historically high levels of spending. Do not take it from me, but it is right here in these budget documents we have all been given this week. He is a big spender of other people's money.

In dollar terms, spending goes up from $3.8 trillion this year to $5.8 trillion 2022. Over a 10-year period of time, this budget spends about $47 trillion, and during that period of time, it increases the national debt by $11 trillion. So it is clear this document the President gives to Congress under law is built to spend.

President Obama's budget is also harmful to our fragile economy because it would impose a $1.9 trillion tax increase.

I always go back to what I thought was a very wise decision President Obama made about 2 or 3 weeks before he actually took the oath of office. During the campaign, he reminded everybody he wanted to raise taxes. But when he got to being sworn in, he looked at how bad the economy was, and he clearly said it is not too wise to raise taxes when we are in recession.

Maybe technically we are not in a recession, but for the 8.3 percent of the American people who are unemployed, it is not just a recession, it is also a depression for each one of them.

So since the unemployment rate stands at 8.3 percent, and the President seems to be just fine this year, compared to 3 years ago when he was sworn in, that hiking taxes is not going to be harmful to the economy, it is not going to be harmful to those 8.3 percent of the people who are unemployed and looking for jobs, it is going to be. So why has the President flip-flopped on this issue of whether you ought to increase taxes when people have such high unemployment rates?

This tax increase will harm the economy and result in fewer job opportunities, particularly among the small businesspeople who create or provide for 25 percent of the jobs in America and generally create 70 percent of the new jobs in our economy. That is where it is going to be very harmful.

I recently asked Federal Reserve Chairman Bernanke about the prospects of a tax increase and the impact it would have on our economy. He indicated a significant tax hike could slow the economy, slow the recovery. In my question to him before the Budget Committee, I quoted the Congressional Budget Office that says unemployment would go up and the economy would grow less if we had this big tax increase the President wants.

The President has spent many hours speaking about helping our economy, investing in our future, and increasing economic opportunities for all Americans. While he is saying all those things that he is probably sincere about, at the same time he does not put his actions where his words are because he does not allow a pipeline to be built that will create 20,000 jobs right now and 110,000 indirect jobs connected with it.

If he gets his wish to hike taxes by $1.9 trillion, it will harm all Americans, further prolong this already 3-year slowdown, while growing an even larger, more intrusive Federal Government impinging upon personal liberties to a greater extent.

Maybe the President's purpose in imposing this huge tax increase is an effort to reduce the Nation's debt and that is probably what he would tell us, and he may truly believe that. Unfortunately, that is not what he has planned. He wants to spend every dollar. His budget leads to an additional, as I said before, $11 trillion increase in debt—national debt—over the next 10 years. Debt held by the public increases from 74 percent of our economy today to 76 percent of our economy by the year 2022, at the end of this 10-year budget window.

We have to compare that to the historic average since World War II, and that was just 43 percent, compared to where it is right now: 74.2 percent, going up to 76 percent.

If people believe President Obama is putting us on a path to fiscal sustainability by taxing increases, I would suggest they look at the annual deficits over the next 10 years. These deficits never drop below $575 billion, and actually go up toward the end of his budget, rising to $704 billion by 2022. This budget puts America on the course of deficits and debt as far as the eye can see into the future.

Additionally, the President took a pass on proposing any real changes to our entitlement programs, which are the real driver of future deficits and debt. That is only part of it. The main part of it is, do we want to preserve Social Security, Medicare, and Medicaid for future generations? Because if we do not do something about it, it is not going to be preserved. Again, he is absent from the discussion when Social Security, Medicare, and Medicaid comes up.

He has offered no solution in this budget, even though the Simpson-Bowles Commission he appointed—he never endorsed their recommendations 1 year ago; and why he did not endorse and trust the people he put in place to get a solution to these problems I do not know, but even the Simpson-Bowles Commission has solutions for Social Security, Medicare, and Medicaid. That is further evidence that the President has chosen not to lead on these very difficult issues.

President Obama has spoken a lot lately about the issue of fairness. President Obama believes this type of budget, with higher taxes, more borrowing, and enormous deficits and debt will bring about fairness.

If the President is referring to sharing in our Nation's economic decline, he is right. If he is talking about sharing in a Japanese-like prolonged period of stagflation, he is right. If he is talking about sharing in an economic collapse such as the one going on in Greece, he is right. It may not be tomorrow, but all signs point down the road in those directions because based upon the national debts of those particular countries, that is where we are headed.

The budget proposed by President Obama will have all Americans sharing in higher taxes, a larger, more intrusive government, less freedom, and deficits and debt that will lead to economic decline for future generations.

We all know a large budget deficit reduces national savings, leading to higher interest rates, more borrowing from abroad, and less domestic investment, which, in turn, would lower income growth in our country.

This will hurt the lower and middle class the most. The gains President Obama touts in his budget that he is delivering to the middle class will be dwarfed by the loss of economic activity caused by deficits and debt.

This is not a serious document. It is a political document. As evidence of how out of touch this budget is, few of my Democratic colleagues have even acknowledged President Obama submitted a budget, much less defend it.

I hope the Senate will have an opportunity to debate and vote upon President Obama's budget. Last year, we had such a vote. Last year, the President's budget was defeated in the Senate by a vote of 97 to 0. Not a single member of the President's party supported his budget.

So when constituents ask me why we cannot do something in a bipartisan way in Congress—and we do a lot in a bipartisan way that does not get the attention of the press, so people are cynical about Congress being bipartisan—I quote a 97-to-0 vote about whether there is bipartisanship, and that was a vote against the President's budget. Every Republican and every Democrat agreed. Once again this year, if we ever get this to a vote, I predict that very few, if any, will support this budget.

Quite frankly, it would be humorous if the consequences of inaction were not so serious. We have a moral obligation to offer serious solutions for today and for future generations. The President's budget fails in this responsibility. He has chosen a politically expedient path rather than a responsible, forthright path.

Our grandchildren and great-grandchildren will suffer as a result of this failure, and that suffering comes from this fact: that for nine generations of Americans, each succeeding generation has lived better than the previous generation, and a lot of Americans feel that is not going to happen with the next generation. That would be a sad commentary.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHINA TRADE

Mr. BROWN of Ohio. Madam President, I was presiding earlier today before the Senator from North Carolina. I listened to Senator BOXER talk about the importance of this Transportation bill, this highway bill, which I underscore.

This week we have seen movement on extension of the payroll tax and tax cuts and unemployment benefits, two very important things—with the doctors fix too—very important things to keep our economy moving. It made me think back what has happened in the last couple of years.

In 2009, when Senator Obama became President Obama, we were losing 800,000 jobs a month in the United States. We know what was happening, especially to manufacturing and especially in States such as the Presiding Officer's, North Carolina, and my State of Ohio. In fact, we had for 12 years—

every single year for 12 years—from 1997 to 2009, we had lost manufacturing jobs every single year in Ohio and in the United States.

But after President Obama took office, we passed the Recovery Act, we did some other things, the health care bill, all of that. We have begun to see, month after month after month, job growth. Not job growth that we want yet, not the kind of strong job growth we want. But for 21, 22 consecutive months we have seen more manufacturing jobs than the month before, including my State of Ohio—more manufacturing jobs every single month than the preceding month for 20, 21, 22 months in a row.

Why is that? There are a lot of reasons. No. 1 is we have begun to put the economy on track—no longer losing 800,000 jobs a month; instead, gaining manufacturing jobs every month.

The auto rescue has made a huge difference in States such as Ohio, but really across the country as we have seen manufacturing take off.

Coming out of every recession, what leads out of the recession? Typically it is the auto industry. And in the Midwest and throughout the country, people are making cars, they are buying cars, all the economic activities generated from making a car and buying a car and running a car.

One of the untold stories, in Toledo, OH, in northwest Ohio, near the Michigan border, the Jeep plant, the Chrysler-Jeep plant—Chrysler, a company that was saved by the auto rescue. They went into bankruptcy. The restructuring and the financing by U.S. taxpayers got that company back on its feet, back into business making cars. But prior to the auto rescue in 2008, the Jeep plant in Toledo—only 50 percent of the products going into a Jeep, the components assembled in Toledo, only 50 percent were American made. Do you know what happened after the auto rescue? Now 75 percent of those products are American made, those components. That is exactly the point. Because it is not just the companies you hear about—Honda has a big operation in Ohio, Chrysler, GM, Ford, all big operations in Ohio, all expanding, all investing—just in the last 6 months, each of those four companies has announced major investment dollars going into Ohio operations.

It is not just those auto plants, it is the supply chain. So if a Chrysler Jeep is made out of 75-percent American parts rather than 50-percent American parts, think of the jobs that creates: tires, steering wheels, blocks, transmissions, the engine, the fenders, all of the steel, all of the electronics, all of the products that go into those automobiles and trucks. That is in many ways the untold story.

The problem, though, with that is we are still seeing China, the People's Republic of China, Communist China, cheating when it comes to auto parts. The auto parts trade deficit a decade ago was about $1 billion, meaning that the U.S. companies bought $1 billion in Chinese-made auto parts more than we sold to China—auto parts made in this country. We had a $1 billion deficit in auto parts. Today, that deficit is about 800 percent bigger than that. It is around $10 billion, that auto parts trade deficit. So the point of that is if we can turn that around, if we can force the Chinese to play fair and stand up and practice trade according to our national interests, not according to some economic textbook that is 20 years out of print, if we can do that, it will mean way more American jobs making auto components in steel, in rubber, and all of those things that go into the creation of an automobile, the assembly of an automobile and a truck.

Yesterday, 100 feet from here, a group of us met with the Vice President of China, who will soon be the leader of that country, people who know China well predict. I asked him a question about that, that China does not play fair, they do not play fair on currency, they do not play fair when it comes to subsidizing energy and water and capital and land. Of course, he deflected the question. He did not answer. I did not expect him to. But I wanted him to know as eight or nine of us were sitting around the table, I was the only one who directly brought up the issue of jobs and this economic relationship, leveling the playing field.

But that is why it is so important that the House of Representatives pass my China currency bill. This is legislation the Senator from North Carolina, Mrs. HAGAN, has cosponsored. It is legislation that LINDSEY GRAHAM from South Carolina, a Republican, has cosponsored. It is legislation that CHUCK SCHUMER of New York, a Democrat, has cosponsored, along with OLYMPIA SNOWE, a Republican from Maine, and DEBBIE STABENOW, a Democrat from Michigan, and Senator SESSIONS, a Republican from Alabama, all of us who have come together.

My currency bill was the largest bipartisan jobs bill that the Senate passed in 2011. Unfortunately, Speaker BOEHNER in the House of Representatives is blocking it. It is important that he move on that. It will have a strong bipartisan vote out of the House of Representatives, as it did—far in excess of 60 votes in the Senate.

It works like this, briefly: With China cheating on currency, it means that a product made in Cleveland, OH, and sold in Wuhan, China has a minimum 25 percent—some former Reagan administration officials say 40 or 50 percent—but at least a 25-percent currency tariff or tax, that every one of our products is taxed that way. That cost is added to it when it is sold in China.

Conversely, if the Chinese make something and sell it into Akron or Lima or Mansfield, OH, that product is 25 percent less expensive, which means that American companies cannot compete. There was a company in Brunswick. I was talking to two brothers who run this company. They were about to make a million-dollar sale. All of a sudden the Chinese competitor came in, with that 25-percent bonus that they get because China games and cheats on the currency system, and they were underpriced by 20 percent. So that clearly does not work.

That is why I said that to the Vice President of China about the importance of currency. That is why the House of Representatives needs to pass my legislation. It will mean we can keep this recovery going. The 21 months in a row of manufacturing job growth, coupled with the extension of the payroll tax cut, coupled with the extension of unemployment benefits, coupled with the Transportation bill, the highway bill that Senator BOXER and Senator INHOFE bipartisanly are working on, coupled with standing up to the Chinese on trade enforcement and on this currency bill, will mean we are going to get this recovery, we are going to sustain it, we are going to grow it. It is going to mean significant new jobs in my State of Ohio and across the country.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANCHIN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

FISCAL RESPONSIBILITY

Mr. MANCHIN. Madam President, I rise today to speak about the dire finances of this great Nation and the policies and laws of this government that are only weakening our fiscal standing for future generations.

A year ago, I was in a Senate Armed Services Committee meeting and then-Chairman of the Joint Chiefs of Staff ADM Mike Mullen was asked: What is the greatest threat to our Nation and our national security? I would have thought he would have said terrorism, the terrorists, al-Qaida, North Africa, could have been Iran, it could have been another rising military power, but he didn't hesitate in responding that the national debt is the greatest threat to our country.

That was one of the most sobering moments I have experienced since becoming a Senator. I thought more people would hear what he said and take this situation more seriously, but things have only gotten worse since then. Our debt ceiling is at a record here, $16.4 trillion. By 2022, according to the President's newly proposed budget, we will be $25.9 trillion in debt. That means every man, woman, and child will be responsible for more than $79,000 of debt. Our children and grandchildren will be paying more in interest on that debt than we spend on education, energy, and defense—combined. Our elected leaders should be negotiating solutions but instead everyone is

cooking up short-term Band-Aids that create long-term obligations that will take years for future generations to repay. They are trying to figure out how to point fingers at the other side.

There is not a person in West Virginia who can understand why politics is trumping our future fiscal stability. I don't think there is a person in America who understands why in Washington we cannot come together on a long-term fix to the problems we have. And for the life of me, I cannot imagine why our elected leaders from both sides of the aisle continue to play political football with our spending, our debt, and our children's future. This isn't how we reach a solution.

When I was Governor of the State of West Virginia, I didn't blame previous administrations for our problems. I took the responsibility for fixing them. And I didn't come here to blame anyone for our problems either. I came here to fix them. I didn't come here to put the next generation into more debt; I came here to get them out of it. I came here to serve my State and Washington because my parents and grandparents left me a country that was in very sound fiscal shape and I want to do the same for the next generation. I came here because in West Virginia, even during a recession, we lived within our means and had a surplus every year that I was Governor. The people of my State are proud of what our little State accomplished, and I know Americans can again feel that same pride in this great Nation of ours. I know we can put our fiscal house back in order.

I had those priorities in mind when I looked at the President's proposed budget, the projected deficits, the accumulated debt over the next decade and wondered, what in the world are we doing? This budget claims to be balanced, but only if we don't count the exploding interest we must pay on our ever-increasing debt. Including interest, there is not a single year that this budget is balanced. At the end of the decade, this budget puts an additional $6.7 trillion more on the debt. And I would ask anybody, how does that make sense?

This is not the first time I have shared my concerns about this country going down the wrong fiscal track, and I can already hear some folks saying: Oh, there goes JOE MANCHIN again blaming President Obama. Well, let me tell you, I am a proud Democrat, but I am a proud West Virginian and American first, and I will stand and speak my mind whether our President is a Democrat or Republican. I am trying to be as understanding and respectful as possible in my critique, but what we are doing doesn't make any sense at all to me, and I certainly cannot in good conscience tell the people of West Virginia any differently. And if we don't do anything to address this fiscal mess, the priorities of both Democrats and Republicans will face the consequences.

Standing here, I tell my Democratic friends that we must face the truth that the very programs we care so dearly about and fight so hard for will be destroyed unless we do something about this exploding debt. Standing here, I also tell my Republican friends that they too must face the truth or not only will the programs they care about be destroyed, they may be forced to one day support a massive tax increase to simply keep this country solvent. Both scenarios are unacceptable and preventable.

There is a commonsense solution to our Nation's dire fiscal woes within our grasp. We already have a template with substantial bipartisan support, split evenly between Democrats and Republicans in both the House and the Senate, that gives us a starting point with which to move forward. As I have said before, the Bowles-Simpson framework might not be perfect, but it has more support from both sides of the aisle than anything else I have seen since I came here. Not only that, it withstood the test of time better than any other proposal I have seen. It is a framework that cuts trillions from our debt, makes our tax system more fair, and raises revenue without raising tax rates. The only problem is that our country's leaders from both parties won't move forward with the recommendations of the Bowles-Simpson Commission. So instead of real solutions where we choose our priorities based on our values, we see political proposals that will only send this country further into a death spiral of debt.

Take for example the fact that this body will soon debate extending the so-called payroll tax cut for the remainder of this year, 10 more months. Let's call that what it really is: It truly is cutting funding to Social Security. This Congress has voted twice since I have been here to tell Americans that they don't have to pay their share as far as their obligation to Social Security. I voted for the idea the first time around because I thought, as it was proposed to me, it might create jobs or save jobs. But I don't think we have seen much evidence that that happened, so I decided to stop throwing good money after bad and stop jeopardizing Social Security. But, as I warned this fall, along with my dear friend Senator MARK KIRK, whom all of our prayers are with, now we are talking about extending this policy indefinitely because once something like this is enacted, even an act of Congress can't reverse it. It might take an act of God to reverse it.

I know going back home and saying we voted for tax cuts is popular. Everyone wants to be popular in this arena. But this is not a tax cut, this is a Social Security cut, plain and simple, and you cannot make it look any different. Knowing that we are adding 10,000 beneficiaries turning 65 years of age every day—and when you look at last year, Social Security was the first time we paid out more than we took in—it doesn't make any sense. Just what exactly will continuing this policy do to the long-term solvency of Social Security? The answer is very simple: It will be a disaster.

The so-called experts will tell you that everything will be right because we will backfill those contributions with revenue from the general fund. Let me remind you that this is the fourth straight year the general fund has operated with a deficit of more than $4 trillion. That has never happened in the life of this great country. We have accumulated $15.36 trillion of debt as of today, and the President just allowed that to grow to $16.4 trillion with a new debt ceiling. These are the same experts who tell us we can balance a budget if we simply ignore the fundamentals of math. Does that make sense?

When this body votes on whether to extend the so-called payroll tax cut or, as it should be more accurately described, the defunding of Social Security's revenue stream, I cannot in good conscience vote to undermine Social Security. I have taken this position because at the end of the day the people of West Virginia and this Nation must be told the truth, which is why the budget proposal the President offered this week is so disappointing and maddening.

Let's be clear. Both Republicans and Democrats are responsible for our budget problems. Everybody is responsible for where we are today. In fairness, this administration inherited a tremendous debt, falling revenues, and a terrible economy. Everyone was at fault, and the public spoke loudly and clearly. They changed things with the 2008 election, and they said: Fix it. But we haven't done it, and this budget doesn't do it either.

If we are going to address our fiscal nightmare and stop digging a deeper debt hole, we must have meaningful tax reform that not only ensures that everybody pays their fair share but that also strengthens our economy and creates jobs—good jobs. Instead, this budget is not balanced even once. Over the next decade, it would actually add an additional $6.7 trillion more debt on top of the $16.4 trillion debt ceiling we have now that the President just authorized. That is more than $23 trillion of debt by 2022. That is simply unsustainable.

This proposed budget relies too much on phantom accounting from so-called war savings from a war that should have been over when its purpose changed to what I call nation building.

In terms of energy investment—one area that business and labor both believe is critical to not only creating more jobs but keeping the good jobs we have—this administration continues to pick winners and losers. Take the role of coal, for example. As I just pointed out in the Energy and Natural Resources Committee, the administration's own Department of Energy forecasts that coal will play a major role in

the energy portfolio well into the coming decades, up through 2035. But this budget slashes funding for the research that would allow us to use coal more efficiently and cleanly with environmental standards for which we must be responsible. This doesn't make sense, and it puts the livelihoods of an awful lot of West Virginians and Americans in jeopardy. Those priorities defy common sense, especially when millions of people rely on coal for their jobs and the affordable, reliable electricity it produces.

We are spending more where we don't need to and less where we do. We are extending programs that do not work and going into debt to pay for them, and then we wonder why this great Nation faces such a dire fiscal future. So if and when the President's budget proposal comes up for a vote, I simply cannot support it. As always, though, I will continue to work diligently with my colleagues on both sides of the aisle to push for a more commonsense fiscal approach based on the bipartisan Bowles-Simpson template so we can finally and responsibly address the fiscal problems our Nation and our families face. I urge the President and my colleagues to do the same.

Madam President, allow me to close by saying I do travel my State, like most of my colleagues, and I am sure you do in Missouri. I meet with my constituents, as you do also, and I can tell you what I find out from them. There are a lot of issues they are worried about. There are some places where they disagree, but there is one issue that gets universal agreement and brings everybody together when they tell us, to a person, they are concerned that those of us in Washington are not listening to their cries to put the country ahead of our politics. They urge all of us to stand and do what is right for this country.

We must not let selfish ambitions about the next election cloud what must be done for the Nation that I know we all love. The challenge before us is a simple one. Over the course of our history, this Nation has succeeded because our parents and grandparents left our country better off than what they inherited from their parents and grandparents. We cannot be the first generation to fail to leave the United States in better shape for the next generation. I don't want to be a part of that. I do not intend to stand by and let a party or politics destroy the hopes of the next generation for this great country, and I urge all of our congressional leaders and our President to put politics aside and realize one simple fact: Whether we are Democrats or Republicans or Independents, we all belong to the same party, and that party is called America, and we will rise or fall together.

I thank the Chair.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

Mrs. SHAHEEN. Mr. President, we voted 85 to 11 to start work on the highway bill, which is an essential piece of legislation to reauthorize our highway and transit programs.

Eight hundred sixty-eight days have passed since our last Federal Transportation bill expired. If you cannot do the math very fast, just to put a little more emphasis on that, that is 2 years, 4 months, and 18 days since the last Federal Transportation bill expired.

We need new legislation to help streamline Federal programs, spur job creation, and move our transportation system into the 21st century.

This Transportation bill before us is about infrastructure. We call it infrastructure because ''infra'' means ''below.'' So it is the foundation beneath everything else on which our civilized country is built. As we think about the buildings and operating our municipalities and our States and our Federal Government, our country, it is about making sure we have a sound infrastructure.

Our businesses, our workers, our innovators, all of them rely on a system of quality infrastructure to succeed. More funding for transportation in this bill means we can do critical roads and bridges, and we can do repairs to the existing roads and bridges. It means we have more transit for buses and railroads, and it means we can put people back to work. More jobs for construction and manufacturing workers, more jobs for workers means more consumer spending and a stronger overall economy.

The Federal Highway Administration estimates that for every $1 we spend on highways, that spending supports more than 27,000 jobs. Economists at Moody's estimate that for every $1 we invest in infrastructure, our gross domestic product goes up by $1.59. That is because of the ripple effect those investments have on our economy.

The bill before us would help create about 1 million American jobs, many of them in the construction industry, which has been one of the hardest hit by the recession. In New Hampshire, the number of people who were working in the construction industry in 2010 was the lowest it had been in a decade—25 percent lower than it was in 2006, 5 years ago. We need to pass this bill to help put those people back to work.

One of the most important efforts we have in New Hampshire right now is the long overdue and badly needed widening of Interstate 93, which is in the southern part of New Hampshire. I–93 is our State's most important highway. It connects New Hampshire citizens to their jobs, businesses to global markets, and communities to each other.

Right now this vital artery is badly clogged. Every day 100,000 cars travel on a road designed for 60,000. This congestion wastes time and wastes money. Crowding so many vehicles on Interstate 93 is not only an inconvenience to the thousands who use it every day, but it also compromises the safety of drivers traveling at regular highway speed in heavy traffic.

The Interstate 93 project was budgeted and planned based on the idea that the Federal Government would provide a consistent level of funding. But the uncertainty created by the lack of a long-term highway bill has made the project difficult to finance. Right now New Hampshire transportation officials have $115 million worth of bonding for this project that is sitting on the sidelines until the Federal Government makes good on its commitment. We need to move these Federal funds off the sidelines and get this project going.

Laura Scott, who is the economic development director for the town of Windham, near the Massachusetts border, summed it up best:

> The I–93 project is critical to the future economic vitality of Windham and all of southern New Hampshire. Our businesses want it, our citizens want it, and we need to get it done.

The bill before us today can help complete this vital project and others like it. We need to work on this bill in a bipartisan fashion just as it has come out of the Environment and Public Works Committee. There was strong bipartisan support coming out of that committee. We need to set aside the partisanship now, the election year comments, and come together to do what is right for our economy and our country. I hope in the end all of my colleagues on both sides of the aisle will support that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORKER. 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. CORKER. Mr. President, I have come to the floor to talk about a topic I spoke a little bit about yesterday.

I know all the focus right now is working on a solution to some of the things going on between the House and the Senate. I know that is what people are focused on today. I understand that probably sometime tomorrow there will be a vote on the highway bill, which is expected to fail, and then it is my understanding there will be some amendments brought forth to bring a finance bill, an EPW bill, a commerce bill, and a banking bill together that will actually be debated and, it is my sense, will ultimately pass, but that after the recess is over we will come back and deal with that.

I wish to speak to that topic now. I know I am beginning to sound a little

bit like a broken record on this, but we have had so many people down here on both sides of the aisle who have actually worked together, for a year and a half after the Bowles-Simpson report came out, on long-term deficit reduction, progrowth tax reform, and entitlement reform, and there seems to be a real seriousness about that issue. I think all those who have signed letters in support of it were very sincere. Yet I think what we are finding with this highway bill, in spite of the changes that are likely to take place with the finance component, is that what we are ending up with is a situation where we have 2 years' worth of spending that is taking place and we are using 10 years' worth of pay-fors.

I can tell you there is no one in this body who likes infrastructure more than me or has spent more time on the back of a paving machine or on a screed. Those are the kind of things I love to see happening. I know they create jobs and tremendous economic growth over the long haul. But I know the Presiding Officer remembers the debate we had for a long time in this body over health care, and I know he remembers the tremendous discussions that took place on the floor over the financing mechanisms. I don't think there is any question that people on my side of the aisle railed strongly—I might say as they should have—over the fact we had a pay-for formula where basically we were spending money over a 6-year period and paying for it over 10.

Ultimately, the bill passed, but there was tremendous divide in this body over mostly just the budget gimmickry that took place. Yet what I see getting ready to happen, in a large bipartisan way, is we are going to vote for a highway bill, possibly—I am not going to do that—that spends money over a 2-year period and recoups it over 10.

I am actually stunned by this. We talk about all the things we need to do in this body regarding Medicare and how we need to focus on reforms that make sure seniors in Vermont and seniors in Tennessee have these programs down the road, and we talk about Medicare in the same light. I think all of us want to make sure Social Security is here for future generations—for these young people in front of us. All of us know we have to figure out a way to solve that problem. The highway bill is simple. It is just math. It is unlike Medicare, it is unlike Medicaid, and it is unlike so many of the things we deal with around here that are so complex to get it just right. We have a highway bill that is not complicated. It is just math. There aren't all kinds of moving parts, as far as people providing health care and the incentives that are in place. But it feels to me like what we are getting ready to do as a body—and I hope this is not the case—is to pass a highway bill where we are going to do exactly what we have done with the sustainable growth rate for physicians in Medicare.

Back in 1997, we passed a bill here—I wasn't here at the time—that basically created a mechanism for paying physicians who dealt with seniors, and the formula was flawed. So what we have done every 18 months or every year is cause the medical community to be panicked and seniors to be panicked over whether this is going to be extended because the sustainable growth rate, as it was put forth, was going to call for huge reductions in payments to physicians.

We are actually dealing with that right now. It is one of the issues we are trying to work out with the House. What we did was to create a cliff. So every time we deal with this issue it gets more and more difficult to deal with it because we will not just sit down and do the long-term reforms on that one component that need to happen. We keep taking from Peter to pay Paul. We keep wrestling with this issue but we will not deal with it.

What we are getting ready to do with the highway bill is basically inject that same poisonous formula into the highway bill. What we are getting ready to do is to pass a highway bill that will fund highways through 2013, but at the end of that period of time we will have the same kind of cliff that we deal with regarding the SGR. We will have a $10 billion shortfall, instead of just dealing with a funding formula. If we don't think we are spending enough on infrastructure and people want to offer that in some way, now is the time to do it. Otherwise, if people don't want to go into a deficit situation, what we ought to do is spend the amount of money that is coming in.

But it feels to me as if we are getting ready, in a very bipartisan way, when we get back from recess, to show the country it is ridiculous to think this Congress will deal with the kind of reforms to Medicare to make it solvent, to do the kinds of things we need to do with Social Security—both of which are more complex—because this Congress will not even deal with this little program. It is a very important program, very important to my State and I am sure to Vermont. But we will not even deal with the reforms to it, in this time of great concern about our fiscal situation.

Again, I strongly support infrastructure funding. But I think what we will show the country, if we pass a bill like this, in a strong bipartisan way, is that there is very little hope Congress will ever deal with the more complex issues that challenge this country and which cause many seniors in our country to be concerned, which cause taxpayers to be very concerned, and certainly cause future generations to wonder whether this body is ever going to deal with the issues they know will haunt them down the road.

I came down to speak on this. I have done it daily in the lunch meetings we have with our own side. I just hope that sometime over the recess period, prior to coming to the floor, the Finance Committee will come up with a different package that actually either pays for this bill by offering funding formulas—which, by the way, is just math, it is not very difficult—or where we spend the amount of money that is actually coming in.

I will say that if we spent just the base moneys that are coming in, States such as Vermont and Tennessee and other places have the ability, if they choose, to generate gasoline taxes in their own States and do things with road money. Candidly, the way this program works, I think most people know that citizens send up $1 and they get back 98 cents. So it actually could be a more efficient way for this to work than sending it up to us and letting us get our hands on part of the money and figuring out what we are going to do with it.

I do believe this is one of the most irresponsible things we can do, especially when there may have been some criticisms over the President's budget. I haven't heard a lot of people speak on it because I don't think it has been taken up as a document that we will debate on this floor in a real way. But it is difficult to criticize the President's budget. I know the vote on last year's budget was 97 to 0 against it. But it is very difficult for people on either side of the aisle to criticize the President's budget if, in fact, there is a large bipartisan desire to pass a highway bill that does exactly the same thing.

I hope the Finance Committee will meet again and come up with a solution to this. It is not urgent. We have a recess period that is coming up. Surely, this Congress, this Senate, can show the ability to deal with an issue such as this, which, again, is so simple, and demonstrate to the American people, in a bipartisan way, that we have the ability to begin looking at these programs that are so important to people across our country in a way that doesn't take us down the fiscal tube.

I thank the Chair for listening. I know it is tough when there is not much happening down here.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BEGICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELIZABETH PERATROVICH DAY

Mr. BEGICH. Mr. President, I rise today to recognize a great civil rights leader in Alaska and to join all Alaskans in celebrating Elizabeth Peratrovich Day.

Almost 25 years ago, the Alaska State legislature designated today as Elizabeth Peratrovich Day to commemorate the signing of the Alaska Anti-Discrimination Act of 1945, and to honor Ms. Peratrovich.

Elizabeth Peratrovich is a Tlingit Alaska Native who fought for equal rights for all Alaskans long before her now famous address to the Alaska legislature. She was grand president of the Alaska Native Sisterhood and fought against the very public discrimination taking place against the first people of Alaska.

In many places in southeast Alaska just 60 years ago, public signs read: No Dogs, No Natives or Filipinos. Others simply said: No Natives Allowed.

There were separate drinking fountains and separate doors in public buildings. As Tlingits, the Peratrovichs could only purchase property in Native neighborhoods, could only be seated in segregated portions of the theater, and could only send their children to missionary schools—not the public schools for which they paid a school tax. In the face of this discrimination, Ms. Peratrovich demonstrated courage in her convictions—a courage which changed the course of civil rights treatment for Alaska Natives.

In 1941, Elizabeth and her husband Roy wrote a joint letter to Territorial Governor Ernest Gruening about their concerns. In part, they wrote:

My attention has been called to a business establishment . . . which has a sign on the door which reads, ''No Natives Allowed.'' In view of the present emergency when unity is being stressed, don't you think that it is very un-American?

We have always contended that we are entitled to every benefit that is accorded our so-called White Brothers. We pay the required taxes, taxes in some instances that we feel are unjust, such as the School tax. Our Native people pay the school tax each year to educate the White Children, yet they try to exclude our children from these schools. Although antidiscrimination legislation had been floating around the territorial legislature for years, it had not gained any traction.

Again, I want you to put your mind in this time. This was the 1940s. Many legislators believed Alaskan Natives were second-class citizens. Despite the fact they paid taxes and bore arms in defense of this Nation, they were not endowed with the same rights as others.

In 1945, however, hope emerged. Antidiscrimination legislation had passed the Alaska statehouse but was stalled in the State senate. One senator made a speech stating that Natives had only recently emerged from savagery and were not fit for society. He argued that they had not had the experience of 5,000 years of civilization.

With great courage and composure and poise, Elizabeth Peratrovich confronted the senator who had just belittled her and her people. Not only was she a Native addressing the mostly White Alaskan audience, she was also the first woman ever to address the Alaska State senate. In a quiet, steady, but bold voice, Elizabeth Peratrovich opened her testimony with the following words:

I would not have expected that I, who am barely out of savagery, would have to remind the gentlemen with 5,000 years of recorded civilization behind them, of our Bill of Rights.

She then recounted her experiences with discrimination—how she and her husband had not been allowed to lease a house in a White neighborhood; how she was prohibited from enrolling her children in the same schools as everyone else, the schools for which she paid a school tax. She talked about the embarrassment her children felt when they were not allowed to sit with their friends in the theater.

Following Elizabeth Peratrovich's speech, the senate exploded in applause. Her plea had been effective. The opposition that had been so absolute shrank to a mere whisper.

On February 8, 1945—again, I underline the date, thinking of our national history—on February 8, 1945, a bill to end discrimination in Alaska passed the senate by a vote of 11 to 5. Elizabeth Peratrovich had been instrumental in making Alaska the first organized government under the U.S. flag to condemn discrimination.

Today in Alaska we celebrate Elizabeth Peratrovich Day and affirm our beliefs in equality. With each passing year we move closer to truly realizing the quote that all men are created equal and all are endowed with certain unalienable rights.

Thank you for allowing me to embrace the memory of one woman who fought for those fundamental principles, Alaskan Elizabeth Peratrovich.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. SHAHEEN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO BEN LUJÁN

Mr. BINGAMAN. Madam President, I come to the floor, along with my colleague Senator UDALL, to honor Ben Luján, who is the longtime speaker of the New Mexico House of Representatives. After tirelessly representing District 46 in our State legislature for 37 years—the last 12 years of that 37 years as speaker of the house—Ben is retiring. He is doing so to pursue his fight against lung cancer. I am certain he will bring the same strength and tenacity and courage to that battle that he has brought to every other endeavor he has taken on throughout his life.

Throughout his long career, he has fought fiercely to ensure that the needs of his fellow New Mexicans were being addressed. He has worked hard to improve the quality of New Mexico's school system. He has fought for the rights of our workers, and he has worked hard at strengthening our economy.

I know I speak for all of his colleagues in our State legislature when I say that his service and strength throughout his recent personal difficulties have been an inspiration to all, and his fighting spirit will be missed once he leaves our legislature. His exemplary work ethic is something to which we should all aspire.

He was born into a family of nine children, the son of a sheepherder in the small town of Nambe in northern New Mexico. In 1957 he began working as an ironworker at Los Alamos National Laboratory. It was from these experiences that he learned the importance of always striving to do better, to do more, not only for his family but for his community and for his beloved State. In 1970 he began his extraordinary public service when he was elected to Santa Fe's County Commission. He aspired to have a wider impact, and he ran for the New Mexico House of Representatives in 1975. After nearly a quarter of a century in the house, he was elected by his colleagues as the speaker of the house in 2001.

His devotion is a characteristic that is reflected in all aspects of his life, public and private. He and his wife Carmen have been married for 52 years. His children—Shirley, Jackie, Jerome, and BEN RAY—are a testament to the values with which they were raised. In fact, we are fortunate to have his son BEN RAY as a Member of the U.S. House of Representatives representing the Third District of New Mexico. Tom and I have had the good fortune to serve with BEN RAY in the New Mexico delegation, and he represents our State extremely well.

All of us whose lives have been enriched by Ben Luján's work in bettering our State owe him a debt of gratitude for his service. His illness has not hindered his dedication and hard work for our State, as he continued running the house of representatives in our State throughout the current session of our legislature, which is expected to end today.

I am joined with all New Mexicans and Senator UDALL in extending my gratitude to the speaker for his extraordinary work for the people of New Mexico. We are, indeed, fortunate to have had a man of his character serving our State in such an exemplary way and in such an important position for so many years.

I thank the Chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. Madam President, I also rise today to join New Mexico's senior Senator, who has served New Mexico so well. It is a real honor to join Senator BINGAMAN in paying tribute to one of our great New Mexico citizens, Speaker Ben Luján. Ben, as Senator BINGAMAN said, is retiring this month. He is an esteemed colleague of ours, and he is also our friend—a good friend at that. Indeed, Ben Lujań is a friend to all New Mexicans. Ben recently said:

Let us make our time on Earth . . . worthwhile, and do what is right, and make a difference for the children, our working families, and our elderly.

He has lived up to that challenge throughout his career, fighting for education, for workers, for middle-class families, for Native Americans, for health care, and for jobs. In a world that grows ever more cynical, Ben Luján has always been the real deal.

Ben was born in 1935 in the small community of Nambe, NM, one of nine children. His family, like so many, struggled through the Great Depression. He used to relate tales of his father as a sheepherder herding sheep from the Valley Grande to the Chama in New Mexico. Ben still lives on the property that has been in his family for three generations.

Ben is that rare combination—humble but tenacious in what he believes. He has never forgotten from where he came, and he has always been a champion for the less fortunate among us. Even in his youth, Ben showed a remarkable talent for teamwork, for playing by the rules, for just plain hard work, and for determination.

He loves basketball. In high school he was the captain of his high school varsity basketball squad, and the gymnasium where the Pojoaque Elks play today is named in his honor. Ben Luján has been leading teams ever since.

He attended the College of Santa Fe but had to disenroll for lack of money. For the next couple of years, he sought work wherever he could find it in California and in New Mexico, wherever he had to go to get a job. He understands hard times. He knows what it is like to try to make ends meet. And in all of his years of public service, a sense of justice and fair play has always been at his core.

Ben worked as an iron man in Los Alamos. He joined the International Association of Bridge, Structural, Ornamental, and Reinforcing Iron Workers. In 1959 Ben married his high school sweetheart, the love of his life, Carmen, his devoted partner for over half a century. They began a family that would grow to include four children: Shirley, Jackie, Jerome, and Congressman BEN RAY LUJÁN. As Jeff said, we are fortunate to have BEN RAY serving in our delegation, and we have worked with him on many occasions on a daily basis. Ben began his extraordinary career in public service when he was elected to the Santa Fe County Commission in 1970. Four years later he was elected to the New Mexico House of Representatives. After a quarter of a century of service in that body, he was elected speaker of the New Mexico House of Representatives.

He has always called attention to the needs of others and not to himself. Ben is an inspiration not just to those who aspire to a life of public service but also to a life of personal integrity. His word is his bond to his family and to the people of New Mexico. His principles have illuminated his life and brightened the lives of all who know him. I count myself among that number. I am proud to call Ben Luján my friend.

I was present at the opening of the New Mexico State Legislature last month when Ben informed us of his illness—an illness that left him weakened but not defeated. Like everyone in that room, I was deeply saddened at the news of Ben's illness, but that sorrow is tempered by admiration—admiration for Ben, for Carmen, for the entire Luján family and for the incredible strength they have shown. He would not allow a terrible illness to distract from his duties as speaker of the house. He remains steadfast in his services to the people of New Mexico. Even while undergoing chemotherapy, he continued to work as speaker. Even a devastating illness could not deter Ben Luján from the job he had committed to do, and his family supported him every step of the way. That is honor, that is integrity, and that is courage.

None of us will ever forget Ben's brave words the day last month when he said, ''While this has taken a toll on me physically, it has not broken my spirit, my will, my faith and my commitment to New Mexico.''

So to Ben, I want to say thank you. Thank you for your service, thank you for your sacrifice, and thank you for your friendship.

As we celebrate this great son of New Mexico, I will close with these lines from the poet, Lord Alfred Tennyson:

Though much is taken, much abides, and though we are not now that strength which in the old days moved earth and heaven, that which we are, we are—one equal temper of heroic hearts, made weak by time and fate, but strong in will to strive, to seek, to find, and not to yield.

That, my friends, is Ben Luján—to serve, to strive, and not to yield.

It is a real honor to be on the floor with Senator BINGAMAN to talk about our good friend Ben Luján.

I yield the floor.

Mr. BINGAMAN. I suggest the absence of a quorum.

The assistant bill clerk proceeded to call the roll.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

SERGEANT ADAM J. RAY

Mr. MCCONNELL. Madam President, I have the sad and solemn task today to speak of one brave and honorable Kentuckian who was lost in the performance of his duties while wearing his country's uniform. SGT Adam J. Ray of Louisville, KY, was killed on February 9, 2010, in Afghanistan when an improvised explosive device set by the enemy detonated near his patrol. He was 23 years old.

For his heroic service, Sergeant Ray received many medals, awards, and decorations, including the Bronze Star Medal, the Purple Heart, the Army Commendation Medal, the Army Achievement Medal, the Army Good Conduct Medal, the National Defense Service Medal, the Afghanistan Campaign Medal with Bronze Service Star, the Global War on Terrorism Service Medal, the Korean Defense Service Medal, the Army Service Ribbon, the Overseas Service Ribbon, the NATO Medal, the Combat Infantryman Badge, the Weapons Qualification Badge, and the Overseas Service Bar.

Sergeant Ray knew the risks of Army service and faced them squarely without flinching. In fact, a reporter imbedded with Sergeant Ray's unit has written of how his patrol's assignment on the day he was killed was to find and deactivate explosives hidden by the enemy in culverts under the main road heading west from Kandahar connecting to major cities such as Kabul.

''People ask me if I regret letting Adam join,'' says his mother, Donna Ray.

Well, I don't. Adam died doing what he loved more than anything else in the world. No, Adam did not go into this wanting to die for his country, but he was more than willing to do it. I am so very honored to be his mother and to tell everyone about him.

Adam Ray was born March 9, 1986, to Jim and Donna Ray. When Adam was in the third grade, he went on a school field trip to a military museum. From that moment on, he wanted to be a soldier.

''He would play army with his little toy solders in the bath tub,'' remembers Donna.

He lined them up around the edge of the tub and prepared for the attack of his dinosaurs. At night, when I tucked him in his bed, I would have to pry the toy soldiers out of his clenched fist.

Adam's father Jim attended West Point, and Adam wanted to follow in his footsteps and also go there. However, after the terrorist attacks of 9/11, Adam felt an urgency to serve his country that could not wait, so he entered military service in April of 2005 and graduated basic combat training at Fort Benning, GA.

Adam then attended advanced individual training at Fort Sam Houston, TX, where he was trained as a patient administrative specialist. His first deployment was to Camp Casey, Korea. After 1 year in Korea, Adam reenlisted and was transferred to an infantry unit. By the time he was deployed to Afghanistan, he was assigned to C Company, 4th Battalion, 23rd Infantry Regiment, 2nd Infantry Division based out of Joint Base Lewis-McChord, WA.

In early 2009, Adam was deployed to Afghanistan. He visited his family while on leave in September of that year and returned to Afghanistan in October. By Christmas, his family was hearing less from him because he was preparing for a dangerous mission.

''The Friday before he was killed, he called about 2 a.m. our time—he always forgot about the time difference,'' Donna remembers. ''He told me that his unit was moving and that I may not hear from him for a while, and not to worry.''

A few days later came the fateful Tuesday that was February 9. Adam's

unit was conducting ''culvert denial'' in an area where an Afghanistan soldier had recently been killed by a bomb hidden in a culvert underneath a road.

At approximately 9:30 a.m., the explosion went off, and as one contemporary news report puts it, ''Adam Ray, the third of five children, beloved son of a minister and a devoted mother, a soccer player and a flirt, who tutored dyslexic kids and was known to ask less popular girls to dance at school events, died.''

We are thinking of Sergeant Ray's loved ones today as I recount his story for my colleagues here in the Senate. We are thinking of his parents Jim and Donna Ray; his grandparents John and Doris Ray and Bobby and Marilyn Sumner; his brothers Zachary and Seth Ray; his sisters Betsy and Amanda Ray; his nephew Christopher Mitchem; and many other beloved family members and friends.

I know my colleagues join me in extending the sincere and profound gratitude of the Senate to the family of SGT Adam J. Ray. We have set aside this moment to recognize his service, service proudly and freely given, for the country he so loved. And we pay tribute to his supreme sacrifice.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MANCHIN). Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PAYROLL TAX CONFERENCE REPORT

Mr. WARNER. Mr. President, let me rise today to speak about the conference report that it appears we will be voting on tomorrow regarding the issues of the payroll tax, unemployment benefits, and the so-called doc fix. Let me first of all acknowledge that I know that many of my colleagues have worked long hours on the payroll tax deal that was apparently reached late last night.

I have been briefed on pieces of this deal and I've also seen many of the press reports that have described this deal as a new sign of bipartisanship. As a new Member of the Senate, I know, like the Presiding Officer, we believe that we do our best work here in Congress when we can have bipartisan solutions, when we can find ways to reach common ground.

All of those factors make it doubly difficult for me to now rise and say I will be voting against the conference report when it comes before this body tomorrow.

Now, let me acknowledge on the front end that I think there are worthy reasons in this recovering economy we have got right now, it makes some sense to maintain some form of payroll tax holiday for a limited period of time.

I know the Presiding Officer feels that one of the most important issues our country confronts right now—I would say the most important issue and the one that overhangs everything else we debate here—is our inability to come to grips with our debt and deficit.

I know, as we try to nurture this growing recovery, one of the ways we take on that debt and deficit is by having a growing economy.

But I also believe it is terribly important that we show progress on this issue. Our national debt now exceeds $15 trillion. Every day that we fail to act, we add $4 billion to that total. None of this becomes self-correcting. It will not correct itself until and unless we act.

I, for one, believe there is no action this body could take that would be more stimulative to our economy, that would be a better jobs program, that would do more to restore the trust of the business community and the public than to show bipartisan collaboration and cooperation on a long-term debt and deficit deal. So let me share with my colleagues the five reasons I will be voting against the conference report tomorrow.

First and foremost, the payroll tax cut that has been proposed isn't being paid for. It will add $100 billion to the debt.

Second, I think the compromise that has been put together turns some of our traditional policies on their head. By taking this action of saying tax cuts somehow don't have to be paid for, we are advancing a policy I believe will come back to haunt us later this year when the Bush tax cuts expire.

As a matter of fact, while I have only been a Member of this body for 3 years, I know it has been a tradition that in moments of economic crisis, the Congress will sometimes extend unemployment benefits, particularly for those States that have been hardest hit. In those moments of crisis, the unemployment benefits sometimes go unpaid for. Well, in the compromise in this conference report, we turn that policy on its head in that there was a requirement to pay for the extension of unemployment benefits but no requirement to pay for the $100 billion of additional debt taken on by the payroll tax cut.

I know in this body, as we have had debates about debt and deficits and economics, we have discussed the economic theories of a whole host of thinkers and economists—John Maynard Keynes, Frederick Von Hayek, Milton Friedman, Paul Krugman. I somehow feel as though this conference report we will be voting on tomorrow may reflect the thinking of a more obscure individual, but someone I recall as a child growing up, and that was Wimpy, who was a cartoon character—Popeye's hungry pal. Wimpy used to always say, ''I will gladly pay you Tuesday for a hamburger today.''

Well, it seems on this economic policy we are talking about today, of deferring payment for this payroll tax policy, that Wimpy once again has won out.

Let me cite the third reason I will be voting against the conference report tomorrow. As I acknowledged at the beginning of my comments, I believe extension of the payroll tax holiday makes sense in this recovery, but it just needs to be paid for. So I could have very easily supported a number of the proposals put forward by my colleagues on the Democratic side, including a 1-percent increase of the taxes on those of us who make more than $1 million a year—a defined benefit for the defined pay-for.

If we couldn't breach the gap on that, I could have looked at means-testing the payroll tax holiday.

If we are trying to make sure these dollars get into the economy as quickly as possible over this coming year, then clearly a payroll tax holiday for folks who make less than $150,000 a year or $250,000 a year or $500,000 a year or $1 million or less a year—it didn't make sense to say that regardless of one's income. This payroll tax holiday—going to folks like me, who are doing pretty well—is not going to have a stimulative effect, I just don't think economic theory bears that out. So if we had paid for this or put some restraints on it, I would have been happy to support this conference report.

The fourth reason I can't support the conference report is because I am concerned this payroll tax holiday—which goes into the Social Security trust fund, is supposed to end at the end of this year. But we have no metrics placed on it. It scares me greatly that we will approach the end of the year and there will be some other reason it needs to be extended again.

I believe we should have put in place a requirement that this payroll tax holiday would start to ratchet back if we continued to see growth in the economy—perhaps ratcheted back one-third if we had seen GDP growth for the next 3 months or employment growth for the next 3 months, ratcheted back another one-third, ratcheted back another one-third—so we wouldn't have the cliff effect that is being proposed at the end of the year, again, a cliff effect that will come at the same time as the end of the Bush tax cuts, the imposition of the so-called $1.2 trillion sequester cuts, and the proverbial train wreck that is already being talked about.

So while I believe this payroll tax holiday is important, the price, the fact we are not paying for it, the fact we have put no restrictions or parameters around it and the fact that there's no guarantee it will actually expire because we have no metrics of how much economic progress we need to have before it expires are reasons I will be voting no.

Let me raise one other concern I have about the conference report. This

is one more example of particularly our colleagues in the House saying the first place they go for any pay-for for any project seems to be our Federal workers—the same Federal workers, close to 2 million strong, who keep our streets safe, make sure we get those Social Security checks, try to take out terrorists, drug dealers, you name it. They are the same Federal workers who have had their pay frozen for the last 2 years and who have had to endure the prospects of two or three potential shutdowns over the last year and a half. To say we are going to come back to the well time after time on this group I don't think is fair or right.

As someone who has looked at the Federal pay and benefits, when we get to that issue of a comprehensive tax reform, entitlement reform, big deficit deal, all these items will need to be reviewed. But the notion the first place to come back to for any pay-for is our Federal employees, to me, doesn't seem fair nor does it seem right. So for these five reasons, I will reluctantly be voting against the conference report tomorrow. I believe it was, again, in the context of the debt and deficit particularly, Will Rogers who said: When you find yourself in a hole and you want to get out, stop digging. Well, in some small way, by voting no tomorrow, I hope I will send a signal that I—and I hope others will join me—will stop digging.

With that, Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold his request for a quorum?

Mr. WARNER. I will.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. I thank the Chair.

(The remarks of Mr. ENZI pertaining to the introduction of S.J. Res. 36 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BENNET. 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. BENNET. Mr. President, I am here on the floor today to talk a little bit about our economy and something that I think is very important that has been left unaddressed in this payroll tax compromise that I think is a real tragedy for our country and for my State, the State of Colorado, and, most importantly, for people who are suffering through this incredibly difficult economy.

It is not well understood by people—I think maybe even in this Chamber—that our country's gross domestic product—the economic output of our country—is actually higher today than it was before we went into this recession. We saw it rising all the way in the 1990s and 2000s, and then we had the worst recession since the Great Depression. Now we are seeing economic output that is actually at a level that is higher than it was before we went into the recession.

Our productivity is higher today than it has been at any time in the history of the United States of America. It has become fashionable to talk about what has happened or not happened since the founding of our country. Since the founding of our country, our economy has never been more productive than it is today, and there are several reasons for that. Competition from abroad that has become a daily occurrence—something we have to fight hard every day to stay ahead of—has driven productivity. That is a good result. Technology has driven productivity. That is a good result. And the recession itself drove productivity straight up. As our business men and women of this country did what they had to do to get through this incredibly tough economic time to keep their businesses alive, to keep their doors open, to keep a promise to the next generation of Americans, productivity went ever skyward. That is a good result. That is progress. And we are only going to become more productive over time as we face competitive threats from around the world.

But we can see what else has happened over this period of time. Median family income has fallen over the last decade for the first time in our country's history. The middle class is earning less today in real dollars than in the early 1990s. And, as the President knows, we are producing this economic output with 23 or 24 million people who today are unemployed or underemployed in this economy. There are no jobs for these Americans in this economy even though our output is as high as it was before we went into this recession.

There are a lot of people smarter than I am who could figure out the answers to this, but there are at least two big ones we have to keep in mind. The first one is education because the worst the unemployment rate ever got for people with a college degree during this recession was 4.5 percent. That is the worst it got for people who had a college degree, who could compete in the 21st century, even in the worst recession since the Great Depression.

As I have said on the floor of this Chamber that has 100 seats, 100 desks, if we were poor children living in the United States of America today, only 9 of these 100 seats would represent college graduates because 91 of 100 poor children in the United States in the 21st century cannot get access to a college degree. So that is job No. 1, to keep a promise to the next generation of Americans.

I think job No. 2 needs to be driving innovation and job growth in this economy, which is what has brought me to the floor today because we are failing in this package, among other things, to extend the wind production tax credit which cuts right to the core of whether and how we want to compete in the 21st century in this global economy.

For people here or elsewhere who think these jobs aren't real in the wind industry, I brought some pictures. I brought some pictures of a manufacturing plant made in America—made in America—in this case, in Brighton, CO—a manufacturing plant, the towers from which wind turbines are going to be hung, driving electricity and jobs in the United States. So we are not talking about some fly-by-night, experimental industry. This credit has triggered enormous economic growth in Colorado and across the country.

Congressman STEVE KING, a Republican from Iowa, wrote today in an oped that he published that ''the production tax credit has driven as much as $20 billion in private investing.'' This isn't some Bolshevik trick, some Socialist trick; it is $20 billion in private investment in real American manufacturing jobs.

Wind power accounts for more than one-third of all new U.S. electric generation in recent years. In Colorado alone, I can tell you it has created 6,000 jobs in my State. It has moved our State toward a more diversified and cleaner energy portfolio, so that Colorado today is a leader among the 50 States in diversifying our portfolio.

Let's be clear. We have oil and we have coal and we have natural gas. We have abundant wind and abundant sun and entrepreneurial horsepower all across the Front Range. What we don't have is Washington's cooperation. What we don't have is the decency of people coming together and doing better than just keeping the flickering lights on in this place.

It is because they can't get any certainty out of Washington that developers and manufacturers are starting layoffs already in anticipation of the credit expiring at the end of this year. This is the result of nothing other than our political dysfunction in Washington.

Vestas, which has a huge manufacturing footprint in Colorado—from Windsor all the way south to Pueblo—is poised to lay off 1,600 workers if we fail to act. Iberdrola Renewables, also doing business in Colorado, has already laid off 50 employees for no reason other than our inability to get our work done. Nationally, 37,000 jobs are at risk, not to mention the ones we could have created after 2012 but won't if we let this credit expire.

I brought a couple of other pictures just to make sure people know this is distributed all over the United States.

This is Pennsylvania and Texas.

I know I sound like a broken record when I say this because I have said it over and over on this floor, but we should not be confused that the rest of the world is somehow waiting for us to get our act together, that they are somehow waiting for us to cure our politics and do something that will actually solve those curves that I mentioned earlier and put Americans back to work manufacturing in jobs that are actually driving middle-class family

income up, rather than down, which is what we are doing today.

Our largest single export from the United States of America is aircraft. We export $30 billion a year. China's export of solar panels last year was $15 billion—half our largest single export. They didn't export one solar panel 10 years ago, and we invented the technology here in the United States. In fact, some of us believe we invented that technology in the State of Colorado. I am sure the Chinese would love to have this business as well. And my concern is not that this is a temporary interruption in our wind industry but that this will become a permanent shutdown of our ability to drive economic growth across the United States. This is a perfect example of an industry that can move this employment level back up, an industry that we don't have today, one that is in its infancy but 50 years from now or 20 years from now may be driving significant employment growth across the United States of America. This is an industry that, by the way, would drive this curve up as well.

I met a young man in Logan County not long ago. He was working—he was giving me a tour on the top of a wind turbine. I was standing on the very top of the box. It was about 10,000 feet in the air—or it felt that way to me. I was wearing the shoes I am wearing right now on the floor of the Senate, which is not what you should wear when you are on the top of a wind turbine, swaying in the wind. He told me he would be unable to live in his home community and raise his family in his home community if it had not been for that job, a job he could not even have imagined there being 5 years ago. And there it is today.

These are high-quality, high-paying jobs in the United States of America. It would seem to me the Congress ought to figure out a way to support these industries. I actually do not believe any of these kinds of credits should be permanent. I want to be clear about that. I think we would be doing ourselves and the country a service if we designed them in a way that phased them out over time, because at a certain point every business has to sink or swim based on its merits. We are ''this close'' to being there with wind production and we are ''this close'' to turning it over to the rest of the world.

This is not a partisan issue. This is not a partisan issue. Last week Republicans and Democrats from the Colorado delegation came together in the House and the Senate to urge a quick extension as part of the payroll deal. I know my colleagues Senators HARKIN and GRASSLEY did the same with the delegation from Iowa.

I ask unanimous consent to have those letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, February 7, 2012.

Hon. MAX BAUCUS,
Chairman, Senate Finance Committee, Dirksen Building, Washington, DC.

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

DEAR CHAIRMAN BAUCUS AND CHAIRMAN CAMP: The undersigned Members of the Colorado delegation urgently request inclusion of a provision to extend the wind energy production tax credit (PTC) as your conference negotiates the payroll tax reduction package. In passing this extension, we would urge the conference committee to include a pay for as well.

The PTC has been very effective in facilitating new market penetration of wind energy and moving us toward a more diversified and cleaner energy portfolio. A delay in this extension would do enormous damage to that progress. Since its inception, the wind PTC has driven economic growth across the nation, including substantial growth in Colorado. Our state is a wind energy leader, currently generating the third highest percentage of power from wind of any state in the nation. Colorado is home to several major wind energy developers and wind turbine manufacturing facilities, employing upwards of 6,000 workers statewide. We're also home to the National Renewable Energy Laboratory (NREL), a critical government lab and the world's premier renewable energy research facility.

Unless the wind PTC is renewed in the first quarter of this year, new wind energy development projects and the thousands of jobs associated with those projects are predicted to drop off precipitously after 2012. This dire situation will be especially pronounced in Colorado, where we manufacture many of the components for wind turbines. Wind-related manufacturing workers will be the first to lose their jobs as developers stop ordering turbines for installation after the PTC ends. Companies with a footprint in Colorado have already started layoffs and several thousand Colorado jobs could be lost if the PTC isn't extended in the near future.

While the PTC is vital to the near-term future of wind energy production in Colorado and across the nation, the credit should not exist in perpetuity, particularly as the wind industry matures. Following a prompt extension, we believe that Congress should engage in a broader conversation about an incremental phase-down of the credit over the long-term.

In a difficult economy, with thousands of high-quality jobs at stake across our state and the entire country, we urge the Conference Committee to extend the wind PTC as part of your upcoming package.

Sincerely,

MICHAEL F. BENNET.
MARK UDALL.
DIANA DEGETTE.
ED PERLMUTTER.
JARED POLIS.
CORY GARDNER.
SCOTT R. TIPTON.
MIKE COFFMAN.

CONGRESS OF THE UNITED STATES,
Washington, DC, February 8, 2012.

Hon. HARRY REID,
Majority Leader, U.S. Senate, Washington, DC.

Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate, Washington, DC.

Hon. Speaker JOHN BOEHNER,
Majority Leader, House of Representatives, Washington, DC.

Hon. NANCY PELOSI,
Minority Leader, House of Representatives, Washington, DC.

Hon. DAVID CAMP,
Chairman, Conference Committee on H.R. 3630, House of Representatives, Washington, DC.

Hon. MAX BAUCUS,
Co-Chairman, Conference Committee on H.R. 3630, U.S. Senate, Washington, DC.

DEAR LEADER REID, LEADER MCCONNELL, SPEAKER BOEHNER, REPRESENTATIVE PELOSI, REPRESENTATIVE CAMP, SENATOR BAUCUS, AND MEMBERS OF THE CONFERENCE COMMITTEE ON H.R. 3630: The undersigned Members of the Iowa delegation respectfully urge you to include a short term Production Tax Credit (PTC) extension for wind energy as part of any payroll tax cut extension you are currently negotiating.

Our state and the whole nation have benefited tremendously from the economic development, new manufacturing jobs, and increased domestic energy supply that wind energy has provided. And the PIC has been a major factor behind this success. Iowa is now receiving 20% of our electricity from wind at stable and dependable rates. There are over 215 wind related businesses operating in 55 counties across our state, employing over 5000 people. While Iowa has been a leader, we are seeing these results multiplying across the country.

However, with the PTC for wind due to expire at the end of 2012, the expansion, jobs and manufacturing of the industry is put in serious jeopardy—not just in Iowa, but across the country. We must provide some certainty to allow this industry to keep growing. If the PTC is not extended immediately, our communities back home stand to lose thousands of jobs, manufacturing, infrastructure and private investment. The manufacturing workers, in particular, are the first to lose their jobs as developers have already stopped ordering turbines for installation after 2012 because of uncertainty about the continuation of the credit.

Clearly, no energy incentive should be in place forever, but now is not the time to pull the rug out from under the wind energy industry, as it is putting in place the domestic manufacturing, the private investment and the technological advancements that will allow it to prosper without the PTC in the near future. We appreciate your consideration of our request to include language in the upcoming payroll tax cut legislation to immediately extend the wind energy PTC.

Sincerely,

SENATOR TOM HARKIN.
SENATOR CHARLES GRASSLEY.
REPRESENTATIVE BRUCE BRALEY.
REPRESENTATIVE TOM LATHAM.
REPRESENTATIVE DAVE LOEBSACK.
REPRESENTATIVE LEONARD BOSWELL.
REPRESENTATIVE STEVE KING.

Mr. BENNET. As I recall, Senator GRASSLEY actually was the one who wrote this to begin with. We have also recently filed an amendment, a bipartisan, fully paid for, 1-year extension of the credit to the surface transportation

bill. I thank Senator MORAN, a Republican from Kansas, for joining me to lead on that amendment.

There is plenty of support out there for us to get this done. More important than that, if we do not act, there are thousands of people who are going to have to go home to their families and say they were laid off from their job for no reason other than the political dysfunction here in Washington, DC.

I think enough is enough. I cannot tell you how much I look forward to a time when we have a thoughtful, bipartisan, fact-based tax reform in this country; when we are thinking about our Tax Code and our regulatory code and asking ourselves: Are we driving job growth here in the United States with these policies? Are we driving up middle-class family income with these policies? Are we addressing the income inequality gap by having an economy that truly does lift all ships and, as the President would make the point, are we dealing with the fiscal challenges this country faces so we do not strap our kids with this mountain of debt?

I know there are people on both sides of the aisle who are anxious to work on this, but we have failed that test in this compromise measure. It is my hope that at some point in the near future we can get a vote on this amendment, Senator MORAN's amendment, and we can put Americans back to work in these industries before we lose them forever.

Mr. TOOMEY. Mr. President, I rise today to speak about an important reimbursement issue that impacts the lives of millions of Medicare beneficiaries and providers. The sustainable growth rate, SGR, originally implemented in 1997 through the Balanced Budget Act, was intended to constrain overall Medicare spending growth in physician services. However, since 2002, actual expenditures for physician services have exceeded allowed targets, yielding negative updates in prospective years. As a result, Congress intervened 13 times to preempt a physician payment cut. In doing so, they failed to address the underlying issue and sustained a flawed reimbursement mechanism. With each year that passes, the cost of 'fixing' the SGR grows, amounting to an albatross of several hundred billion dollars. Consequently, on March 1, 2012, Medicare physicians will face a 27.4 percent cut to their reimbursement. Our budget baseline perpetuates an illusory premise that these cuts will occur. However, it's widely acknowledged that if implemented, these cuts would have a debilitative effect on medical practices and Medicare beneficiaries.

As Congress looks to yet again preempt a physician payment cut, I believe it is imperative that we identify a viable pathway to replacing the SGR. We can begin by utilizing Overseas Contingency Operations, OCO, funding to pay for the $195 billion in accrued SGR retrospective debt. OCO funds, deemed to be budgetary savings from the drawdown of military engagement in Iraq and Afghanistan, can be appropriately reallocated against accrued SGR debt that will not be collected. This would not constitute new spending, but rather amount to a down payment on an SGR fix. I urge conferees to give strong consideration to utilizing OCO funding to offset SGR's retrospective debt. It's time that Congress use honest budgeting and provide Pennsylvania's 2.2 million Medicare beneficiaries and 155,776 employees of medical practices, with some certainty.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. WICKER. Mr. President, are we in morning business or do I have to ask consent to speak as in morning business?

The PRESIDING OFFICER. The Senate is on the bill.

Mr. WICKER. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS APPOINTMENTS

Mr. WICKER. Mr. President, I came to the floor previously to speak about President Obama's unconstitutional appointments of Richard Cordray as Director of the Consumer Financial Protection Bureau and of three new members to the National Labor Relations Board. I spoke about why this blatant overstep of executive authority violates the President's right to make recess appointments under article II, section 2 of the Constitution. I described its unequivocal reversal of years of precedent which the Obama Justice Department's Office of Legal Council has since defended, essentially stating that pro forma sessions no longer matter.

This issue is far from over. We cannot allow it simply to go away and the illegal appointments must eventually be set aside.

The 23-page Justice Department opinion, written by Assistant Attorney General Virginia A. Seitz, wrongly advises that, despite the convening of pro forma sessions, the President ''has discretion to conclude that the Senate is unavailable to perform its advise-and-consent function and to exercise his power to make recess appointments.'' Under this misguided opinion, the Obama administration is suggesting that the executive branch—not Congress—can determine when the legislative branch is in session. The egregious overreach undermines the checks and balances at the very heart of our Constitution.

I am deeply concerned that this presumptuous action by the President poses profound and dangerous implications. As others have suggested, President Obama's abuse of his recess appointment power could lead to unilateral ''recess'' appointments anytime, such as during lunch or in the middle of the night. This is not that far fetched.

As I said before, it is my hope that both parties will rise to defend the separated powers our Founders put in place to prevent tyranny and the misuse of authority.

It is worth repeating that the controversy surrounding the President's non-recess appointments has nothing to do with the personal character of Mr. Cordray or of those named to the National Labor Relations Board. Nor is the debate over appointments when the Senate is in recess. What the President has done transcends party issues and ideological divides.

A day after the appointments were made, former attorney general Edwin Meese III and former Office of Legal Counsel lawyer Todd Gaziano wrote in the Washington Post that President Obama's move is ''a constitutional abuse of a high order.'' It challenges 225 years of executive practice.

The Constitution is very clear in its delegation of powers. It explicitly grants the Senate the exclusive responsibility to give ''advice and consent'' on treaties and nominations. It endows the President with the right to fill vacancies when the Senate is not in session—a provision conceived by the Framers as a way to keep the government operational when the ability of Senators to communicate with the executive branch and travel back to the Capitol took much longer than today.

Of course, it is disappointing that President Obama has dismissed the will of the Senate, which rejected Mr. Cordray's nomination in December.

But never before has a President assumed the authority to issue recess appointments when the Senate is not in recess. In doing so, the President is violating the Constitution plain and simple, and invalidating the legitimacy of his appointees. It stands to reason that any decisions of the CFPB or NLRB will be subject to the same shroud of unconstitutionality and legal contest.

The Constitution and nearly a century of legal opinion provide a solid basis for determining the parameters of what qualifies as a legislative ''recess,'' which is required for the President to invoke his appointment privileges.

Under Article section 5, clause 4 of the Constitution, the House of Representatives must grant its consent in order for the Senate to adjourn longer than 3 days. The Senate must do the same for the House.

It is an undisputed fact that the House of Representatives did not give this chamber that consent and, in keeping with the Constitution, this Senate did not adjourn for more than 3 days.

The President's claim that a brief adjournment can be called a ''recess'' goes against 90 years of legal opinion. In 1921, President Harding's Attorney General Harry M. Daugherty had this to say about what defines a recess: ''[N]o one, I venture to say, would for a moment contend that the Senate is not in session when an adjournment [of two days] is taken. Nor do I think an adjournment for 5 or even 10 days can be

said to constitute the recess intended by the Constitution.''

Since then, Attorneys General and Presidents of both parties have agreed that at least 10 days should pass before a recess is acknowledged.

And yet, as we are aware, there were not 10 days of adjournment when President Obama made his four appointments. We were holding pro forma sessions—proceeding just as the Senate did in 2007, when Majority Leader REID wanted to block President Bush from making recess appointments—and succeeded in doing so. As Edwin Meese and Todd Gaziano acknowledged in their op-ed, ''Reid was right, whether or not his tactics were justified.''

Michael McConnell, a former Federal judge and director of the Constitutional Law Center at Stanford Law School, came to the same conclusion. Last month, he wrote in the Wall Street Journal:

Several years ago—under the leadership of Harry Reid and with the vote of then-Sen. Obama—the Senate adopted a practice of holding pro forma sessions every three days during its holidays with the expressed purpose of preventing President George W. Bush from making recess appointments during intrasession adjournments. This administration must think the rules made to hamstring President Bush do not apply to President Obama. But an essential bedrock of any functioning democratic republic is that the same rules apply regardless of who holds office.

It is appalling that the Obama administration would call into question the entire legitimacy of pro forma sessions when, less than two weeks before the appointments, the President signed into law the payroll tax extension that the Senate had passed in such a session.

What makes the business conducted during the pro forma session on Dec. 23 any different from the pro forma sessions that came just days after? Based on this case, it appears the validity of a Senate session is subject to the President's whim. He signs legislation passed in one pro forma session. He concludes that another pro forma session did not exist at all.

In the same op-ed to the Washington Post, Edwin Meese and Todd Gaziano concluded:

If Congress does not resist, the injury is not just to its branch but ultimately to the people. [And that is what is important.] James Madison made clear that the separation of powers was not to protect government officials' power for their sake but as a vital check on behalf of individual liberty.

Indeed, the forefathers of this country were candid about the crucial link between the separation of powers and freedom itself.

As Madison wrote in essay No. 48 of The Federalist:

It is agreed on all sides, that the powers properly belonging to one of the departments ought not to be directly and completely administered by either of the other departments. It is equally evident, that none of them ought to possess, directly or indirectly, an overruling influence over the others, in the administration of their respective powers. It will not be denied, that power is of an encroaching nature, and that it ought to be effectually restrained from passing the limits assigned to it.

As elected public servants, we are bound by our oath of office to uphold and preserve the principles of the Constitution.

To do that, we must guard the sanctity of the decisions made and privileges held by this chamber. Our government's separation of powers is not an antiquated idea but a timeless safeguard to liberty.

In 1985, Sen. Byrd, the Democratic Majority Leader from West Virginia, wrote in a letter to President Reagan:

Recess appointments should be limited to circumstances when the Senate, by reason of a protracted recess, is incapable of confirming a vitally needed public officer. Any other interpretation of the Recess Appointments clause could be seen as a deliberate effort to circumvent the Constitutional responsibility of the Senate to advise and consent to such appointments.

Where are the Robert Byrds today?

Those who served before us provided precedent and wisdom to address our problems today. They defended the constitutional duties we are now entrusted to protect. Is there not one Democratic Senator who will step forward to defend the constitutional principle of separation of powers?

The President has made no secret of his contempt for Congress in recent months. His campaign rhetoric is heavy with ''do-nothing'' accusations.

The President is certainly free to engage in election-year hyperbole. But he is not free to overstep the constitutional limits of his office. I can think of a number of other priorities demanding our undivided attention right now—fixing the economy and putting Americans back to work are top among them. Yet in order to address these challenges, we need a working relationship between the legislative and executive branches. The President's power grab undermines the very constitutional foundation of this relationship.

I urge Members from both sides of the aisle to call for President Obama to rescind these appointments. Regardless of our party allegiances, we are united by a pledge to serve the American people. That is what motivated Robert Byrd earlier, and it is what ought to motivate us today. Keeping that promise means standing for the sanctity of our country's founding document and the integrity of this institution.

I thank the Chair.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I wish to take the time now to talk about the conference report that has been filed in regard to the extension of the payroll tax holiday, the Medicare physician issues so our seniors can continue to have access to their doctors, and the extension of the unemployment insurance.

I was appointed to that conference, and the conference has been meeting now for the better part of the last 6 to 8 weeks. We were able to reach an agreement that was filed. I first wish to compliment Senator BAUCUS, the Senate chair of the conference committee. There was a real effort made that this conference would operate the way a conference should operate; that is, the House and Senate Members meeting, discussing the differences between the two bodies and trying to reconcile their differences in a somewhat open process. We had several open discussions where we talked about some of the issues.

Each Member of the conference had a chance to express themselves on the issues, and we had a good exchange. I think during that exchange we were able to reach some consensus. Almost immediately we reached a consensus that all of us wanted to make sure the payroll tax holiday was extended. The payroll tax holiday provides tax relief for 160 million Americans. This is not the time for paychecks to actually go down for American workers. We are trying to build a confidence in the workplace, in the marketplace. The more money in the paychecks allows people the opportunity to be better consumers, helping to create jobs.

There was general consensus that we needed to extend the unemployment insurance, that we are still in the recovery where unemployment rates are so high that it is important we use this countercyclical program to help people but to also build our economy. It helps create jobs, again having more money available for the consumers to help our small businesses and to help our economy.

Lastly, we all understood we could not allow a 27-percent cut in Medicare rates for physicians, that that would deny many of our seniors access to health care. So very early in the conference process we reached consensus that those three issues should be extended, at least through the end of this calendar year. For the payroll tax holiday, that was our understanding, to extend it through the end of the year.

We know the Medicare issues need to be extended for a longer period of time. We worked together. I thought it was very important that we allow the full Senate, the full House to consider that conference report. We have had too much gridlock. We have had too much of individual Members trying to block the consideration of important legislation, particularly in the Senate. So I think it is very important that we were able to bring this issue to the full Senate, and we are going to have, I hope, a good debate, and sometime tomorrow we are going to have a chance to vote

on whether to accept the conference report.

There is some good news. I do applaud again Senator BAUCUS and my colleagues Senator CASEY and Senator REED on the work that was done by the Democrats on the committee. We took a very strong position against adding these extraneous positions that came over from the House, the so-called Boiler MACT, which was a provision that would have affected the health of people in our community. There is no question that if we would have accepted the House position, it would have weakened our Clean Air Act, it would have led to more premature deaths, more hospital admissions, more lost days from work. The cost-benefit ratio of this rule is well documented, that it will help our economy, help save the health and workdays for American workers.

We also removed a provision from the House bill that dealt with the Keystone issue. This has to go through a regular regulatory process. It should have no place in this conference. We were able to remove that provision.

On the unemployment insurance front, let me mention that we were able to reserve the extension of unemployment insurance benefits. Under the current law, there is a maximum available of 99 weeks. Let me remind my colleagues that because of the way the extended benefit program is calculated, that at least in my State by April, those 20 weeks are likely to be not available for new people who become unemployed, and throughout the rest of our Nation, we are finding that extended benefit program will not be providing those extra weeks.

So the conference committee recommendation is to try to use better triggers as it relates to the different tiers of benefits in the extended benefit program, so the high unemployment States have a greater number of weeks than those States that are doing better and to transition us to a more regular unemployment system as we go through the year.

In regard to the Medicare provisions in this bill, we were able not only to extend the sustainable growth rate, the SGR system, so we do not get the automatic cuts that would occur against physicians, we were able to extend that through the end of the year. But we also extended the therapy caps. If we did not do that, those who are the victims of stroke or who have had a hip replacement would have run into an arbitrary cap which would provide them the therapy they need for their recovery. We were able to get that done.

On the payroll tax, as I said earlier, there was an agreement we would extend that. The payroll tax is all about helping 160 million Americans. It is about creating jobs.

That is where we were able to come to an agreement that I think was in the best interest of the conference. Let me talk about some serious problems I have with the conference report. It deals with how we decided to fund or offset the cost of unemployment insurance extensions. Let me remind my colleagues that this is a short-term extension, where we are phasing out the extra benefits through the end of this year. It is calculated to cost about $30 billion. Historically, we have extended unemployment insurance benefits during tough economic times without having offsets.

Why? Because unemployment insurance is countercyclical. It is there to help people during tough times. During good times we pay money into the system. We are trying to put more money into the economy. It does not make sense to take money out of the economy when we are trying to create jobs and get our economy back on track.

Unfortunately, that principle was violated in this conference report. The $30 billion is offset. Let me compare that to the payroll tax holiday, which is $100 billion, which many of us think should be offset, which is not offset. As you know, we came in with recommendations where we could fairly offset the extension of the payroll tax holiday without adversely affecting our economy. We had suggested we would have a surtax on income, exempting $1 million of taxable income from the surtax—a little bit of fairness in our Tax Code—in order to make sure we do not add to the deficit, do not hurt the economy but allow middle-income taxpayers to continue to get their tax relief.

To me, that would have been the responsible thing for us to do. But we do not do that in this conference. Instead, we did not pay for the $100 billion for extending the payroll tax, but we paid for the unemployment insurance benefits, $30 billion, which I would suggest is an emergency. That truly is a matter that historically we have not paid for.

All right. Here is the problem. In order to pay for that $30 billion, we picked on our Federal workforce. I tell you, I find that wrong. We put a provision in this bill that will require new Federal employees, those who start work after January of 2013, to pay more for their defined retirement benefit. That is how we funded about half the cost of extending the unemployment insurance. I think that is wrong.

Let me also say that the extension of the unemployment benefits is temporary—only until the end of this year. The extra costs for the retirement benefits are permanent. It stays in the law. That doesn't seem like a good deal for what we are trying to do.

We also are saying that one group of workers, and only one group, makes a contribution toward this. These are middle-income workers who will be paying for this, a large part of the unemployment insurance cost. I don't think that is right. I don't think we should have done that.

Let me also point out, as we talk about the Federal workforce, that the additional cost the new workers will pay will be 2.3 percent of their payroll, which will go to a retirement trust fund that is already fully funded. So this is not to address a problem with the funding of the retirement plans for our Federal employees; I think this is strictly a punitive hit at the Federal workforce.

Public servants have already given $60 billion toward deficit reduction in the form of a 2-year pay freeze and will give at least another $30 billion if the base pay adjustment for 2013 is .5 percent instead of the 1.2 percent, which is what the adjustment should be under the Federal Employees Pay Comparability Act. Add it all together, and present and future Federal workers are providing over $100 billion in deficit reduction. That is $100 billion in deficit reduction coming out of our Federal workforce. Yet the Republicans continue to defend the most affluent Americans who won't pay one extra penny for funding this payroll tax package. I don't think that is right, I don't think that is fair, and I don't think we should have done it in that manner.

Now, I want to say some positive things. You can always look at things and say it could have been a lot worse. And that is true, it could have been a lot worse. When you look at the House bill that included these provisions, it included a pay freeze for our Federal workers. That is not in this. We got that out.

I worked very hard with my colleague, Congressman CHRIS VAN HOLLEN from Maryland. We worked together. In the original package, all Federal workers would have had to pay more, including current Federal workers. This package does not affect current Federal workers. They will not have to pay extra for their pension plans. That is fair. When they signed up as a Federal employee, they knew what the ground rules were and they knew what the pension contributions would have to be and what the benefits were. It is right that we live up to that commitment. So this agreement will not affect current workers. Their pension contributions will remain the same.

The bill that came over to us from the House also reduced pension benefits. We took that out of the bill. That is not in the bill. And the rate they would have had new hires pay is higher than what we agreed to in this package.

Congressman VAN HOLLEN and I worked very hard to try to accommodate the parameters of the conference and what was being required of our Federal workforce in a way that it would not penalize our existing workers and would not be anywhere near as punitive as the provisions that were put in the House bill. So we are at least grateful that the conference includes that, but I can't help but be disappointed that the unemployment insurance is being financed at least in half by a permanent change in the contribution rates to defined benefit plans

by those who join the Federal workforce after January 1, 2013. They are the only ones who are affected by that proposal.

Let me conclude by saying that we all should be pleased that the conference worked, that we took a difficult issue in which there are strong fundamental differences between the House and the Senate and we were able to come to an agreement to at least be presented to the Members of the House and Senate for an up-or-down vote where each of us can make our own judgment as to whether we think this is the right package for the American people. I might have a different view than the Presiding Officer, and we will both be able to express our views by our votes tomorrow.

I hope that process will be used to get more work done for the American people. They want us to work together. They want Democrats and Republicans to say: OK, we know we differ on issues. Now let's get together and get things done.

We have the Transportation bill that is on the floor and that we are talking about today. That Transportation bill should end up on the President's desk. That Transportation bill came out of our committees with bipartisan votes. So now let's not clutter that bill with issues that will divide us. Let's work in the spirit the conference committee did—a committee on which I was privileged to serve—and try to keep it relevant to the issues at hand so that at the end of the day we can not only pass the Transportation bill in the Senate, but we can get it passed in the House of Representatives—or work out our differences—and get it to the President for his signature. That bill will create jobs.

By the way, I think the American people will applaud us for moving forward with the people's business. That is what we need to do. If we could get that bill done, maybe—just maybe—we can get other issues done.

I have talked to my Republican colleagues, and they all agree we can't allow sequestration to take place. That is these automatic cuts, if we can't do another $1.2 trillion of deficit reduction over the 10 years. We should be able to get that done. We shouldn't have to wait until after the November elections. Let's take a lesson from the conference committee on which I served. Let's sit down and work out our differences and not just say ''it has to be my way or it is not going to get done.'' That is what is in the best interests of the Senate, and that is in the best interests of our Nation.

I hope we will have a robust debate on the conference report. I hope each Member will have an opportunity to review it, and at the end of the day we will have a chance to see how the votes turn out. Again, I am sorry I have certain reservations about it, and I needed to express them, but, quite frankly, I think we need to stand for our Federal workforce out there every day providing services to our people. Whether it is guarding our borders, whether it is finding the answers to the most dread diseases, whether it is helping us develop the technology that will make America competitive, or providing public safety as a correctional officer or helping us make sure we get our Social Security checks or get our disability checks, these are the people on the front lines. We are asking them to do more with less, and they deserve not just the respect of this body but they deserve our support.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. 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. INHOFE. I ask unanimous consent that I be recognized as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. INHOFE pertaining to the introduction of S.J. Res. 37 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. INHOFE. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. 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. WYDEN. Mr. President, I ask unanimous consent to speak as in morning business and would also ask unanimous consent that following my remarks, my colleague in this effort to fund transportation projects, Senator HOEVEN, follow me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, we all understand that our country faces an array of major economic challenges, and I made the judgment quite some time ago that it was simply impossible to have big league economic wealth with little league transportation systems. All across the country—I know the distinguished Presiding Officer has seen this in Minnesota, where he has been doing good work on infrastructure and bridges—we have seen this in every corner.

When the Senator from North Dakota came to the Senate, I had the good fortune to begin to have discussions with him with respect to some new ways to address the question of how to generate funds for the critical transportation work that needs to be done and to generate those funds in a fashion that would be acceptable to the American people.

I think we all understand that with this kind of an economy and with skyrocketing gasoline prices, it is not very likely that folks will be marching outside our Senate offices anytime soon carrying signs saying: Senator, please raise the gas tax; that is what I hope you will spend your time doing. So we have this challenge given the fact that the traditional system of funding transportation—user fees—of course, in a tough economy, is going to be hard to suggest as a route to generate additional funds.

So for quite some time I have been devoted to the cause of trying to find a way to secure the possibility of getting additional funds through transportation bonds. They, of course, have been used at a variety of levels of government, particularly State and local, over the years.

About 8 years ago, I put forward the first proposal for looking at paying for transportation projects with our former colleague, Senator Jim Talent, a Republican from Missouri, and we called them Build America Bonds. Senator Talent and I thought at that time that this was an opportunity to come up with a fresh and attractive way to pay for transportation projects. We sought to work with the private sector to find some way to use Federal tax credit bonding for these projects, and over the years Senator Talent and I were able to attract a number of Senators on both sides of the aisle for this cause. To give an idea of just how bipartisan this effort has been over the years, Senator THUNE, Senator VITTER, our former colleague Senator Dole, Senator COLLINS, Senator WICKER, and our former colleague Senator Coleman are just a few on the Republican side who were part of the effort. And on the Democratic side, Senator KLOBUCHAR, our former colleague Senator Dayton, Senator CARDIN, and Senator ROCKEFELLER have been just a few of those who have supported the bonding efforts.

In 2009 the Congress decided to test a version of Build America Bonds. In effect, as a member of the Senate Finance Committee, I had brought it up so many times with Chairman BAUCUS and Senator GRASSLEY, who was then the ranking member, I think the two of them said: Well, let's give this a try as part of the Recovery Act. In effect, it would essentially go from the middle of 2009 until the end of 2010.

Late in the evening, as Chairman BAUCUS and Senator GRASSLEY were working to put together the details on the Recovery Act, I was asked what I thought might be the results of the Build America Bonds program, and I said: Well, it is not going to last all that long. It is going to take the Internal Revenue Service a period of time to put together the rules. And I said: I am just making this up, but why don't we just estimate that it might generate $6 billion to $10 billion worth of transportation and infrastructure investments.

Everybody said: It is an experimental program, sounds promising, go ahead. Let's give it a try.

Well, between April 2009 and the end of the program at the end of 2010, there was more than $181 billion worth of Build America Bonds issued. It was just a little bit more than 18 times what was predicted.

You don't often have this kind of challenge, but, in effect, one of the issues we had to deal with was Build America Bonds became so popular that there was an effort to use them for a variety of other kinds of projects, many of them very laudable but they were not projects that focused specifically on transportation, and, of course, that was the original intent of Build America Bonds. Also, there was no cap on them. Nobody realized they would be so popular.

So there was a concern that this was more than colleagues on both sides of the aisle had bargained for.

We do want to note that the Treasury Department issued their final report on Build America Bonds earlier this year, and they said that Build America Bonds issuers saved well over $20 billion in borrowing costs on a present value basis as compared to tax-exempt bonds.

So clearly there was something to work with in terms of trying to take the next step, and when the Senator from North Dakota arrived here, I said: It would be great to have an opportunity to work with a partner and look specifically at trying to rebuild the concept of focusing specifically on transportation in a way that would generate a substantial amount of new revenue and would be acceptable to colleagues across the political spectrum and those who follow these issues.

As the Senator from North Dakota knows, we have now come up with a new approach called Transportation and Regional Infrastructure Project Bonds. Chairman BAUCUS and Senator HATCH have been good enough to include them in the finance title of this year's Transportation Funding Program, and we wanted to take a few minutes to talk a little bit about how this would work.

Given the fact that we have been able to attract a number of folks on the progressive side of the political spectrum—folks in labor, for example—Doug Holtz-Eakin has issued a very helpful paper that I hope will also bring conservatives to this cause. We have shared that paper with Senators on both sides of the aisle.

The way the TRIP bonds would work is, first, they are tax credit bonds created specifically for transportation projects. We would allow infrastructure banks that already exist in nearly every State to issue these bonds. This time we are looking to really focus on the States. The States are the primary vehicle for ensuring that these projects would have local support and would really meet the long-term needs the States have identified.

We would pay for the bonds with a sinking fund comprised of State matching contributions and Customs user fees. In the proposal that was accepted by the Finance Committee, we would cap the total amount of bonds issued at $50 billion, giving each State 2 percent of the total. In effect, what the Finance Committee has done is put a placeholder in their bill for us to go forward with this effort.

Each State would get at least $1 billion in bonds to issue on projects at their discretion. States can also band together to bond for larger projects or ones that would have the benefit of addressing a concern of States in a region. This would give the States the incentive and the ability to invest in their own transportation and does so in a way that leverages private investment and costs little to our government in lost revenue.

We would give private investors who show a willingness to help build our roads, bridges, and rail systems a tax credit for their commitment. What Build America Bonds taught us is that there is a real market out there, and what we would like to do is look at a different approach now, focusing on the States, focusing on an approach that would drive these projects, not in Washington, DC but at the local level.

The Joint Committee on Taxation has told us this is an approach that would produce a particularly good deal for American taxpayers.

We can get a transportation bill done. We can put folks back to work. But we are going to have to find a way to come up with more creative approaches to generate additional revenue. If we do not, I think we are going to continue to see, in every corner of the country, critically needed projects simply go unaddressed. We are going to continue to see traffic jams in areas of the country nobody could have even dreamt a traffic jam would be.

I hope Senators, as we go forward with this debate, particularly after the President's Day break, will join my colleagues. Senator BEGICH has been very supportive of this approach as well. We think this is an approach with a proven track record given what we saw with Build America Bonds. We believe this is a chance to take the lessons we learned from that experience and, by changing the focus so it zeros in more directly, one, on transportation, two, on the States, and looks to some creative features—it is possible, for example, for someone to strip the credit from the underlying bond and to sell the credit—so this provides a lot more flexibility in terms of finding a way to get the private sector into the transportation area.

I hope my colleagues, when we come back, will be supportive of this effort. It has won, as I have indicated, support from across the political spectrum.

I want to thank my partner from the State of North Dakota. I have very much enjoyed working with him both on the Energy Committee and on this issue. As a former Governor, I think he understands particularly well the role of the States in terms of infrastructure.

We will be talking to colleagues between now and the time the Transportation bill comes up, and I thank my friend from North Dakota for his support.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I thank my esteemed colleague from the great State of Oregon, Senator WYDEN, for his leadership on this important issue, for his work on the highway bill, and specifically for his work on the TRIP bonds, as he said, the Transportation and Regional Infrastructure Project bonds. It is a creative concept, and I think it is very timely.

Senator WYDEN approached me and said: As we are working on this highway bill, can we work together on this concept of something like a TRIP bond concept? I expressed my appreciation for his creativity and the offer to work together and said, one, I absolutely wanted to do it because it is so important to our country right now—we need the jobs, we need the economic activity, we need the infrastructure, that is clear—and, as the good Senator said, we have to be creative in figuring out how to do this.

I said: We are going to have to do it within the framework of making sure it is paid for and making sure it does not add to the deficit or the debt. He said: Agreed. And we went to work on it.

So this truly is bipartisan, and I thank him for taking the initiative and for all the work both and he his staff have put into what I think is a very creative idea and a real opportunity for us, as I say, in infrastructure and in job creation and economic activity for our country.

I also extend my thanks to two Members of the House of Representatives as well, both ED WHITFIELD, Congressman from Kentucky, Republican, and Congressman LEONARD BOSWELL, Democrat from the State of Iowa.

So in both the Senate and the House this has been a bipartisan effort. That is important because at the end of the day, if we are going to get this passed, that is what it is going to take, bipartisan support. So this is about addressing something that is vitally important: our infrastructure needs, job creation. It is something we pay for, so it does not increase the deficit or the debt, and it is absolutely bipartisan.

Again, as my esteemed colleague just mentioned, I bring a perspective as a Governor. We are talking about $25 billion in addition to the normal highway funding. So this is for projects in infrastructure that State departments of transportation and Governors—people at the State level, at the local level—decide what infrastructure projects need to be done, and they can then use

these funds accordingly. That is of tremendous value to them. Without exception, go across the States, ask any of the Governors or directors of transportation, and they will tell you: That is exactly the kind of funding we want and need to do the very best job for the people we serve in our respective States.

Mr. President, $25 billion—$10 billion the first year, $15 billion in year 2—will make an incredible difference for every single State in the country.

Now, the other thing to keep in mind is—Senator WYDEN went through for just a minute how we have structured the bonds—essentially, it results in a 4-to-1 leveraging of funds for every State. They put their dollars into the sinking fund. They select the projects. Then, on a project-by-project basis, they put forward dollars in the sinking fund, and we provide them a 4-to-1 match.

So, for example, $½ billion goes to a State. As they select projects, that $½ billion funds those projects. They put up $100 million as they select and advance those projects. For their $100 million, they are doing $500 million in projects.

Again, this is exactly what the States are looking for. This is exactly what they need to meet their infrastructure needs. Anyone driving around the country—whether it is in the District or anywhere else—is going to tell you: Look, we have to address our infrastructure needs. And this is absolutely something that will make a big difference in doing that.

Again, in addition to being truly a bipartisan effort, and a bicameral effort, at this point we have received tremendous support and encouragement from across the country and from truly a diverse range of groups—from labor, from business, from mayors, from county commissioners. It truly has not only bipartisan support but incredibly strong support across the country.

Just some of the various groups that have come out and already endorsed the project include the American Association of Road and Transportation Builders, the American Association of State Highway and Transportation Officials, the U.S. Chamber of Commerce, the American Highway Users Alliance, the Associated General Contractors of America, the International Union of Operating Engineers, the Labors' International Union of North America, the National Association of Manufacturers, and the American Society of Civil Engineers.

Again, mayors, commissioners—this truly has broad, strong support at the grassroots level. That is reflective of the fact that it is exactly the kind of project we need to advance.

So as we work on this highway bill, I see this as a tremendous opportunity—really an opportunity, and not just in terms of the infrastructure we so badly need but to put people to work in good jobs, in good-paying jobs. Think of the ramifications that has, the secondary ramifications that has for our economy right now. It is incredibly important. It makes a huge difference, and then we have the lasting infrastructure, we are meeting the lasting infrastructure needs of this country.

Before I yield the floor, just a final comment and that is to ask our colleagues to join us in this effort. If they have good ideas, we are absolutely open to those ideas. But this is a concept whose time has come. We need to make sure, as we work forward on this highway bill, we include the TRIP bonds as part of that package.

With that, I yield the floor back to my esteemed colleague.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent to proceed for just 2 additional minutes. I see our friend from Iowa is in the Chamber.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I thank my colleague from North Dakota for his statement. This is bipartisan. It is a bicameral effort. My colleague's point at the end, in terms of our being open to additional ideas and suggestions, is particularly appropriate.

What the challenge is going to be on this transportation issue for years to come is to try to find a way to generate the additional money for the work that needs to be done in a fashion that is acceptable to the American people. If it was so easy, everybody would be just ripping through one idea after another.

The two of us have spent many months trying to take the lessons we have learned from the Build America bonds effort to try to come up with a fresh approach, a fresh bipartisan approach, that would be acceptable to colleagues on both sides of the aisle. We think we have done it. We do not think this is the only way. We are certainly open to ideas and suggestions. But the model of trying to focus on the States, to build on the support we have from folks in business and labor unions, and a whole host of groups at the local level—mayors and county commissioners—strikes us as the way to go.

We are open to additional ideas and suggestions. Our staffs will be working all through this week, the period of the President's Day recess, to refine our proposal, to deal with the various issues related to scoring. But this is a genuinely new approach to generating revenue. It is bipartisan; it is bicameral, with the support of folks in labor and business. We hope colleagues will be supportive, and we are interested in their ideas and suggestions over this period between now and when we start voting on the Transportation bill.

So, again, I thank my friend from North Dakota. It has been great to work with him.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, after consultation with the Republican leader, the Senate proceed to the cloture vote with respect to the Reid amendment No. 1633; that if cloture is invoked on the Reid amendment, the second-degree amendment be withdrawn, the Reid amendment be agreed to and the bill, as amended, be considered original text for the purposes of further amendment; that if cloture is not invoked, the motion to recommit and the Reid amendment No. 1633 be withdrawn; that immediately following the cloture vote and the actions listed above, depending on the result of the cloture vote, the Senate then proceed to executive session and the cloture motion on the Furman nomination be vitiated; that there be 2 minutes equally divided between the chair and ranking members of the Judiciary Committee prior to a vote on the confirmation of the Furman nomination; that if the nomination is confirmed, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action; that following the vote on confirmation of the Furman nomination, the Senate then resume legislative session and the majority leader be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa is recognized.

PAYROLL TAX CONFERENCE REPORT

Mr. HARKIN. Mr. President, I come to the floor to state my vehement opposition to the agreement to extend the payroll tax cut and to slash the Public Health and Prevention Fund to help pay for the continuation of unemployment benefits.

Let me preface my remarks by stressing that the No. 1 priority in Washington today must be creating jobs, growing the economy, and restoring the middle class. In recent months, we have seen modestly good news on the jobs front, including the manufacturing sector, and we must do everything possible to keep our economy moving in the right direction.

To this end, nothing is more effective than continuing unemployment insurance benefits for those hardest hit by the great recession. Details on the unemployment insurance portion of this agreement are not available. But what I am hearing sounds less and less like a good or fair deal for workers.

Federal unemployment benefits will be dramatically scaled back over the year, especially in Iowa, my own State, and some other States in the Midwest. I do not understand that. It seems to me, if you are unemployed, you are unemployed. If you are out of work and your family needs help, I do not care whether you live in Iowa or Minnesota or New York or New Jersey or anywhere else.

The payroll tax provisions are also seriously flawed. This Congress will be making a grave mistake—a grave mistake—and reinforcing a dangerous precedent by extending the payroll tax cuts and adding another negative, without paying for it. I am dismayed that Democrats, including a Democratic President and a Democratic Vice President, have proposed this and are willing to sign off on a deal that could begin the unraveling of Social Security.

Two of the critical strengths of Social Security are that it is universal and it is self-funded. Not one dollar in benefits ever came from any source other than the payroll tax on future Social Security beneficiaries. Moreover, the program has never contributed even one dime to the deficit or the national debt. How often have we, those who support Social Security in its entirety—how many times have we come to this floor and argued against those who would invade Social Security and say, well, we have to reduce the deficit, so we will cut Social Security. What do we say, with all honesty, with all the evidence backing us up? Social Security has never contributed one dime to the deficit.

So cutting Social Security will never reduce the deficit. With this bill, we can no longer say that. We can no longer say Social Security does not contribute to the deficit. This argument, this fact, that Social Security has never contributed a dime to the deficit has given Social Security a unique, even an almost sacrosanct, status in our society.

It was one of the strongest arguments, I repeat, for those of us defending Social Security from misguided attempts to cut it in the name of deficit reduction. Some might say, well, people are out of work; with the fragile economy, we need to put some spending in the pockets of our middle-class Americans.

I could not agree more. The biggest job creator in America is not someone who is rich and has billions of dollars. The biggest job creator in America is a working American with money in his or her pocket to spend. That is the biggest job creator.

So, yes, we have to get money in the pockets of working Americans, and we have done that in the past in a good way. In the 2009 Recovery Act, working Americans received a 6.2-percent credit of their taxes, refundable up to $400, to increase their spending power and boost the economy. This in no way impacted the Social Security trust fund. I supported that, wholeheartedly supported that.

However, in late 2010, Congress voted to replace that tax credit with a 2-percent reduction in payroll taxes which are dedicated to the Social Security trust fund. This was done on a temporary basis to provide added income for working families, and it was not offset. It was not paid for. So for the first time—for the first time—general revenues were transferred to the Social Security trust fund to replace lost revenue.

While this ensured that no financial harm was done to the trust fund itself, what it did is it created a dangerous precedent by calling into question Social Security's dedicated funding. I voted against that bill. So in late 2010, we transferred general revenues to replace lost revenue.

In December of 2011, just a couple months ago, we were persuaded to support the 2-month extension of the payroll tax cut. Some may look at the record and say: HARKIN, you voted for that. I did with misgivings. But a critical factor was that it was at least fully paid for and would not negatively impact the Social Security trust fund.

However, we are being offered an agreement that extends the payroll tax cut through the end of this calendar year. Bad enough, doubly negative, it does not pay for it. This is terrible public policy, with grave consequences for Social Security. With this new agreement, we will be taking $100 billion from the general fund, which is in deficit, by the way. So we are going to add $100 billion to the deficit, to substitute for the $100 billion in revenues lost due to the payroll tax cut. As I said and I repeat, we will be adding $100 billion to the deficit and the debt.

This compounds the mistake Congress made in late 2010 by passing the original payroll tax cut without paying for it. No longer—no longer—can we say Social Security is a program that pays for itself without adding to the deficit. Mixing general revenues into the system will make it easier for those who have long wished to dismantle Social Security to do so in the future.

Worse—worse—since this tax cut is not being paid for, there is a much greater likelihood it will be extended yet again in the future because, you see, there is another precedent here: Tax cuts do not have to be paid for. Only spending has to be paid for, not tax cuts.

Does this not open the door to even further extending payroll tax cuts because we do not have to pay for it? I choose my words carefully. Make no mistake about it, American people, make no mistake about it. This is the beginning of the end of the sanctity of Social Security. The very real risk is that Social Security will become just another program to be paid for with deficit spending and then in the future perhaps raided to help reduce the deficit.

I never thought I would live to see the day when a Democratic President and a Democratic Vice President would agree to put Social Security in this kind of jeopardy. Never did I ever imagine a Democratic President beginning the unraveling of Social Security. I warn my colleagues to consider the long-term ramifications of these actions.

While we need to maintain temporary supports for middle-class families in these tough economic times, this assistance should not come at the expense of American's retirement security. As traditional pensions have fallen by the wayside, as the value of peoples' retirements in 401(k)s has plummeted, Social Security remains the one essential program preventing millions of seniors from plunging into poverty in their retirement years, a program started by a Democratic President and a Democratic Congress, further enhanced by future Democratic Presidents, others, Truman, Kennedy, Lyndon Johnson, of course, the Great Society.

This, I believe, has been the hallmark and the underpinning of the party I have been proud to belong to. Now this party—this party—the Democratic Party, with a Democratic President, is now beginning the unraveling of Social Security. That is what is happening, the unraveling of Social Security. Never again can any one of us come to the floor and say: No. No, we cannot cut Social Security to reduce the deficit because it does not add to the deficit.

With this agreement, Social Security will add to the deficit by $100 billion. Think about it. I urge my colleagues to look at excellent alternative ways of providing temporary support to our middle class. One proven approach would be to enlarge the Making Work Pay tax credit I talked about that was in the Recovery Act. Again, this tax credit, as I said, put an additional $800 in both 2009 and 2010. It could be enlarged to provide the similar level of benefits to median-income working families as compared to the payroll tax cut.

So instead of cutting the payroll tax, let's do the tax credit that we had in 2009 and 2010, just bump it up a little bit. How do we pay for it? The same way we are paying for the cut in the Social Security taxes. Put it on the deficit. Put it on the deficit. But at least we are not invading the Social Security trust fund. Cutting the payroll tax is a bad idea, a terrible idea. I am embarrassed it is being proposed by a Democratic President and a Democratic Vice President.

We could fully pay for a tax credit, a refundable tax credit, do it over a 10-year period of time so it does not negatively impact the fragile economic recovery. It would support middle-class families, give them the support they need and deserve, but it would not harm Social Security.

I said there were a couple reasons I am opposed to this. That is one. That

is a big one, what we are doing to the Social Security trust fund. But I must also state my strenuous opposition to the cuts in this agreement to the Public Health and Prevention Fund that is in the Affordable Care Act.

My Republican friends and colleagues have been trying to get at the health care reform bill ever since we passed it: Cut it here, nick it there. We have fought that off. The health care act is now making a big impact in Americans' lives. Need I mention the fact that kids are covered now, even though they may have a preexisting condition. Young people can stay on their parents' policy until they are age 26. But we put into that affordable care act a Prevention and Public Health Fund, with the aim of transforming America's sick care system into a true health care system, emphasizing wellness and prevention and public health, keeping people out of the hospital in the first place.

So this last October things started kicking into effect. Beginning last October, for example, women over age 40 could get a mammogram every year with no copays, no deductibles, no cost. It has to be absorbed in the insurance program. Seniors on Medicare get a free screening of their health and a health assessment every year so they know what to do in the future to keep themselves healthy. No copays, no deductibles. Colonoscopies over age 50, no copays, no deductibles. We also started investing in proven programs to promote health and wellness, decreasing obesity, for example, across the country, through this fund.

Earlier this month, the Trust for America's Health released a remarkable study showing that a 5-percent reduction in the obesity rate could yield more than $600 billion in savings on health care in the next 20 years. This study is the latest confirmation of what common sense tells us: Prevention is the best medicine both for our bodies and for our budgets.

Now think about it. We currently spend more than $2 trillion on health care each year. An estimated 75 percent of that is accounted for by preventable chronic diseases and conditions. Chronic disease is a prime culprit in the relentless rise in health insurance premiums, and it contributes to the overall poor health that places our Nation's economic security and competitiveness in jeopardy.

This is shameful and, frankly, exasperating because we know how to prevent many of these diseases and conditions from developing in the first place. We know a lot about the power of prevention through the kinds of evidence-based clinical and community prevention programs and things that are funded by the Prevention and Public Health Fund. For example, for every $1 we spend on the full course of childhood vaccines, we can save $16.60 in future health care costs. Not a bad return on a dollar, not to mention the quality of the lives of kids who don't get measles, mumps, rubella, polio, and a whole bunch of other diseases.

Given the relentless rise in health care costs, it is a classic case of penny wise and pound foolish to take money from the Prevention and Public Health Fund. Americans get it. Americans get it when it comes to disease prevention. They understand that prevention saves lives, saves money, and is the commonsense thing to do. In this bill—again, for the first time—$5 billion is taken out of the Prevention and Public Health Fund—$5 billion. This is outrageous and unacceptable.

As I said, Americans get it. Here is a letter from the American College of Preventive Medicine urging us to oppose taking any money, to diverting any money from the Prevention and Public Health Fund. Here is the Coalition for Health Funding, opposed to taking money from the prevention fund. The American Heart Association is opposed taking money from the prevention fund; the Campaign to End Obesity Action Fund, opposed to taking money from that fund; the Center for Science in the Public Interest, opposed to taking money from the prevention fund; the Heartland Alliance, opposed to taking money from the prevention fund; the Association of State and Territorial Health Officials, opposed to taking money from this fund; the Prevention Institute, opposed to taking money from the Prevention and Public Health Fund; the American Heart Association, the National Alliance of State and Territorial AIDS Directors, the American Public City Health Officials, the American Lung Association, the National Viral Hepatitis Roundtable, the Association of Maternal & Child Health Programs, the American Association of Colleges of Pharmacy—722 groups across this country—opposed to taking money from the Prevention and Public Health Fund.

Mr. President, I ask unanimous consent to have printed in the RECORD at the end of my remarks some letters in opposition to this taking. There are over 700 organizations in opposition to this.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HARKIN. So who do we listen to, Mr. President? Do we listen to public health officials—the American Heart Association, the American Lung Association, people all across America saying don't do this?

This is what is going to save us in the future. Yet they are taking $5 billion out of it. It is totally unacceptable and it is outrageous—outrageous—outrageous. And again, this wasn't in either the House or the Senate bill. If I'm not mistaken, maybe a point of order lies against things in a conference report that were not considered either in the House or the Senate.

This agreement is being presented as a done deal, nothing we can do about it. Well, I urge Senators to think about the dangerous consequences and precedence of passing this bill in its current form. This bill ends Social Security's historic status as a program that pays for itself. Think about it. The bill validates the absurd idea that tax cuts have a special status—they do not need to be offset, but spending does. Think about it. And this bill foolishly slashes funding for the Prevention and Public Health Fund, cuts that will significantly add to the deficit in future years.

I repeat: We need to continue to bolster the economy and boost the income of ordinary Americans. This bill is not the way to do it. It is a devil's deal. It is a bad deal. There are better ways to accomplish these goals. I urge my colleagues to vote against this terribly misguided bill in its current form.

EXHIBIT 1

AMERICAN COLLEGE OF PREVENTIVE MEDICINE,
February 9, 2012.

On behalf of the American College of Preventive Medicine (ACPM), I urge you to oppose any effort to divert funds from the Prevention and Public Health Fund to finance an extended ''doc fix'' in the Medicare physician fee schedule as part of the negotiations on H.R. 3630, the Temporary Payroll Tax Cut Continuation Act of 2011. ACPM is the national professional society for over 2,500 physicians who dedicate their careers to prevention and health promotion at the individual and population levels. As such, ACPM has a primary interest in expanding our nation's investment in prevention to improve the health of communities across the country while adding greater value to our health care system.

While ACPM has been a staunch supporter of efforts to fix the broken sustainable growth rate formula used to calculate Medicare physician reimbursement levels, the College will not support any proposal that diverts funds away from disease prevention programs in order to increase payments for disease treatment. The Prevention and Public Health Fund, established through the Affordable Care Act, represents a critical investment in public health and a historic commitment towards efforts that will help shift the focus of our health care system from disease treatment to disease prevention and health promotion.

Already, states are using Prevention Fund dollars to bolster our public health infrastructure and to build a stronger foundation for prevention in communities and neighborhoods that are most in need. To drain the fund of its important resources just when communities are now putting prevention to work represents a shortsighted approach to fund increased reimbursements for Medicare providers.

There has long been strong bipartisan support for efforts that improve health, reduce costs, and enhance the value of our health care system. Now is not the time to abandon these goals. ACPM will continue to strongly oppose any efforts to decrease the federal commitment to prevention and public health and we ask that you join us in these efforts.

Sincerely,

MIRIAM A. ALEXANDER, *MD, MPH,*
ACPM President.

COALITION FOR HEALTH FUNDING,
Washington, DC, February 15, 2012.

DEAR MEMBER OF CONGRESS: The Coalition for Health Funding is gravely concerned and

deeply disappointed that Congress—in negotiating a compromise on the ''extenders'' package—plans to raid the Prevention and Public Health Fund to partially offset the costs of a temporary patch to Medicare physician fee schedule. The Coalition's 75 national organizations—representing more than 100 million patients and families, health care providers, public health professionals, and scientists—feels strongly that it is penny-wise and pound foolish to cut public health and prevention funding. We urge you to oppose these proposed cuts to the Fund, and instead consider the return on investment the Fund will show in the long-term by keeping people healthy.

Prevention and public health are vital to securing America's position as a global leader in prosperity, discovery, and military capability. The Prevention and Public Health Fund, established through the Affordable Care Act, represents a critical investment and an unprecedented commitment to improving America's health.

Already, states and communities are using the Fund to combat chronic diseases, which account for 70 percent of all deaths and 75 percent of all Medicare spending. Specifically, the Fund is bringing communities together to reverse the obesity epidemic. A new analysis by Trust for America's Health shows that reducing the average body mass index by just five percent could lead to nearly $30 billion in health care savings in just five years.

Evidence abounds—from the Department of Defense to the U.S. Chamber of Commerce—that healthy Americans are stronger on the battlefield, have higher academic achievement, and are more productive in school and on the job. Healthy Americans drive our economic engine, and cost our nation less in health care spending. It is shortsighted to drain the Fund just as communities are now putting prevention to work. We need to improve health, reign in health care spending, and reduce our nation's deficit and debt. The Fund will help us achieve these goals.

There has long been strong bipartisan support for efforts that improve health, reduce costs, and enhance the value of our health care system. Now is not the time to abandon these goals by ''robbing Peter to pay Paul.'' The Coalition strongly opposes any efforts to reduce the federal commitment to prevention and public health. We hope you will join us in our opposition.

Sincerely,

JUDY SHERMAN,
President.
EMILY J. HOLUBOWICH,
Executive Director.

AMERICAN HEART ASSOCIATION,
Washington, DC, February 15, 2012.

Hon. MAX BAUCUS,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR BAUCUS: The American Heart Association (AHA), on behalf of its more than 22 million volunteers and supporters, urges you to protect the Prevention and Public Health Fund (Fund) and oppose any efforts to reduce, eliminate, or divert its funding as you consider options for paying for an extension of the payroll tax reduction, for unemployment insurance benefits, and for Medicare payments to physicians.

The programs supported by the Fund are essential if we are to reduce the growth of chronic diseases, such as heart disease and obesity, and decrease tobacco use rates, which are primary drivers of rising health care costs. Cardiovascular disease (CVD), including heart disease and stroke, is the leading cause of death and disability in the United States and our nation's costliest illness. Based on recent projections, prevalence and costs of CVD will increase dramatically in the next two decades, leaving 40 percent of the population with some form of the disease.

We know that prevention works and is one of the best ways to avert this cardiovascular crisis. In a 2008 study, the AHA used a model to evaluate the impact of 11 widely recognized measures for cardiovascular prevention. We found that if all 11 measures were addressed, heart attacks would be reduced by 36 percent and strokes by 20 percent. These measures could add 200 million life-years over the next three decades and increase life expectancy by 1.3 years.

However, only 18 percent of U.S. adults follow three important measures recommended by the AHA for optimal health: not smoking, maintaining a healthy body weight, and exercising at moderate-vigorous intensity for at least 30 minutes, five days per week. Programs supported by the Fund can help Americans adopt healthier lifestyles and we know that the earlier in life they develop these habits, the better. Studies estimate that when people practice these healthy habits reach middle age, they have only a six to eight percent chance of developing CVD in their lifetimes.

Investing in prevention is a smart move during these fiscally challenging times to maintain both a healthy economy and a healthy society. We urge you to protect the Fund.

Sincerely,

NANCY A. BROWN,
Chief Executive Officer.

PRESIDENT'S BUDGET PRESENTS DANGEROUS, COSTLY SETBACK TO OBESITY EPIDEMIC, CAMPAIGN WARNS

WASHINGTON, DC.—In the face of staggering costs—both in lives and in billions of taxpayer dollars spent because of the nation's obesity epidemic—the President's budget cuts vital obesity prevention programs by $4 billion over the next ten years, the Campaign to End Obesity Action Fund warned today.

The President's budget recommends drastic reductions to programs that the White House championed a little more than 18 months ago designed to promote prevention and wellness through ''an unprecedented funding commitment to these areas.'' At that time, the President specifically proposed ''the creation of a national prevention and health promotion strategy that incorporates the most effective and achievable methods to improve the health status of Americans and reduce the incidence of preventable illness and disability in the United States.''

These programs were largely contained in the Affordable Care Act, which established the Prevention and Public Health Fund in significant part to reverse the obesity epidemic and help the nation secure a healthier future. The Fund—the whose budget the President now proposes to cut by more than 20 percent over the next 10 years—enables work by state and local governmental agencies and community organizations to increase healthy food options in schools, create physical activity programs and promote incentives for workplace wellness.

In a statement, Stephanie Silverman, cofounder of the Campaign to End Obesity Action Fund, said:

''The President must know that there is little good news about obesity—the epidemic continues, and with it the long term costs to our nation increase. The First Lady has done exemplary work highlighting some of the successes of prevention efforts, but obesity remains one of the country's costliest medical conditions. We respectfully urge the President to reconsider his recommendation, which would undermine vital obesity prevention and reversal initiatives already in place around the country.''

''The initiatives supported by the Prevention Fund can help our communities to get on track to a healthy weight and achieve more manageable long-term health care costs. Standing pat will not get us there. If we are serious about reigning in health care costs, we must have strategies to change our nation's current course. No easy fixes exist to balancing our budget, but failing to put all of our muscle behind tackling the obesity epidemic will only lead to greater illness for patients and greater expenses for taxpayers in the long run. Reducing the Prevention and Public Health Fund is economically backwards.''

Ultimately, slashing obesity prevention programs will not help the U.S. to reduce its deficit, particularly in light of a recent study from the Trust for America's Health, which finds that if obesity rates were reduced by five percent in the U.S. the country could save $29.8 billion in five years, $158.1 billion in 10 years and $611.7 billion in 20 years in health care costs.

Currently, the annual health costs related to obesity in the U.S. are as high as $168 billion and obesity drives nearly 17 percent of U.S. medical costs, according to research released by the National Bureau of Economic Research. By 2018—just six years from now, researchers at Emory University estimate that obesity could account for 21 percent of all health care spending. Employers alone experience a more than $73 billion loss each year due to losses in productivity, absenteeism and medical costs attributed to obesity, according to researchers at Duke University.

CENTER FOR SCIENCE
IN THE PUBLIC INTEREST,
Washington, DC, February 13, 2012.

Hon. Senator MAX BAUCUS,
Chairman, Finance Committee, U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR CHAIRMAN BAUCUS: On behalf of the Center for Science in the Public Interest, I urge you to support the Prevention and Public Health Fund and oppose any efforts to reduce, eliminate, or divert its funding. At a time when today's children are in danger of becoming the first generation in American history to live shorter, less healthy lives than their parents, we need to do more—not less—to reduce the burden of heart disease, cancer, and other preventable diseases.

The Prevention Fund, supported by nearly 720 organizations, is a much-needed investment in national, state, and local efforts to prevent disease, save lives, and reduce long-term health costs. Due to the growing burden of chronic disease, our country faces exploding health-care costs that diminish our economic productivity and limit businesses' ability to compete in a global economy. Right now, 75 percent of all health care costs are spent on the treatment of chronic diseases, many of which could be prevented.

States are also using Prevention Fund dollars to mount campaigns to reduce obesity and tobacco use, promote healthy eating and physical activity, expand mental health services, provide flu and other immunizations, and fight infectious diseases. If we are serious about reducing health care costs and the deficit, decreasing funding for prevention would be counterproductive. With your support, we can ensure that vital programs aimed at preventing illness and promoting health and wellness continue through the next decade. Please let me know what you

will do to protect this important health funding.

Sincerely,

MARGO G. WOOTAN,
Director of Nutrition Policy.

FEBRUARY 13, 2012.

Hon. RICHARD J. DURBIN,
U.S. Senate, State of Illinois, Hart Senate Office Building, Washington DC.

DEAR SENATOR DURBIN: Your support is needed to maintain funding for critical preventive health work made possible by the Prevention and Public Health Fund. Recent proposals to reduce, eliminate or divert its funding ignore the long-term fiscal and health benefits of investing in prevention.

We urge you to oppose any reduction in funding to the Prevention Fund. The fund is an unprecedented investment in national, state and local efforts to prevent disease, save lives and reduce long-term health costs. More than 700 national, state and local organizations support the Prevention Fund.

Last year, Illinois received almost $21 million to invest in effective and proven prevention efforts. That money is going to communities making changes to improve long-term health, the state's public health infrastructure and training centers, HIV prevention efforts, tobacco prevention, and primary care and behavioral health services.

Overall, the Prevention Fund will provide communities across the U.S. with more than $16 billion over the next 10 years. Slashing this funding would be an enormous step backward in our progress on cost containment, public health modernization and wellness promotion.

By and large, our health care system is based on treating illness rather than preventing it: Billions of dollars are spent each year through Medicare, Medicaid, and other federal health care programs to pay for health care services once patients get sick. Before the Prevention Fund, there was no corresponding, reliable investment in efforts to promote wellness, prevent disease, and protect against public health or bioterrorism emergencies.

Prevention is the key to lowering health care costs and creating a long-term path to a healthier and economically sound America. I urge you to continue our investment in the Prevention and Public Health Fund.

Sincerely,

JOSEPH A. ANTOLIN,
Vice President, Heartland Alliance;
Executive Director, Heartland Human Care Services, Inc.

Mr. HARKIN. Mr. President, I yield the floor.

Mrs. FEINSTEIN. Mr. President, today I have submitted an amendment to the pending surface transportation reauthorization bill.

Community colleges are a critical source of education and job training for many individuals. Nationwide, we have 1,655 community colleges, which enroll nearly 6 million students. These community colleges will play a big role in helping Americans develop the skills to be competitive in our 21st century economy.

In light of the President's call for job training assistance, it is imperative that we support programs that help workers meet the new demands of our economy. My amendment does just that.

This amendment ensures that transit agencies that partner with community colleges on job training programs are eligible for Federal grants.

By supporting collaborative job-training programs between community colleges and transit agencies, we support our workforce in gaining valuable technical skills, while also supporting industries that are facing a workforce shortage.

I will urge my colleagues to vote for this amendment to ensure that we are supporting our workers in getting a valuable education and supporting an industry that is facing a critical workforce shortage.

The PRESIDING OFFICER. The majority leader.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we go to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING BILL BOARMAN

Mr. REID. Mr. President, I rise today to recognize the service of the 26th Public Printer of the United States. Bill Boarman led the Government Printing Office, GPO, with distinction over the past year. He has been a tremendous asset to the organization, and we will miss his service.

President Obama nominated Bill to serve as the Public Printer in April 2010, and his nomination was reported favorably by the Senate Rules Committee in July of that year. Because the Senate was unable to confirm Bill in the 111th Congress, President Obama used a recess appointment to install Bill as the Public Printer in December 2010.

Once in office Bill found that the GPO faced serious financial problems. Bill immediately took steps to put GPO on solid financial footing by cutting spending overhead and other nonessential costs. He successfully implemented a buyout to adjust the size of GPO's workforce. Perhaps most important, Bill set up a special task force to collect millions in outstanding payments owed to the GPO by other Federal agencies. These actions saved the GPO and the taxpayers millions of dollars.

Bill did more than just cut costs. To help Congress reduce its use of printed documents, Bill ordered the first-ever survey of all Senate and House offices that allowed them to opt out of receiving printed copies of the CONGRESSIONAL RECORD and other publications. He put the GPO on Facebook, oversaw the release of the GPO's first mobile Web app, and drafted a strategic investment plan to modernize the GPO's technology. He also presided over the observance of the GPO's 150th anniversary and made history himself by appointing as his deputy a seasoned GPO official who is the first woman ever to hold that position.

Unfortunately, the Senate did not confirm Bill before the 112th Congress adjourned, and Bill's recess appointment expired. He leaves the agency in sound condition and in the good hands of Acting Public Printer Davita Vance-Cooks. During his brief tenure, Bill compiled a remarkable record of accomplishments. I know I speak for the Senate family when we thank Bill for his service as our Nation's Public Printer.

RECOGNIZING MIDWAY COLLEGE

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to an educational institution that has been determined to create job opportunities and more easily accessible pathways to attaining professional degrees for Kentuckians, Midway College.

Midway College is a private school in Midway, KY, located in between Lexington and Frankfort. The school, established in 1847, has since created not only a rich tradition but a bright future for itself as well. Grounded in the golden rule, the school's motto is ''ama vicinum acte,'' Latin for ''love your neighbor in deed.'' And Midway College and its faculty are dedicated to living just so. The college has opened 14 different branches across the State offering numerous disciplines students can choose to study and thereby diversifying the type of student who could potentially enroll by constructing schools in an array of unique locations.

In 2009, Midway College president Dr. William B. Drake, Jr., along with attorney G. Chad Perry III, and his wife Judy Perry, had a vision to create a 15th branch of the college in a small Kentucky town. This new branch would be expected to not only strengthen the Commonwealth but the entire Nation as well. Their dream soon became a reality in January of 2010 when Midway College's board of trustees announced plans to open the Midway College School of Pharmacy in Paintsville, KY.

The small community of Paintsville is located in Johnson County, and, according to President Drake, they could not have asked for a more perfect location for the school. The town's citizens, who strongly care about education, got involved early with the project and stepped forward to ensure that Paintsville would be the right home for the school. The new institute of learning will not only offer over 100 jobs to an area that is suffering from high unemployment rates but will generate around $30 million in revenue each year.

The climate of our Nation is rapidly changing. As baby boomers age and are now in more medical need than ever before, Midway College is breaking new grounds in its attempt to combat the problem. Only four States have greater need of pharmacists than Kentucky, a State which currently has only two pharmaceutical schools. Midway seeks to provide an opportunity to students in the Appalachian regions of eastern Kentucky, in hopes that they will take their professional degree and return to

their hometowns across the Commonwealth and make a difference for those in need.

Eighty percent of Kentuckians are still without a college degree. The fight to educate citizens of Kentucky wages on, and with the help of forward-thinking institutions like Midway College, the future looks brighter than ever before. So today I would like to ask my colleagues in the U.S. Senate if they would join me in recognizing the faculty and staff of Kentucky's own Midway College.

Mr. President, the Kentucky publication ''Discover the Power of Southeast Kentucky,'' published by the Southeast Kentucky Chamber of Commerce, recently printed an article extolling Midway College and its president, Dr. William B. Drake, Jr. I ask unanimous consent that said article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Discover the Power of Southeast Kentucky, Summer 2011]

MIDWAY COLLEGE PRESIDENT DR. WILLIAM B. DRAKE, JR.

Anticipation is in the air as the new Midway College School of Pharmacy prepares to greet its inaugural class. The City of Paintsville, Johnson County, and people throughout the region are excited about the arrival of students aspiring to earn the Doctor of Pharmacy (PharmD) degree.

Five years ago, the vision of bringing a pharmacy school to eastern Kentucky began taking shape in the minds of Paintsville attorney G. Chad Perry III, his wife, Judy, and the administration of Midway College led by Midway College President Dr. William B. Drake, Jr. One by one, the people whose support was needed recognized the merit of the idea and got behind it. One by one the obstacles to such an ambitious plan were overcome.

In January 2010, Midway College Board of Trustees Chairman James J. O'Brien, Chairman and CEO of Ashland, Inc., officially announced that the Midway College School of Pharmacy would open in Paintsville. Local and state government officials were on hand along with a large crowd gathered for the announcement. U.S. Representative Hal Rogers said, ''This project will bring a hundred good paying jobs to the region during a time of high unemployment rates. It also builds educational resources at home to continue the mission of providing quality opportunities so our best and brightest students don't have to leave Kentucky for professional degrees and careers.''

In explaining why Midway College chose Paintsville as the site, President Drake said, ''The citizens of this community care about education and these citizens, as well as the local public officials, have stepped forward at this unique time to make this school happen.'' A two-million dollar campaign took place in Paintsville to assist with the capital expenses of building the new school. The school is expected to generate more than $30 million in economic activity annually in the Paintsville area.

President Drake said the college could not ask for a more enthusiastic or dedicated community than Paintsville. ''They understand the value of education,'' he said. ''And it is an incredibly attractive place to work, live, and earn your professional degree.''

Dr. Drake has been making weekly trips to Johnson County to oversee the process which he says has been taxing but worthwhile. ''It's like building a whole new culture,'' he said, describing the many facets of expanding the college's already sizable system of location. He called the projected $20-million startup venture one of the biggest decisions ever for the private college, whose roots predate the Civil War.

Founded in 1847, Midway College has a main campus in Midway, Kentucky, which is located between Frankfort and Lexington, and offers coursework in 14 different locations across the Commonwealth. In addition to offering in-seat coursework in both the traditional and accelerated setting, Midway offers classes in an online format, providing additional flexibility for students to have the opportunity to obtain their degree. One program unique to Midway includes an online bachelor's degree in Mining Management and Safety. This is one of the only programs in the country designed for those working in the mining industry. Midway College also offers a Masters of Business Administration and will launch a Master of Arts in Teaching this fall, both of which are offered in an online format.

The new school is expected to fill a need for pharmacists all across the nation. With the baby-boomer generation coming into its retirement years, there is a call for pharmacists not only to care for the aging populace but to replace those ''boomers'' who are retiring from behind the drug counters themselves. According to industry data, there are approximately five applications for each opening at pharmacy schools in the U.S., with even greater need in Appalachia. Only four states have more difficulty than Kentucky in filling pharmacists positions, and there are only two other pharmacy schools in Kentucky—the University of Kentucky in Lexington and the Sullivan School in Louisville.

''Because of the number of students that apply to pharmacy schools, we could fill enrollment with students from California, there are that many,'' Dr. Drake said. But, he explained, there is a special emphasis on drawing students from the immediate area. ''It has been the intent of those who care about the school that we look first and foremost at the students from Appalachia'' he said.

''As students graduate from our school they will meet the pressing need that exists in Kentucky today for pharmacists.''

Within a year of the official announcement about the opening of the school, the process was underway to select the 80 students who would make up the enrollment of the first class. More than 430 applications were received for the coveted 80 spots. To date, 25 faculty and staff members have been hired with an anticipated total of approximately 100. The school's faculty salaries will be in the 60th percentile of pharmaceutical faculty salaries in the United States.

When asked about the contributions of his staff, President Drake said, ''Having a staff like mine, with such an entrepreneurial spirit, has been like gold to me.'' The staff includes Martha Jean McKenzie Wells (PhD, MsS) and Emily L. Coleman (PhD, MEd) who are natives to the area. The school is also honored to have Dr. Barry Bleidt taking the helm as its Dean. Dr. Bleidt, who earned his undergraduate degrees in Pharmacy and Environmental Geography from the University of Kentucky, was formerly a founding member of Texas A&M's Health Science Center College and left there as the school's Professor of Pharmaceutical Sciences and Associate Dean of Academic Affairs. He has also held prestigious positions at other pharmacy schools in California, Virginia, and Louisiana.

The School of Pharmacy has a vision of expanding the scope of pharmacy practice and elevating the level of care to patients in all practice settings, with special emphasis on eastern Kentucky and Appalachia. With that goal in mind, Midway College has signed an agreement with the University of Pikeville guaranteeing interviews to the top 10 students who meet the academic qualifications. Similar agreements have been penned between Midway and Eastern Kentucky University, Big Sandy Community and Technical College, and Morehead State University. These agreements not only benefit the students through specific pharmaceutical instruction, but they will allow all schools to share their academic resources. Hand in hand with the University of Pikeville's School of Osteopathic Medicine and other post-secondary institutions in the area, Midway is looking to show the mountain communities the diverse options that are available to them. With 80 percent of Kentuckians without college degrees, the new institution will offer a fresh new route, a route that's already proving popular with students from the area. Fifty-five to 60 percent of the incoming class is from the state, and even more from adjacent mountain communities.

In keeping with the original vision of Midway and its donors, the new pharmacy school is by Kentuckians for Kentuckians, strengthening the region through strong ties to surrounding communities and its renewed outlook to higher education.

AMBASSADOR SHERRY REHMAN

Mr. KERRY. Mr. President, I want to welcome Pakistan's new Ambassador to the United States, Sherry Rehman. Ambassador Rehman has rightly been described as representing ''the traditional values of Jinnah's Pakistan.'' As a journalist, politician, and diplomat, she has fought tirelessly in defense of tolerance and moderation and has been a leading voice for women's equality and protection of minority rights.

The United States-Pakistan relationship has been tested this past year, and while the problems we face are daunting, the basic fact is that stability in Pakistan remains vital to our national security. Ambassador Rehman has arrived in Washington at a time of deep mistrust on both sides. A series of tactical disputes have strained our strategic partnership. Progress on bedrock national interests has stalled, and Pakistan's internal politics seems exceptionally turbulent at this time.

Pakistan faces major challenges today, including an economic and fiscal crisis, a growing insurgency within its borders and cities, and chronic energy shortages. There is increasing anxiety in Pakistan about how the war ends in Afghanistan and what implications this will have for regional stability. Many on both sides are questioning the value and meaning of our strategic partnership.

The truth is we have a lot of work to do to rebuild a productive relationship. Despite our many frustrations and setbacks, we still have more to gain by finding common ground. Whether it is finding a political solution in Afghanistan, reducing militancy, supporting democracy and civil society, or promoting economic and development reforms, the basic fact is that our interests do converge. The challenge for all

of us now is to find ways to act together in common purpose, when and where possible.

For instance, on Afghanistan, we need to make our goals and strategy absolutely clear. Pakistan has a constructive role to play in forging a durable political settlement that will bring an end to this war. And while we have often been frustrated by the divergence of policies on Afghanistan, it remains important that we work together to further a reconciliation process that is Afghan led and supported by the region's key players. This is a time for us to be careful, to be thoughtful, and to proceed deliberately but determinately—as I believe we are—to strengthen our relationship and confront our common challenges.

Moreover, I want to emphasize that this relationship is not only about the threats we face. It is not only about defeating militant extremists who threaten the security of both our countries. It is also about building a deeper, broader, and long term strategic engagement with the people of Pakistan. As I have said before, Pakistan's prosperity and its security—as well as our own—depend on it. And I am determined to make sure that the kinds of projects supported by Kerry-Lugar-Berman funds remain on track and demonstrate our long term commitment to the stability of Pakistan and to the region itself.

Make no mistake: our ability to influence events in Pakistan is limited, and we should be realistic about what we can achieve. But we cannot allow events that might divide us in a small way to distract from the shared interests that unite us in a big way. Mohammad Ali Jinnah said it best in his address to Pakistan's Constituent Assembly in 1947. His words are as relevant in today's context as they were then:

If you will work in cooperation, forgetting the past, burying the hatchet, you are bound to succeed.

The road ahead will be difficult no doubt. But I look forward to working with Ambassador Rehman as a partner in these efforts in the months and years to come.

RECOGNIZING THE SALT LAKE COUNCIL OF WOMEN

Mr. HATCH. Mr. President, I rise today to pay tribute to the Salt Lake Council of Women on the upcoming 100th anniversary of its founding.

In the ranks of those who greatly admire this wonderful organization and its exemplary members, I stand front and center today to salute them for their accomplishments and outstanding public service. As I do so, I am humbled by the magnitude of the task. It is difficult to find the right words that will do justice to their extraordinary contributions to Utah.

A century after its founding, this remarkable group has more than lived up to its motto: ''Community Service for Civic Improvement.'' Evidence of its good works is found throughout the Wasatch Front, including the International Peace Gardens the group was instrumental in making a reality in 1947 and has helped preside over ever since.

That alone is sufficient to ensure that the Salt Lake Council of Women's legacy will long endure in the heads and hearts of its legions of admirers. But this service organization's legacy neither begins nor ends there.

Its service began on February 26, 1912, when it organized with the aim of bettering the ''social, civic and moral'' environment of the Salt Lake City area, and that service has continued unabated and on an ever-increasing scale ever since.

Over the years, members of the Council have been a tireless advocate for Utah's youth, supporting child labor laws, visiting nurse and teacher programs for children who are ill, respect for the American flag, and the installation of the first drinking fountains in public schools.

They have further assisted with the Boy and Girl Scouts programs and helped found a home for troubled girls, which has evolved into what is now known as the Utah Youth Village. The organization has also helped the Utah State Development Center, Alcoholics Anonymous, Ronald McDonald House, and numerous hospitals, nursing homes, and homeless shelters and animal shelters, just to name a few.

And Utahns have not been the only beneficiaries. During World War I, the group provided relief to the embattled and starving Finnish people. When World War II erupted, the council gave generously to the USO, American Red Cross, and War Bond Drives. The council also has been a strong advocate for the arts, supporting the Utah Symphony, Ballet West and the Days of '47, Utah's annual July celebration to commemorate the 1847 arrival of the Mormon Pioneers in the Salt Lake Valley.

Today, as the Salt Lake Council of Women's centennial anniversary nears, its 200 members—representing 40 organizations and 5,000 women—are as engaging and anxiously engaged in the community as ever. Along with their continued commitment to the International Peace Gardens and Utah Youth Village, council members are involved with the YWCA, University Hospital Project, Wasatch Youth Center, and with an ever-widening variety of special projects. This month, for instance, the council will award a college scholarship to a victim of domestic violence, who will be chosen from mothers in the YWCA's long-term transitional housing program.

No matter what they do or who they serve, members of the Salt Lake Council of Women are the embodiment of what Mahatma Gandhi called ''the spirit of service and sacrifice.'' As the council gathers February 25th to celebrate its 100th anniversary, I add my voice to the chorus of praise in saluting its visionary and selfless members, both past and present, who have done so much for so many to make Utah the great place it is today.

REMEMBERING WHITNEY ELIZABETH HOUSTON

Mr. LAUTENBERG. Mr. President, on Saturday, February 11, 2012, New Jersey lost one of its proudest daughters and our country lost one of its brightest stars when Whitney Houston died at the untimely age of 48.

Whitney Houston's New Jersey roots run deep. She was born in Newark in 1963. She moved to East Orange at age 4 and attended high school at Mount Saint Dominic Academy in Caldwell.

The daughter of noted gospel singer Cissy Houston, Whitney spent her young life singing in the choir of the New Hope Baptist Church in Newark. She never forgot her roots, and even after she became a star, she sometimes returned to New Hope Baptist Church to sing on Easter Sunday. Fittingly, it is at New Hope Baptist Church that Whitney's family and friends will mourn her loss and celebrate her life this Saturday, February 18.

Virtually from the moment of the release of her debut album, ''Whitney Houston,'' Whitney was an international superstar. The album spent a record 14 weeks at the top of the Billboard charts, and it was the first album by a female artist to yield three No. 1 hits. One of those hits, ''The Greatest Love of All,'' became an anthem and a symbol of hope. For all of us who work to make a better world for our children and grandchildren, the song's opening line, ''I believe the children are our future,'' is a constant reminder of our mission.

Much more than just a great singer and performer, Whitney was a great patriot and humanitarian. Her performance of the ''Star Spangled Banner'' for Super Bowl XXV in 1991—during the first gulf war—has been hailed as the yardstick for other singers performing our national anthem. Whitney donated her proceeds from that performance to the American Red Cross Gulf Crisis Fund. When her rendition was re-released in the wake of the September 11 attacks, Whitney donated those proceeds to firefighters and victims of the attacks.

For her many accomplishments, Whitney received numerous awards, including 6 Grammys, 2 Emmys, and 22 American Music Awards. But no achievement meant more to Whitney than the birth of her daughter Bobbi Kristina in 1993.

Though her loss will be felt far and wide, Whitney's powerful words—''I believe the children are our future. Teach them well and let them lead the way''—live on in New Jersey, across the country, and around the world.

ADDITIONAL STATEMENTS

TRIBUTE TO CHIEF DONALD F. CONLEY

● Ms. AYOTTE. Mr. President, today I wish to recognize and congratulate chief of police Donald F. Conley of the Nashua, NH, Police Department for his 32 years of dedicated service to the law enforcement profession, the City of Nashua, and the State of New Hampshire.

After serving in the U.S. Marine Corps, Chief Conley began his law enforcement career with the U.S. Capitol Police and then joined the Nashua Police Department in 1980. He was promoted to sergeant in 1988, lieutenant in 1995, captain in 1998, and deputy chief of police in 2002. He was named the chief of police in 2007.

During his long tenure as a police chief, Donald Conley has been a leader in promoting community-oriented policing, improving public safety within the State of New Hampshire, and promoting sound public policies and practices that have helped keep New Hampshire one of the safest States in the Nation. Chief Conley has worked tirelessly with his peers and with other public safety officials to better the administration of justice.

As Donald Conley celebrates his retirement, I want to commend him on a job well done and ask my colleagues to join me in wishing him and his wife Tricia well in all future endeavors.●

RECOGNIZING THE JUNIOR LEAGUE OF BALTIMORE

● Mr. CARDIN. Mr. President, I rise today to recognize the 100th anniversary of the Junior League of Baltimore. Mary Goodwillie founded the Junior League of Baltimore in 1912 with the goal of engaging educated young ladies to help alleviate the ills of the city. The league members began working with underprivileged women and children in Baltimore. Their early advocacy efforts helped bring about reduced work hours for women and better living conditions for children. Throughout its 100-year history, the league has harnessed the spirit of volunteerism to help countless families in Baltimore with projects ranging from a nursery school for blind and deaf children in the 1940s, a drug abuse education program in the 1970s, and the Kids in the Kitchen nutrition education program today.

Once, the league was a volunteer activity for well-to-do women; today, it is a training ground where women interested in nonprofit management, social work, and public service professions receive hands-on experience. Volunteer activities are designed to empower diverse women from all walks of life to make a difference in their community.

The Junior League of Baltimore is part of the Association of Junior Leagues International and continues its foremothers' legacy of service and advocacy, emphasizing collaboration, coalition building, and responsiveness to community needs. The Junior League of Baltimore's recent projects include art programs, family support services, and partnerships with various organizations such as Read Across America, in addition to its innovative nutrition education program designed to fight childhood obesity.

I would ask my colleagues to join me in congratulating the Junior League of Baltimore on 100 years of service to Baltimore, and in thanking league members past and present for all that they have done and are doing to enrich the lives of the citizens of Baltimore and Maryland.●

TRIBUTE TO DR. KENNETH HALL

● Mr. CORNYN. Mr. President, today I would like to commend the extraordinary career of Buckner International CEO Dr. Kenneth Hall, who will soon be retiring from the Dallas-based organization after 19 years of dedicated service. Throughout his tenure, he has promoted founder R.C. Buckner's mission of bringing unconditional Christian love to needy children. Hall has been instrumental in expanding the scope of Buckner's activities, which are inspired by the biblical principles of James 1:27: ''Religion that God our Father accepts as pure and faultless is this: to look after orphans and widows in their distress and to keep oneself from being polluted by the world.''

A Baptist minister by training, R.C. Buckner devoted his life to helping children whose families had been displaced or broken by war, poverty, and other hardships. The mustard seed of Buckner International was planted on a hot July day in 1877, when Dr. Buckner gathered concerned citizens around an old oak tree in Paris, TX, and asked for their assistance in building a home for orphans. From a humble collection that day of $27, Dr. Buckner created Buckner Orphans' Home in Dallas in 1879. Now known as Buckner Children's Home, it is one of the oldest orphanages west of the Mississippi River.

One hundred and thirty-five years after the famous oak tree meeting, Buckner International is aiding more than 400,000 people in countries across the world. Dr. Hall became its fifth President and CEO in 1994. Under his leadership, the endowment surpassed $200 million, and the organization established a new global ministry program. It now does charitable work in China, the Dominican Republic, Egypt, Ethiopia, Ghana, Guatemala, Honduras, India, Kenya, Mexico, Peru, Russia, Sierra Leone, South Korea, and Vietnam. Buckner also runs several retirement communities in Texas, and provides an extensive array of services to assist and empower families in crisis.

I am grateful for all that Dr. Hall has done to improve the lives of the vulnerable and underprivileged, both at home and abroad. I join my colleagues in saluting him for his tireless efforts, which have brought joy and comfort to so many. He deserves recognition as a true humanitarian and a true American patriot.●

TRIBUTE TO JOHN E. FRAMPTON

● Mr. GRAHAM. Mr. President, I ask my colleagues to join me in recognizing John E. Frampton on the occasion of his retirement as director of the South Carolina Department of Natural Resources, SCDNR.

John has dedicated the past 35 years to advancing and improving the State of South Carolina's natural resources and quality of life. He has been a tireless advocate of wildlife preservation in South Carolina and across the United States. As director of SCDNR, he served as the chief administrator for natural resources in the State and was responsible for management and supervision of the agency's five divisions.

Leading with passion, determination, and humility, John has worked to protect and promote South Carolina's natural resources at every level around the State. John joined SCDNR in 1974 as an assistant district biologist. Prior to his appointment as director, he served as a regional wildlife biologist, chief of wildlife, and assistant director for development and national affairs. On April 2, 2003, Mr. Frampton was selected as the agency's director by the SCDNR Board.

John is an active member of multiple regional, national, and international wildlife organizations and served as a past president of both the Southeastern Association of Fish and Wildlife Agencies and the Association of Fish and Wildlife Agencies. Because of his dedicated leadership and commitment to conservation, John was appointed to the National Marine Protected Area Federal Advisory Committee by the Secretary of Commerce and appointed to the prestigious Wildlife and Hunting Heritage Conservation Council by the Secretary of Interior and the Secretary of Agriculture in 2010.

John's well-deserved acknowledgments and recognitions highlight the impact he has had on the conservation community at the State and national level. John has received numerous honors and awards over his career, including the International Canvasback Award from the North American Waterfowl Management Plan Committee, the Clarence W. Watson Award from the Southeastern Association of Fish and Wildlife Agencies, the Shooting, Hunting and Outdoor Trades', SHOT, Business Person of the Year Award, the Henry S. Mosby Award from the National Wild Turkey Federation, the Captain David Hart Award by the Atlantic States Marine Fisheries Commission, and the Seth Gordon Award by the Association of Fish and Wildlife Agencies. Additionally, John is recognized for initiating South Carolina's

Ashepoo, Combahee, and South Edisto, ACE, Basin Project in 1988 and continues to serve on the ACE Basin Task Force. He is an invaluable asset to the conservation community and as a leader has set an example for future SCDNR directors to follow.

Born in Summerville, SC, John holds a bachelor of science degree in marine biology from the College of Charleston. He later received a master of arts in teaching degree in biology from the Citadel and a master of science degree in wildlife biology from Clemson University. He is a certified wildlife biologist through the Wildlife Society.

I ask that the Senate join me in celebrating John Frampton's lifelong dedication to the South Carolina Department of Natural Resources, the State of South Carolina, and our Nation. I wish John the very best in his future endeavors.●

REMEMBERING BRIAN DONNELLY

● Mr. LEVIN. Mr. President, my colleague Senator DEBBIE STABENOW and I would like to pay tribute to Brian Donnelly. The measure of a man is seen from many vantage points, from the family he loves, to the good work he has done, to the lives he has positively influenced along the way. By this measure, Brian Donnelly lived a full and prosperous life. We see that in the words of his adoring and devoted wife and family; we see that in the seemingly endless outpouring of affection from his colleagues, friends, and associates; and we see that even from those he prosecuted.

Brian Donnelly, who died suddenly last month, was a dedicated civil servant from my home State of Michigan. He devoted his life to upholding the law and serving the citizens of Michigan. This devotion and commitment can be seen through Brian's 25 years of service as a prosecutor, most recently for Kalkaska County. Brian was a skilled and highly respected litigator who was known to work long days, often returning to the office after dinner. Brian was admired not only by his colleagues but by those on both sides of the bench. His commitment both to his work and to his family was evident to all who knew him.

Brian graduated from Michigan State University and received his law degree from the University of Michigan School of Law. He married his wife Ruthann in July of 1987, and they remained partners for the rest of his life. While Brian's life was full of many successes, he also experienced tragedy. Brian's brother, Mac J. Donnelly, Jr., was killed in the line of duty while working as a police officer in Lansing, MI, in 1977. His brother's death helped encourage Brian to pursue a successful career as a prosecutor. It also led to his continued support of Michigan Concerns of Police Survivors, MI–C.O.P.S, an organization dedicated to supporting the families of fallen officers. He took what was a personal tragedy and transformed it into a lifelong, positive pursuit that filled a void for many across Michigan.

After his death last month, Ruthann was inundated with letters of condolence from across our State. Some of these condolence letters even came from people Brian had prosecuted, who praised his fairness and decency and expressed sorrow for his loss. To be respected by one's colleagues is a sign of a job well done, but to be respected by one's adversaries is the mark of a truly unique man. Posthumously, Brian was honored by the Prosecuting Attorneys Association of Michigan for his outstanding service as a prosecutor in Kalkaska County, an honor he richly deserved.

Brian Donnelly left a legacy of nobility and dedicated public service for Michigan and for the legal profession. He will be missed, but his many efforts and the good he has done will be remembered for years to come. Senator STABENOW and I are proud to honor him today.●

TRIBUTE TO MAJOR GENERAL JEFFREY J. DORKO

● Mr. LEVIN. Mr. President, I would like to pay tribute to MG Jeffrey J. Dorko, deputy commanding general for military and international operations for the U.S. Army Corps of Engineers, who is retiring from Active Duty service on Friday, February 10, 2012. As we reflect on the career of this exemplary public servant, I express appreciation for his distinguished and selfless service on behalf of a grateful nation. It is his sacrifice, along with the sacrifices of countless others in uniform around the world, which helps to keep our Nation strong and secure.

Major General Dorko has accumulated more than 33 years of service to our country, and, more important, has amassed an impressive record of accomplishments. His military career began in 1978 as a platoon leader, company executive officer, and assistant battalion operations officer for the 299th Engineer Battalion at Fort Sill, OK. Over the next three decades, he served three tours of duty with the U.S. Army Corps of Engineers in Germany and was deployed in support of Operations Joint Endeavor and Joint Guard in Bosnia-Herzegovina.

From 2007 to 2008, Major General Dorko assumed command of the U.S. Army Engineer Division, Gulf Region, headquartered in Baghdad, Iraq, in support of Operation Iraqi Freedom. And currently, as the deputy commanding general for military and international operations for the U.S. Army Corps of Engineers, Major General Dorko is responsible for the successful execution of more than $28 billion in design, construction, and environmental projects.

I know Major General Dorko would want us to also recognize his family's many sacrifices throughout his exemplary career. Major General Dorko's dedicated service and sound leadership have served as useful examples to our men and women in uniform. I know my Senate colleagues join me in congratulating Major General Dorko and honoring his distinguished record of service to our country. I wish him the best as he embarks on the next chapter of his life.●

RECOGNIZING DELOITTE LLC

● Mr. MENENDEZ. Mr. President, last week I had the privilege of speaking at the LATINA Style 50 Awards Ceremony and Diversity Leaders Conference, which is held each year to recognize leaders in corporate diversity. A premier and well-respected publication, LATINA Style 50 honored Deloitte LLC with its Company of the Year award, in recognition of its commitment to fostering an inclusive workplace for Latinas and professionals from diverse backgrounds and perspectives. I would like to congratulate Deloitte for receiving this honor.

Deloitte has a long legacy of developing leaders and giving back to its communities. From establishing the accounting industry's first women's initiative in 1993, to operating an external advisory council, chaired by Dr. Sally Ride, that oversees its women's initiatives, Deloitte has been a leader in promoting diversity in the workplace. Deloitte also focuses its efforts externally through its support of a broad range of community groups, including several that serve Hispanics.

Deloitte's CEO, Joe Echevarria, personifies the career and development opportunities available at the organization. Of Puerto Rican heritage, Mr. Echevarria began working at Deloitte as an audit recruit from the University of Miami. Today, he oversees 45,000 professionals who specialize in multiple industries, in nearly 90 U.S. cities. He understands inclusive and empowering policies aren't just good for his employees—they are good for business.

It is a pleasure to congratulate Deloitte, its employees, and Deloitte CEO, Mr. Joseph Echevarria, on being named Company of the Year by LATINA Style 50, and I encourage other companies to follow the lead of Deloitte in growing and developing diverse talent in their executive suites and boardrooms.●

TRIBUTE TO DOYLE ROGERS

● Mr. PRYOR. Mr. President, for over 50 years, Doyle W. Rogers has been a proud resident of the city of Batesville, AR. Next month, Batesville will honor him by designating March 6, 2012, as Doyle Rogers Day. Through his many endeavors, Doyle has found success through visionary leadership and hard work. It is in that spirit that I rise today to recognize a man I consider a great businessman and an even greater Arkansan.

Doyle Rogers was born in Diaz, AR, in 1918, and raised in Newport. After attending Arkansas State University in

Jonesboro, Doyle enlisted in the Royal Canadian Air Force to fight in World War II before the United States had entered the war. He then went on to serve in Burma with the U.S. Army Air Corps. His return from the war and transition into civilian life brought him to Batesville, where he started his professional career. Doyle tried his hand in several businesses in those early years, even traveling southern States selling Masonic Bibles, until establishing the Doyle Rogers Realty and Insurance Agency in 1953.

This company would later become the Doyle Rogers Company. This company's real estate projects have shaped the Arkansas landscape and the Little Rock skyline. In 1982, Doyle's vision led to the development and opening of the Statehouse Convention Center and Excelsior Hotel, a world-class facility now known as the Peabody Hotel. A few years later, Doyle added the Rogers Building, a 25-story office tower now called the Stephens Building. These projects still stand proud along the Arkansas River in downtown Little Rock and assisted in the rejuvenation of business development in downtown Little Rock.

Doyle would go on to purchase Metropolitan National Bank in 1983 and relocate its headquarters to downtown Little Rock. He serves as chairman of the board, and during his tenure the bank has grown to one of the largest in the State. His success with Metropolitan National Bank and his other projects led to his induction into the Arkansas Business Hall of Fame in 2006. With this induction, Doyle joined a prestigious group that includes Sam Walton, William Dillard, and Don Tyson.

Many of Doyle's friends speak of his relentless work effort and dedication to the causes he holds dear. Education has been one of those issues over the years. He has served on the board of trustees of Hendrix College as well as advisory boards for the School of Business and School of Law at the University of Arkansas in Fayetteville. He holds honorary degrees from Lyon College and Philander Smith College. I know these institutions and countless students have benefited from Doyle's business acumen and visionary leadership.

Doyle attributes much of his success to the love and support of his great family. He married the love of his life, the former Josephine Raye Jackson, in 1941. Together they have been blessed with two children, Barbara Rogers Hoover and Doyle W. ''Rog'' Rogers, Jr., and six grandchildren. He noted in an interview with Arkansas Business:

> The way you enjoy your life is through your family. Material things are good, but being with your family, watching them grow and prosper is probably the greatest reward.

Batesville is one of my State's oldest cities. Situated along the White River, it was used as a shipping point decades before Arkansas was granted statehood. With this history, Batesville has been home to many notable residents, from professional athletes and NASCAR drivers to several former Governors. Doyle Rogers has certainly earned the honor of being listed as a great resident of Batesville. Even with Doyle's business success, he has remained humble to his roots, always believing in the value of hard work and loving the great city of Batesville. In 2004, my good friend and former Congressman Marion Berry said this of Doyle:

> In a day and age when the presiding belief is in order to grow up and succeed you must escape Rural America, Doyle Rogers and his family lived in Batesville, Arkansas for more than 50 years, proving success comes with hard work, not a change of zip code.

I agree with my former colleague. Doyle's life and work are worthy of praise, and I am proud of the legacy he has built. I know that whatever endeavor Doyle chooses to pursue in the future, he will continue to have a positive impact on Batesville and Arkansas. I ask my colleagues to join me in congratulating Doyle Rogers for this honor bestowed on him by the city of Batesville and thank him for a job well done.●

REMEMBERING MAYOR EMORY McCORD FOLMAR

● Mr. SESSIONS. Mr. President, I wish to pay tribute to a friend and the former mayor of Montgomery, AL, Emory McCord Folmar. He passed on from this life on November 11, 2011, and I wish to honor Mayor Folmar's courage and service to his country, the State of Alabama, and the city of Montgomery.

Mayor Folmar was born in Troy, AL on June 3, 1930, to Marshall Bibb Folmar and Miriam Woods Pearson Folmar. At the age of 14, the Folmar family moved to Montgomery, AL, where he graduated from Sidney Lanier High School in 1948. Mayor Folmar attended the University of Alabama, where he earned a B.S. in business in just 3 years. During his time at the Capstone, he served as a cadet colonel in the Army ROTC and was a member of the Sigma Alpha Epsilon fraternity. Upon graduation, Mayor Folmar received a regular Army commission and was assigned to the parachute training and instructors' school for the 11th Airborne Division of the 2nd Infantry Division at Fort Benning, GA.

He married Anita Pierce in February 1952, immediately prior to his deployment to the Korean war theatre later that summer. During that intense conflict, Mayor Folmar was wounded in combat and received the Silver Star, Bronze Star, and Purple Heart. He also received the French Croix de Guerre for his actions with the 23rd Regiment of the 2nd Infantry Division and French troops. Following the Korean war, he was assigned to Fort Campbell, KY, as an airborne jump master until 1954. Mayor Folmar was then and until his last breath a true American patriot who loved, respected, and defended the men and women who serve our Nation in uniform. As everyone knew, this was a part of his very being.

Emory and Anita then moved to Montgomery, where he joined his brother, James Folmar, to run a successful construction and shopping center development company. In 1975 Mayor Folmar was urged to enter political life and run for the District 8 seat on the Montgomery City Council. He was elected president of the city council and became mayor of Montgomery in 1977 in a most remarkable election. He was elected mayor with 65 percent of the vote, despite having 57 competitors. Mayor Folmar went on to serve as mayor for 22 years until 1999. Mayor Folmar was a fiscal conservative who was most proud of the financial health of the city. He was famous for maintaining a balanced budget and establishing a healthy reserve fund. Mayor Folmar was also known to walk municipal ditches and visit public property in order to ensure that municipal services were operating at peak performance. He would often say, ''It's not what you expect, it's what you inspect.'' He was perhaps one of the greatest mayors in the history of Alabama and one of the best in America. He was honest, courageous, a superb manager, and, quite noticeably, direct and plain spoken.

In 1980, Mayor Folmar served as State chairman of President Ronald Reagan's finance committee, and in 1984, he served as Reagan's State campaign chairman. In 1982, Mayor Folmar ran a competitive race as the Republican candidate for the Governor's office in Alabama. Mayor Folmar also served as the State campaign chairman for Bush-Quayle in 1988 and again in 1992. After retiring from politics, Mayor Folmar worked as a business consultant and then was appointed commissioner of the important Alabama Beverage Control Board in 2003 by Gov. Bob Riley. He served the State in this role until 2011, doing superb work making the department leaner and more productive.

On a personal note, I had the pleasure of working closely with Mayor Folmar when he served as campaign chairman for my first campaign for the Senate in 1996. I will always appreciate and remember his support throughout the years and his leadership in Alabama. Those of us who knew Mayor Folmar know also that he was a man of faith who was an elder at Trinity Presbyterian Church in Montgomery, AL. Governor Riley noted how impressed he was with Mayor Folmar's wisdom and scriptural knowledge. Emory Folmar had the reputation in Alabama as an extremely intelligent, hard-working, honest, and headstrong leader. He was all that and more.

His dedication to serving the Nation in military conflict and to serving the citizens of the State of Alabama and city of Montgomery, AL, as a public servant will continue to inspire others for generations to come. We shall miss

his leadership in the public arena. I feel quite privileged to be a U.S. Senator and to have the honor to pay tribute to Mayor Emory McCord Folmar's life and service to this great Nation.●

REMEMBERING JAMES LUCIEN HINTON

● Mr. SESSIONS. Mr. President, I wish to remember Mr. James Lucien ''Jimmy'' Hinton, who passed away on December 3, 2011, in Tuscaloosa, AL, at the age of 88. He was one of Alabama's best known and respected citizens.

Mr. Jimmy was born in Tuscaloosa on April 8, 1923. He grew up in the Little Sandy community, attended the University of Alabama in the 1940s, and served in the U.S. Army. In 1958, he married Jean Jolly and they had three children: Jimmy, Jr., Mary Katherine, and Elizabeth. He loved his family and enjoyed spending time at his farm, Sedgefield Plantation, in Dallas County.

Mr. Jimmy was a highly successful businessman and involved in many businesses during his lifetime, starting his own sawmill company at the age of 16. He was engaged in the lumber business, real estate development, a box and pallet factory, automobile business, asphalt business, and the family owned a meat-packing company, R. L. Zeigler Co., Inc., where he served as chairman of the board. He also served as a board member for the First National Bank of Tuscaloosa and Southern United Life Insurance Company. In 1999, he was inducted into the Alabama Business Hall of Fame.

Mr. Jimmy loved his family very much and particularly enjoyed hunting and fishing with them and his many friends at Sedgefield. He often opened Sedgefield for national and State field trials and also allowed hunts for persons with disabilities and terminal illness. He began the first Life Hunts for such hunters over 25 years ago, and many have benefited from his care and concern. He supported a host of worthy causes over his life.

In 1998, Jimmy received the Governor's Award and was named Conservationist of the Year for his dedication to conservation in Alabama.

He was a passionate supporter of the University of Alabama and its athletics program. Paul W. ''Bear'' Bryant and he were famous friends. He served on the University of Alabama Presidents Cabinet and the Board of Visitors of the Culverhouse College of Commerce and Business Administration.

I knew Mr. Jimmy for a number of years. It was easy to see why he engendered such affection and respect. A decisive and strong man, certainly, he nevertheless was totally unassuming. That background of country living, his love of hunting and the outdoors, his success in business, and his association with athletics at the iconic University of Alabama combined in a special way to shape who he was. People saw him for who he was. There was a rare combination of strength, modesty, and loyalty deep in his character. And to a very unusual degree, this remarkable businessman, who never sought the limelight, was well known and loved throughout our State.

Alabama and the Nation have lost one of its finest citizen. My sympathy is extended to his family upon this loss, but they have been given a wonderful heritage of industry, humility, and public service.●

RECOGNIZING THE LANSING REGIONAL CHAMBER OF COMMERCE

● Ms. STABENOW. Mr. President, my colleague Senator CARL LEVIN and I would like to pay tribute to the Lansing Regional Chamber of Commerce on the occasion of the 100th anniversary of its annual dinner.

From the very first dinner held in 1912 to the present, the Lansing Regional Chamber of Commerce Annual Dinner has played a significant role in bringing business and community leaders together to celebrate exciting developments in the region. Although the format of the evening may have changed over the years, the mission remains the same: to serve as the premier business networking event of the year and to celebrate the contributions of individuals and organizations that make the region great.

The group of Lansing area business leaders who formed the Lansing Business Men's Association certainly paved the way for the tradition that is celebrated today. After changing their name to the Lansing Chamber of Commerce, Ransom E. Olds, founder of Oldsmobile, addressed the first annual meeting at the Masonic Temple. The association had encouraged him to come back to Lansing from Detroit and build a factory, which he did. This clearly established the chamber as the community leader in fostering economic growth and creating jobs.

I am very proud that the Lansing Chamber founded the now internationally known ATHENA Award in 1982. What started as a visionary way to support, develop and honor local women leaders, has now become a global movement with more than 6000 awards presented in 500 communities in the United States, Canada, Russia, the United Arab Emirates and the United Kingdom.

It is exciting that on February 22, 2012, the 100th Annual Dinner will be celebrated at the Lansing Center. This event will not only celebrate the chamber's history and the many people who made things happen over the past 100 years, it will include updates from current business leaders and the presentation of the 2011 Community Service, Outstanding Small Business and Legacy Awards.

More than just a dinner, this event showcases the businesses and people who have helped make this region into what it is today and shape its future. We are pleased to congratulate the Lansing Regional Chamber of Commerce on this special occasion and wish them many more years of success.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:03 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2079. An act to designate the facility of the United States Postal Service located at 10 Main Street in East Rockaway, New York, as the ''John J. Cook Post Office''.

H.R. 3247. An act to designate the facility of the United States Postal Service Located at 1100 Town and Country Commons in Chesterfield, Missouri, as the ''Lance Corporal Matthew P. Pathenos Post Office Building''.

H.R. 3248. An act to designate the facility of the United States Postal Service located at 112 South 5th Street in Saint Charles, Missouri, as the ''Lance Corporal Drew W. Weaver Post Office Building''.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

H.R. 1162. An act to provide the Quileute Indian Tribe Tsunami and Flood Protection, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUYE).

At 2:42 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that pursuant to 36 U.S.C. 2302, and the order of the House of January 5, 2011, the Speaker appoints the following Member of the House of Representatives to the United States Holocaust Memorial Council: Mr. ISRAEL of New York.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2079. An act to designate the facility of the United States Postal Service located at 10 Main Street in East Rockaway, New York, as the ''John J. Cook Post Office''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3247. An act to designate the facility of the United States Postal Service located

at 1100 Town and Country Commons in Chesterfield, Missouri, as the ''Lance Corporal Matthew P. Pathenos Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3248. An act to designate the facility of the United States Postal Service located at 112 South 5th Street in Saint Charles, Missouri, as the ''Lance Corporal Drew W. Weaver Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2111. A bill to enhance punishment for identity theft and other violations of data privacy and security.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2118. A bill to remove unelected, unaccountable bureaucrats from seniors' personal health decisions by repealing the Independent Payment Advisory Board.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5027. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pasteuria nishizawae—Pn 1; Exemption From the Requirement of a Tolerance'' (FRL No. 9337–2) received in the Office of the President of the Senate on February 14, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5028. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Aureobasidium pullulans strains DSM 14940 and DSM 14941; Exemption From the Requirement of a Tolerance'' (FRL No. 9337–3) received in the Office of the President of the Senate on February 14, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5029. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Spirotetramat; Pesticide Tolerances for Emergency Exemptions'' (FRL No. 9332–9) received in the Office of the President of the Senate on February 14, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5030. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Business Systems-Definition and Administration'' ((RIN0750–AG58) (DFARS Case 2009–D038)) received in the Office of the President of the Senate on February 14, 2012; to the Committee on Armed Services.

EC–5031. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Award Fee Reduction or Denial for Health or Safety Issues'' ((RIN0750–AH37) (DFARS Case 2011–D033)) received in the Office of the President of the Senate on February 14, 2012; to the Committee on Armed Services.

EC–5032. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Vice Admiral John M. Mateczun, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–5033. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the continuation of a national emergency declared in Executive Order 13222 with respect to the lapse of the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC–5034. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Greenhouse Gas Reporting Program: Electronics Manufacturing (Subpart I): Revisions to Heat Transfer Fluid Provisions'' (FRL No. 9633–5) received in the Office of the President of the Senate on February 14, 2012; to the Committee on Environment and Public Works.

EC–5035. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Missouri'' (FRL No. 9632–7) received in the Office of the President of the Senate on February 14, 2012; to the Committee on Environment and Public Works.

EC–5036. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Quality Assurance Requirements for Continuous Opacity Monitoring Systems at Stationary Sources'' (FRL No. 9630–7) received in the Office of the President of the Senate on February 14, 2012; to the Committee on Environment and Public Works.

EC–5037. A joint communication from the Secretary of Health and Human Services and the Attorney General, transmitting, pursuant to law, an annual report relative to the Health Care Fraud and Abuse Control Program for fiscal year 2011; to the Committee on Finance.

EC–5038. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the fiscal year 2011 Report on the progress to date on implementing Congressionally mandated goals and responsibilities of the Medicare-Medicaid Coordination Office; to the Committee on Finance.

EC–5039. A communication from the Chairman of the United States International Trade Commission, transmitting, pursuant to law, the Commission's Annual Performance Report for fiscal year 2011 and Addendum to the Strategic Plan for fiscal years 2009–2014; to the Committee on Finance.

EC–5040. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Definition of a Taxpayer'' ((RIN1545–BF73) (TD 9576)) received in the Office of the President of the Senate on February 13, 2012; to the Committee on Finance.

EC–5041. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Foreign Tax Credit Splitting Events'' ((RIN1545–BK50) (TD 9577)) received in the Office of the President of the Senate on February 13, 2012; to the Committee on Finance.

EC–5042. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Physical Inspections Pilot Program'' (Notice 2012–18) received in the Office of the President of the Senate on February 13, 2012; to the Committee on Finance.

EC–5043. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Application of Section 367 to Section 304 Transactions'' (Notice 2012–15) received in the Office of the President of the Senate on February 13, 2012; to the Committee on Finance.

EC–5044. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Visas: Issuance of Full Validity L Visas to Qualified Applicants'' (22 CFR part 41) received in the Office of the President of the Senate on February 13, 2012; to the Committee on Foreign Relations.

EC–5045. A communication from the Acting Chief Executive Officer, Corporation for National and Community Service, transmitting, pursuant to law, the Corporation's fiscal year 2013 Congressional Budget Justification and fiscal year 2011 Annual Performance Report; to the Committee on Health, Education, Labor, and Pensions.

EC–5046. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Revisions to Labeling Requirements for Blood and Blood Components, Including Source Plasma; Correction'' (Docket No. FDA–2003–N–0097) received in the Office of the President of the Senate on February 13, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–5047. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Fiscal Year 2011 Performance Report to Congress for the Medical Device User Fee Amendments of 2007''; to the Committee on Health, Education, Labor, and Pensions.

EC–5048. A communication from the Members of the Railroad Retirement Board, transmitting, pursuant to law, the Board's Congressional Justification of Budget Estimates Report for fiscal year 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–5049. A communication from the Inspector General of the Railroad Retirement Board, transmitting, pursuant to law, the Inspector General's Budget Justification Report for fiscal year 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–5050. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report relative to time limitations established for deciding habeas corpus death penalty petitions; to the Committee on the Judiciary.

EC–5051. A communication from the General Counsel and Acting Executive Director, U.S. Election Assistance Commission, transmitting, pursuant to law, a report entitled ''Fiscal Year 2011 Activities''; to the Committee on Rules and Administration.

EC–5052. A communication from the Secretary of the Commission, Bureau of Competition, Federal Trade Commission, transmitting, pursuant to law, the report of a rule

entitled ''Revised Jurisdictional Thresholds for Section 8 of the Clayton Act'' received in the Office of the President of the Senate on February 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5053. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea and Aleutian Islands'' (RIN0648–XA940) received in the Office of the President of the Senate on February 14, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5054. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, a report entitled ''National Aeronautics and Space Administration: Acquisition Approach for Commercial Crew Transportation Includes Good Practices, but Faces Significant Challenges''; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, without amendment with a preamble:

S. Res. 379. An original resolution condemning violence by the Government of Syria against the Syrian people.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Kristine Gerhard Baker, of Arkansas, to be United States District Judge for the Eastern District of Arkansas.

John Z. Lee, of Illinois, to be United States District Judge for the Northern District of Illinois.

George Levi Russell, III, of Maryland, to be United States District Judge for the District of Maryland.

John J. Tharp, Jr., of Illinois, to be United States District Judge for the Northern District of Illinois.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. RUBIO:

S. 2115. A bill to limit the authority of the Administrator of the Environmental Protection Agency with respect to certain numeric nutrient criteria, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CARPER (for himself, Mr. WEBB, Mr. HARKIN, Mrs. HAGAN, Mrs. MCCASKILL, Mr. ROCKEFELLER, Mr. JOHNSON of South Dakota, and Mr. FRANKEN):

S. 2116. A bill to count revenues from military and veteran education programs toward the limit on Federal revenues that certain proprietary institutions of higher education are allowed to receive for purposes of section 487 of the Higher Education Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WEBB (for himself, Mr. REED, and Mr. BROWN of Ohio):

S. 2117. A bill to increase access to adult education to provide for economic growth; to the Committee on Finance.

By Mr. CORNYN (for himself, Mr. BURR, Mr. COBURN, Mr. ROBERTS, Mr. BLUNT, Mr. GRASSLEY, Mr. LEE, Mr. PAUL, Mr. COATS, Mr. INHOFE, Mr. ISAKSON, Mr. RISCH, Mr. HELLER, Mr. BARRASSO, Mr. COCHRAN, Mr. RUBIO, Mr. MORAN, Mr. JOHANNS, Mr. THUNE, and Mr. CRAPO):

S. 2118. A bill to remove unelected, unaccountable bureaucrats from seniors' personal health decisions by repealing the Independent Payment Advisory Board; read the first time.

By Mr. UDALL of Colorado (for himself, Mr. CARPER, Mr. COONS, Mr. FRANKEN, and Mr. UDALL of New Mexico):

S. 2119. A bill to establish a pilot program to address overweight/obesity among children from birth to age 5 in child care settings and to encourage parental engagement; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MURKOWSKI (for herself, Mr. BROWN of Ohio, and Mr. BROWN of Massachusetts):

S. 2120. A bill to require the lender or servicer of a home mortgage upon a request by the homeowner for a short sale, to make a prompt decision whether to allow the sale; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. KLOBUCHAR:

S. 2121. A bill to modify the Department of Defense Program Guidance relating to the award of Post-Deployment/Mobilization Respite Absence administrative absence days to members of the reserve components to exempt any member whose qualified mobilization commenced before October 1, 2011, and continued on or after that date, from the changes to the program guidance that took effect on that date; to the Committee on Armed Services.

By Mr. PAUL (for himself and Mr. LEE):

S. 2122. A bill to clarify the definition of navigable waters, and for other purposes; to the Committee on Environment and Public Works.

By Mr. ENZI (for himself, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BLUNT, Mr. BOOZMAN, Mr. BURR, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. KYL, Mr. LEE, Mr. LUGAR, Mr. MCCAIN, Mr. MCCONNELL, Mr. MORAN, Mr. PAUL, Mr. PORTMAN, Mr. RISCH, Mr. ROBERTS, Mr. RUBIO, Mr. SESSIONS, Mr. SHELBY, Ms. SNOWE, Mr. THUNE, Mr. TOOMEY, Mr. VITTER, and Mr. WICKER):

S.J. Res. 36. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the National Labor Relations Board relating to representation election procedures; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INHOFE:

S.J. Res. 37. A joint resolution to disapprove a rule promulgated by the Administrator of the Environmental Protection Agency relating to emission standards for certain steam generating units; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KERRY:

S. Res. 379. An original resolution condemning violence by the Government of Syria against the Syrian people; from the Committee on Foreign Relations; placed on the calendar.

By Mr. GRAHAM (for himself, Mr. LIEBERMAN, Mr. CASEY, Ms. AYOTTE, Mr. BLUMENTHAL, Mr. BOOZMAN, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. CARDIN, Mr. CHAMBLISS, Mr. COATS, Ms. COLLINS, Mr. COONS, Mr. CORNYN, Mrs. GILLIBRAND, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. PORTMAN, Mr. PRYOR, Mr. RISCH, Mr. SCHUMER, Mr. UDALL of Colorado, Mr. WYDEN, Ms. SNOWE, Mr. VITTER, Mr. ISAKSON, and Mr. SESSIONS):

S. Res. 380. A resolution to express the sense of the Senate regarding the importance of preventing the Government of Iran from acquiring nuclear weapons capability; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 102

At the request of Mr. MCCAIN, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 102, a bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes.

S. 418

At the request of Mr. HARKIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 491

At the request of Mr. PRYOR, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 491, a bill to amend title 38, United States Code, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law, and for other purposes.

S. 543

At the request of Mr. WYDEN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 543, a bill to restrict any State or local jurisdiction from imposing a new discriminatory tax on cell phone services, providers, or property.

S. 648

At the request of Mrs. GILLIBRAND, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 648, a bill to require the Commissioner of Social Security to revise the

medical and evaluation criteria for determining disability in a person diagnosed with Huntington's Disease and to waive the 24-month waiting period for Medicare eligibility for individuals disabled by Huntington's Disease.

S. 810

At the request of Ms. CANTWELL, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 810, a bill to prohibit the conducting of invasive research on great apes, and for other purposes.

S. 905

At the request of Mr. HARKIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 905, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 1086

At the request of Mr. HARKIN, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1086, a bill to reauthorize the Special Olympics Sport and Empowerment Act of 2004, to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

S. 1161

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1161, a bill to amend the Food Security Act of 1985 to restore integrity to and strengthen payment limitation rules for commodity payments and benefits.

S. 1494

At the request of Mrs. BOXER, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1494, a bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act.

S. 1503

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 1503, a bill to decrease the deficit by realigning, consolidating, selling, disposing, and improving the efficiency of Federal buildings and other civilian real property, and for other purposes.

S. 1526

At the request of Mrs. GILLIBRAND, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1526, a bill to amend the Internal Revenue Code of 1986 to provide a tax incentive for the installation and maintenance of mechanical insulation property.

S. 1773

At the request of Mr. BROWN of Ohio, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1773, a bill to promote local and regional farm and food systems, and for other purposes.

S. 1787

At the request of Mr. HARKIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1787, a bill to amend the Internal Revenue Code of 1986 to impose a tax on certain trading transactions.

S. 1796

At the request of Mr. ISAKSON, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1796, a bill to make permanent the Internal Revenue Service Free File program.

S. 1884

At the request of Mr. DURBIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1884, a bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools.

S. 1906

At the request of Mr. TESTER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1906, a bill to modify the Forest Service Recreation Residence Program as the program applies to units of the National Forest System derived from the public domain by implementing a simple, equitable, and predictable procedure for determining cabin user fees, and for other purposes.

S. 1925

At the request of Mr. LEAHY, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1971

At the request of Mr. INHOFE, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1971, a bill to provide for the establishment of a committee to assess the effects of certain Federal regulatory mandates and to provide for relief from those mandates, and for other purposes.

S. 2017

At the request of Mr. CARDIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2017, a bill to secure the Federal voting rights of persons when released from incarceration.

S. 2043

At the request of Mr. RUBIO, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 2043, a bill to amend title XXVII of the Public Health Service Act to provide religious conscience protections for individuals and organizations.

S. 2075

At the request of Mr. LEVIN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 2075, a bill to close unjustified corporate tax loopholes, and for other purposes.

S. 2099

At the request of Mr. JOHNSON of South Dakota, the names of the Senator from New York (Mr. SCHUMER), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors 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. 2104

At the request of Mr. CARDIN, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 2104, a bill to amend the Water Resources Research Act of 1984 to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under that Act.

AMENDMENT NO. 1516

At the request of Mr. MCCAIN, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of amendment No. 1516 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1520

At the request of Mr. BLUNT, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of amendment No. 1520 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1549

At the request of Mr. CARDIN, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Colorado (Mr. UDALL), the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of amendment No. 1549 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1562

At the request of Mr. LIEBERMAN, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Massachusetts (Mr. BROWN) were added as cosponsors of amendment No. 1562 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1613

At the request of Mr. BEGICH, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of amendment No. 1613 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1625

At the request of Mr. JOHANNS, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of amendment No. 1625 intended to be proposed to S. 1813, a bill to reauthorize

Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1649

At the request of Mrs. GILLIBRAND, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of amendment No. 1649 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1652

At the request of Mr. HARKIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of amendment No. 1652 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1661

At the request of Ms. KLOBUCHAR, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Colorado (Mr. UDALL) were added as cosponsors of amendment No. 1661 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WEBB (for himself, Mr. REED, and Mr. BROWN of Ohio):

S. 2117. A bill to increase access to adult education to provide for economic growth; to the Committee on Finance.

Mr. WEBB. Mr. President, today I am reintroducing the Adult Education and Economic Growth Act of 2012. This bill will address the critical needs in our workforce by investing in adult education, job training and other workforce programs needed to build a strong and competitive 21st century workforce. I am pleased to be joined in this initiative by Senators JACK REED and SHERROD BROWN. An identical bill has been reintroduced in the House of Representatives by Congressman HINOJOSA.

By almost any measure, our Nation faces a critical need to strengthen existing programs of adult education. Our current adult education system falls short in preparing our people to compete globally. In fact, fewer than 3 million of the 93 million people who could benefit from these services actually receive them.

The U.S. labor market has changed dramatically with the advent of new technology and with the loss of jobs in the manufacturing sector. The need for well-trained and highly skilled workers has increased. At the same time, our adult education system, which should effectively prepare our low-skill workers to meet the demands of this shifting economy, has not kept pace with this changing workforce.

Since 2002, the Federal Government has consistently decreased funding for adult education. In addition, the Nation's primary Federal resource for adult education, job training and employment services, the Workforce Investment Act, has not been reauthorized for more than 10 years. Only about one in four adults with less than a high school education participates in any kind of further education or training.

There are other signs pointing to the need for a better approach to adult education. Consider adult education enrollment rates. In 1998 there were more than 4 million individuals enrolled in adult education programs. In 2007, enrollments had dropped to just 2 million. This is a 40 percent drop from when the Workforce Investment Act was originally enacted in 1998.

A growing number of U.S. skilled workers are facing retirement age and the growth in skilled labor force has stagnated. Addressing the looming skills shortage in many sectors and regions in the U.S., through reinvestment in our adult education system, will result in an educated and literate adult population.

According to the Workforce Alliance, 80 percent of jobs in today's economy require some education beyond a high school degree. Yet there are 8 million adults in the workforce who have low literacy, limited English proficiency, or lack educational credentials beyond high school.

With so many workers who are unemployed or underemployed, it is clear that we should invest in the training or re-training of U.S. workers to fill this growing gap.

Our legislation begins the vital task of addressing these problems.

Today, we are proposing a four-pronged approach to strengthen the Nation's workforce. First, we want to build ''on ramps'' for American workers who need new skills and a better education in order to improve their lives. Currently our adult education programs are operating in silos and it is critical that we improve the adult education system through partnerships with businesses and workforce development groups. Just as importantly, we want to encourage employers to help them, by offering tax credits to businesses that invest in their employees. This government has long provided employers with limited tax credits when they help their employees go to college or graduate school. It is basic logic and to the national good, that we should provide similar incentives for basic adult education.

Second, we must modernize the delivery system of adult education by harnessing the increased use of technology in workforce skills training and adult education. The bill provides incentives to states and local service providers to increase their use of technology and distance learning in adult education. Many adult learners cannot afford the time or money to travel to a classroom and deploying technology will help meet this need.

Third, our bill establishes stronger assessment and accountability measures.

This bill authorizes a rather modest $500 million increase in funding to invigorate state and local adult education programs nationwide to increase the number of adults with a high school diploma. As a result, the bill will inevitably increase the number of high school graduates who go on to college, and update and expand the job skills of the U.S. workforce. All of this is relevant to my longstanding personal goal of promoting basic economic fairness in our society.

Other provisions of the Adult Education and Economic Growth Act will improve workers' readiness to meet the demands of a global workforce by providing pathways to obtain basic skills, job training, and adult education.

The act will provide workers with greater access to on-the-job training and adult education by encouraging public-private partnerships between government, business and labor.

The act will improve access to correctional education programs to channel former offenders into productive endeavors and reduce recidivism.

The act will encourage investment in lower skilled workers by providing employers with a tax credit if they invest in their employee's education. This tax credit is aimed at encouraging general and transferable skills development that may be in the long term interest of most employers but are not always so clearly rewarded by the market.

This act focuses on addressing the unique needs of adults with limited basic skills, with no high school diploma, or with limited English proficiency. Those individuals who may have taken a different path earlier in life, and who now find themselves eager to go back to school and receive additional job training and skills, should be provided opportunities to get back on track.

I encourage my colleagues to support this important endeavor. Our Nation's workforce and local communities will be stronger for it.

By Mr. UDALL of Colorado (for himself, Mr. CARPER, Mr. COONS, Mr. FRANKEN, and Mr. UDALL of New Mexico):

S. 2119. A bill to establish a pilot program to address overweight/obesity among children from birth to age 5 in child care settings and to encourage parental engagement; to the Committee on Health, Education, Labor, and Pensions.

Mr. UDALL of Colorado. Mr. President, today I am introducing the Healthy Kids from Day One Act—a bill that will add another tool to our toolbox for tackling the national epidemic of childhood obesity. Today, about one in three children is either overweight or obese, and nearly 21 percent of our littlest ones—those in preschool—are obese or overweight. This problem has become an epidemic, and I want to thank Senators COONS, CARPER, FRANKEN, and TOM UDALL for joining me in introducing this important legislation.

The Healthy Kids from Day One Act seeks to focus on the childcare setting as a part of our strategy to combat childhood obesity and get kids healthy and moving again. This bill recognizes that in order to reduce the prevalence

of childhood obesity, we must reach children in as many settings as possible and particularly in the places where they live, learn, and play. With 75 percent of U.S. children aged 3 to 5 years in childcare and 56 percent in centers, including nursery schools, preschools, and full-day centers, it makes sense to focus on the preschool and childcare environment. Experts are increasingly acknowledging this setting as critical to obesity prevention. For example, this past October the Robert Wood Johnson Foundation released a research synthesis on how childcare settings can promote healthy eating and physical activity. Furthermore, an article in the January 2012 issue of Pediatrics examined barriers to children's physical activity in childcare.

Childcare providers want to create healthy environments for children but vary in the expertise or resources needed to achieve this goal. This legislation builds on a bill I introduced with Senator FRANKEN in 2010 by supporting the establishment of childcare collaborative workshops at the local level to offer childcare providers the tools, training, and assistance they need to encourage healthy eating and physical activity. This bill supplements some of the work being done right now by the First Lady in her Let's Move Child Care initiative, as it would bring together, in interactive collaborative learning sessions, relevant entities needed for meaningful childhood-obesity prevention.

Obesity has serious health and economic consequences. It puts our children at greater risk of costly but preventable chronic illnesses, such as diabetes, heart disease, and stroke. Obesity also comes at a tremendous cost to our society. The total economic cost is estimated at $300 billion annually, and, as the Nation's youth continues to age, further costs will be added to the national health care system if these trends continue. Obesity also has impacted our ability to recruit healthy, young servicemembers into the military and maintain a strong national defense.

My childhood and much of my adult life has been spent in the great outdoors, and I have tried to bring my enthusiasm for being active and exploring the world around us here to the U.S. Congress as a cochair of the Senate Outdoor Recreation Caucus. I firmly believe that we need to reconnect folks with the idea that being active is fun and rewarding, and it can help us lower health care costs and improve the quality of life here in America.

I would like to thank Nemours, Trust for America's Health, the YMCA of the USA, the American Academy of Pediatrics, and the American Heart Association for working with me to develop this legislation. This bill builds upon their expertise with obesity prevention.

I urge my colleagues to join me in the fight against childhood obesity by supporting this bill.

By Mr. ENZI (for himself, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BLUNT, Mr. BOOZMAN, Mr. BURR, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. KYL, Mr. LEE, Mr. LUGAR, Mr. MCCAIN, Mr. MCCONNELL, Mr. MORAN, Mr. PAUL, Mr. PORTMAN, Mr. RISCH, Mr. ROBERTS, Mr. RUBIO, Mr. SESSIONS, Mr. SHELBY, Ms. SNOWE, Mr. THUNE, Mr. TOOMEY, Mr. VITTER, and Mr. WICKER):

S.J. Res. 36. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the National Labor Relations Board relating to representation election procedures; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, I rise today after introducing a Congressional Review Act Resolution of Disapproval to stop the National Labor Relations Board's unfair and unnecessary ambush elections rule. I am pleased that 43 fellow Senators have cosponsored this resolution. I know it will draw more support on the Senate floor as people learn the details of the new rule.

This administration's National Labor Relations Board has done a lot of controversial things, but the ambush elections rule stands out because it is a politicized and unjustified effort to make a fair system less fair, and it is being rushed into effect over tremendous objection.

The National Labor Relations Act, which the National Labor Relations Board enforces, is a carefully balanced law that protects the rights of employees to join or not join a union and also protects the rights of employers to free speech and unrestricted flow of commerce.

Since it was enacted in 1935, changes to this statute have been rare. When they do occur, it is the result of careful negotiations with all the stakeholders. Most of the questions that come up under the law are handled through decisions of the board. Board decisions often do change the enforcement of the law significantly, but they are issued in response to an actual dispute and an actual question of law. In contrast, the ambush elections rule is not a response to a real issue because the current election process for certifying whether employees want to form a union is not broken.

This rule was not carefully negotiated by stakeholders. Instead, it was rushed into place over just 6 months, despite the fact that it drew over 65,000 comments in the 2-month period after it was first proposed.

Had the board held the comment period open longer to allow more input from the regulated community, which was clearly quite engaged on the proposal, it would certainly have received even more comments. Yet this relatively small agency reported that it gone through all 65,957 comments in just the 7 weeks they took to release a modified rule, which was then finalized. The rule was finalized just days before the board lost its quorum with the expiration of Member Becker's recess appointment term. Under any circumstances, a rulemaking this hasty looks suspicious. In this case, there is simply no justification for the rush.

Today's secret ballot elections occur in a median timeframe of 38 days. Unions win more than 71 percent of elections—their highest win rate on record. The current system does not disadvantage labor unions at all. But it does ensure there is fairness for the employees whose right it is to make the decision of whether or not to form a union, to pay union dues, and to have some of their dues go into political campaigns and have the full opportunity to hear from both sides about the ramifications of that decision—to have the time to get full disclosure.

There is supposed to be a poster that notifies employees of their right not to have their money go into political campaigns, but this administration has taken that off of the poster so they are no longer informed of that right.

This principle of law has been upheld over nearly seven decades. It was Senator John F. Kennedy who argued during the debate over the 1959 amendments to the law, saying:

> There should be at least a 30-day interval between the request for an election and the holding of an election . . . in which both parties can present their viewpoints.

Frankly, whenever I hear a government decision that aims to limit information available to citizens and depress free speech, I am very concerned. It was that sort of agenda that was behind the card check legislation which was defeated in the Senate. Let me repeat that. It was that sort of agenda that was behind the card check legislation that was defeated in the Senate. I am afraid this rule has been hatched in the same laboratory, and I hope it will meet the same fate.

The ambush elections rule eliminates the 25-day waiting period to conduct elections in cases where a party has filed a preelection request for review. It effectively eliminates the opportunity for parties to voice objections and settle issues before the elections and limits the ability to address them after elections as well.

What are we trying to hide? The effect of these changes will be union certification elections held in as few as 10 days. Union organizers will hand-select members of the bargaining unit, and any review of the appropriateness of the unit makeup or status of employees who may qualify as supervisors will be postponed until after the election—something always done before the election. Employees will be voting on

whether to form a union without any idea of who will actually be in the bargaining unit.

Employers will be caught off guard and potentially flying blind with regard to their rights under the law, particularly small businesses. Union organizers spend months, if not years, organizing and spreading their message to the employees, unbeknownst to the employer. So when a union files a representation petition, employers are already at a significant disadvantage in educating employees about their views on unionization. Employers also use this time to consult with their attorneys to ensure their actions are permissible under the law. Shortening the time period will increase the likelihood that employers will act hastily, opening themselves to unfair labor practice charges that have very severe consequences.

I am particularly concerned about the small businesses that will be ambushed under this rule. Instead of focusing on growing and creating more jobs, they will be swamped with legal issues, with bargaining obligations, a less flexible workforce, and increased costs across the board. Most small businesses likely have no idea about the changes being made by the National Labor Relations Board because the rule was rushed into place so hastily.

Instead of directing the National Labor Relations Board to focus on enforcing current law rather than ambushing small business job creators and their employees, President Obama has stacked the Board with unconstitutional recess appointees and requested a $15 million increase in their budget. He simply doesn't understand. He doesn't get it.

By passing this resolution through both the House and Senate, we will strike a victory for those on the side of job creation and fairness to employees. It will also send a very important message to a runaway agency. Under this administration, the National Labor Relations Board has been more controversial than most observers can ever remember. They have flouted the intentions of Congress repeatedly.

The President has redefined a recess appointment in order to keep it going. There is no law that allowed that. There is no change that has been made that would allow a President to do something different than has ever been done before. But he did it. He redefined the recess appointment in order to keep the Board going.

A few weeks ago, National Labor Relations Board Chairman Pearce announced that he intends to push through even more controversial changes to the elections rules before the end of the year. He is planning to require a mandatory hearing 7 days after a petition is filed. Employers would be forced to file a position statement on important legal questions at the hearing or lose the right to subsequently argue those issues. He plans to require employers to provide personal employee information to union organizers, such as e-mail addresses, within 2 days. Do you think the employees want to be harassed with e-mails? I doubt it. These changes would completely cripple any employer's ability to have a voice in the decisionmaking process, let alone a small employer's.

Enacting a resolution of disapproval of the ambush elections rule would prevent Chairman Pearce from promulgating these destruction changes. It would not roll back any rights or privileges, it would simply return these workplace rules to current law. Current law. Not current rule, current law. It just returns it to the workplace rules we have under current law. I will remind my colleagues that current law is a fair system under which employees retain the right to decide by secret ballot election whether to form a union. Elections occur in a median of 38 days, and unions win 71 percent of the elections.

I ask unanimous consent to have printed in the RECORD letters of support from a number of groups.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF MANUFACTURERS,
Washington, DC, February 16, 2012.

Hon. MICHAEL B. ENZI,
Ranking Member, Committee on Health, Education, Labor and Pensions, U.S. Senate, Washington, DC.

DEAR SENATOR ENZI: On behalf of the National Association of Manufacturers (NAM), I am writing to express manufacturers' strong support for S.J. Res. 36, the ''Resolution of Disapproval'' of the National Labor Relations Board's (NLRB) rule relating to representation election procedures.

The NAM is the nation's largest industrial trade association, representing small and large manufacturers in every industrial sector and in all 50 states. The NAM's mission is to enhance the competitiveness of the manufacturing economy by advocating policies that are conducive to U.S. economic growth.

The NLRB's rule relating to representation election procedures, finalized in December, represents one of many recent actions and decisions made by the NLRB, stifling economic growth and job creation. These actions would burden manufacturers with harsh rules, making it harder to do business in the United States. The rule would limit what issues and evidence can be presented at a pre-election hearing, potentially leaving important questions unresolved until after an election has taken place, making these questions moot.

Furthermore, the rule would also eliminate the current 25–day ''grace period,'' compressing the time frame for elections to occur in approximately 20 days. Business owners would effectively be stripped of legal rights ensuring a fair election and those who lack resources, or in house legal expertise, will be left scrambling to navigate and understand complex labor processes with too little time. Moreover, employees will be denied the ability to make fully informed decisions about whether they want to join a union. Finally, the NLRB has not provided any evidence such a rule is needed in order to address a systematic problem of representation election delays. Absent any justification, the NAM believes the rule is unnecessary and will create problems where none currently exist.

S.J. Res. 36 would send a strong message to the NLRB and rein in the agency, whose actions have resulted in the most dramatic changes to labor law in 75 years, threatening the ability of business owners to create and retain jobs. We look forward to continuing to work with you on our shared goals for a strong economy, job creation and promoting fair and balanced labor laws.

NLRB REPRESENTATION ELECTION STATUS THROUGH THE YEARS

Fiscal year	Cases	Election agreement %	Median days	56-day %
2011				
2010	1790	92.1	38	95.1
2009	1690	91.9	37	95.5
2008	2085	91.8	38	95.1
2007	2080	91.2	39	93.9
2006	2296	91.1	38	94.2
2005	2715	89	39	93.6
2004	2537	89	39	93.6
2003	2659	88.5	40	92.5
2002	2871	86.1	41	91
2001	2842	88.2	40	N/A
10 year Average	2356	89.9	38.9	93.8

NATIONAL RESTAURANT ASSOCIATION,
February 15, 2012.

MICHAEL B. ENZI,
Ranking Member, Senate Health, Education, Labor, & Pensions,Washington, DC.

DEAR SENATOR ENZI: We write on behalf of the National Restaurant Association to commend you on your leadership urging the use of the Congressional Review Act (CRA) to challenge the National Labor Relations Board's (NLRB) decision to issue ''ambush election'' regulations. These regulations make it more difficult for small businesses to respond and educate their employees during union election campaigns.

The ambush election regulations would, in practice, deny employees' proper access to information on unions, while restricting employers' rights of free speech and due process. Specifically, the ambush election regulations restrict an employer's ability to raise substantive issues and concerns prior to a union election, such as allowing the NLRB

to limit the issues raised at a pre-election hearing and preventing an employer from raising objections to the size and scope of a unit.

The ambush election regulations would also eliminate the requirement that a union election not be held within 25 days after a hearing judge rules on pre-election matters. As NLRB Board Member Brian Hayes points out, the intent of the ambush election regulations is to ''eviscerate an employer's legitimate opportunity to express its views about collective bargaining.''

We praise your leadership on this issue and look forward to assisting you as this matter moves toward a floor vote in the US Senate.

Sincerely,

ANGELO I. AMADOR, ESQ.,
Vice President Director, Labor & Workforce Policy.
MICHELLE REINKE NEBLETT,
Director, Labor & Workforce Policy.

ASSOCIATED BUILDERS AND CONTRACTORS, INC.,
February 16, 2012.

The Hon. MICHAEL B. ENZI,
U.S. Senate,
Washington, DC.

DEAR SENATOR ENZI: On behalf of Associated Builders and Contractors (ABC), a national association with 74 chapters representing more than 22,000 merit shop construction and construction-related firms, I am writing to thank you for introducing S.J. Res. 36, which provides for congressional disapproval and nullification of the National Labor Relations Board's (NLRB) rule related to representation election procedures. ABC supports S.J. Res. 36 and urges Congress to immediately pass this much-needed resolution, which will nullify the ambush election proposal.

The ambush election rule is nothing more than the Board's attempt to promote the interests of organized labor by effectively denying employees access to critical information about the pros and cons of union representation. Stripping employers of free speech and the ability to educate their employees, the rule poses a threat to both employees and employers.

In August, ABC criticized the NLRB proposed ambush rule that could dramatically shorten the time frame for union organizing elections from the current average of 38 days to as few as 10 days between when a petition is filed and the election occurs. ABC submitted comments to the NLRB stating the proposed rule would significantly impede the ability of construction industry employers to protect their rights in the pre-election hearing process; hinder construction employers ability to share facts and information regarding union representation with their employees; and impose numerous burdens without any reasoned justification on small merit shop businesses and their employees, which constitute the majority of the construction industry. In the largest response on record, the NLRB received more than 70,000 comments regarding the proposal, many of which strongly opposed the changes.

The Board published a final rule on December 22, 2011, with an April 30, 2012 effective date. While it somewhat modified the original proposal, disposing of the rigid seven-and two-day requirements, the final rule is identical in purpose and similar in effect to the August proposal.

At this time of economic challenges, it is unfortunate that the NLRB continues to move forward with policies that threaten to paralyze the construction industry and stifle job growth. If left unchecked, the actions of the NLRB will fuel economic uncertainty and have serious negative ramifications for millions of American workers. We applaud you for introducing S.J. Res. 36 and urge Congress to immediately pass this much-needed resolution.

Sincerely,

GEOFFREY G. BURR,
Vice President, Federal Affairs.

NATIONAL RETAIL FEDERATION,
February 16, 2012.

Hon. MICHAEL B. ENZI,
U.S. Senate, 379A Russell Senate Office Building, Washington, DC.

DEAR SENATOR ENZI: On behalf of the National Retail Federation (NRF), I am writing to you urge your support for the Joint Resolution of Disapproval challenging the National Labor Relations Board's (NLRB) rule on ambush elections. Senator Mike Enzi has introduced this resolution, and NRF urges you to support this legislation.

As the world's largest retail trade association and the voice of retail worldwide, NRF's global membership includes retailers of all sizes, formats and channels of distribution as well as chain restaurants and industry partners from the United States and more than 45 countries abroad. In the U.S., NRF represents an industry that includes more than 3.6 million establishments and which directly and indirectly accounts for 42 million jobs—one in four U.S. jobs. The total U.S. GDP impact of retail is $2.5 trillion annually, and retail is a daily barometer of the health of the nation's economy.

Senator Enzi's resolution will relieve the serious threat to both employees and employers posed by a recently finalized NLRB rule regarding election timing. The rule, announced December 21, 2011, would drastically change the process for union representation elections and would severely limit worker access to information needed to make an informed decision about whether or not to vote in favor of a union.

The average amount of time that elapses in a NLRB election is presently 37 days. Under the new rule, a vote could happen in as few as fourteen days, leaving an employer little time to prepare for an election. Moreover, since a union can be organizing for an election and talking to employees for up to a year before a formal petition for an election is submitted to the NLRB, the new rule severely tilts the playing field against employers. As a result, the quality and quantity of information available to employees in consideration of the issue will be severely unbalanced; and the rights of employees who do not favor the union position will be undermined.

This action by the NLRB, taken along with a series of other extraordinary rulings over the course of the last nine months, are nothing more than an attempt to impose the Employee Free Choice Act (card-check) on employees and employers through regulation. We urge you to strongly reject this ''backdoor'' card check agenda by a board of unelected bureaucrats and restore balance to the organizing process so that we can start removing the economic uncertainty facing both employers and employees.

NRF is fully behind Senator Enzi's effort, and we urge you to support the Joint Resolution of Disapproval. We look forward to working with the Senate to move this Resolution forward.

Sincerely,

DAVID FRENCH,
Senior Vice President, Government Relations.

COALITION FOR A DEMOCRATIC WORKPLACE,
February 16, 2012.

DEAR SENATORS ENZI AND ISAKSON AND REPRESENTATIVES KLINE, ROE AND GINGREY: On behalf of millions of job creators concerned with mounting threats to the basic tenets of free enterprise, the Coalition for a Democratic Workplace thanks you for introducing S.J. Res. 36 and its companion resolution in the House of Representatives, which provide for congressional disapproval and nullification of the National Labor Relations Board's (NLRB or Board) rule related to representation election procedures. This ''ambush'' election rule is nothing more than the Board's attempt to placate organized labor by effectively denying employees' access to critical information about unions and stripping employers of free speech and dues process rights. The rule poses a threat to both employees and employers. We support S.J. Res. 36 and its House companion and urge Congress to immediately pass these much-needed resolutions, which will nullify the ambush election proposal.

The Coalition for a Democratic Workplace, a group of more than 600 organizations, has been united in its opposition to the so-called ''Employee Free Choice Act'' (EFCA) and EFCA alternatives that pose a similar threat to workers, businesses and the U.S. economy. Thanks to the bipartisan group of elected officials who stood firm against this damaging legislation, the threat of EFCA is less immediate this Congress. Politically powerful labor unions, other EFCA supporters, and their allies in government are not backing down, however. Having failed to achieve their goals through legislation, they are now coordinating with the Board and the Department of Labor (DOL) in what appears to be an all-out attack on job-creators and employees in an effort to enact EFCA through administrative rulings and regulations.

On June 21, 2011, the Board proposed its ambush election rule, which was designed to significantly speed up the existing union election process and limit employer participation in elections. At the time, Board Member Hayes warned that ''the proposed rules will (1) shorten the time between filing of the petition and the election date, and (2) substantially limit the opportunity for full evidentiary hearing or Board review on contested issues involving, among other things, appropriate unit, voter eligibility, and election misconduct.'' Hayes noted the effect would be to ''stifle debate on matters that demand it.'' The Board published a final rule on December 22, 2011, with an April 30, 2012 effective date. While it somewhat modified the original proposal, the final rule is identical in purpose and similar in effect to the proposal.

The NLRB's own statistics reveal the average time from petition to election was 31 days, with over 90% of elections occurring within 56 days. There is no indication that Congress intended a shorter election time frame, and indeed, based on the legislative history of the 1959 amendments to the National Labor Relations Act, it is clear Congress believed that an election period of at least 30 days was necessary to adequately assure employees the ''fullest freedom'' in exercising their right to choose whether they wish to be represented by a union. As then Senator John F. Kennedy Jr. explained, a 30-day period before any election was a necessary ''safeguard against rushing employees into an election where they are unfamiliar with the issues.'' Senator Kennedy stated ''there should be at least a 30-day interval between the request for an election and the holding of the election'' and he opposed an amendment that failed to provide ''at least 30 days in which both parties can present their viewpoints.''

The current election time frames are not only reasonable, but permit employees time to hear from both the union and the employer and make an informed decision, which

would not be possible under the ambush election rule. In fact, in other situations involving ''group'' employee issues, Congress requires that employees be given at least *45 days* to review relevant information in order to make a ''knowing and voluntary'' decision. (This is required under the Older Workers Benefit Protection Act when employees evaluate whether to sign an age discrimination release in the context of a program offered to a group or class of employees.) Also, in many cases, employers, particularly small ones, will not have enough time under the rule's time frames to secure legal counsel, let alone an opportunity to speak with employees about union representation or respond to promises union organizers may have made to secure union support, even though many of those promises may be completely unrealistic. Given that union organizers typically lobby employees for months outside the workplace without an employer's knowledge, these ''ambush'' elections would often result in employees' receiving only half the story. They would hear promises of raises and benefits that unions have no way of guaranteeing, without an opportunity for the employer to explain its position and the possible inaccuracies put forward by the union.

For these reasons, we thank you for introducing S.J. Res. 36 and its House companion and urge Congress to immediately pass these much-needed resolutions. If left unchecked, the actions of the NLRB will fuel economic uncertainty and have serious negative ramifications for millions of employers, U.S. workers they have hired or would like to hire, and consumers.

Sincerely,

GEOFFREY BURR,
Chairman.

Mr. ENZI. Mr. President, I look forward to the opportunity to debate this resolution on the floor, and I thank the Senators who have joined me as original cosponsors.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

By Mr. INHOFE:

S.J. Res. 37. A joint resolution to disapprove a rule promulgated by the Administrator of the Environmental Protection Agency relating to emission standards for certain steam generating units; to the Committee on Environment and Public Works.

Mr. INHOFE. Mr. President, I want to announce that I introduced a resolution of disapproval just a few minutes ago under the Congressional Review Act.

A lot of people don't know what the Congressional Review Act is, but it is an act that will allow Congress to look at some of the regulations. If there is something they don't believe is in the best interest of the country, they are able to introduce something to rescind that. It would call for a vote, and the vote would be a 51-vote. So it is one that has not been used very much, but it is a measure that would prevent, in this case the Obama EPA, from going through with its Utility MACT.

MACT is the maximum achievable control technology. That is used quite often because there are sometimes requirements in these EPA rules that require different industries to do things where there is no technology available to allow them to get that done. So the Utility MACT is one of the most expensive environmental rules in American history, second only to President Obama's cap-and-trade rules, which he was unable to achieve legislatively. Left untouched, the Utility MACT would destroy over 1 million jobs and cost the American economy billions of dollars.

My CRA, the Congressional Review Act, will be the moment of truth for a majority in this body who understand how harmful the Obama EPA regulatory agenda will be for their constituents. Remember, last year at this time 64 Senators voted in different ways to rein in the EPA's destructive greenhouse gas regulations. I had a bill to take away the jurisdiction from the Environmental Protection Agency to regulate greenhouse gases. It was called the Energy Tax Prevention Act. At the same time, there was another I call a cover vote. Sometimes when you want to tell people at home that you are against something, you can have a less maybe severe vote, and there happens to be a cover vote that takes place.

The bottom line is 64 of the 100 Senators voted to do something about the overregulation that is coming out of the Environmental Protection Agency. That particular one was on the regulation that would be the most expensive of all.

The Utility MACT I am offering the CRA on now is probably the second most expensive. But to refresh your memory, in order to have the EPA have jurisdiction of the greenhouse gases, they had to somehow come up with an endangerment finding. They did, and they based it on the IPCC science that gave rise to the concern that was exposed in climategate. I think everyone understands that was flawed science. But, nonetheless, that is what they used. That is why we were able to get two-thirds of this body to object to the EPA regulating greenhouse gases.

I think the bottom line now is that there are more than a dozen Senate Democrats who have claimed they want to rein in the EPA because they know the devastating impact the Agency's regulatory train wreck will have at home. The Senators understand if their constituents lose their jobs as a result of these overregulations, they might lose their jobs.

So today the Senate can look forward to having one more opportunity to stand up to President Obama's war on affordable energy. They can vote for this CRA which will put a halt to one of the Obama EPA's most expensive and economically destructive rules.

Under the Utility MACT, it would cost American families—and nobody disagrees with this—the range is between $11 billion and $18 billion in electricity rate increases. That is over an 11-percent rate increase on average that it would cost if we were to pass this Utility MACT under the regulations of the utilities. This would send ripple effects throughout the economy, causing approximately 1.4 million net job losses by 2020. And it is not just jobs in the coal industry that would be affected.

Dr. Bernard Weinstein of the Maguire Energy Institute at Southern Methodist University has estimated EPA's air rules could endanger 1 million manufacturing jobs outside of the coal and utility industry losses. Workers recently laid off in Ohio, Kentucky, and West Virginia are feeling the devastating impacts of the rule. Sadly, these lost jobs are all part of Obama's wider war on coal and fossil fuels.

You might remember that he admitted this was his goal in the campaign of 2008 when he said:

> If somebody wants to build a coal-fired plant they can. It's just that it will bankrupt them. And under my plan of a cap-and-trade system, electricity rates would necessarily skyrocket.

When the cap-and-trade failed, Obama began aggressively pursuing these goals through an executive regulatory barrage of unelected bureaucrats. So companies such as Solyndra got big cash payoffs while a regulatory train wreck was unleashed by the EPA to destroy America's fossil fuel industry.

The political climate is much different now than it was in the days when global warming alarmists could bask in their historical gloom-and-doom predictions about the end of the world. Now, President Obama wouldn't dare say anything like that because the American people no longer are buying it. Instead, he has begun touting oil and gas development and saying he is for an all-out, all-of-the-above energy strategy. In an election year, he knows the American people want the hundreds of thousands of jobs and affordable energy prices that come with domestic oil and gas.

But he is clearly still determined to achieve his global warming agenda. His war on affordable energy is moving underneath the radar and wrapped in lies about protecting public health. Make no mistake, the train wreck will achieve all of Obama's global warming objectives, and it will severely undermine our Nation's economy in the process. So I will spend just a moment on that.

When President Obama could not achieve cap-and-trade through legislation, he said he would just do it through regulations. EPA's greenhouse gas regime will cost American families between $300 billion and $400 billion a year. This is important because no one has refuted this. We have gone through the Kyoto convention, and that was a range that was given to us by the Wharton econometrics survey at that time. And several others chimed in—MIT chimed in, CRA chimed in. So the cost of regulating greenhouse gas

would be about $300 billion to $400 billion a year.

When we talk about billions and trillions of dollars, I am like everybody else. I have a hard time seeing how that really affects us. In my State of Oklahoma, I regularly determine each year how many families in my State of Oklahoma are going to file a tax return, and then I do the math. This particular one, at $300 billion a year, would cost each family filing a tax return in my State of Oklahoma about $3,000 a year. Now, that is not just once, that would be every year.

What do you get for it? And this is the thing that I think is important, and the American people finally have caught on. They have admitted that through the EPA, when you ask them if we were to pass one of these things regulating CO_2 through the cap-and-trade legislation that we have defeated, would this reduce greenhouse gases, the answer from the Administrator of the EPA is, no, it wouldn't because this only would affect the United States of America. This isn't where the problem is. China would still be doing its thing, India would be doing its thing, and Mexico.

I have contended if we are regulating these in the United States, it could actually have the effect of increasing the emissions because, as we chase our manufacturing base overseas to find energy, they would be going to countries such as China and India where they don't have the regulatory restrictions we have in this country.

So the Utility MACT is second only to the greenhouse gas regulations in terms of what it would cost, in terms of costing the people in terms of jobs and money. Actually, the regulatory thing would be worse when we are talking about greenhouse gases because under the bills that were introduced starting in 2003—that was the McCain-Lieberman bill, going all the way forward to the Waxman-Markey bill—the assumption has been that they would regulate industries and emitters that were over the 25,000 tons a year.

Now, if we do it through regulation, as they are trying to do it right now, the Clean Air Act has a limit of 250 tons. So we would be talking about regulating virtually every church, school, and hospital in America and not just the very large utilities. So that is where we were on that issue.

On oil, President Obama has been congratulating himself on decreasing the imports of oil from the Middle East, but he fails to mention his policies have been consistently against oil and gas. In fact, he and people in his administration have said they want to do away with fossil fuels. Secretary of Energy Steven Chu said they wanted to ''boost the price of gasoline to the levels in Europe.''

Well, that is $7 or $8 a gallon. Right now we are looking at $4 a gallon, and that is what they want to do. What is their motive? To do away with fossil fuels. He claims to care about energy security, yet he stopped the Keystone Pipeline.

I am very proud of a lot of Senators in here who have talked about it. Senator HOEVEN, for example, is very familiar with it because of the production in his State. We are talking about the sands up in Alberta and bringing them down through the United States. I am interested in this because Cushing, OK, happens to be one of the intersections that is there for the pipeline.

So here is something there is absolutely no reason to do away with except to kill oil because we know the pipeline is going to bring oil down into the United States through, I might say, my State of Oklahoma down to the coast where it can be used. A lot of people don't understand this because they have been told things that, quite frankly, are not true.

In terms of oil, gas, and coal, the United States of America has the largest recoverable reserves in the world. People keep saying over and over again: Well, we only have 3 percent of the reserves. Yet we use 25 percent. Quite frankly, they are talking about proven reserves. You can't get a recoverable reserve until you drill. If they don't let us drill because of the policies of this administration, then, obviously, we would be stuck with just the very small amount we could produce. Nonetheless, it is out there. We are the only country in the world that our politicians don't allow us to explore and recover our own reserves—the only country in the world.

Natural gas. We know it is happening right now. We know in areas like New York and Pennsylvania with the Marcellus debate, we have opportunities we have never had in this country. We have the opportunity to recover more natural gas. When the President made a statement in the State of the Union Message about being supportive of ''all the above,'' talking about natural gas, he slipped in one little statement: Well, we don't want to poison the Earth—or something like that.

What he is talking about is they have spent countless hours trying to regulate a process called hydraulic fracturing—a process that started in my State of Oklahoma in 1949. There has never been a documented case of ground water contamination since they have been using hydraulic fracturing. And we can't get into these tight formations without hydraulic fracturing. It can't be done.

So the President can get by with saying he wants to produce the natural gas we have locally, and at the same time take over the regulation of hydraulic fracturing by the Federal Government. We know what that would mean. I think the best evidence of that is President Obama in his current budget is doubling the funding for the antifracking agenda in the 2013 budget. Nuclear? That is agreed. If we believe in ''all of the above,'' you have to have fossil fuel as coal, oil, and gas, but also nuclear. It is a very important component. It is interesting that only yesterday President Obama sent his Energy Secretary, Steven Chu, to Georgia, to take credit for the 5,800 jobs that will be created when two new nuclear reactors are built there. As Secretary Chu said yesterday:

> In his State of the Union Address, President Obama outlined a blueprint for an American economy that is built to last and develops every available source of American energy. Nuclear power is an important part of that blueprint.

Yes, nuclear power is so important that President Obama forgot to mention it in his very long State of the Union message. To send Secretary Chu to Georgia is kind of ironic, given that Chu is the one who said that nuclear power is the ''lesser of two evils.'' It was the President himself who designated a Chairman of the Nuclear Regulatory Commission who had been leading the antinuclear energy group for quite some time. In fact, Chairman Jaczko tried to delay the progress on licensing the very reactors in Georgia that they went up to try to take credit for.

We see this over and over again.

What does this all mean? President Obama knows he needs to talk the talk on domestic energy because people have caught on. I think people know now that we have the recoverable reserves to be completely free from the Middle East. All we have to do in a short period of time is develop our own resources. I know my environmental friends are already saying, about the CRA on the Utility MACT—the NRDC jumped on the story today with the headline ''Let Loose the Defenders of Mercury Poisoning.'' Nothing could be further from the truth.

I remember in 2003 and 2005 when we had the Clear Skies bill. The Clear Skies bill would have had mandatory reductions—keep in mind we are talking about 2003—mandatory reductions on mercury emissions by 70 percent by 2018. It was a matter of a few years from now, that would be reality. Think about it, 6 years from now we would already have a 70-percent reduction if the Democrats had not stopped the bill. The reason they did is because we refused—we want to have SO_X, NO_X, and mercury, which are the real pollutants, reduced and reduced in a rapid fashion, faster than President Clinton or anybody else has tried to do it. They held it hostage because they also wanted CO_2 included in it, so we got none of the above as a result of it.

The EPA's Utility MACT is designed to destroy jobs by killing off the coal industry. EPA admits itself that the Utility MACT rule would cost an unprecedented $11 billion to implement. Of course these costs will come in the form of higher electricity rates for every American. Importantly, the EPA also admits that the $11 billion in costs will yield a mere $6 billion in direct benefits.

Do the math. It means the agency has by its own admission completely

failed the cost-benefit test. It has the advantage of reducing emissions without killing jobs and the Utility MACT would do little for the environment but destroy millions of jobs. Why did Clear Skies fail? As I said, it was held hostage because they didn't want us to just lose SO_X, NO_X, and mercury, the real pollutants. They wanted to include CO_2.

Before Obama's decision to halt the ozone rule, which would have put hundreds of thousands of jobs at risk, then-White House Chief of Staff Bill Daley asked: What are the health impacts of unemployment?

That is a good question. What are the health impacts of skyrocketing electricity rates which hurt the poor the most? What are the health impacts on children whose parents will lose one of the 1.4 million jobs that will be destroyed by the EPA's rules on powerplants?

The Senate needs to focus on promoting policies that improve our environment without harming our economy. The EPA's Utility MACT does the opposite. My CRA, I think, is one of the things about which they say: You will never get it done. I have criticized people for bringing a Congressional Review Act up against regulations where I know the votes are not there. It takes just 51 votes. The reason I think the votes should be here now is if the people at home care enough to put the pressure on. That is exactly what happened on the ozone requirements. They said the President was committed to ozone changes. He changed his mind because of that.

Remember the farm dust rule? The President was going to have a farm dust rule on emissions that would hit the air. I always remember, I had a news conference in my State of Oklahoma, in the western part of the State. We had a couple of people there from Washington who had never been west of the Mississippi. We got down there in this area of Oklahoma. We were talking about farm dust. I said: You see this brown stuff down here? That is dirt. You see that round green thing? That is cotton. Hold your finger up in the air—that is wind. Are there any questions?

There is no technology to do that, yet the expense to each of my farmers in a farm State like Oklahoma would have been hundreds of thousands of dollars a year and not accomplishing anything. We were able to get the public to write in to complain about that. As a result of that, the President pulled back.

I hope enough people are concerned about Utility MACT and its devastating effect on our economy and on jobs in America that they will join in and apply the pressure necessary to help the people in this Chamber understand that we should pass this Congressional Review Act and do away with this particular, very harmful regulation that is before us.

I have often said—a lot of people do not understand this—but Presidents are the ones who put the budgets down every year. A lot of times they try to blame the House or Senate, Democrats or Republicans. No. It doesn't matter. Who is in the White House, they are the ones who determine what the budget is. During the Bush years there was a total of $2 trillion of deficits in 8 years. However, after this budget came out last week, in the Obama 4 years the increase has been, in deficits, $5.3 trillion. That is $5.3 trillion in 4 years as opposed to $2 trillion in 8 years.

As bad as that is, I contend that the regulations of this administration are actually more expensive to the American people than servicing this debt. So I think it is important that we talk about this, talk about not just Utility MACT but all of these. Utility MACT is where we should draw the line, however, because that is one that directly affects our ability to provide energy for America, for our manufacturing jobs. We are right now a little bit under 50 percent dependent upon coal for our ability to run this machine called America. If you do this, we would lose, it is anticipated, 20 percent of our generation capacity and that translates into a lot of money, as I have noted.

That is what we have introduced today. I encourage my Democratic and Republican colleagues to join us in passing the CRA.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 379—CONDEMNING VIOLENCE BY THE GOVERNMENT OF SYRIA AGAINST THE SYRIAN PEOPLE

Mr. KERRY submitted the following resolution; from the Committee on Foreign Relations; which was placed on the calendar:

S. RES. 379

Whereas the Syrian Arab Republic is a party to the International Covenant on Civil and Political Rights (ICCPR), adopted at New York December 16, 1966, the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984;

Whereas Syria voted in favor of the Universal Declaration of Human Rights, adopted at Paris, December 10, 1948;

Whereas, in March 2011, peaceful demonstrations in Syria began against the authoritarian rule of Bashar al-Assad;

Whereas, in response to the demonstrations, the Government of Syria launched a brutal crackdown, which has resulted in gross human rights violations, use of force against civilians, torture, extrajudicial killings, arbitrary executions, sexual violence, and interference with access to medical treatment;

Whereas the United Nations, as of January 25, 2012, estimated that more than 5,400 people in Syria have been killed since the violence began in March 2011;

Whereas, on February 4, 2012, President Barack Obama stated that President Bashar al-Assad ''has no right to lead Syria, and has lost all legitimacy with his people and the international community'';

Whereas the Department of State has repeatedly condemned the Government of Syria's crackdown on its people, including on January 30, 2012, when Secretary of State Hillary Clinton stated ''The status quo is unsustainable. . .The longer the Assad regime continues its attacks on the Syrian people and stands in the way of a peaceful transition, the greater the concern that instability will escalate and spill over throughout the region.'';

Whereas President Obama, on April 29, 2011, designated 3 individuals subject to sanctions for humans rights abuses in Syria: Mahir al-Assad, the brother of Syrian President Bashar al-Assad and brigade commander in the Syrian Army's 4th Armored Division; Atif Najib, the former head of the Political Security Directorate for Daraa Province and a cousin of Bashar al-Assad; and Ali Mamluk, director of Syria's General Intelligence Directorate;

Whereas, on May 18, 2011, President Obama issued an executive order sanctioning senior officials of the Syrian Arab Republic and their supporters, specifically designating 7 people: President Bashar al-Assad, Vice President Farouk al-Shara, Prime Minister Adel Safar, Minister of the Interior Mohammad Ibrahim al-Shaar, Minister of Defense Ali Habib Mahmoud, Head of Syrian Military Intelligence Abdul Fatah Qudsiya, and Director of Political Security Directorate Mohammed Dib Zaitoun;

Whereas President Obama, on August 17, 2011, issued Executive Order 13582, blocking property of the Government of Syria and prohibiting certain transactions with respect to Syria;

Whereas, on December 1, 2011, the Department of the Treasury designated 2 individuals, Aus Aslan and Muhammad Makhluf, under Executive Order 13573 and 2 entities, the Military Housing Establishment and the Real Estate Bank of Syria, under Executive Order 13582;

Whereas, on May 6, 2011, the European Union's 27 countries imposed sanctions on the Government of Syria for the human rights abuses, including asset freezes and visa bans on members of the Government of Syria and an arms embargo on the country;

Whereas, on November 12, 2011, the League of Arab States voted to suspend Syria's membership in the organization;

Whereas, on December 2, 2011, the United Nations Human Rights Council passed Resolution S-18/1, which deplores the human rights situation in Syria, commends the League of Arab States, and supports implementation of its Plan of Action;

Whereas the League of Arab States approved and implemented a plan of action to send a team of international monitors to Syria, which began December 26, 2011;

Whereas, on January 28, 2012, the League of Arab States decided to suspend its international monitoring mission due to escalating violence within Syria;

Whereas, on February 4, 2012, the Russian Federation and People's Republic of China vetoed a United Nations Security Council Resolution in support of the League of Arab States' Plan of Action;

Whereas, on February 14, 2012, General Martin Dempsey, Chairman of the Joint Chiefs of Staff, testified before the Committee on Armed Services of the Senate that Syria ''is a much different situation than we collectively saw in Libya,'' presenting a ''very different challenge'' in which ''we also know that other regional actors are providing support'' as a part of a ''Sunni majority rebelling against an oppressive Alawite-Shia regime'';

Whereas the Governments of the Russian Federation and the Islamic Republic of Iran

remain major suppliers of military equipment to the Government of Syria notwithstanding that government's violent repression of demonstrators;

Whereas the gross human rights violations perpetuated by the Government of Syria against the people of Syria represent a grave risk to regional peace and stability; and

Whereas the Committee on Foreign Relations of the Senate will immediately schedule a hearing to take place as soon as the Senate reconvenes to assess the situation in Syria and all the international options available to address this crisis: Now, therefore, be it

Resolved, That the Senate—

(1) strongly condemns the Government of Syria's brutal and unjustifiable use of force against civilians, including unarmed women and children and its violations of the fundamental human rights and dignity of the people of Syria;

(2) expresses its solidarity with the people of Syria, who have exhibited remarkable courage and determination in the face of unspeakable violence to rid themselves of a brutal dictatorship;

(3) expresses strong disappointment with the Governments of the Russian Federation and the People's Republic of China for their veto of the United Nations Security Council resolution condemning Bashar al-Assad and the violence in Syria and urges them to reconsider their votes;

(4) encourages the members of the United Nations Security Council to continue to pursue a resolution in support of a political solution to the crisis in Syria;

(5) commends the League of Arab States' efforts to bring about a peaceful resolution in Syria;

(6) regrets that the League of Arab States observer mission was not able to monitor the full implementation of the League of Arab States' Action Plan of November 2, 2011, due to the escalating violence in Syria; and

(7) urges the international community to review legal processes available to hold officials of the Government of Syria accountable for crimes against humanity and gross violations of human rights.

SENATE RESOLUTION 380—TO EXPRESS THE SENSE OF THE SENATE REGARDING THE IMPORTANCE OF PREVENTING THE GOVERNMENT OF IRAN FROM ACQUIRING NUCLEAR WEAPONS CAPABILITY

Mr. GRAHAM (for himself, Mr. LIEBERMAN, Mr. CASEY, Ms. AYOTTE, Mr. BLUMENTHAL, Mr. BOOZMAN, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. CARDIN, Mr. CHAMBLISS, Mr. COATS, Ms. COLLINS, Mr. COONS, Mr. CORNYN, Mrs. GILLIBRAND, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. PORTMAN, Mr. PRYOR, Mr. RISCH, Mr. SCHUMER, Mr. UDALL of Colorado, Mr. WYDEN, Ms. SNOWE, Mr. VITTER, Mr. ISAKSON, and Mr. SESSIONS) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 380

Whereas since at least the late 1980s, the Government of the Islamic Republic of Iran has engaged in a sustained and well-documented pattern of illicit and deceptive activities to acquire nuclear capability;

Whereas the United Nations Security Council has adopted multiple resolutions since 2006 demanding the full and sustained suspension of all uranium enrichment-related and reprocessing activities by the Iranian Government and its full cooperation with the International Atomic Energy Agency (IAEA) on all outstanding issues related to its nuclear activities, particularly those concerning the possible military dimensions of its nuclear program;

Whereas on November 8, 2011, the IAEA issued an extensive report that—

(1) documents ''serious concerns regarding possible military dimensions to Iran's nuclear programme'';

(2) states that ''Iran has carried out activities relevant to the development of a nuclear device''; and

(3) states that the efforts described in paragraphs (1) and (2) may be ongoing;

Whereas as of November 2008, Iran had produced, according to the IAEA—

(1) approximately 630 kilograms of uranium-235 enriched to 3.5 percent; and

(2) no uranium-235 enriched to 20 percent;

Whereas as of November 2011, Iran had produced, according to the IAEA—

(1) nearly 5,000 kilograms of uranium-235 enriched to 3.5 percent; and

(2) 79.7 kilograms of uranium-235 enriched to 20 percent;

Whereas on January 9, 2011, IAEA inspectors confirmed that the Iranian government had begun enrichment activities at the Fordow site, including possibly enrichment of uranium-235 to 20 percent;

Whereas if Iran were successful in acquiring a nuclear weapon capability, it would likely spur other countries in the region to consider developing their own nuclear weapons capabilities;

Whereas on December 6, 2011, Prince Turki al-Faisal of Saudi Arabia stated that if international efforts to prevent Iran from obtaining nuclear weapons fail, ''we must, as a duty to our country and people, look into all options we are given, including obtaining these weapons ourselves'';

Whereas top Iranian leaders have repeatedly threatened the existence of the State of Israel, pledging to ''wipe Israel off the map'';

Whereas the Department of State—

(1) has designated Iran as a ''State Sponsor of Terrorism'' since 1984; and

(2) has characterized Iran as the ''most active state sponsor of terrorism'';

Whereas Iran has provided weapons, training, funding, and direction to terrorist groups, including Hamas, Hezbollah, and Shiite militias in Iraq that are responsible for the murders of hundreds of American forces and innocent civilians;

Whereas on July 28, 2011, the Department of the Treasury charged that the Government of Iran had forged a ''secret deal'' with al Qaeda to facilitate the movement of al Qaeda fighters and funding through Iranian territory;

Whereas in October 2011, senior leaders of Iran's Islamic Revolutionary Guard Corps (IRGC) Quds Force were implicated in a terrorist plot to assassinate Saudi Arabia's Ambassador to the United States on United States soil;

Whereas on December 26, 2011, the United Nations General Assembly passed a resolution denouncing the serious human rights abuses occurring in the Islamic Republic of Iran, including torture, cruel and degrading treatment in detention, the targeting of human rights defenders, violence against women, and ''the systematic and serious restrictions on freedom of peaceful assembly'' as well as severe restrictions on the rights to ''freedom of thought, conscience, religion or belief'';

Whereas President Obama, through the P5+1 process, has made repeated efforts to engage the Iranian Government in dialogue about Iran's nuclear program and its international commitments under the Nuclear Nonproliferation Treaty.

Whereas on March 31, 2010, President Obama stated that the ''consequences of a nuclear-armed Iran are unacceptable'';

Whereas in his State of the Union Address on January 24, 2012, President Obama stated: ''Let there be no doubt: America is determined to prevent Iran from getting a nuclear weapon, and I will take no options off the table to achieve that goal'';

Whereas Secretary of Defense Panetta stated, in December 2011, that it was unacceptable for Iran to acquire nuclear weapons, reaffirmed that all options were on the table to thwart Iran's nuclear weapons efforts, and vowed that if the United States gets ''intelligence that they are proceeding with developing a nuclear weapon then we will take whatever steps necessary to stop it'';

Whereas the Defense Department's January 2012 Strategic Guidance stated that U.S. defense efforts in the Middle East would be aimed ''to prevent Iran's development of a nuclear weapons capability and counter its destabilizing policies'';

Now, therefore, be it

Resolved, That the Senate—

(1) affirms that it is a vital national interest of the United States to prevent the Government of the Islamic Republic of Iran from acquiring a nuclear weapons capability;

(2) warns that time is limited to prevent the Iranian government from acquiring a nuclear weapons capability;

(3) urges continued and increasing economic and diplomatic pressure on the Islamic Republic of Iran to secure an agreement from the Government of the Islamic Republic of Iran that includes—

(A) the full and sustained suspension of all uranium enrichment-related and reprocessing activities;

(B) complete cooperation with the IAEA on all outstanding questions related to Iran's nuclear activities, including—

(i) the implementation of the Non-Proliferation Treaty Additional Protocol; and

(ii) the verified end of Iran's ballistic missile programs; and

(C) a permanent agreement that verifiably assures that Iran's nuclear program is entirely peaceful;

(4) expresses support for the universal rights and democratic aspirations of the Iranian people;

(5) strongly supports United States policy to prevent the Iranian Government from acquiring nuclear weapons capability;

(6) rejects any United States policy that would rely on efforts to contain a nuclear weapons-capable Iran; and

(7) urges the President to reaffirm the unacceptability of an Iran with nuclear-weapons capability and oppose any policy that would rely on containment as an option in response to the Iranian nuclear threat.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1663. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table.

SA 1664. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1665. Mr. CARPER (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1666. Mr. CARPER (for himself, Mr. ALEXANDER, and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1667. Mr. NELSON of Nebraska (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1668. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1669. Mr. MCCAIN (for himself, Mr. REID, Mr. HELLER, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1670. Mr. CARPER (for himself, Mr. KIRK, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1671. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1672. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1673. Mr. LEAHY (for himself and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1674. Mr. CASEY (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1675. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1676. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1677. Mr. SANDERS (for himself, Mr. MENENDEZ, Mr. LAUTENBERG, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1678. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1679. Mrs. SHAHEEN (for herself, Ms. MURKOWSKI, Ms. COLLINS, Mr. LEVIN, Ms. KLOBUCHAR, Mr. SANDERS, Mr. BEGICH, Mr. LEAHY, and Ms. STABENOW) submitted an amendment intended to be proposed by her to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1680. Mr. BINGAMAN (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1681. Ms. COLLINS (for herself, Mr. BROWN of Massachusetts, Mr. LEVIN, Mr. KYL, Mr. AKAKA, and Mr. COBURN) submitted an amendment intended to be proposed by her to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1682. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1683. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1684. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1685. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1686. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1687. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1688. Mr. SCHUMER (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1689. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1690. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1691. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1692. Mr. WYDEN (for himself, Mr. HOEVEN, and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1693. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1694. Mr. BAUCUS (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1695. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1696. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 1633 proposed by Mr. REID to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1697. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 1633 proposed by Mr. REID to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1698. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1699. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1700. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1701. Mr. WHITEHOUSE (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1702. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1703. Mr. WARNER (for himself and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1704. Mr. WARNER (for himself and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1705. Mr. BENNET (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1706. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 1633 proposed by Mr. REID to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1707. Mrs. GILLIBRAND (for herself and Mr. WYDEN) submitted an amendment intended to be proposed by her to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1708. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1663. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page __, between lines __ and __, insert the following:

SEC. ___001. WAIVER OF FUEL REQUIREMENTS.

Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) is amended—

(1) in clause (ii)(II), by inserting ''an unexpected problem with distribution or delivery equipment that is necessary for the transportation or delivery of fuel or fuel additives,'' after ''equipment failure,''; and

(2) by redesignating the second clause (v) (relating to the authority of the Administrator to approve certain State implementation plans) as clause (vi).

SEC. ___002. FUEL SYSTEM REQUIREMENTS HARMONIZATION STUDY.

Section 1509 of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1083) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A), by inserting ''biofuels,'' after ''oxygenated fuel'';

(B) in paragraph (2)—

(i) in subparagraph (B)—

(I) by redesignating clause (ii) as clause (iii);

(II) in clause (i), by striking ''and'' after the semicolon; and

(III) by inserting after clause (i) the following:

''(ii) the renewable fuels standard; and''; and

(ii) in subparagraph (G), by striking ''Tier II'' and inserting ''Tier III''; and

(2) in subsection (b)(1), by striking ''2008'' and inserting ''2014''.

SA 1664. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

In division D, at the end, add the following:

SEC. _____. ADDITIONAL TRANSFER TO HIGHWAY TRUST FUND.

Subsection (f) of section 9503 of the Internal Revenue Code of 1986, as amended by this Act, is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(7) TRANSFER OF ADDITIONAL RESULTING REVENUES.—Out of money in the Treasury not otherwise appropriated, there are hereby appropriated to the Highway Trust Fund amounts equivalent to the increases in revenues received in the Treasury resulting from

the provisions of, and amendments made by division D of the Highway Investment, Job Creation, and Economic Growth Act of 2012, which are not otherwise subject to appropriation or transfer to the Highway Trust Fund.''.

SA 1665. Mr. CARPER (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 324, line 16, insert ''149(k),'' after ''148(h),''.

On page 325, line 10, strike ''and''.

On page 325, between lines 12 and 13, insert the following:

''(iii) the congestion mitigation and air quality performance plan; and

On page 325, line 13, strike ''(iii)'' and insert ''(iv)''.

SA 1666. Mr. CARPER (for himself, Mr. ALEXANDER and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

In section 149(b)(1) of title 23, United States Code (as amended by section 11013), strike ''(G) if the project'' and all that follows through ''(H) if the Secretary'' and insert the following:

''(G) if the project involves the installation of battery charging or replacement facilities for electric-drive vehicles, or refueling facilities for alternative-fuel vehicles;

''(H) if the project or program shifts traffic demand to nonpeak hours or other transportation modes, increases vehicle occupancy rates, or otherwise reduces demand for roads through such means as telecommuting, ridesharing, carsharing, alternative work hours, and pricing; or

''(I) if the Secretary

SA 1667. Mr. NELSON of Nebraska (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 527, strike line 22 and all that follows through page 529, line 8, and insert the following:

''(2) REGIONAL UNIVERSITY TRANSPORTATION CENTERS.—

''(A) LOCATION OF REGIONAL CENTERS.—One regional university transportation center shall be located in each of the 10 Federal regions that comprise the Standard Federal Regions established by the Office of Management and Budget in the document entitled 'Standard Federal Regions' and dated April, 1974 (circular A–105).

''(B) SELECTION CRITERIA.—In conducting a competition under subsection (b), the Secretary shall provide grants to 10 recipients on the basis of—

''(i) the criteria described in subsection (b)(2);

''(ii) the location of the center within the Federal region to be served; and

''(iii) whether or not the institution (or, in the case of a consortium of institutions, the lead institution) demonstrates that the institution has a well-established, nationally recognized program in transportation research and education, as evidenced by—

''(I) for each of the preceding 5 years, not less than $2,000,000 in highway or public transportation research expenditures per year;

''(II) for each of the preceding 5 years, not less than 10 graduate degrees awarded in professional fields closely related to highways and public transportation per year; and

''(III) during the preceding 5 years, not less than 5 tenured or tenure-track faculty members who—

''(aa) specialize, on a full-time basis, in professional fields closely related to highways and public transportation; and

''(bb) as a group, have published a total of not less than 50 refereed journal publications on highway or public transportation research.

''(C) RESTRICTIONS.—For each fiscal year, a grant made available under this paragraph shall not exceed $3,500,000 for each recipient.

''(D) MATCHING REQUIREMENTS.—

''(i) IN GENERAL.—As a condition of receiving a grant under this paragraph, a grant recipient shall match 100 percent of the amounts made available under the grant.

''(ii) SOURCES.—The matching amounts referred to in clause (i) may include amounts made available to the recipient under—

''(I) section 504(b) or 505 of title 23; and

''(II) subject to prior approval by the Secretary, a transportation-related grant from the National Science Foundation.

''(3) TIER 1 UNIVERSITY TRANSPORTATION CENTERS.—

''(A) IN GENERAL.—For each of fiscal years 2012 and 2013 and subject to subparagraph (B), the Secretary shall provide grants to not more than 15 recipients that the Secretary determines best meet the criteria described in subsection (b)(2).

''(B) RESTRICTIONS.—

''(i) IN GENERAL.—For each fiscal year, a grant made available under this paragraph shall not exceed $3,500,000 for each recipient.

''(ii) FOCUSED RESEARCH.—At least 2 of the recipients awarded a grant under this paragraph shall have expertise in, and focus research on, public transportation issues.

''(C) MATCHING REQUIREMENT.—

''(i) IN GENERAL.—As a condition of receiving a grant under this paragraph, a grant recipient shall match 100 percent of the amounts made available under the grant.

''(ii) SOURCES.—The matching amounts referred to in clause (i) may include amounts made available to the recipient under—

''(I) section 504(b) or 505 of title 23; and

''(II) subject to prior approval by the Secretary, a transportation-related grant from the National Science Foundation.

''(4) TIER 2 UNIVERSITY TRANSPORTATION CENTERS.—

SA 1668. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 469, after line 22, add the following:

SEC. 15____. INTERSTATE SYSTEM RECONSTRUCTION AND REHABILITATION PILOT PROGRAM.

Section 1216 of the Transportation Equity Act for the 21st Century (23 U.S.C. 129 note; 1212 Stat. 212) is amended by striking subsection (b).

SA 1669. Mr. MCCAIN (for himself, Mr. REID, Mr. HELLER, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AIRCRAFT NOISE ABATEMENT.

(a) IN GENERAL.—Section 3 of Public Law 100–91 (16 U.S.C. 1a–1 note) is amended—

(1) in subsection (a)—

(A) by striking ''(a)'' and inserting the following:

''(a) FINDING.—''; and

(B) by inserting ''commercial air tour'' before ''aircraft'' each place such term appears; and

(2) in section (b)—

(A) in paragraph (1), by striking ''associated with aircraft''inserting ''associated with commercial air tour aircraft''; and

(B) in paragraph (2), by striking ''air traffic'' and inserting ''commercial air tour traffic''.

(b) SAVINGS PROVISIONS.—

(1) JURISDICTION OF NATIONAL AIRSPACE.—None of the environmental recommendations for commercial air tour operations required under section 3(b)(1) of Public Law 100–91 (16 U.S.C. 1a–1 note), including raising the flight-free zone altitude ceilings above the ceilings in effect on the date of the enactment of this Act, shall affect the management of the National Airspace System, as determined by the Administrator of the Federal Aviation Administration.

(2) EFFECT OF NEPA DETERMINATIONS.—None of the environmental thresholds, analyses, or impact determinations that are included in the environmental impact statement prepared by the National Park Service for the plan required under section 3(b)(2) of Public Law 100–91 shall have broader application or be given deference beyond the application of such Act.

(c) CONVERSION TO QUIET TECHNOLOGY AIRCRAFT.—

(1) IN GENERAL.—Not later than 15 years after the date of the enactment of this Act, all commercial air tour aircraft operating in the Grand Canyon National Park Special Flight Rules Area shall be required to fully convert to quiet aircraft technology (as determined in accordance with regulations in effect on the day before the date of the enactment of this Act).

(2) CONVERSION INCENTIVES.—Not later than 60 days after the date of the enactment of this Act, the Director of the National Park Service and the Administrator of the Federal Aviation Administration shall provide incentives for commercial air tour operators that convert to quiet aircraft technology (as determined in accordance with the regulations in effect on the day before the date of the enactment of this Act) before the date specified in paragraph (1), such as increasing the flight allocations for such operators on a net basis consistent with section 804 of the National Park Air Tours Management Act of 2000 (title VIII of Public Law 106–181).

(d) REVIEW.—Not later than 90 days after the date of the enactment of this Act, the National Academy of Sciences shall conduct a review of the National Park Service's noise impact criteria and noise thresholds, and the mitigating impact of quiet technology aircraft in existence on the date of the enactment of this Act on the outdoor environment of Grand Canyon National Park.

SA 1670. Mr. CARPER (for himself, Mr. KIRK, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway

safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 469, after line 22, add the following:

SEC. 15___. REMOVAL OF FEDERAL PROGRAM LIMITATIONS.

(a) INNOVATIVE SURFACE TRANSPORTATION FINANCING METHODS.—

(1) VALUE PRICING PILOT PROGRAM.—Section 1012(b)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended in the second sentence by striking ''as many as 15 such State or local governments or public authorities'' and inserting ''States, local governments, and public authorities''.

(2) INTERSTATE SYSTEM RECONSTRUCTION AND REHABILITATION PILOT PROGRAM.—Section 1216(b)(2) of the Transportation Equity Act for the 21st Century (23 U.S.C. 129 note; 112 Stat. 212) is amended—

(A) in the first sentence, by striking ''3'' and inserting ''10''; and

(B) by striking the second sentence.

(b) EXPRESS LANES DEMONSTRATION PROGRAM.—Section 1604(b)(2) of the SAFETEA–LU (23 U.S.C. 129 note; 119 Stat. 1250) is amended in the matter preceding subparagraph (A)—

(1) by striking ''15''; and

(2) by striking ''2005 through 2009'' and inserting ''2012 through 2013''.

(c) INTERSTATE SYSTEM CONSTRUCTION TOLL PILOT PROGRAM.—Section 1604(c) of the SAFETEA–LU (23 U.S.C. 129 note; 119 Stat. 1253) is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraphs (9) and (1) as paragraphs (1) and (2), respectively; and

(3) in paragraph (8), by striking ''the date of enactment of this Act'' and inserting ''the date of enactment of the MAP–21''.

SA 1671. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 141, lines 17 and 18, strike ''day before the date of enactment of the MAP-21,'' and insert ''date on which the eligible entity enters into a prime contract or agreement with a State to carry out a covered highway construction project (as defined in section 330(b)(2)),''.

On page 152, strike line 22 and insert the following:

''achieve the objectives of that section and ensure that the bid proceeding and award of the contract for any covered highway construction project carried out under that section will be—

''(I) made without regard to the particulate matter emission levels of the fleet of the eligible entity; and

''(II) consistent with existing requirements for full and open competition under section 112.

On page 443, strike lines 16 through 19 and insert the following:

''not meet current model year new engine standards for particulate matter for the applicable engine power group issued by the Environmental Protection Agency, on a covered highway construction project

On page 444, line 17, strike ''or''.

On page 444, at the end of line 19, insert ''or''.

On page 444, strike lines 18 through 20 and insert the following:

''(iv) an idle reduction control technology; or

''(v) any combination of the technologies listed in clauses (i) through (iv);

''(B) reduces particulate matter emission from covered''.

On page 446, strike lines 3 through 5 and insert the following:

''(C) EXCLUSIONS.—The term 'nonroad diesel equipment' does not include—

''(i) a locomotive or marine vessel; or

''(ii) any project with a total budgeted cost not to exceed $5,000,000 (which, notwithstanding any other provision of this section, may be excluded from the requirement to comply with this section by an applicable State or metropolitan planning organization).

On page 446, strike line 19 and insert the following:

''(c) CRITERIA ELIGIBLE ACTIVITIES.—For purposes of subsection (b)(3)(A):

On page 446, line 25, strike ''non-road'' and insert ''nonroad''.

On page 447, line 1, strike ''non-road'' and insert ''nonroad''.

On page 447, lines 4 through 5, strike ''day before the date of enactment of the MAP-21; and'' and insert ''date on which the eligible entity enters into a prime contract or agreement with a State to carry out a covered highway construction project; and''.

On page 447, strike line 10 and insert the following:

duction in particulate matter.

On page 447, line 14, insert ''or remanufactured'' after ''new''.

On page 447, line 16, strike ''non-road'' and insert ''nonroad''.

On page 447, line 17, strike ''non-road'' and insert ''nonroad''.

On page 447, lines 20 through 21, strike ''day before the date of enactment of the MAP-21; and'' and insert ''date on which the eligible entity enters into a prime contract or agreement with a State to carry out a covered highway construction project; and''.

On page 448, strike line 2 and insert the following:

particulate matter.

On page 448, line 4, strike ''on'' and insert ''using''.

On page 448, strike lines 8 through 14 and insert the following:

the condition that the replaced engine is returned to the supplier for remanufacturing to a more stringent set of engine emissions standards or for use as scrap; and.

On page 448, strike lines 15 through 20 and insert the following:

''(B) certified by the engine manufacturer as meeting a more stringent engine particulate matter emission standard for the applicable engine power group established by the Environmental Protection Agency than the engine particulate matter emission standard applicable to the replaced engine.

On page 449, line 2, strike ''non-road'' and insert ''nonroad''.

On page 449, line 3, strike ''non-road'' and insert ''nonroad''.

On page 449, lines 6 and 7, strike ''day before the date of enactment of the MAP-21; and'' and insert ''date on which the eligible entity enters into a prime contract or agreement with a State to carry out a covered highway construction project; and''.

On page 449, strike line 12 and insert the following:

''duction in particulate matter.

''(d) ELIGIBILITY FOR CREDITS.—

''(1) IN GENERAL.—A State may take credit in a State implementation plan for national ambient air quality standards for any emission reductions that result from the implementation of this section.

''(2) CREDITING.—An emission reduction described in paragraph (1) may be credited toward demonstrating conformity of State implementation plans and transportation plans.''.

On page 449, line 18, strike ''21 years'' and insert ''1 year''.

SA 1672. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 180, strike lines 17 through 23 and insert the following:

''(4) OTHER ELIGIBLE COSTS.—In addition to eligible project costs, a State may use funds apportioned under section 104(b)(5) for the necessary costs of—

''(A) conducting analyses and data collection;

''(B) developing and updating performance targets;

''(C) reporting to the Secretary to comply with subsection (i); or

''(D) carrying out diesel retrofits or alternative fuel projects defined under section 149 for class 8 vehicles.

On page 185, strike lines 3 and 4 and insert the following:

''(ii) the total freight tonnage and value of freight moved by all modes of transportation;

On page 186, line 10, strike ''or''.

On page 186, line 18, strike the period and insert ''; or''.

On page 186, between lines 18 and 19, insert the following:

''(3) carries a high volume of freight, as measured by total freight tonnage or total value of freight, compared to other rural roads in the State.

On page 187, strike lines 5 through 7 and insert the following:

''(B) an identification of highway bottlenecks on the national freight network that create significant freight congestion problems, based on a quantitative methodology developed by the Secretary for calculating the national economic significance of highway bottlenecks on the national freight network;

SA 1673. Mr. LEAHY (for himself and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TRANSIT-ORIENTED CAR SHARING PROJECTS.

Section 5302 of title 49, United States Code, as amended by this Act, is amended—

(1) in paragraph (3)—

(A) in subparagraph (K)(ii), by striking ''or'' at the end;

(B) in subparagraph (L)(ii), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(M) transit-oriented car sharing.'';

(2) by redesignating paragraphs (20) and (21) as paragraphs (21) and (22), respectively; and

(3) by inserting after paragraph (19) the following:

''(20) TRANSIT-ORIENTED CAR SHARING.—The term 'transit-oriented car sharing', when used with respect to a project, means a project that—

''(A) is designed—

''(i) to achieve local, community-based environmental and social objectives by acquiring or contracting for equipment or a facility for use in providing cars through a membership based service that is available to all qualified drivers in a community, including expenses incidental to such acquisition and to the marketing of the service (including vehicle acquisition, insurance, and acquiring parking facilities);

''(ii) for use during a short time and for short-distance trips; and

''(iii) as an extension of a public transportation system;

''(B) provides accessible, low-cost vehicles serving many types of individuals; and

''(C) is transit-oriented and promotes walking, biking, and public transportation as primary methods of transportation.''.

SA 1674. Mr. CASEY (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 585, strike line 22 and all that follows through page 586, line 4, and insert the following:

''(1) defines a recommended implementation path for dedicated short-range communications technology and applications;

''(2) includes guidance on the relationship of the proposed deployment of dedicated short-range communications to the National ITS Architecture and ITS Standards; and

''(3) ensures competition by not preferencing the use of any particular frequency for vehicle to infrastructure operations.

SA 1675. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 491, strike lines 5 through 8 and insert the following:

''(XVII) studies on the effectiveness of fiber-based additives to improve the durability of surface transportation materials in various geographic regions

''(XVIII) studies of infrastructure resilience and other adaptation measures; and

''(XIX) maintenance of seismic

SA 1676. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 435, strike line 22 and all that follows through page 437, line 10, and insert the following:

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

''(e) EMERGENCY RELIEF.—The Federal share payable for any repair or reconstruction provided for by funds made available under section 125 for any project on a Federal-aid highway, including the Interstate System, shall not exceed the Federal share payable on a project on the system as provided in subsections (a) and (b), except that—

''(1) the Federal share payable for eligible emergency repairs to minimize damage, protect facilities, or restore essential traffic accomplished within 180 days after the actual occurrence of the natural disaster or catastrophic failure may amount to 100 percent of the cost of the repairs;

''(2) the Federal share payable for any repair or reconstruction of Federal land transportation facilities and tribal transportation facilities may amount to 100 percent of the cost of the repair or reconstruction;

''(3) the Secretary shall extend the time period in paragraph (1) taking into consideration any delay in the ability of the State to access damaged facilities to evaluate damage and the cost of repair; and

''(4) the Federal share payable for eligible permanent repairs to restore damaged facilities to predisaster condition may amount to 100 percent of the cost of the repairs if the eligible expenses incurred by the State due to natural disasters or catastrophic failures in a Federal fiscal year exceeds the annual apportionment of the State under section 104 for the fiscal year in which the disasters or failures occurred.'';

SA 1677. Mr. SANDERS (for himself, Mr. MENENDEZ, Mr. LAUTENBERG, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 469, after line 22, insert the following:

SEC. 15____. WEATHERIZATION ASSISTANCE PROGRAM FOR LOW-INCOME PERSONS FORMULA.

Notwithstanding the Consolidated Appropriations Act, 2012 (Public Law 112–74) or any amendment made by that Act, the Secretary of Energy shall distribute amounts allocated for the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.) for fiscal year 2012 in accordance with the allocation formula in section 414(a) of that Act (42 U.S.C. 6864(a)) (as in effect on the day before the date of enactment of the Consolidated Appropriations Act, 2012 (Public Law 112–74)).

SA 1678. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. OPERATING COST OF EQUIPMENT AND FACILITIES FOR PUBLIC TRANSPORTATION SYSTEMS THAT OPERATE FEWER THAN 50 BUSES.

Section 5307(a)(2) of title 49, United States Code, as amended by this Act, is amended—

(1) in subparagraph (A), by striking ''75 or fewer'' and inserting ''a minimum of 50 buses and a maximum of 75'';

(2) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(3) by inserting before subparagraph (B), as so redesignated, the following:

''(A) for public transportation systems that operate fewer than 50 buses during peak service hours, in an amount not to exceed 100 percent of the share of the apportionment which is attributable to such systems within the urbanized area, as measured by vehicle revenue hours;''.

SA 1679. Mrs. SHAHEEN (for herself, Ms. MURKOWSKI, Ms. COLLINS, Mr. LEVIN, Ms. KLOBUCHAR, Mr. SANDERS, Mr. BEGICH, Mr. LEAHY, and Ms. STABENOW) submitted an amendment intended to be proposed by her to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 264, strike line 23 and all that follows through page 267, line 9, and insert the following:

''(5) SPECIAL RULES FOR SMALL METROPOLITAN PLANNING ORGANIZATIONS.—

''(A) IN GENERAL.—Subject to subparagraph (B), a metropolitan planning organization subject to this section and chapter 53 of title 49 (as in effect on the day before the date of enactment of the MAP-21) shall continue to be designated as a metropolitan planning organization subject to this section (as amended by that Act) if the metropolitan planning organization—

''(i) serves an urbanized area; and

''(ii) the population of the urbanized area is more than 50,000 individuals and less than 200,000 individuals.

''(B) EXCEPTION.—Subparagraph (A) shall not apply if the Governor and units of general purpose local government—

''(i) agree to terminate the designation described in subparagraph (A); and

''(ii) together represent at least 75 percent of the population described in subparagraph (A)(ii), based on the latest available decennial census conducted under section 141(a) of title 13, United States Code.

''(C) TREATMENT.—A metropolitan planning organization described in subparagraph (A) shall be treated, for purposes this section and chapter 53 of title 49 as a metropolitan planning organization that is subject to this section (as amended by the MAP-21).

On page 267, line 10, strike ''(8)'' and insert ''(6)''.

SA 1680. Mr. BINGAMAN (for himself, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 45, between lines 3 and 4, insert the following:

''(C) FURTHER ADJUSTMENT FOR PRIVATIZED HIGHWAYS.—

''(i) DEFINITION OF PRIVATIZED HIGHWAY.—In this subparagraph:

''(I) IN GENERAL.—The term 'privatized highway' means a highway that was formerly a publically operated toll road that is subject to an agreement giving a private entity—

''(aa) control over the operation of the highway; and

''(bb) ownership over the toll revenues collected from the operation of the highway.

''(II) EXCLUSION.—The term 'privatized highway' does not include any highway or toll road that was originally—

''(aa) financed and constructed using private funds; and

''(bb) operated by a private entity.

''(ii) ADJUSTMENT.—After making the adjustments to the apportionment of a State under subparagraphs (A) and (B), the Secretary shall further adjust the amount to be apportioned to the State by reducing the apportionment by an amount equal to the product obtained by multiplying—

''(I) the amount to be apportioned to the State, as so adjusted under those subparagraphs; and

''(II) the percentage described in clause (iii).

''(iii) PERCENTAGE.—The percentage referred to in clause (ii) is the percentage equal to the sum obtained by adding—

''(I) the product obtained by multiplying—

''(aa) ½; and

''(bb) the proportion that—

''(AA) the total number of lane miles on privatized highway lanes on National Highway System routes in a State; bears to

''(BB) the total number of all lane miles on National Highway System routes in the State; and

''(II) the product obtained by multiplying—

''(aa) ½; and

''(bb) the proportion that—

''(AA) the total number of vehicle miles traveled on privatized highway lanes on National Highway System routes in the State; bears to

''(BB) the total number of vehicle miles traveled on all lanes on National Highway System routes in the State.

SA 1681. Ms. COLLINS (for herself, Mr. BROWN of Massachusetts, Mr. LEVIN, Mr. KYL, Mr. AKAKA, and Mr. COBURN) submitted an amendment intended to be proposed by her to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. STUDY OF HEALTH EFFECTS OF BACKSCATTER X-RAY MACHINES.

(a) IN GENERAL.—The Under Secretary for Science and Technology in the Department of Homeland Security shall provide for the conduct of an independent study of the effects on human health caused by the use of backscatter x-ray machines at airline checkpoints operated by the Transportation Security Administration.

(b) REQUIREMENTS FOR STUDY.—

(1) CONDUCT.—The study required under subsection (a) shall be—

(A) initiated not later than 90 days after the date of the enactment of this Act;

(B) conducted by an independent laboratory selected by the Under Secretary, in consultation with the National Science Foundation, from among laboratories with expertise in the conduct of similar studies; and

(C) to the maximum extent practicable, consistent with standard evaluations of radiological medical equipment.

(2) TESTING EQUIPMENT.—In conducting the study, the laboratory shall, to the maximum extent practicable—

(A) use calibration testing equipment developed by the laboratory for purposes of study; and

(B) use commercially-available calibration testing equipment as a control.

(3) ELEMENTS.—In conducting the study, the laboratory shall, to the maximum extent practicable and consistent with recognized protocols for independent scientific testing—

(A) dismantle and evaluate one or more backscatter x-ray machine used at airline checkpoints operated by the Transportation Security Administration in order to determine—

(i) the placement of testing equipment so that radiation emission readings during the testing of such machines are as accurate as possible; and

(ii) how best to measure the dose emitted per scan;

(B) determine the failure rates and effects of use of such machines;

(C) include the use of alternative testing methods in the determination of levels of radiation exposure (such as an examination of enzyme levels after x-ray exposure to determine if there is a biological response to cellular damage caused by such an exposure);

(D) assess the fail-safe mechanisms of such machines in order to determine the optimal operating efficacy of such machines;

(E) ensure that any tests performed are replicable;

(F) obtain peer review of any tests performed; and

(G) meet such other requirements as the Under Secretary shall specify for purposes of the study.

(4) REPORT.—

(A) EVALUATION.—The Under Secretary shall provide for an independent panel, in consultation with the National Science Foundation, with expertise in conducting similar evaluations, to evaluate the data collected under the study to assess the health risks posed by backscatter x-ray machines to individuals and groups of people screened or affected by such machines, including—

(i) frequent air travelers;

(ii) employees of the Transportation Security Administration;

(iii) flight crews;

(iv) other individuals who work at an airport; and

(v) individuals with greater sensitivity to radiation, such as children, pregnant women, the elderly, and cancer patients.

(B) CONSIDERATIONS.—In conducting the evaluation under subparagraph (A), the panel shall—

(i) conduct a literature review of relevant clinical and academic literature; and

(ii) consider the risk of backscatter x-ray technology from a public health perspective in addition to the individual risk to each airline passenger.

(C) REPORTS.—

(i) PROGRESS REPORTS.—Not later than 90 days after the date of the enactment of this Act, and periodically thereafter until the final report is submitted pursuant to clause (ii), the Under Secretary shall submit a report to Congress that contains the preliminary findings of the study conducted under this subsection.

(ii) FINAL REPORT.—Not later than 90 days after the date on which the panel completes the evaluation required under this paragraph, the Under Secretary shall submit a report to Congress that contains the result of the study and evaluation conducted under this subsection.

(c) SIGNAGE REQUIREMENT RELATING TO BACKSCATTER X-RAY MACHINES.—The Administrator of the Transportation Security Administration shall ensure that large, easily readable signs or equivalent electronic displays are placed at the front of airline passenger check point queues where backscatter advanced imaging technology machines are used for screening to inform airline passengers, particularly passengers who may be sensitive to radiation exposure, that they may request to undergo alternative screening procedures instead of passing through a backscatter x-ray machine.

SA 1682. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 128, line 9, strike ''(2)'' and insert the following:

''(2) PRIORITY PROJECTS.—In selecting projects under paragraph (1), priority shall be given to projects that address safety improvement in areas with a high number of pedestrian accidents.

''(3)

SA 1683. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 157, line 8, strike ''reduction''.

SA 1684. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 602, between lines 3 and 4, insert the following:

''(3) COTERMINUS OBLIGATIONS.—Since a secured loan under section 603 constitutes Federal aid under this title, the obligations set forth in section 129 shall be coterminus with the successful repayment of such loan.

SA 1685. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. AUTHORIZATION OF LOCAL RESIDENTIAL OR COMMUTER TOLL, USER FEE, OR FARE DISCOUNT PROGRAMS.

(a) PURPOSE.—The purpose of this section is to expressly authorize the establishment of programs that offer discounted transportation tolls, user fees, and fares for residents in specific geographic areas, as necessary or appropriate.

(b) AUTHORITY TO PROVIDE RESIDENTIAL OR COMMUTER TOLL, USER FEE, OR FARE DISCOUNT PROGRAMS.—

(1) IN GENERAL.—States, counties, municipalities, and multi-jurisdictional transportation authorities that operate or manage roads, highways, bridges, railroads, busses, ferries, or other transportation systems are authorized to establish programs that offer discounted transportation tolls, user fees, or other fares for residents of specific geographic areas in order to reduce or alleviate toll burdens imposed upon such residents.

(2) RETROACTIVE APPLICABILITY.—The authority set forth in paragraph (1) shall apply to residential or commuter toll, user fee, and fare discount programs established before, on, or after the date of the enactment of this Act.

(c) RULEMAKING WITH RESPECT TO THE STATE, LOCAL, OR AGENCY PROVISION OF TOLL, USER FEE, OR FARE DISCOUNT PROGRAMS TO LOCAL RESIDENTS OR COMMUTERS.—States, counties, municipalities, and multi-jurisdictional transportation authorities that operate or manage roads, highways, bridges, railroads, busses, ferries, or other transportation systems are authorized to enact such rules or regulations that may be necessary to establish the programs authorized under subsection (b).

(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed to limit or otherwise interfere with the authority, as of the date of the enactment of this Act, of States, counties, municipalities, and multi-jurisdictional transportation authorities that operate or manage roads, highways, bridges, railroads, busses, ferries, or other transportation systems.

SA 1686. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I of division C, add the following:

SEC. 31115. MAXIMUM HOUR REQUIREMENTS.

Section 13(b)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(b)(1)) is amended by inserting before the semicolon the following: '', except a driver of an 'over-the-road bus' (as defined in section 3038(a)(3) of the Transportation Equity Act for the 21st Century (Public Law 105–178; 49 U.S.C. 5310 note))''.

SA 1687. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. DISCLOSURE OF SAFETY PERFORMANCE RATINGS OF MOTORCOACH SERVICES AND OPERATIONS.

(a) IN GENERAL.—Subchapter I of chapter 141 of title 49, United States Code, is amended by adding at the end the following:

''§ 14105. Safety performance ratings of motorcoach services and operations

''(a) DEFINITIONS.—In this section:

''(1) MOTORCOACH.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'motorcoach' has the meaning given to the term 'over-the-road bus' in section 3038(a)(3) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note).

''(B) INCLUSIONS AND EXCLUSIONS.—The term 'motorcoach'—

''(i) includes a motor vehicle used to transport passengers that has a gross vehicle weight of at least 10,001 pounds; and

''(ii) does not include—

''(I) a bus used in public transportation that is provided by a State or local government; or

''(II) a school bus (as defined in section 30125(a)(1)), including a multifunction school activity bus.

''(2) MOTORCOACH SERVICES AND OPERATIONS.—The term 'motorcoach services and operations' means passenger transportation by a motorcoach for compensation.

''(b) RULEMAKING.—

''(1) IN GENERAL.—Not later than 1 year after the date on which the safety fitness determination rule is implemented, the Secretary shall require, by regulation—

''(A) each motor carrier that owns or leases 1 or more motorcoaches that transport passengers subject to the Secretary's jurisdiction under section 13501 to display prominently in each terminal of departure, on the motorcoach if the motorcoach does not depart from a terminal, and at all points of sale for such motorcoach services and operations, a simple and understandable letter grade rating system that allows motorcoach passengers to compare the safety performance of motorcoach operators; and

''(B) any person who sells tickets for motorcoach services and operations to display the letter grade rating system described in subparagraph (A) at all points of sale for such motorcoach services and operations.

''(2) ITEMS INCLUDED IN THE RULEMAKING.—In promulgating safety performance ratings for motorcoaches pursuant to the rulemaking required under paragraph (1), the Secretary shall consider—

''(A) the frequency with which safety performance ratings will be assigned and updated, which updates shall take place at least once per year;

''(B) the specific data elements and sources of information to be utilized in establishing and updating safety performance ratings for motorcoaches;

''(C) the need and extent to which safety performance ratings should be made available in languages other than English; and

''(D) penalties authorized under section 521.

''(3) INSUFFICIENT INSPECTIONS.—Any motor carrier for which insufficient safety data is available shall display a label warning of such insufficiency.

''(c) EFFECT ON STATE AND LOCAL LAW.—Nothing in this section may be construed to preempt a State, or a political subdivision of a State, from enforcing any requirements concerning the manner and content of consumer information provided by motor carriers that are not subject to the Secretary's jurisdiction under section 13501.''.

(b) CLERICAL AMENDMENT.—The analysis of chapter 141 of title 49, United States Code, is amended by inserting after the item relating to section 14104 the following:

''Sec. 14105. Safety performance ratings of motorcoach services and operations.''.

SA 1688. Mr. SCHUMER (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. CONTROLLING HELICOPTER NOISE POLLUTION IN RESIDENTIAL AREAS.

(a) RULEMAKING WITH RESPECT TO REDUCING HELICOPTER NOISE POLLUTION.—

(1) NEW YORK NORTH SHORE HELICOPTER ROUTE.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall issue a final rule in Docket No. FAA-2010-0302 (The New York North Shore Helicopter Route), without additional notice and comment. The final rule shall include—

(A) a requirement for helicopter operators to utilize the North Shore route, as charted, when operating in that area of Long Island, New York;

(B) a requirement for helicopter operations to enter and exit the west terminus of North Shore Helicopter Route over water at VPROK;

(C) appropriate safeguards for safety and operational necessity, including safeguards to avoid adverse effects on the safe and efficient use and management of the national airspace system; and

(D) penalties for failing to comply with the requirements described in subparagraph (A).

(2) LONG ISLAND SOUTH SHORE ROUTE.—Not later than 18 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue a notice of proposed rulemaking to address helicopter noise on the South Shore of Long Island, New York. The proposed rule shall include—

(A) a requirement for helicopter operators to utilize the South Shore route, as charted, when operating in that area of Long Island, New York;

(B) an expansion of the existing route to include linkage east of Orient and Montauk Points to the North Shore Helicopter Route remaining over water;

(C) appropriate safeguards for safety and operational necessity, including safeguards to avoid adverse effects on the safe and efficient use and management of the national airspace system; and

(D) penalties for failing to comply with the requirements described in subparagraph (A).

(3) LOS ANGELES COUNTY FLIGHT PATHS.—Not later than 2 years after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall prescribe regulations for helicopter operations in Los Angeles County, California, that include requirements relating to the flight paths and altitudes associated with such operations to reduce helicopter noise pollution in residential areas, increase safety, and minimize commercial aircraft delays.

(b) EXCEPTIONS FOR EMERGENCY, LAW ENFORCEMENT, BROADCASTING AND MILITARY HELICOPTERS.—The rules required under subsection (a) shall provide exceptions for helicopter activity related to emergency, law enforcement, broadcast news gathering, or military activities..

(c) COMPLIANCE MONITORING.—For the 24 month period following the completion of the rulemakings required in subsection (a), the Administrator of the Federal Aviation Administration shall monitor compliance with the rulemakings required under subsection (a). This monitoring shall include both the route and altitude of helicopter operations.

(d) CONSULTATIONS.—In prescribing the regulations under subsection (a)(3), the Administrator of the Federal Aviation Administration shall make reasonable efforts to consult with local communities and local helicopter operators in order to develop regulations that meet the needs of local communities, helicopter operators, and the Federal Aviation Administration.

(e) REPORT TO CONGRESS.—Within 60 days of the conclusion of the compliance monitoring required in subsection (c), the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes, at minimum—

(1) the compliance rate of helicopter operations;

(2) the average altitude of helicopter operations;

(3) a comparison of North Shore and South Shore route use;

(4) analysis of season, time and day use of the helicopter operations; and

(5) analysis of impact to commercial aircraft arrival and departure flows.

SA 1689. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. INTEROPERABILITY OF ELECTRONIC TOLL COLLECTION SYSTEMS.

(a) DEFINITIONS.—In this section:

(1) DEMONSTRATION PROGRAM AREA.—The term ''demonstration program area'' means the toll transportation facilities that are affiliated with the E-ZPass Interagency Group or located in States through which Interstate Highway 95 passes.

(2) ELECTRONIC TOLL COLLECTION.—the term ''electronic toll collection'' means the collection of tolls based on the identification and classification of vehicles through electronic systems.

(b) DEMONSTRATION PROGRAM.—Not later than 5 years after the date of the enactment of this Act, the operator of any electronic toll collection facility in the demonstration program area shall implement policies and procedures to enable customers with accounts in good standing with any other electronic toll collection system to electronically pass through its toll facilities within the demonstration program area.

(c) INTEROPERABLE ELECTRONIC TOLL COLLECTION SYSTEM.—Not later than 10 years after the date of the enactment of this Act, the operators of all toll transportation facilities located on highways constructed or maintained with financial assistance from the Highway Trust Fund shall jointly implement a comprehensive interoperable electronic toll collection system that—

(1) promotes interstate commerce;

(2) enhances public safety;

(3) improves mobility; and

(4) protects the environment.

SA 1690. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

In section 403(b)(1) of title 23, United States Code, as amended by section 31103 of this bill, strike subparagraph (D) and insert the following:

''(D) the development of technologies to detect drug impaired drivers; and

''(E) the effect of State laws on any aspects, activities, or programs described in subparagraphs (A) through (D).

SA 1691. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 487, line 12, insert ''and bridge'' after ''highway''.

On page 489, line 22, insert ''and bridge'' after ''highway''.

SA 1692. Mr. WYDEN (for himself, Mr. HOEVEN, and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CREDIT TO HOLDERS OF TRIP BONDS.

(a) SHORT TITLE.—This section may be cited as the ''Transportation and Regional Infrastructure Project Bonds Act of 2012'' or ''TRIP Bonds Act''.

(b) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 54G. TRIP BONDS.

''(a) TRIP BOND.—For purposes of this subpart, the term 'TRIP bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for expenditures incurred after the date of the enactment of this section for 1 or more qualified projects pursuant to an allocation of such proceeds to such project or projects by a State infrastructure bank,

''(2) the bond is issued by a State infrastructure bank and is in registered form (within the meaning of section 149(a)),

''(3) the State infrastructure bank designates such bond for purposes of this section,

''(4) the term of each bond which is part of such issue does not exceed 30 years,

''(5) the issue meets the requirements of subsection (e),

''(6) the State infrastructure bank certifies that the State meets the State contribution requirement of subsection (h) with respect to such project, as in effect on the date of issuance, and

''(7) the State infrastructure bank certifies the State meets the requirement described in subsection (i).

''(b) QUALIFIED PROJECT.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified project' means the capital improvements to any transportation infrastructure project of any governmental unit or other person, including roads, bridges, rail and transit systems, ports, and inland waterways proposed and approved by a State infrastructure bank, but does not include costs of operations or maintenance with respect to such project.

''(2) CERTAIN FEDERAL PROJECTS.—Such term may include the Federal share or portion thereof, of a congressionally authorized project where all environmental studies have been completed and the United States Army Corps of Engineers Chief's Report has been completed successfully.

''(c) APPLICABLE CREDIT RATE.—In lieu of section 54A(b)(3), for purposes of section 54A(b)(2), the applicable credit rate with respect to an issue under this section is the rate equal to an average market yield (as of the day before the date of sale of the issue) on outstanding long-term corporate debt obligations (determined in such manner as the Secretary prescribes).

''(d) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

''(1) IN GENERAL.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any State infrastructure bank shall not exceed the TRIP bond limitation amount allocated to such bank under paragraph (3).

''(2) NATIONAL LIMITATION AMOUNT.—There is a TRIP bond limitation amount for each calendar year. Such limitation amount is—

''(A) $10,000,000,000 for 2013,

''(B) $15,000,000,000 for 2014, and

''(C) except as provided in paragraph (4), zero thereafter.

''(3) ALLOCATIONS TO STATES.—The TRIP bond limitation amount for each calendar year shall be allocated by the Secretary among the States such that each State is allocated 2 percent of such amount.

''(4) CARRYOVER OF UNUSED ISSUANCE LIMITATION.—If for any calendar year the TRIP bond limitation amount under paragraph (2) exceeds the amount of TRIP bonds issued during such year, such excess shall be carried forward to 1 or more succeeding calendar years as an addition to the TRIP bond limitation amount under paragraph (2) for such succeeding calendar year and until used by issuance of TRIP bonds.

''(e) SPECIAL RULES RELATING TO EXPENDITURES.—

''(1) IN GENERAL.—An issue shall be treated as meeting the requirements of this subsection if, as of the date of issuance, the State infrastructure bank reasonably expects—

''(A) at least 100 percent of the available project proceeds of such issue are to be spent for 1 or more qualified projects within the 5-year expenditure period beginning on such date,

''(B) to incur a binding commitment with a third party—

''(i) to spend at least 10 percent of the proceeds of such issue, or

''(ii) to commence construction,

with respect to such projects within the 12-month period beginning on such date, and

''(C) to proceed with due diligence to complete such projects and to spend the proceeds of such issue.

''(2) RULES REGARDING CONTINUING COMPLIANCE AFTER 5-YEAR DETERMINATION.—To the extent that less than 100 percent of the available project proceeds of such issue are expended by the close of the 5-year expenditure period beginning on the date of issuance, the State infrastructure bank shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

''(f) RECAPTURE OF PORTION OF CREDIT WHERE CESSATION OF COMPLIANCE.—If any bond which when issued purported to be a TRIP bond ceases to be such a bond, the State infrastructure bank shall pay to the United States (at the time required by the Secretary) an amount equal to the sum of—

''(1) the aggregate of the credits allowable under section 54A with respect to such bond (determined without regard to section 54A(c)) for taxable years ending during the calendar year in which such cessation occurs and each succeeding calendar year ending with the calendar year in which such bond is redeemed by the bank, and

''(2) interest at the underpayment rate under section 6621 on the amount determined under paragraph (1) for each calendar year for the period beginning on the first day of such calendar year.

''(g) TRIP BONDS TRUST ACCOUNTS.—

''(1) IN GENERAL.—The following amounts shall be held in a TRIP Bonds Trust Account by each State infrastructure bank:

''(A) The proceeds from the sale of all bonds issued by such bank under this section.

''(B) The investment earnings on proceeds from the sale of such bonds.

''(C) 2 percent of the amount described in paragraph (2).

''(D) The amounts described in subsection (h).

''(E) Any earnings on any amounts described in subparagraph (A), (B), (C), or (D).

''(2) APPROPRIATION OF REVENUES.—There is hereby transferred to each TRIP Bonds Trust Account an amount equal to 2 percent of the lesser of—

''(A) the revenues resulting from the imposition of fees pursuant to section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) for fiscal years beginning after September 30, 2021, or

''(B) $25,000,000,000.

''(3) USE OF FUNDS.—Amounts in each TRIP Bonds Trust Account may be used only to pay costs of qualified projects and redeem TRIP bonds, except that amounts withdrawn from the TRIP Bonds Trust Account to pay costs of qualified projects may not exceed the proceeds from the sale of TRIP bonds described in subsection (a)(1).

''(4) USE OF REMAINING FUNDS IN TRIP BONDS TRUST ACCOUNT.—Upon the redemption of all TRIP bonds issued by the State infrastructure bank under this section, any remaining amounts in the TRIP Bonds Trust Account held by such bank shall be available to pay the costs of any qualified project in such State.

''(5) APPLICABILITY OF FEDERAL LAW.—The requirements of any Federal law, including titles 23, 40, and 49 of the United States Code, which would otherwise apply to projects to

which the United States is a party or to funds made available under such law and projects assisted with those funds shall apply to—

''(A) funds made available under each TRIP Bonds Trust Account for similar qualified projects, other than contributions required under subsection (h), and

''(B) similar qualified projects assisted through the use of such funds.

''(6) INVESTMENT.—Subject to subsections (e) and (f), it shall be the duty of the State infrastructure bank to invest in investment grade obligations such portion of the TRIP Bonds Trust Account held by such Bank as is not, in the judgment of such bank, required to meet current withdrawals. To the maximum extent practicable, investments should be made in securities that support infrastructure investment at the State and local level.

''(h) STATE CONTRIBUTION REQUIREMENTS.—

''(1) IN GENERAL.—For purposes of subsection (a)(6), the State contribution requirement of this subsection is met with respect to any qualified project if the State infrastructure bank has received for deposit into the TRIP Bonds Trust Account held by such bank from 1 or more States, not later than the date of issuance of the bond, the first of 10 equal annual installments constituting one-tenth of the contributions of not less than 20 percent (or such smaller percentage as determined under title 23, United States Code, for such State) of the cost of the qualified project.

''(2) STATE CONTRIBUTIONS MAY NOT INCLUDE FEDERAL FUNDS.—For purposes of this subsection, State contributions shall not be derived, directly or indirectly, from Federal funds, including any transfers from the Highway Trust Fund under section 9503.

''(i) UTILIZATION OF UPDATED CONSTRUCTION TECHNOLOGY FOR QUALIFIED PROJECTS.—For purposes of subsection (a)(7), the requirement of this subsection is met if the appropriate State agency relating to the qualified project is utilizing updated construction technologies.

''(j) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) STATE INFRASTRUCTURE BANK.—

''(A) IN GENERAL.—The term 'State infrastructure bank' means a State infrastructure bank established under section 610 of title 23, United States Code, and includes a joint venture among 2 or more State infrastructure banks.

''(B) SPECIAL AUTHORITY.—Notwithstanding any other provision of law, a State infrastructure bank shall be authorized to perform any of the functions necessary to carry out the purposes of this section, including the making of direct grants to qualified projects from available project proceeds of TRIP bonds issued by such bank.

''(2) CREDITS MAY BE TRANSFERRED.—Nothing in any law or rule of law shall be construed to limit the transferability of the credit or bond allowed by this section through sale and repurchase agreements.

''(3) PROHIBITION ON USE OF HIGHWAY TRUST FUND.—Notwithstanding any other provision of law, no funds derived from the Highway Trust Fund established under section 9503 shall be used to pay for credits under this section.''.

(c) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''or'' at the end of subparagraph (D),

(B) by inserting ''or'' at the end of subparagraph (E),

(C) by inserting after subparagraph (E) the following new subparagraph:

''(F) a TRIP bond,'', and

(D) by inserting ''(paragraphs (3), (4), and (6), in the case of a TRIP bond)'' after ''and (6)''.

(2) Subparagraph (C) of section 54A(d)(2) of such Code is amended by striking ''and'' at the end of clause (iv), by striking the period at the end of clause (v) and inserting '', and'', and by adding at the end the following new clause:

''(vi) in the case of a TRIP bond, a purpose specified in section 54G(a)(1).''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart I of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 54G. TRIP bonds.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 2012.

(f) EXTENSION OF CUSTOMS USER FEES.—Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by adding at the end the following:

''(E)(i) Notwithstanding subparagraph (A), fees may be charged under paragraphs (9) and (10) of subsection (a) during the period beginning on October 1, 2021, and ending on October 1, 2029.

''(ii) Notwithstanding subparagraph (B)(i), fees may be charged under paragraphs (1) through (8) of subsection (a) during the period beginning on October 1, 2021, and ending on October 1, 2029.''.

SA 1693. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1, strike line 4 and all that follows through the end of the bill and, at the appropriate place, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Transportation Empowerment Act''.

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

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the objective of the Federal highway program has been to facilitate the construction of a modern freeway system that promotes efficient interstate commerce by connecting all States;

(2) that objective has been attained, and the Interstate System connecting all States is near completion;

(3) each State has the responsibility of providing an efficient transportation network for the residents of the State;

(4) each State has the means to build and operate a network of transportation systems, including highways, that best serves the needs of the State;

(5) each State is best capable of determining the needs of the State and acting on those needs;

(6) the Federal role in highway transportation has, over time, usurped the role of the States by taxing motor fuels used in the States and then distributing the proceeds to the States based on the Federal Government's perceptions of what is best for the States;

(7) the Federal Government has used the Federal motor fuels tax revenues to force all States to take actions that are not necessarily appropriate for individual States;

(8) the Federal distribution, review, and enforcement process wastes billions of dollars on unproductive activities;

(9) Federal mandates that apply uniformly to all 50 States, regardless of the different circumstances of the States, cause the States to waste billions of hard-earned tax dollars on projects, programs, and activities that the States would not otherwise undertake; and

(10) Congress has expressed a strong interest in reducing the role of the Federal Government by allowing each State to manage its own affairs.

(b) PURPOSES.—The purposes of this Act are—

(1) to return to the individual States maximum discretionary authority and fiscal responsibility for all elements of the national surface transportation systems that are not within the direct purview of the Federal Government;

(2) to preserve Federal responsibility for the Dwight D. Eisenhower National System of Interstate and Defense Highways;

(3) to preserve the responsibility of the Department of Transportation for—

(A) design, construction, and preservation of transportation facilities on Federal public land;

(B) national programs of transportation research and development and transportation safety; and

(C) emergency assistance to the States in response to natural disasters;

(4) to eliminate to the maximum extent practicable Federal obstacles to the ability of each State to apply innovative solutions to the financing, design, construction, operation, and preservation of Federal and State transportation facilities; and

(5) with respect to transportation activities carried out by States, local governments, and the private sector, to encourage—

(A) competition among States, local governments, and the private sector; and

(B) innovation, energy efficiency, private sector participation, and productivity.

SEC. 3. LIMITATION ON EXPENDITURES.

Notwithstanding any other provision of law, if the Secretary of Transportation determines for any fiscal year that the aggregate amount required to carry out transportation programs and projects under this Act and amendments made by this Act exceeds the estimated aggregate amount in the Highway Trust Fund available for those programs and projects for the fiscal year, each amount made available for such a program or project shall be reduced by the pro rata percentage required to reduce the aggregate amount required to carry out those programs and projects to an amount equal to that available for those programs and projects in the Highway Trust Fund for the fiscal year.

SEC. 4. FUNDING FOR CORE HIGHWAY PROGRAMS.

(a) IN GENERAL.—

(1) FUNDING.—For the purpose of carrying out title 23, United States Code, the following sums are authorized to be appropriated out of the Highway Trust Fund:

(A) INTERSTATE MAINTENANCE PROGRAM.—For the Interstate maintenance program under section 119 of title 23, United States

Code, $5,200,000,000 for fiscal year 2014, $5,280,000,000 for fiscal year 2015, $5,360,000,000 for fiscal year 2016, $5,440,000,000 for fiscal year 2017, and $5,520,000,000 for fiscal year 2018.

(B) EMERGENCY RELIEF.—For emergency relief under section 125 of that title, $100,000,000 for each of fiscal years 2014 through 2018.

(C) INTERSTATE BRIDGE PROGRAM.—For the Interstate bridge program under section 144 of that title, $2,527,000,000 for fiscal year 2014, $2,597,000,000 for fiscal year 2015, $2,667,000,000 for fiscal year 2016, $2,737,000,000 for fiscal year 2017, and $2,807,000,000 for fiscal year 2018.

(D) FEDERAL LANDS HIGHWAYS PROGRAM.—

(i) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of that title, $470,000,000 for fiscal year 2014, $510,000,000 for fiscal year 2015, $550,000,000 for fiscal year 2016, $590,000,000 for fiscal year 2017, and $630,000,000 for fiscal year 2018.

(ii) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of that title, $300,000,000 for fiscal year 2014, $310,000,000 for fiscal year 2015, $320,000,000 for fiscal year 2016, $330,000,000 for fiscal year 2017, and $340,000,000 for fiscal year 2018.

(iii) PARKWAYS AND PARK ROADS.—For parkways and park roads under section 204 of that title, $255,000,000 for fiscal year 2014, $270,000,000 for fiscal year 2015, $285,000,000 for fiscal year 2016, $300,000,000 for fiscal year 2017, and $315,000,000 for fiscal year 2018.

(iv) REFUGE ROADS.—For refuge roads under section 204 of that title, $32,000,000 for each of fiscal years 2014 through 2018.

(E) HIGHWAY SAFETY PROGRAMS.—

(i) IN GENERAL.—For highway safety programs under section 402 of that title, $170,000,000 for each of fiscal years 2014 through 2018.

(ii) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—For highway safety research and development under section 403 of that title, $35,000,000 for each of fiscal years 2014 through 2018.

(F) SURFACE TRANSPORTATION RESEARCH.—For cooperative agreements with nonprofit research organizations to carry out applied pavement research under section 502 of that title, $200,000,000 for each of fiscal years 2014 through 2018.

(G) ADMINISTRATIVE EXPENSES.—For administrative expenses incurred in carrying out the programs referred to in subparagraphs (A) through (F), $92,890,000 for fiscal year 2014, $95,040,000 for fiscal year 2015, $97,190,000 for fiscal year 2016, $99,340,000 for fiscal year 2017, and $101,490,000 for fiscal year 2018.

(2) TRANSFERABILITY OF FUNDS.—Section 104 of title 23, United States Code, is amended by striking subsection (g) and inserting the following:

''(g) TRANSFERABILITY OF FUNDS.—

''(1) IN GENERAL.—To the extent that a State determines that funds made available under this title to the State for a purpose are in excess of the needs of the State for that purpose, the State may transfer the excess funds to, and use the excess funds for, any surface transportation (including mass transit and rail) purpose in the State.

''(2) ENFORCEMENT.—If the Secretary determines that a State has transferred funds under paragraph (1) to a purpose that is not a surface transportation purpose as described in paragraph (1), the amount of the improperly transferred funds shall be deducted from any amount the State would otherwise receive from the Highway Trust Fund for the fiscal year that begins after the date of the determination.''.

(3) FEDERAL-AID SYSTEM.—Section 103(a) of title 23, United States Code, is amended by striking ''systems are the Interstate System and the National Highway System'' and inserting ''system is the Interstate System''.

(4) INTERSTATE MAINTENANCE PROGRAM.—Section 104(b) of title 23, United States Code, is amended by striking paragraph (4) and inserting the following:

''(4) INTERSTATE MAINTENANCE COMPONENT.—For each of fiscal years 2014 through 2018, for the Interstate maintenance program under section 119, 1 percent to the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands and the remaining 99 percent apportioned as follows:

''(A)(i) For each State with an average population density of 20 persons or fewer per square mile, and each State with a population of 1,500,000 persons or fewer and with a land area of 10,000 square miles or less, the greater of—

''(I) a percentage share of apportionments equal to the percentage for the State described in clause (ii); or

''(II) a share determined under subparagraph (B).

''(ii) The percentage referred to in clause (i)(I) for a State for a fiscal year shall be the percentage calculated for the State for the fiscal year under section 105(b) of title 23, United States Code.

''(B) For each State not described in subparagraph (A), a share of the apportionments remaining determined in accordance with the following formula:

''(i) ⅓ in the ratio that the total rural lane miles in each State bears to the total rural lane miles in all States with an average population density greater than 20 persons per square mile and all States with a population of more than 1,500,000 persons and with a land area of more than 10,000 square miles.

''(ii) ⅓ in the ratio that the total rural vehicle miles traveled in each State bears to the total rural vehicle miles traveled in all States described in clause (i).

''(iii) ⅔ in the ratio that the total urban lane miles in each State bears to the total urban lane miles in all States described in clause (i).

''(iv) ⅔ in the ratio that the total urban vehicle miles traveled in each State bears to the total urban vehicle miles traveled in all States described in clause (i).

''(v) ⅜ in the ratio that the total diesel fuel used in each State bears to the total diesel fuel used in all States described in clause (i).''.

(5) INTERSTATE BRIDGE PROGRAM.—Section 144 of title 23, United States Code, is amended—

(A) in subsection (d)—

(i) by inserting ''on the Federal-aid system or described in subsection (c)(3)'' after ''highway bridge'' each place it appears; and

(ii) by inserting ''on the Federal-aid system or described in subsection (c)(3)'' after ''highway bridges'' each place it appears;

(B) in the second sentence of subsection (e)—

(i) in paragraph (1), by adding ''and'' at the end;

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

(iii) by striking paragraphs (3) and (4);

(C) in the first sentence of subsection (k), by inserting ''on the Federal-aid system or described in subsection (c)(3)'' after ''any bridge'';

(D) in subsection (l)(1), by inserting ''on the Federal-aid system or described in subsection (c)(3)'' after ''construct any bridge''; and

(E) in the first sentence of subsection (m), by inserting ''for each of fiscal years 1991 through 2013,'' after ''of law,''.

(6) NATIONAL DEFENSE HIGHWAYS.—Section 311 of title 23, United States Code, is amended—

(A) in the first sentence, by striking ''under subsection (a) of section 104 of this title'' and inserting ''to carry out this section''; and

(B) by striking the second sentence.

(7) FEDERALIZATION AND DEFEDERALIZATION OF PROJECTS.—Notwithstanding any other provision of law, beginning on October 1, 2013—

(A) a highway construction or improvement project shall not be considered to be a Federal highway construction or improvement project unless and until a State expends Federal funds for the construction portion of the project;

(B) a highway construction or improvement project shall not be considered to be a Federal highway construction or improvement project solely by reason of the expenditure of Federal funds by a State before the construction phase of the project to pay expenses relating to the project, including for any environmental document or design work required for the project; and

(C)(i) a State may, after having used Federal funds to pay all or a portion of the costs of a highway construction or improvement project, reimburse the Federal Government in an amount equal to the amount of Federal funds so expended; and

(ii) after completion of a reimbursement described in clause (i), a highway construction or improvement project described in that clause shall no longer be considered to be a Federal highway construction or improvement project.

(8) REPORTING REQUIREMENTS.—No reporting requirement, other than a reporting requirement in effect as of the date of enactment of this Act, shall apply on or after October 1, 2013, to the use of Federal funds for highway projects by a public-private partnership.

(b) EXPENDITURES FROM HIGHWAY TRUST FUND.—

(1) EXPENDITURES FOR CORE PROGRAMS.—Section 9503(c) of the Internal Revenue Code of 1986 is amended—

(A) in paragraph (1), by striking ''Surface Transportation Extension Act of 2011, Part II'' and inserting ''Transportation Empowerment Act'';

(B) in paragraph (1), by striking ''April 1, 2012'' and inserting ''October 1, 2018'';

(C) in paragraphs (3)(A)(i), (4)(A), and (5), by striking ''April 1, 2012'' each place it appears and inserting ''October 1, 2020''; and

(D) in paragraph (2), by striking ''January 1, 2013'' and inserting ''July 1, 2021''.

(2) AMOUNTS AVAILABLE FOR CORE PROGRAM EXPENDITURES.—Section 9503 of such Code is amended by adding at the end the following:

''(g) CORE PROGRAMS FINANCING RATE.—For purposes of this section—

''(1) IN GENERAL.—Except as provided in paragraph (2)—

''(A) in the case of gasoline and special motor fuels the tax rate of which is the rate specified in section 4081(a)(2)(A)(i), the core programs financing rate is—

''(i) after September 30, 2013, and before October 1, 2014, 18.3 cents per gallon,

''(ii) after September 30, 2014, and before October 1, 2015, 9.6 cents per gallon,

''(iii) after September 30, 2015, and before October 1, 2016, 6.4 cents per gallon,

''(iv) after September 30, 2016, and before October 1, 2017, 5.0 cents per gallon, and

''(v) after September 30, 2017, 3.7 cents per gallon, and

''(B) in the case of kerosene, diesel fuel, and special motor fuels the tax rate of which is the rate specified in section 4081(a)(2)(A)(iii), the core programs financing rate is—

''(i) after September 30, 2013, and before October 1, 2014, 24.3 cents per gallon,

''(ii) after September 30, 2014, and before October 1, 2015, 12.7 cents per gallon,

''(iii) after September 30, 2015, and before October 1, 2016, 8.5 cents per gallon,

''(iv) after September 30, 2016, and before October 1, 2017, 6.6 cents per gallon, and

''(v) after September 30, 2017, 5.0 cents per gallon.

''(2) APPLICATION OF RATE.—In the case of fuels used as described in paragraph (3)(C), (4)(B), and (5) of subsection (c), the core programs financing rate is zero.''.

(c) TERMINATION OF TRANSFERS TO MASS TRANSIT ACCOUNT.—Section 9503(e)(2) of the Internal Revenue Code of 1986 is amended by inserting '', and before October 1, 2013'' after ''March 31, 1983''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section take effect on October 1, 2013.

(2) CERTAIN EXTENSIONS.—The amendments made by subsection (b)(1) shall take effect on April 1, 2012.

SEC. 5. INFRASTRUCTURE SPECIAL ASSISTANCE FUND.

(a) BALANCE OF CORE PROGRAMS FINANCING RATE DEPOSITED IN FUND.—Section 9503 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(h) ESTABLISHMENT OF INFRASTRUCTURE SPECIAL ASSISTANCE FUND.—

''(1) CREATION OF FUND.—There is established in the Highway Trust Fund a separate fund to be known as the 'Infrastructure Special Assistance Fund' consisting of such amounts as may be transferred or credited to the Infrastructure Special Assistance Fund as provided in this subsection or section 9602(b).

''(2) TRANSFERS TO INFRASTRUCTURE SPECIAL ASSISTANCE FUND.—On the first day of each fiscal year, the Secretary, in consultation with the Secretary of Transportation, shall determine the excess (if any) of—

''(A) the sum of—

''(i) the amounts appropriated in such fiscal year to the Highway Trust Fund under subsection (b) which are attributable to the core programs financing rate for such year, plus

''(ii) the amounts appropriated in such fiscal year to the Highway Trust Fund under subsection (b) which are attributable to taxes under sections 4051, 4071, and 4481 for such year, over

''(B) the amount appropriated under subsection (c) for such fiscal year,

and shall transfer such excess to the Infrastructure Special Assistance Fund.

''(3) EXPENDITURES FROM INFRASTRUCTURE SPECIAL ASSISTANCE FUND.—

''(A) TRANSITIONAL ASSISTANCE.—

''(i) IN GENERAL.—Except as provided in clause (iii), during fiscal years 2014 through 2017, $1,000,000,000 in the Infrastructure Special Assistance Fund shall be available to States for transportation-related program expenditures.

''(ii) STATE SHARE.—Each State is entitled to a share of the amount specified in clause (i) determined in the following manner:

''(I) Multiply the percentage of the amounts appropriated in the latest fiscal year for which such data are available to the Highway Trust Fund under subsection (b) which is attributable to taxes paid by highway users in the State, by the amount specified in clause (i). If the result does not exceed $15,000,000, the State's share equals $15,000,000. If the result exceeds $15,000,000, the State's share is determined under subclause (II).

''(II) Multiply the percentage determined under subclause (I), by the amount specified in clause (i) reduced by an amount equal to $15,000,000 times the number of States the share of which is determined under subclause (I).

''(iii) DISTRIBUTION OF REMAINING AMOUNT.—If after September 30, 2017, a portion of the amount specified in clause (i) remains, the Secretary, in consultation with the Secretary of Transportation, shall, on October 1, 2017, apportion the portion among the States using the percentages determined under clause (ii)(I) for such States.

''(B) ADDITIONAL EXPENDITURES FROM FUND.—

''(i) IN GENERAL.—Amounts in the Infrastructure Special Assistance Fund, in excess of the amount specified in subparagraph (A)(i), shall be available, as provided by appropriation Acts, to the States for any surface transportation (including mass transit and rail) purpose in such States, and the Secretary shall apportion such excess amounts among all States using the percentages determined under clause (ii)(I) for such States.

''(ii) ENFORCEMENT.—If the Secretary determines that a State has used amounts under clause (i) for a purpose which is not a surface transportation purpose as described in clause (i), the improperly used amounts shall be deducted from any amount the State would otherwise receive from the Highway Trust Fund for the fiscal year which begins after the date of the determination.''.

(b) EFFECTIVE DATE.—The amendment made by this section takes effect on October 1, 2013.

SEC. 6. RETURN OF EXCESS TAX RECEIPTS TO STATES.

(a) IN GENERAL.—Section 9503(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(6) RETURN OF EXCESS TAX RECEIPTS TO STATES FOR SURFACE TRANSPORTATION PURPOSES.—

''(A) IN GENERAL.—On the first day of each of fiscal years 2014, 2015, 2016, and 2017, the Secretary, in consultation with the Secretary of Transportation, shall—

''(i) determine the excess (if any) of—

''(I) the amounts appropriated in such fiscal year to the Highway Trust Fund under subsection (b) which are attributable to the taxes described in paragraphs (1) and (2) thereof (after the application of paragraph (4) thereof) over the sum of—

''(II) the amounts so appropriated which are equivalent to—

''(aa) such amounts attributable to the core programs financing rate for such year, plus

''(bb) the taxes described in paragraphs (3)(C), (4)(B), and (5) of subsection (c), and

''(ii) allocate the amount determined under clause (i) among the States (as defined in section 101(a) of title 23, United States Code) for surface transportation (including mass transit and rail) purposes so that—

''(I) the percentage of that amount allocated to each State, is equal to

''(II) the percentage of the amount determined under clause (i)(I) paid into the Highway Trust Fund in the latest fiscal year for which such data are available which is attributable to highway users in the State.

''(B) ENFORCEMENT.—If the Secretary determines that a State has used amounts under subparagraph (A) for a purpose which is not a surface transportation purpose as described in subparagraph (A), the improperly used amounts shall be deducted from any amount the State would otherwise receive from the Highway Trust Fund for the fiscal year which begins after the date of the determination.''.

(b) EFFECTIVE DATE.—The amendment made by this section takes effect on October 1, 2013.

SEC. 7. REDUCTION IN TAXES ON GASOLINE, DIESEL FUEL, KEROSENE, AND SPECIAL FUELS FUNDING HIGHWAY TRUST FUND.

(a) REDUCTION IN TAX RATE.—

(1) IN GENERAL.—Section 4081(a)(2)(A) of the Internal Revenue Code of 1986 is amended—

(A) in clause (i), by striking ''18.3 cents'' and inserting ''3.7 cents''; and

(B) in clause (iii), by striking ''24.3 cents'' and inserting ''5.0 cents''.

(2) CONFORMING AMENDMENTS.—

(A) Section 4081(a)(2)(D) of such Code is amended—

(i) by striking ''19.7 cents'' and inserting ''4.1 cents'', and

(ii) by striking ''24.3 cents'' and inserting ''5.0 cents''.

(B) Section 6427(b)(2)(A) of such Code is amended by striking ''7.4 cents'' and inserting ''1.5 cents''.

(b) ADDITIONAL CONFORMING AMENDMENTS.—

(1) Section 4041(a)(1)(C)(iii)(I) of the Internal Revenue Code of 1986 is amended by striking ''7.3 cents per gallon (4.3 cents per gallon after March 31, 2012)'' and inserting ''1.4 cents per gallon (zero after September 30, 2020)''.

(2) Section 4041(a)(2)(B)(ii) of such Code is amended by striking ''24.3 cents'' and inserting ''5.0 cents''.

(3) Section 4041(a)(3)(A) of such Code is amended by striking ''18.3 cents'' and inserting ''3.7 cents''.

(4) Section 4041(m)(1) of such Code is amended—

(A) in subparagraph (A), by striking ''April 1, 2012'' and inserting ''October 1, 2020,'';

(B) in subparagraph (A)(i), by striking ''9.15 cents'' and inserting ''1.8 cents'';

(C) in subparagraph (A)(ii), by striking ''11.3 cents'' and inserting ''2.3 cents''; and

(D) by striking subparagraph (B) and inserting the following:

''(B) zero after September 30, 2020.''.

(5) Section 4081(d)(1) of such Code is amended by striking ''4.3 cents per gallon after March 31, 2012'' and inserting ''zero after September 30, 2020''.

(6) Section 9503(b) of such Code is amended—

(A) in paragraphs (1) and (2), by striking ''April 1, 2012'' both places it appears and inserting ''October 1, 2020'';

(B) in the heading of paragraph (2), by striking ''APRIL 1, 2012'' and inserting ''OCTOBER 1, 2020'';

(C) in paragraph (2), by striking ''after March 31, 2012, and before January 1, 2013'' and inserting ''after September 30, 2020, and before July 1, 2021''; and

(D) in paragraph (6)(B), by striking ''April 1, 2012'' and inserting ''October 1, 2018''.

(c) FLOOR STOCK REFUNDS.—

(1) IN GENERAL.—If—

(A) before October 1, 2017, tax has been imposed under section 4081 of the Internal Revenue Code of 1986 on any liquid; and

(B) on such date such liquid is held by a dealer and has not been used and is intended for sale;

there shall be credited or refunded (without interest) to the person who paid such tax (in this subsection referred to as the ''taxpayer'') an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on such date.

(2) TIME FOR FILING CLAIMS.—No credit or refund shall be allowed or made under this subsection unless—

(A) claim therefor is filed with the Secretary of the Treasury before April 1, 2018; and

(B) in any case where liquid is held by a dealer (other than the taxpayer) on October 1, 2017—

(i) the dealer submits a request for refund or credit to the taxpayer before January 1, 2018; and

(ii) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(3) EXCEPTION FOR FUEL HELD IN RETAIL STOCKS.—No credit or refund shall be allowed under this subsection with respect to any liquid in retail stocks held at the place where intended to be sold at retail.

(4) DEFINITIONS.—For purposes of this subsection, the terms ''dealer'' and ''held by a dealer'' have the respective meanings given to such terms by section 6412 of such Code; except that the term ''dealer'' includes a producer.

(5) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 and sections 6206 and 6675 of such Code shall apply for purposes of this subsection.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to fuel removed after September 30, 2017.

(2) CERTAIN CONFORMING AMENDMENTS.—The amendments made by subsections (b)(1), (b)(4), (b)(5), and (b)(6) shall apply to fuel removed after September 30, 2011.

SEC. 8. REPORT TO CONGRESS.

Not later than 180 days after the date of enactment of this Act, after consultation with the appropriate committees of Congress, the Secretary of Transportation shall submit a report to Congress describing such technical and conforming amendments to titles 23 and 49, United States Code, and such technical and conforming amendments to other laws, as are necessary to bring those titles and other laws into conformity with the policy embodied in this Act and the amendments made by this Act.

SEC. 9. EFFECTIVE DATE CONTINGENT ON CERTIFICATION OF DEFICIT NEUTRALITY.

(a) PURPOSE.—The purpose of this section is to ensure that—

(1) this Act will become effective only if the Director of the Office of Management and Budget certifies that this Act is deficit neutral;

(2) discretionary spending limits are reduced to capture the savings realized in devolving transportation functions to the State level pursuant to this Act; and

(3) the tax reduction made by this Act is not scored under pay-as-you-go and does not inadvertently trigger a sequestration.

(b) EFFECTIVE DATE CONTINGENCY.—Notwithstanding any other provision of this Act, this Act and the amendments made by this Act shall take effect only if—

(1) the Director of the Office of Management and Budget (referred to in this section as the ''Director'') submits the report as required in subsection (c); and

(2) the report contains a certification by the Director that, based on the required estimates, the reduction in discretionary outlays resulting from the reduction in contract authority is at least as great as the reduction in revenues for each fiscal year through fiscal year 2018.

(c) OMB ESTIMATES AND REPORT.—

(1) REQUIREMENTS.—Not later than 5 calendar days after the date of enactment of this Act, the Director shall—

(A) estimate the net change in revenues resulting from this Act for each fiscal year through fiscal year 2018;

(B) estimate the net change in discretionary outlays resulting from the reduction in contract authority under this Act for each fiscal year through fiscal year 2018;

(C) determine, based on those estimates, whether the reduction in discretionary outlays is at least as great as the reduction in revenues for each fiscal year through fiscal year 2018; and

(D) submit to Congress a report setting forth the estimates and determination.

(2) APPLICABLE ASSUMPTIONS AND GUIDELINES.—

(A) REVENUE ESTIMATES.—The revenue estimates required under paragraph (1)(A) shall be predicated on the same economic and technical assumptions and scorekeeping guidelines that would be used for estimates made pursuant to section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)).

(B) OUTLAY ESTIMATES.—The outlay estimates required under paragraph (1)(B) shall be determined by comparing the level of discretionary outlays resulting from this Act with the corresponding level of discretionary outlays projected in the baseline under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907).

(d) CONFORMING ADJUSTMENT TO DISCRETIONARY SPENDING LIMITS.—On compliance with the requirements specified in subsection (b), the Director shall adjust the adjusted discretionary spending limits for each fiscal year through fiscal year 2013 under section 601(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 665(a)(2)) by the estimated reductions in discretionary outlays under subsection (c)(1)(B).

(e) PAYGO INTERACTION.—On compliance with the requirements specified in subsection (b), no changes in revenues estimated to result from the enactment of this Act shall be counted for the purposes of section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)).

SA 1694. Mr. BAUCUS (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 40201 and insert the following:

SEC. 40201. TEMPORARY INCREASE IN SMALL ISSUER EXCEPTION TO TAX-EXEMPT INTEREST EXPENSE ALLOCATION RULES FOR FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—Subparagraph (G) of section 265(b)(3) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''2009 or 2010'' in clause (i) and inserting ''2009, 2010, 2012, or the period beginning after December 31, 2012, and before July 1, 2013'',

(2) by striking ''2009 or 2010'' each place it appears in clauses (ii) and (iii) and inserting ''2009, 2010, or the period beginning after June 30, 2012, and before July 1, 2013'', and

(3) by striking ''2009 AND 2010'' in the heading and inserting ''2009, 2010, 2012, AND 2013''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after June 30, 2012.

SA 1695. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

In division D, on page 232, strike lines 1 through 5 and insert the following:

''(G) target areas with high rates of unemployment;

''(H) address current or projected workforce shortages in areas that require technical expertise; and

''(I) carry out programs that work with community colleges with experience in developing activities eligible for assistance under subsection (a).

SA 1696. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 1633 proposed by Mr. REID to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 189, between lines 24 and 25, insert the following:

''(8) DATA REPORTING REQUIREMENTS.—A public transportation service provider that receives assistance under this section or section 5311 for a fiscal year shall report to the Secretary—

''(A) the number of vehicles purchased during the fiscal year using such assistance; and

''(B) the number of rides provided during the fiscal year that are attributable to such assistance.

SA 1697. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 1633 proposed by Mr. REID to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 195, line 15, after ''agencies'' insert the following: '', including any transportation activities carried out by the recipient using a grant under title III of the Older Americans Act of 1965 (42 U.S.C. 3021 et seq.)''.

SA 1698. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PRIVATE OPERATORS OF INTERCITY BUS SERVICE.

Section 5311(h)(3) of title 49, United States Code, as amended by this Act, is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(D) in the case of operating costs of connecting rural intercity bus feeder service funded under subsection (f)(1)(E), may be derived from the costs of intercity bus service provided by a private operator, if—

''(i) the project includes both feeder service and a connecting unsubsidized intercity route segment; and

''(ii) the private operator agrees in writing to the use of its unsubsidized costs as an in-kind match.''.

SA 1699. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, line 19, insert ''(other than amounts suballocated to metropolitan areas and other areas of the State under 133(d))'' after ''104(b)(2)''.

On page 70, line 25, insert ''(other than amounts suballocated to metropolitan areas and other areas of the State under 133(d))'' after ''104(b)(2)''.

On page 127, line 18, insert ''(other than amounts suballocated to metropolitan areas and other areas of the State under 133(d))'' after ''104(b)(2)''.

SA 1700. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. HIGH-SPEED RAIL EQUIPMENT.

The Secretary of Transportation shall not preclude the use of Federal funds made available to purchase rolling stock to purchase any equipment used for ''high-speed rail'' (as defined in section 26106(b)(4) of title 49, United States Code) that otherwise complies with applicable Federal standards, including safety, Buy America, and environmental standards.

SA 1701. Mr. WHITEHOUSE (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, between lines 15 and 16, insert the following:

''(4) PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE.—

''(A) APPROPRIATION.—

''(i) IN GENERAL.—Notwithstanding any other provision of law, on October 1, 2012, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary for the cost of the projects of national and regional significance program under section 1118 $1,000,000,000, to remain available until expended.

''(ii) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under clause (i), without further appropriation.

''(B) OFFSET.—

''(i) IN GENERAL.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)) is amended by adding at the end the following:

'' '(E) OVERSEAS CONTINGENCY AND RELATED ACTIVITIES.—

'' '(i) CAP ADJUSTMENT.—If a bill or joint resolution making appropriations for a fiscal year is enacted that specifies an amount for overseas contingency and related activities for that fiscal year, but not to exceed the amounts specified in clause (ii), the adjustments for that fiscal year shall be the additional new budget authority provided in that Act for the activities for that fiscal year.

'' '(ii) LEVELS.—The levels for overseas contingency and related activities specified in this subparagraph for fiscal year 2013 is $127,658,000,000 in budget authority.'.

''(ii) BREACH.—Section 251(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(a)) is amended by striking paragraph (2) and inserting the following:

'' '(2) ELIMINATING A BREACH.—

'' '(A) IN GENERAL.—Each nonexempt account within a category shall be reduced by a dollar amount calculated by multiplying the enacted level of sequesterable budgetary resources in that account by the uniform percentage necessary to eliminate a breach within that category.

'' '(B) OVERSEAS CONTINGENCIES.—Any amount of budget authority for overseas contingency operations and related activities for fiscal year 2013 in excess of the level established in subsection (b)(2)(E) shall be counted in determining whether a breach has occurred in the security category and the nonsecurity category on a proportional basis to the total spending for overseas contingency operations in the security category and the nonsecurity category.'.

''(iii) CONFORMING AMENDMENT.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)) is amended by striking subparagraph (A) and inserting the following:

'' '(A) EMERGENCY APPROPRIATIONS.—If, for any fiscal year, appropriations for discretionary accounts are enacted that Congress designates as emergency requirements in law on an account by account basis and the President subsequently so designates, the adjustment shall be the total of such appropriations in discretionary accounts designated as emergency requirements.'.

SA 1702. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CONSTRUCTION EQUIPMENT AND VEHICLES.

(a) IN GENERAL.—Chapter 53 of title 49, United States Code, as amended by this Act, is amended by adding at the end the following:

''§ 5341. Construction equipment and vehicles

''(a) IN GENERAL.—In accordance with the obligation process established pursuant to section 149(j)(4) of title 23, a State shall expend amounts required to be obligated for this section to install diesel emission control technology on covered equipment, with an engine that does not meet current model year new engine standards for particulate matter for the applicable engine power group issued by the Environmental Protection Agency, on a covered public transportation construction project within a $PM_{2.5}$ nonattainment or maintenance area.

''(b) DEFINITIONS.—In this section, the following definitions apply:

''(1) COVERED EQUIPMENT.—The term 'covered equipment' means any nonroad diesel equipment or on-road diesel equipment that is operated on a covered public transportation construction project for not less than 80 hours over the life of the project.

''(2) COVERED PUBLIC TRANSPORTATION CONSTRUCTION PROJECT.—The term 'covered public transportation construction project'—

''(A) means a public transportation construction project carried out under this chapter, or any other Federal law, which is funded in whole or in part with Federal funds; and

''(B) does not include any project with a total budgeted cost not to exceed $5,000,000 (which, notwithstanding any other provision of this section, may be excluded from the requirement to comply with this section by an applicable State or metropolitan planning organization).

''(3) DIESEL EMISSION CONTROL TECHNOLOGY.—The term 'diesel emission control technology' means a technology that—

''(A) is—

''(i) a diesel exhaust control technology;

''(ii) a diesel engine upgrade;

''(iii) a diesel engine repower;

''(iv) an idle reduction control technology; or

''(v) any combination of the technologies listed in clauses (i) through (iv);

''(B) reduces particulate matter emission from covered equipment by—

''(i) not less than 85 percent control of any emission of particulate matter; or

''(ii) the maximum achievable reduction of any emission of particulate matter; and

''(C) is installed on and operated with the covered equipment while the equipment is operated on a covered public transportation construction project and that remains operational on the covered equipment for the useful life of the control technology or equipment.

''(4) ELIGIBLE ENTITY.—The term 'eligible entity' means an entity (including a subcontractor of the entity) that has entered into a prime contract or agreement with a State to carry out a covered public transportation construction project.

''(5) NONROAD DIESEL EQUIPMENT.—

''(A) IN GENERAL.—The term 'nonroad diesel equipment' means a vehicle, including covered equipment, that is—

''(i) powered by a nonroad diesel engine of not less than 50 horsepower; and

''(ii) not intended for highway use.

''(B) INCLUSIONS.—The term 'nonroad diesel equipment' includes a backhoe, bulldozer, compressor, crane, excavator, generator, and similar equipment.

''(C) EXCLUSIONS.—The term 'nonroad diesel equipment' does not include a locomotive or marine vessel.

''(6) ON-ROAD DIESEL EQUIPMENT.—The term 'on-road diesel equipment' means any self-propelled vehicle that—

''(A) operates on diesel fuel;

''(B) is designed to transport persons or property on a street or highway; and

''(C) has a gross vehicle weight rating of at least 14,000 pounds.

''(7) $PM_{2.5}$ NONATTAINMENT OR MAINTENANCE AREA.—The term '$PM_{2.5}$ nonattainment or maintenance area' means a nonattainment or maintenance area designated under section 107(d)(6) of the Clean Air Act (42 U.S.C. 7407(d)(6)).

''(c) CRITERIA ELIGIBLE ACTIVITIES.—For purposes of subsection (b)(3)(A):

''(1) DIESEL EXHAUST CONTROL TECHNOLOGY.—For a diesel exhaust control technology, the technology shall be—

''(A) installed on a diesel engine or vehicle;

''(B) included in the list of verified or certified technologies for nonroad vehicles and nonroad engines (as defined in section 216 of the Clean Air Act (42 U.S.C. 7550)) published pursuant to subsection (f)(2) of section 149 of title 23, as in effect on the date on which the eligible entity enters into a prime contract or agreement with a State to carry out a covered public transportation construction project; and

''(C) certified by the installer as having been installed in accordance with the specifications included on the list referred to in subparagraph (B) for achieving a reduction in particulate matter.

''(2) DIESEL ENGINE UPGRADE.—For a diesel engine upgrade, the upgrade shall be performed on an engine that is—

''(A) rebuilt using new or remanufactured components that collectively appear as a system in the list of verified or certified technologies for nonroad vehicles and nonroad engines (as defined in section 216 of the Clean Air Act (42 U.S.C. 7550)) published

pursuant to subsection (f)(2) of section 149 of title 23, as in effect on the date on which the eligible entity enters into a prime contract or agreement with a State to carry out a covered public transportation construction project; and

''(B) certified by the installer to have been installed in accordance with the specifications included on the list referred to in subparagraph (A) for achieving a reduction in particulate matter.

''(3) DIESEL ENGINE REPOWER.—For a diesel engine repower, the repower shall be conducted using a new or remanufactured diesel engine that is—

''(A) installed as a replacement for an engine used in the existing equipment, subject to the condition that the replaced engine is returned to the supplier for remanufacturing to a more stringent set of engine emissions standards or for use as scrap; and

''(B) certified by the engine manufacturer as meeting a more stringent engine particulate matter emission standard for the applicable engine power group established by the Environmental Protection Agency, than the engine particulate matter emission standard applicable to the replaced engine.

''(4) IDLE REDUCTION CONTROL TECHNOLOGY.—For an idle reduction control technology, the technology shall be—

''(A) installed on a diesel engine or vehicle;

''(B) included in the list of verified or certified technologies for nonroad vehicles and nonroad engines (as defined in section 216 of the Clean Air Act (42 U.S.C. 7550)) published pursuant to subsection (f)(2) of section 149, as in effect on the date on which the eligible entity enters into a prime contract or agreement with a State to carry out a covered public transportation construction project; and

''(C) certified by the installer as having been installed in accordance with the specifications included on the list referred to in subparagraph (B) for achieving a reduction in particulate matter.

''(d) ELIGIBILITY FOR CREDITS.—

''(1) IN GENERAL.—A State may take credit in a State implementation plan for national ambient air quality standards for any emission reductions that result from the implementation of this section.

''(2) CREDITING.—An emission reduction described in paragraph (1) may be credited toward demonstrating conformity of State implementation plans and transportation plans.''.

(b) SAVINGS CLAUSE.—Nothing in this section modifies or otherwise affects any authority or restrictions established under the Clean Air Act (42 U.S.C. 7401 et seq.).

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works and the Committee on Banking, Housing, and Urban Affairs of the Senate a report that describes the manners in which section 5341 of title 49, United States Code (as added by subsection (a)) has been implemented, including the quantity of covered equipment serviced under those sections and the costs associated with servicing the covered equipment.

(2) INFORMATION FROM STATES.—The Secretary shall require States and recipients, as a condition of receiving amounts under this Act or under the provisions of any amendments made by this Act, to submit to the Secretary any information that the Secretary determines necessary to complete the report under paragraph (1).

(d) TECHNICAL AMENDMENT.—The analysis for chapter 53 of title 49, United States Code, as amended by this Act, is amended by adding at the end the following:

''5341. Construction equipment and vehicles.''.

SA 1703. Mr. WARNER (for himself and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PUBLIC-PRIVATE PARTNERSHIP EXPERIMENTAL PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term ''Administrator'' means the Administrator of the Federal Transit Administration;

(2) the term ''eligible project'' means a project carried out using funding under chapter 53 of title 49, United States Code;

(3) the term ''eligible recipient'' means a recipient of funding under chapter 53 of title 49, United States Code; and

(4) the term ''experimental program'' means the public-private partnership experimental program established under subsection (b).

(b) PUBLIC-PRIVATE PARTNERSHIP EXPERIMENTAL PROGRAM.—

(1) PROGRAM ESTABLISHED.—The Administrator shall establish a 6-year public-private partnership experimental program to encourage eligible recipients to carry out tests and experimentation in the project development process that are designed to—

(A) attract private investment in eligible projects; and

(B) increase project management flexibility and innovation, improve efficiency, allow for timely project implementation, and create new revenue streams.

(2) IMPLEMENTATION OF PROGRAM.—The experimental program shall—

(A) except as provided in paragraph (5), identify any provisions of chapter 53 of title 49, United States Code, and any regulations or practices thereunder, that impede greater use of public-private partnerships and private investment in eligible projects; and

(B) develop procedures and approaches that—

(i) address the impediments described in subparagraph (A), in a manner similar to the Special Experimental Project Number 15 of the Federal Highway Administration (commonly referred to as ''SEP–15''); and

(ii) protect the public interest and any public investment in eligible projects.

(3) REPORT.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter until the termination of the experimental program, the Administrator shall submit to Congress a report on the status of the experimental program.

(4) RULEMAKING.—Not later than 180 days after the date of enactment of this Act, the Administrator shall issue rules to carry out the experimental program.

(5) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to allow the Administrator to waive any requirement under—

(A) section 5333 of title 49, United States Code; or

(B) any other provision of Federal law not described in paragraph (2)(A).

SA 1704. Mr. WARNER (for himself and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. RECEIPTS FROM PRIVATE PROVIDERS OF PUBLIC TRANSPORTATION ELIGIBLE FOR LOCAL SHARE PILOT PROGRAM.

(a) PILOT PROGRAM.—The Secretary of Transportation (referred to in this section as the ''Secretary'') shall establish a pilot program under which the non-Government share of the cost of a capital project carried out by a recipient of funding under section 5307 or 5311 of title 49, United States Code, as amended by this Act, may include an amount equal to the amount that a private provider of public transportation receives from providing public transportation service in the service area of the recipient that is in excess of the operating costs of the service provided, if the rolling stock used to provide the service—

(1) has been privately acquired; and

(2) has not been acquired using any Government capital assistance.

(b) OVERSIGHT.—Each recipient that participates in the pilot program established under subsection (a) shall demonstrate that—

(1) the recipient has provided appropriate oversight of the provision of service by the private provider of public transportation; and

(2) a lack of readily available non-Government funding has limited the expansion of service provided by the recipient.

(c) APPLICATION.—An application for participation in the pilot program established under subsection (a) shall—

(1) be submitted by a designated recipient on behalf of a recipient; and

(2) include a certification that the recipient meets the requirements under subsection (b).

(d) REPORT.—Not later than September 30, 2013, the Secretary shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that at a minimum shall include a description of—

(1) any new or expanded services that would not have been provided without pilot program established under subsection (a);

(2) the cost effectiveness of any services described in paragraph (1);

(3) the amount of private capital added to the national public transportation system and the impact on job growth from that private capital;

(4) the effect of participation in the pilot program established under subsection (a) on other public transportation services; and

(5) any other information that the Secretary determines is necessary.

SA 1705. Mr. BENNET (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. CREDIT FACILITY FOR TRANSIT-ORIENTED DEVELOPMENT.

(a) CREDIT FACILITY ESTABLISHED.—

(1) DEFINITIONS.—In this subsection:

(A) ELIGIBLE IMPROVEMENT.—The term ''eligible improvement'' means an infrastructure improvement that—

(i) is located within the station area of an eligible project;

(ii) has a total project cost of not less than $10,000,000; and

(iii) includes—

(I) the rehabilitation or construction of a street, a transit station, structured parking, a walkway, a bikeway; or

(II) an activity described in section 5302(3)(G)(v) of title 49, United States Code, as amended by this Act.

(B) ELIGIBLE PROJECT.—The term ''eligible project'' has the same meaning as in subsection (b).

(C) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(2) IN GENERAL.—The Secretary may make or guarantee a loan for an eligible improvement, at any time before or after the eligible project relating to the eligible improvement begins revenue service.

(3) PRIORITY.—In making and guaranteeing loans under this subsection, the Secretary shall give priority to eligible improvements that—

(A) facilitate increased transit ridership and the preservation or creation of long-term affordable housing units; and

(B) are carried out by metropolitan planning organizations, or members of the policy board thereof, that have developed metropolitan transportation plans under section 5303(i)(3) of title 49, United States Code, as amended by this Act.

(4) TERMS AND CONDITIONS.—The Secretary shall establish terms and conditions for loans and loan guarantees under this subsection that are consistent with the terms and conditions established under chapter 6 of title 23, United States Code.

(b) FUNDING.—Notwithstanding section 5338(a) of title 49, United States Code, as amended by this Act—

(1) of amounts made available under paragraph (1) of such section 5338(a), $20,000,000 for each of fiscal years 2012 and 2013 shall be available to carry out subsection (a) of this section; and

(2) the amounts described in paragraph (2) of such section 5338(a) shall be reduced by $20,000,000 on a pro rata basis.

SA 1706. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 1633 proposed by Mr. REID to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of page 477, add the following:

SEC. 32114. PROGRAM TO IMPROVE AVAILABILITY OF COMMERCIAL DRIVER'S LICENSES TO MEMBERS OF ARMED FORCES.

(a) STATE ACCEPTANCE OF TESTING OF MEMBERS OF ARMED FORCES BY SECRETARY OF DEFENSE FOR PURPOSES OF ISSUANCE OF COMMERCIAL DRIVER'S LICENSES.—Section 3131, as amended by section 32205 and 32303 of this Act, is further amended by adding at the end the following:

''(25) The State shall accept as proof of compliance by an applicant for a commercial driver's license with any knowledge or skills test required under paragraph (1) or (2) or under any provision of law of the State, evidence that the applicant—

''(A) is a member of the Armed Forces; and

''(B) has passed a knowledge or skills test administered by the Secretary of Defense and approved by the Secretary of Transportation for purposes of this paragraph.''.

(b) EXEMPTION FROM SINGLE LICENSE REQUIREMENT.—Section 31302 is amended—

(1) by striking ''No individual'' and inserting the following:

''(a) IN GENERAL.—No individual'';

(2) in subsection (a), as designated by paragraph (1), by striking ''An individual'' and inserting the following:

''(b) CUMULATIVE NUMBER OF LICENSES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), an individual''; and

(3) in subsection (b), as designated by paragraph (2), by adding at the end the following:

''(2) MEMBERS OF ARMED FORCES.—An individual who is a member of the Armed Forces operating a commercial motor vehicle may have a driver's license issued by the Secretary of Defense in addition to a commercial driver's license issued by a State.''.

(c) EXEMPTION FROM ALCOHOL AND CONTROLLED SUBSTANCES TESTING.—Section 31306(b)(1) is amended by adding at the end the following:

''(C) The regulations required by subparagraph (A) shall exempt members of the Armed Forces from any requirements relating to testing for alcohol or controlled substances.''.

(d) MODIFICATION OF RESIDENCY REQUIREMENT.—Paragraph (12) of section 31311(a) is amended—

(1) by striking ''except that, under regulations'' and inserting the following: ''except that—

''(A) under regulations''; and

(2) in subparagraph (A), as designated by paragraph (1), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(B) the State may issue a commercial driver's license to an individual who—

''(i) operates or will operate a commercial motor vehicle;

''(ii) is a member of the Armed Forces; and

''(iii) is not domiciled in the State, but who's permanent duty station is located in the State.''.

(e) FEDERAL AND STATE WORKING GROUP.—

(1) ESTABLISHMENT.—Not later than 3 months after the date of the enactment of this Act, the Secretary shall, in consultation with the Secretary of Defense and in cooperation with the States, establish a working group to assist members of the Armed Forces to obtain commercial driver's licenses.

(2) DUTIES.—The working group established under paragraph (1) shall, at a minimum—

(A) discuss implementation of this section and the amendments made by this section; and

(B) submit to the Secretary such recommendations for legislative or regulatory action as the working group considers advisable to improve the availability of commercial driver's licenses to members of the Armed Forces.

SA 1707. Mrs. GILLIBRAND (for herself and Mr. WYDEN) submitted an amendment intended to be proposed by her to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 559, between lines 10 and 11, insert the following:

SEC. 2214. UNIVERSITY RENEWABLE TRANSPORTATION FUELS PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 55 of title 49, United States Code, is amended by adding at the end the following:

''§ 5507. University renewable transportation fuels program

''(a) DEFINITIONS.—In this section:

''(1) CENTER.—The term 'center' means a regional university center of excellence established under this section.

''(2) LAND-GRANT COLLEGES AND UNIVERSITIES.—The term 'land-grant colleges and universities' has the meaning given the term in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103).

''(3) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

''(b) PROGRAM.—

''(1) ESTABLISHMENT.—The Secretary shall make competitively awarded grants under this section to nonprofit institutions of higher education to establish a consortium of land-grant colleges and universities to conduct a national program of research on biobased transportation fuels through 5 regional university centers of excellence.

''(2) ROLE OF CENTERS.—The role of the centers shall be—

''(A) to assist in meeting the needs of the United States for secure transportation fuels that are economically viable and environmentally sustainable;

''(B) to conduct research to support the movement and use of biobased transportation fuels, including research on—

''(i) biobased-transportation fuel feedstocks;

''(ii) feedstock preparation and transportation technologies;

''(iii) conversion and distribution technologies; and

''(iv) transportation infrastructure;

''(C) to enhance national energy and transportation security through the development, distribution, and implementation of biobased energy technologies;

''(D) to promote diversification in and the environmental sustainability of biomass feedstock production in the United States through biobased transportation fuels and product technologies;

''(E) to promote economic diversification in rural areas of the United States through biobased transportation fuels and product technologies; and

''(F) to enhance the efficiency of biobased transportation research and development programs through improved coordination and collaboration between the Department of Transportation, other appropriate Federal agencies, and land-grant colleges and universities.

''(3) DUTIES OF CENTERS.—A center established for a region described in subsection (c)(2)(B) shall—

''(A) provide research leadership and support collaboration among the land-grant universities and colleges within the region;

''(B) manage a peer-reviewed competitive grant program in the region that engages the land-grant colleges and universities in the region to address national priorities in the context of the biogeographic and environmental conditions, and transportation infrastructure, in the region; and

''(C) operate the program of research on biobased transportation fuels established under this section in the region.

''(c) GRANTS FROM SECRETARY TO NONPROFIT INSTITUTIONS OF HIGHER EDUCATION.—

''(1) APPLICATIONS.—To receive a grant under this section, a nonprofit institution of higher education shall submit to the Secretary an application that is in such form and contains such information as the Secretary may require.

''(2) GENERAL SELECTION CRITERIA.—

''(A) IN GENERAL.—Except as otherwise provided in this section, the Secretary shall award grants under this section in nonexclusive candidate topic areas established by the Secretary that address the research priorities described in section 503 of title 23.

''(B) REGIONS.—The Secretary shall establish a national consortium of 5 regional university centers of excellence, with a center established within, and collaborating with land-grant colleges and universities in, each of the following regions:

''(i) NORTH-CENTRAL CENTER OF EXCELLENCE.—A north-central research center for the region composed of the States of Illinois, Indiana, Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

''(ii) NORTHEASTERN CENTER OF EXCELLENCE.—A northeastern research center for the region composed of the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and West Virginia.

''(iii) SOUTH-CENTRAL CENTER OF EXCELLENCE.—A south-central research center for the region composed of the States of Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas.

''(iv) SOUTHEASTERN CENTER OF EXCELLENCE.—A southeastern research center for the region composed of the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

''(v) WESTERN CENTER OF EXCELLENCE.—

''(I) IN GENERAL.—A western research center for the region composed of the States of Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, and the States and insular areas covered by the subcenter described in subclause (II).

''(II) WESTERN INSULAR PACIFIC SUBCENTER.—Within the western research center established under subclause (I), a western insular Pacific research subcenter for the region of Alaska, Hawaii, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

''(C) CRITERIA.—The Secretary, in coordination with the Administrator of the Federal Highway Administration and the Administrator of the Federal Transit Administration, shall select each recipient of a grant under subsection (b) and this subsection through a competitive process based on the assessment of the Secretary of—

''(i)(I) the demonstrated leadership within the field of biobased transportation fuel research;

''(II) demonstrated experience in the conduct and management of research on biobased transportation fuel feedstocks; and

''(III) demonstrated experience in working with multiple Federal agencies;

''(ii) demonstrated experience in awarding and managing not less than $7,000,000 over a period of at least 5 years in competitive grant expenditures provided to land-grant colleges and universities, and institutions partnering with land-grant colleges and universities to conduct research and education programs in the area of biobased transportation fuels and biobased products that have the potential to reduce the cost of production of biobased fuel production through high-value coproducts;

''(iii) a demonstrated history of working with other land-grant colleges and universities within the applicable region in the conduct and implementation of field work on biobased transportation fuel feedstocks;

''(iv) a demonstrated history of collaborative efforts to collect and use natural resource and feedstock data for incorporation into geographic information systems and decisionmaking models;

''(v) a history of and working access to biobased feedstock production research stations in each State of the applicable region;

''(vi) the demonstrated ability of the recipient to disseminate results and promote the implementation of transportation research and education programs through national or regional education and outreach programs; and

''(vii) the demonstrated commitment of the recipient to the use of peer review principles and other research best practices in the selection, management, and dissemination of research projects.

''(3) SELECTION.—Not later than 1 year after the date of enactment of the MAP–21, the Secretary, in conjunction with the Administrator of the Federal Highway Administration and the Federal Transit Administration, shall—

''(A) select nonprofit institutions of higher education to receive grants under subsection (b) and this section; and

''(B) make grant amounts available to the selected recipients.

''(d) USE OF GRANTS BY UNIVERSITY CENTERS OF EXCELLENCE AND SUBCENTER.—

''(1) IN GENERAL.—A university center of excellence or subcenter established for a region under subsection (c) shall use 75 percent of the funds made to provide competitive grants to entities that are—

''(A) eligible to receive grants under subsection (b)(7) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)(7)); and

''(B) located in the region.

''(2) ACTIVITIES.—Grants made under this subsection shall be used by the grant recipient to conduct, in a manner consistent with the purposes of this section, multiinstitutional and multistate research, extension, and education programs on technology development implementation.

''(3) ADMINISTRATION.—

''(A) PEER AND MERIT REVIEW.—In making grants under this subsection, a research center or subcenter shall—

''(i) seek and accept proposals for grants;

''(ii) determine the relevance and merit of proposals through a system of scientific peer review; and

''(iii) award grants on the basis of merit, quality, and relevance to advancing the purposes of this section.

''(B) TERM.—A grant awarded by a research center or subcenter shall have a term that does not exceed 5 years.

''(C) MATCHING FUNDS REQUIRED.—As a condition of receiving a grant under this subsection, the research center or subcenter shall require that not less than 20 percent of the cost of an activity described in paragraph (2) be matched with funds (including in-kind contributions) from a non-Federal source.

''(4) RESEARCH, EXTENSION AND EDUCATIONAL ACTIVITIES.—A university center of excellence or subcenter shall use the remainder of the grant funds, after application of paragraph (1), to conduct a regional research, extension, and educational program in a manner consistent with the purposes of this section.

''(5) PLANNING COORDINATION.—Grant funds made available under this subsection may be used to carry out planning coordination under this subsection.

''(6) MAXIMUM GRANT.—The amount of a grant made to a recipient for a fiscal year under this subsection shall not exceed $6,000,000.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $30,000,000 for each of fiscal years 2012 and 2013.''.

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 55 of title 49, United States Code, is amended by adding at the end the following:

''Sec. 5507. University renewable transportation fuels program.''.

SA 1708. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. MOTORCOACH SAFETY STUDY.

(a) STUDY.—Not later than 3 months after the date of the enactment of this Act, the Secretary shall award a competitive research grant to a qualified, independent research institution to conduct a comprehensive research study of the safe operation of motorcoaches that—

(1) uses naturalistic driving data equipment; and

(2) focuses on driver fatigue, driver distraction, hours of service, and other areas determined by the Secretary to be necessary.

(b) REPORT.—Not later than 9 months after the date on which the research grant is awarded pursuant to subsection (a), the Secretary shall submit a report containing the results of the study conducted under subsection (a) to—

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Transportation and Infrastructure of the House of Representatives.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources. The hearing will be held on Tuesday, March 6, 2012, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to consider the President's Proposed Budget for fiscal year 2013 for the Forest Service.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, room 304 of the Dirksen Senate Office Building, Washington, DC 20510–6150, or by email to Jake_McCook@energy.senate.gov.

For further information, please contact please contact Scott Miller (202) 224–5488 or Jake McCook (202) 224–9313.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 16, 2012, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEAHY. 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 February 16, 2012, at 10 a.m., to conduct a hearing entitled ''Examining the European Debt Crisis and Its Implications.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on February 16, 2012, at 9:30 a.m., in room 366 of the Dirksen Senate Office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 16, 2012, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 16, 2012, at 11:30 a.m., to hold a briefing entitled, ''Iran's Influence and Activity in Latin America.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, in order to conduct a hearing entitled ''Addressing Workforce Needs at the Regional Level: Innovative Public and Private Partnerships'' on February 16, 2012, at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on February 16, 2012, at 2:30 p.m. in order to conduct a hearing entitled ''Securing America's Future: The Cybersecurity Act of 2012.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on February 16, 2012, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on February 16, 2012, at 10 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WESTERN HEMISPHERE, PEACE CORPS, AND GLOBAL NARCOTICS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 16, 2012, at 10 a.m., to hold a Western Hemisphere, Peace Corps, and Global Narcotics Affairs subcommittee hearing entitled, ''Iran's Influence and Activity in Latin America.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Aoife Delargy, who is an intern in my office, be granted floor privileges during the pendency of S. 1813, the surface transportation bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ FOR THE FIRST TIME—S. 2118

Mr. REID. Mr. President, I understand there is a bill at the desk due for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 2118) to remove unelected, unaccountable bureaucrats from seniors' personal health decisions by repealing the Independent Payment Advisory Board.

Mr. REID. Mr. President, I now ask for a second reading and, in order to place the bill on the calendar, object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

ORDER OF BUSINESS

Mr. REID. Mr. President, I apologize to the staff and for everyone having to wait, but we have things we have been working on and we have made a lot of headway, a lot of progress. We are still not all the way there, but it appears to me that the House will probably vote on the conference report sometime tomorrow morning. That being the case, we will see what we can do to expedite things here.

I will have the authority now to have the vote on the judge and the cloture vote so we can do that at any time tomorrow. I will talk to the Republican leader to make sure it is a convenient time for everyone. We will come in at 10 tomorrow morning.

ORDERS FOR FRIDAY, FEBRUARY 17, 2012

Mr. REID. Mr. President, I ask unanimous consent that the Senate adjourn until 10 a.m. on Friday, February 17, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; that following morning business, the Senate resume consideration of S. 1813, the surface transportation bill; and finally, I ask that the second-degree amendment filing deadline be at 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, there could be up to four votes. If things don't work out, we will have to have some of the votes later in the week, so we hope that can come to be. We will notify Senators the minute we have some way of moving forward with everything. The four votes would be, of course, the cloture vote on the highway bill, the Furman nomination, and we might have to do cloture on the conference report and final passage of that. So we will notify everyone what agreements we have been able to work on and get in touch with the Republican leader and hopefully move fairly quickly tomorrow morning.

Senators should expect a series of rollcall votes tomorrow on the motion to invoke cloture on the Reid amendment No. 1633 and on the Furman nomination. We also hope to consider the payroll conference report.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask that it adjourn under the previous order.

There being no objection, the Senate, at 7:57 p.m.,, adjourned until Friday, February 17, 2012, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

JILL A. PRYOR, OF GEORGIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT, VICE STANLEY F. BIRCH, JR., RETIRED.

PAUL WILLIAM GRIMM, OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND, VICE BENSON EVERETT LEGG, RETIRING.

ELISSA F. CADISH, OF NEVADA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEVADA, VICE PHILIP M. PRO, RETIRED.

MARK E. WALKER, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF FLORIDA, VICE STEPHAN P. MICKLE, RETIRED.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COLONEL ONDRA L. BERRY
COLONEL ALLEN D. BOLTON
COLONEL WILLIAM D. COBETTO
COLONEL WADE A. LILLEGARD
COLONEL THAD L. MYERS

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be major general

BRIGADIER GENERAL STEVEN A. CRAY
BRIGADIER GENERAL WILLIAM J. CRISLER, JR.
BRIGADIER GENERAL JON F. FAGO
BRIGADIER GENERAL MICHAEL A. LOH
BRIGADIER GENERAL ERIC W. VOLLMECKE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL DAVID W. ALLVIN
BRIGADIER GENERAL HOWARD B. BAKER
BRIGADIER GENERAL THOMAS W. BERGESON
BRIGADIER GENERAL CHARLES Q. BROWN, JR.
BRIGADIER GENERAL DARRYL W. BURKE
BRIGADIER GENERAL RICHARD M. CLARK
BRIGADIER GENERAL DWYER L. DENNIS
BRIGADIER GENERAL MARK C. DILLON
BRIGADIER GENERAL CARLTON D. EVERHART II
BRIGADIER GENERAL SAMUEL A. R. GREAVES
BRIGADIER GENERAL MORRIS E. HAASE
BRIGADIER GENERAL GARRETT HARENCAK
BRIGADIER GENERAL PAUL T. JOHNSON
BRIGADIER GENERAL RANDY A. KEE
BRIGADIER GENERAL JIM H. KEFFER
BRIGADIER GENERAL MICHAEL J. KINGSLEY
BRIGADIER GENERAL JEFFREY G. LOFGREN
BRIGADIER GENERAL JAMES K. MC LAUGHLIN
BRIGADIER GENERAL KURT F. NEUBAUER
BRIGADIER GENERAL JOHN F. NEWELL III
BRIGADIER GENERAL CRAIG S. OLSON
BRIGADIER GENERAL JOHN N. T. SHANAHAN
BRIGADIER GENERAL MICHAEL S. STOUGH
BRIGADIER GENERAL SCOTT D. WEST
BRIGADIER GENERAL KENNETH S. WILSBACH

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RAYMOND P. PALUMBO

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. BARBARA W. SWEREDOSKI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. ERIC C. YOUNG

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. TIMOTHY W. DORSEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. KIRBY D. MILLER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPTAIN MICHAEL J. DUMONT
CAPTAIN ROBERT L. GREENE
CAPTAIN LAWRENCE B. JACKSON
CAPTAIN SCOTT B. J. JERABEK

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JENNIFER M. AGULTO
LORRAINE R. BARTON
PAMELA K. BEMENT
KIRSTEN A. BENFORD
MAUREEN A. CHARLES
KATHLEEN B. CRAVER
SUSAN C. DAVIS
ELIZABETH A. DECKER
NATHALIE F. ELLIS
JOANN C. FRYE
DALE G. GREY
MARIA G. GUEVARA DE MATALOBOS
GWENDOLYN C. JOHNSON
ANDREA L. JONES
IDA L. MC DONALD
WANDA J. MC FATTER
PATRICIA N. MEZA
JACQUELINE A. MUDD
JILL J. OREAR
SUSAN M. PERRY
KEVIN S. POITINGER
MARCIA A. POTTER
MELANIE A. PRINCE
JUDY D. STOLTMANN
KATHRYN W. WEISS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MARIO ABEJERO
CYNTHIA W. ADAMS
DANA M. ADRIAN
DANA J. ALBALATE
KATHLEEN M. AMIRALI
RENATO B. BACTOL
JEFFREY L. BARGANIER
JENNIFER E. BEHAN
GREGORY D. BELLANCA
ROSSER P. BIRDSONG
VINCENT M. BOYLE
JULIA L. BRADLEY
TIMOTHY W. BRICKER
THOMAS G. BROCKMANN
REGINALD T. BROWN
JOHN A. CAMACHO AYALA
LENORE CAPPELLUTI
SAM R. CHHOEUN
HEATHER D. COIL
MUN C. CONNERS
SHANNAN L. CORBIN
DIANE K. COX
JEROME A. CRAWFORD
LOURDES CRUZ
ADAM H. DALGLEISH
MICHAEL D. DIXON
JEREMY E. DOWNES
JOHN F. EGGERT
SHANNON D. ELDRIDGE
KERRY ANN ELLIOTT
HERNAN R. ERAZO
TERRI L. FELDER
NATHAN K. FERGUSON
BONNIE A. FRANCIS
MARK L. FRANCIS
ELIZABETH A. FROST
SONJA P. FURSE
SPARKLE M. GRAHAM
NICOLE E. GRAMLICK
JOHNNY R. GUERRA
TINA HALL
PAUL F. HAMEL
ANDREW P. HANSEN
CHINETA D. HARRIS
TOMAS C. HERNANDEZ, JR.
JEREMY D. HICKS
DAWN M. HIGGINS
YVONNE R. HILL
MARY A. HILLANBRAND
SHERI E. HISER
MICHELLE M. HUFSTETLER
KIMBERLY N. HUGHES
RAMONA F. HUNTER
RONSETTA N. HUTCHISON
CARL O. IMPASTATO
ANGELA J. JOBE
CATHERINE H. JORDAN
CHRISTA J. JORDAN
LAURA K. JORG
CANDICE L. KENNEDY
SHANNON M. KERNES
AARON O. KIBLER
JOANNE M. KMETZ
CYNTHIA A. LANG
DEIDRA D. LYON
JENNIFER A. MAHAR
CYNTHIA N. MANDACCLARK
CHRISTOPHER M. MANJARRES
TAMMERA G. MATTIMOE
KELLY G. MC CANN
JENA LIZABETH MEYER
CARMEN A. MILES THANNIE
WARREN B. MOORE
SARAH E. MORTON
HEIDI S. MUDZIMUREMA
LISA R. PALMER
MARTIN R. PAPROCK
SHELLY R. PARDINI
JANICE M. PECUA
ERNEST J. PEREZ
COLIN D. PERRY
THERESA A. PETERS
REGINA D. PETERSON
FRANKLIN PORCIL
JENNIFER L. PROSSER
DINO C. QUIJANO
KAWANA A. RAWLS
DIANE REKAR
JOAN P. ROBINSON
KARRI A. ROMAN
SHANE S. RUNYON
RICHARD S. RUSS
DEBRA A. SANTOS
TERESITA N. SCOTT
ANGELIQUE D. SIMPSON
LYNNE C. SMITH
JAMES M. SPENCER, JR.
SHAMANA J. STEVENS
TIMOTHY C. STONER
LARRY M. STOWERS
MICHELE S. SUGGS
BRIAN W. THORNTON
DAMON N. TOCZYLOWSKI
ERIC I. TOVAR
WENDY J. TROGDON
DARA J. WARREN
THERESA L. WEBER
ANDREA K. WHITNEY
DOUGLAS L. WILKERSON
CRIS WILLIAMS
JAY L. WILLIAMS, JR.
CARL R. YOUNG, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

RICHARD E. AARON
FARLEY A. ABDEEN
ANTHONY D. ABERNATHY
BRYAN E. ADAMS
RAY C. ADAMS, JR.
FRANK D. ALBERGA
JEFFREY N. ALDRIDGE
DAVID T. ALLEN
RONALD GENE ALLEN, JR.
NATHAN A. ALLERHEILIGEN
GREGORY J. ANDERSON
WILLIAM B. APODACA
DAVID G. AUSTIN
DAVID G. AVILA
JAMES R. BACHINSKY
CRAIG R. BAKER
PATRICK S. BALLARD
MICHAEL S. BALLEK
CHRISTOPHER B. BARKER
JOHNNY L. BARNES II
WALDEMAR F. BARNES
BRIAN A. BARTHEL
MARVIN T. BAUGH
CARRIE J. BAUSANO
STEVEN M. BEASLEY
CHARLES S. BEGEMAN
BRIAN E. BELL
EDWARD A. BELLEM
HARRY P. BENHAM
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JILL M. BERGOVOY
ANDREW T. BERNARD
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LELAND B. BOHANNON
RICHARD K. BOHN, JR.
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JAMES P. BOSTER
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ERIK C. BOWMAN
SOLOMON E. BOXX
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SHAWN M. BRENNAN
TIMOTHY L. BRESTER
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KURT F. BRUESKE
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PATRICK E. BUTLER
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SCOTT C. CAMPBELL
MONTE R. CANNON
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BARRY T. CARGLE
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HEATH A. COLLINS
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JASON R. COMBS
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SHANNON M. COOPER
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CHRISTOPHER T. DANIELS
ISAAC DAVIDSON
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ANTHONY J. DAVIT
MICHAEL L. DAWSON
CHRISTOPHER E. DECKER
ERIC P. DELANGE
DOUGLAS D. DEMAIO
RICHARD W. DEMOUY
KIERAN T. DENEHAN
ERIC J. DENNY
MARNE R. DERANGER
JAMES B. DERMER
ROBERT L. DIAS
JOEL S. DICKINSON
MICHAEL A. DICKINSON
TIMOTHY J. DICKINSON
JEFFREY A. DICKSON
TODD L. DIEL
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JAMES J. FLATTERY
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TODD L. GLANZER
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DRYSDALE H. HERNANDEZ
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BRIAN A. HILL
DON E. HILL
THAD B. HILL
GLENN E. HILLIS II
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ANDREW C. HIRD
MARK J. HOEHN
MARK G. HOELSCHER
TODD A. HOHN
CHRISTOPHER D. HOLMES
MICHAEL J. HOMOLA
JAMES R. HOSKINS
MICHAEL S. HOUGH
FRANKLIN C. HOWARD
LARS R. HUBERT
MATTHEW L. HUGHBANKS
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MARK A. JABLOW
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SCOTT K. JACKSON
SEAN C. JACKSON
SCOTT D. JACOBS
JURIS L. JANSONS
DANIEL E. JEFFERIES
DAVID S. JEFFERY
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SCOTT H. JONES
KURT W. KAYSER
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MAX E. LANTZ II
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RENE M. LEON
ROBERT J. LEVIN, JR.
TODD J. LEVINE
CHERYL L. LEWIS
DONALD R. LEWIS
RODNEY D. LEWIS
TED A. LEWIS
ROBERT E. LICCIARDI
RICHARD T. LINDLAN
BRIAN W. LINDSEY
JOSEPH W. LOCKE
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MAX M. MAROSKO III
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STUART A. PETTIS
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DAVID M. QUICK
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LISA C. REDINGER
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STAMATIS B. SMELTZ
ALEXANDER I. SMITH
BRIAN N. SMITH
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MATTHEW T. SMITH
NATHAN E. SMITH
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CHRISTOPHER G. SMITHTRO
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LAURA A. SOULE
ADRIAN L. SPAIN
RANDALL G. SPARKS
BENJAMIN W. SPENCER
CHRISTOPHER M. SPIGELMIRE
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MICHAEL T. SPRADLEY
STANLEY A. SPRINGER
KIRK B. STABLER
KIRT L. STALLINGS
GREGORY K. STANKEWICZ
ALEX STATHOPOULOS
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DANIEL A. VASENKO
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MICHAEL C. VENERI
LASZLO A. VERES
DEANNA L. VIOLETTE
MICHAEL A. VOGEL
MICHAEL V. WAGGLE
RICHARD E. WAGNER
JOHN C. WALKER
KENNETH D. WARCHOLIK
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WENDY J. WASIK
STEPHEN L. WEAVER
TIMOTHY D. WEST
SUZANNE L. WHEELER
JOE L. WHITE, JR.
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BRYAN T. WOLFORD
PAMELA L. WOOLLEY
MARK O. YEISLEY
AARON A. C. YOUNG
PATRICK G. YOUNGSON
SCOTTIE L. ZAMZOW
ERIC D. ZIMMERMAN

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DWIGHT Y. SHEN
CAROL J. PIERCE

EXTENSIONS OF REMARKS

RECOGNIZING CATHOLIC PRESS MONTH

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2012

Mr. BOEHNER. Mr. Speaker, for more than 100 years the Catholic Press Association of the United States has provided news, information, and commentary on an ongoing basis to millions of readers. The CPA's bylaws make clear its commitment to help its members to ''serve effectively, through the medium of the printed word, the social, intellectual and spiritual needs of the entire human family, and to spread and support the Kingdom of God.'' Hundreds of Catholic publications benefit from the CPA, including my local paper, the Catholic Telegraph, which has published since 1831 and is read by 60,000 subscribers throughout the Cincinnati archdiocese.

Today I rise to join the association's celebration of February as Catholic Press Month. I would also note the timeliness of Catholic Press Month and its immediate relevance to some of the important debates taking place in Washington, DC. As CPA President Greg Erlandson noted in his statement, ''This year Catholic Press Month comes at a particularly critical moment. Our bishops have made clear their concern with recent government regulations and the threat such regulations pose to religious liberty. It is during challenging times like these that we can best recognize the great blessing that is the Catholic press.''

As has been well documented of late, a new mandate advanced by the U.S. Department of Health and Human Services under President Obama's administration would require faith-based employers, individuals, and insurers—including Catholic charities, schools, universities, and hospitals—to provide services they believe are immoral. Those services include sterilization, abortion-inducing drugs and devices, and contraception. The mandate is being implemented as a result of the health care law signed by President Obama in 2010.

In a January 26 letter about this mandate to the Catholic Telegraph, the Archbishop of Cincinnati, the Most Reverend Dennis Schnurr, expressed the frustration of many Ohio Catholics when he declared: ''We cannot—we will not—comply with this unjust law. People of faith cannot be made second-class citizens.'' In a subsequent letter on February 13, after President Obama announced what was called an accommodation, Cardinal Schnurr reiterated the Church's ''firm position that the freedom to follow one's conscience and to have access to health care are both fundamental human rights. We will not be forced into a position of choosing between the two.''

In imposing this mandate, the federal government has drifted dangerously beyond its constitutional boundaries, encroaching on religious liberty in a manner that affects millions of Americans and harms some of our nation's most vital institutions. The Catholic Press Association has played a critical role in providing news about this issue to millions of readers throughout our country, in just the most recent demonstration of the service it provides to the Church as well as to our nation, its citizens, and the Constitution upon which our system of government is founded.

As President Erlandson put it, ''Only the Catholic press gives Catholic leaders a voice with which to be heard by their people—unmuted, uncensored and independent of the preconceptions and prejudices of too many secular media outlets.'' I congratulate the Catholic Press Association for the century of contributions it has made and will continue to make through the blessings of liberty in our great country.

PROTECTING INVESTMENT IN OIL SHALE THE NEXT GENERATION OF ENVIRONMENTAL, ENERGY, AND RESOURCE SECURITY ACT

SPEECH OF

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2012

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 3408) to set clear rules for the development of United States oil shale resources, to promote shale technology research and development, and for other purposes:

Mr. GRIJALVA. Mr. Chair, I rise in opposition to this bill.

I do not even know where to start: Keystone XL; Drilling in the Arctic National Wildlife Refuge; Drilling of the coast of California; Throwing money at oil shale, an unproven technology with a horrible track record and no clear path to responsible development that will not create jobs or revenue for the Treasury. All of that is in this bill.

Reauthorization of the Surface Transportation bill should be a noncontroversial exercise that invests in roads, highways, bridges, tunnels, and waterways throughout the country. Bipartisan efforts in the past saw this reauthorization as a key jobs creator and reinvestment tool for America to reinvest in its physical infrastructure and regain its competitive advantage. For the first time since the creation of the Interstate Highway System in 1956, this Transportation bill does not contain a single high priority infrastructure project.

Instead, this bill intends to pay for reauthorization of the transportation bill with some of the most controversial, partisan, and special interest-driven pieces of legislation considered by this Republican-controlled House.

This bill would open the Alaska National Wildlife Refuge to onshore oil extraction. Home to elk, caribou, gray wolves and polar bears, the refuge is one of the most pristine pieces of wilderness anywhere on Earth. It was set aside as a refuge on a bipartisan basis. Now, the majority wants to throw that away and allow large oil companies to suck massive profits out of our Nation's public resources.

Even with expanded drilling in some of the most sensitive ecosystems in North America, this proposal would only generate less than 2 percent of the revenue needed to support the transportation projects the bill authorizes over the next 5 years.

With the President's wise decision to wait on the controversial Keystone XL pipeline, Republicans are now trying anything they can move it through without review or public support. This bill would shift authority for approval from the State Department to the Federal Energy Regulatory Commission (FERC), even though FERC is not responsible for overseeing or regulating oil pipeline siting or safety.

This bill would not ask FERC to review the pipeline; it would mandate that FERC authorize the construction of Keystone XL. If they refuse to approve it, the project would move ahead, ignoring important environmental protocol.

Despite our Nation's recent investments in clean, homegrown, energy choices for Americans, we are rushing through a pipeline that will import dirty oil from Canada to a port in Texas so it can be exported to other countries. This is not the way to make this sort of decision.

At the beginning of last year, the Republican majority promised an open and transparent Congress that would include single item bills, sufficient time for review, and bills under an open rule. Today, we are on the House floor debating a 200-page section of a 900-page transportation bill.

We were promised a Congress focused on jobs and continued efforts to bolster our Nation's economic recovery. Instead, we have been given a year of political games and a paralyzed legislative branch.

Let's start over and work on a bill that will make our roads safer, modernize our highways and create real, long lasting jobs.

I urge my colleagues to vote NO.

TRIBUTE TO MILTON BERNARD GREENE

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2012

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a public servant, a civil rights activist and a dear friend. Milton Bernard Greene passed away on February 4, 2012 at the age of 71. His larger than life personality and dedication to his community will be sorely missed.

''Duke,'' as he was affectionately known, was born in Columbia, South Carolina to William Bennett and Bernice Raiford Greene. He was a graduate of C.A. Johnson High School and Benedict College.

While a student at the historically Black Benedict College, he became part of a core

group of students who organized protests in Columbia during the civil rights movement of the early 1960s. During that time he became a cohort of Reverend I. DeQuincey Newman, who was the charismatic leader of the South Carolina NAACP. Milton was a fixture in the civil rights movement, but he preferred to remain behind the scenes.

Yet he was thrust into the spotlight when he was arrested along with four other Benedict College students in 1960 during a sit-in at the Taylor Street Pharmacy. They were accused of breaching the peace, but the U.S. Supreme Court later overturned the charge.

Milton went on to serve as a field representative for former U.S. Senator Ernest ''Fritz'' Hollings of South Carolina. His organizing skills served him well in this capacity. He then took on a position with the South Carolina Department of Social Services from which he ultimately retired.

He was always very politically active, helping in my campaigns for Secretary of State and for Congress. He also served as the poll manager for the Keels precinct in the Dentsville area of Columbia for 20 years.

Milton was a member of Omega Psi Phi Fraternity, Inc, and was married to his high school sweetheart, Doris Glymph Greene, for 47 years. They had two daughters, Col. Kimberly Greene (U.S. Air Force) of San Antonio, TX, and Professor Wendy Greene of Birmingham AL; and a son, Milton Bernard Franklin Greene of Charleston, SC. And they were also the proud grandparents of four grandchildren, Julian and Morgan Parker; Lauren-Taylor and Joelle Greene.

Mr. Speaker, I ask that you and our colleagues join me in celebrating the life of Milton Greene. This extraordinary man was an unsung hero of his generation, who didn't seek recognition but always sought justice. He was a big man, with a big personality, and he will leave a big hole in the hearts of all who knew him.

IN RECOGNITION OF JAMES L. ''JIMMY'' WEBB

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2012

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to pay tribute to a great American cotton farmer, U.S. agricultural advocate, businessman, administrator, and dedicated community leader from the great State of Georgia, James L. ''Jimmy'' Webb. Earlier this month, Mr. Webb was elected to serve as President of the Cotton Council International, CCI. CCI is the National Cotton Council's, NCC, export promotions arm and manages programs in more than 50 countries under the prestigious COTTON USA trademark.

Mr. Webb was elected to his new position at CCI's recent board meeting which took place in Fort Worth, Texas during the NCC's 74th Annual Meeting. Previously, Mr. Webb served as CCI's first vice president and he succeeds John D. Mitchell as CCI's newly elected President.

Mr. Webb hails from Leary, Georgia and he began farming with his uncle, Bob McLendon, back in 1980 and he made his first crop in 1986. After graduating from the University of Georgia with a B.S. in Agriculture, Mr. Webb continued to work alongside his uncle until 1994, when he decided to venture out on his own.

Over the last several years, Mr. Webb has played a positively pivotal and instrumental role in advocating for sound agricultural policies that have benefited many of our nation's farmers on regional, national and global platforms. He currently serves as Delegate on the National Cotton Council; Treasurer of the Flint River Water Planning and Policy Center; Director of the Edison Gin Co-op Inc.; Director of the Cotton Council International; President of American Peanut Marketing; and Director of the Southern Cotton Growers.

Due in large part to his successful farming career and his unyielding advocacy on behalf of America's farmers, Mr. Webb has been recognized repeatedly for his agricultural achievements. In 1998, he was selected to participate in the National Cotton Council's prestigious leadership program. A few years later, in 2005, he was selected as the Lancaster Georgia Farmer of the Year at the Sunbelt Agriculture Expo Farm Show in Moultrie, Georgia. Additionally, in 2009, he was named Georgia's Outstanding Young Peanut Farmer of the Year.

Mr. Webb has achieved numerous successes in his life, but none of this would have been possible without the support of his loving wife of more than twenty-five years, Anjie Webb. Mr. and Mrs. Webb are the proud parents of three children—Parker, Devin and Harris.

On a personal note, Mr. Webb has served as an advisor and friend to me for many years and he has frequently given me wise counsel and sound advice.

Mr. Speaker, I ask my colleagues to join me today in paying tribute to Mr. James L. ''Jimmy'' Webb for his outstanding contributions to America's agricultural industry and his principled advocacy on behalf of our nation's farmers.

RECOGNIZING THE THIRTIETH ANNIVERSARY OF THE CITY OF DUBLIN

HON. JERRY McNERNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2012

Mr. MCNERNEY. Mr. Speaker, I today irise to ask my colleagues to join me in honoring the City of Dublin on the occasion of its Thirtieth Anniversary.

Although Dublin is celebrating its official Thirtieth Anniversary, it can trace its roots back to 1772 when Spanish explorers first journeyed through the region. Dublin continues to preserve and embrace its history and cultural heritage by restoring parks and museums, hosting annual parades, and promoting sustainable methods to build lasting and vital community centers. I have enjoyed my frequent visits to Dublin, including attending several of the city's well-known St. Patrick's Day parades.

The exemplary work and values of Dublin are gaining notice. Even during these tough economic times, Dublin has continued to prosper by attracting new businesses and developing new enterprises. In addition, Dublin received the honor of being named a 2011 ''All-America City'' by the highly-regarded National Civic League, NCL. Dublin was given this recognition because of its ingenuity and resourcefulness in finding solutions to some of its immediate challenges as well as its continued work to foster civic engagement among residents.

Dublin serves as a model to the rest of the nation, and I am honored to represent this vibrant community. I ask my colleagues to join me in applauding Dublin on the occasion of its Thirtieth Anniversary.

PERSONAL EXPLANATION

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2012

Mr. CLEAVER. Mr. Speaker, due to a commitment in my district, I had to miss votes on H.R. 3408. Had I been present, I would have voted ''aye'' on Amendment 12, ''aye'' on Amendment 11, and ''aye'' on Amendment 9.

REMEMBERING ORLANDO ZAPATA TAMAYO

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2012

Mr. DIAZ-BALART. Mr. Speaker, next week, we will commemorate the two-year anniversary of the death of Orlando Zapata Tamayo.

Orlando Zapata Tamayo was a member of the pro-democracy organizations Movimiento Alternativa Republicana and the Consejo Nacional de Resistencia Cívica. He was arrested several times; the last arrest occurred on March 20, 2003 during Cuba's notorious ''Black Spring,'' while he was taking part in a hunger strike at the Jesús Yánez Pelletier Foundation in Havana, to demand the release of Dr. Oscar Biscet and other political prisoners.

Amnesty International began calling for Orlando Zapata Tamayo's release shortly after his arrest and referred to him as a prisoner of conscience who should be released immediately. He spent more than a year in prison before he was actually tried and sentenced in May of 2004. Although he was originally sentenced to three years in prison for ''disrespect,'' ''public disorder,'' and ''resistance,'' the length of his sentence was extended several times so that he was serving a thirty-six year sentence at the time of his death. During his many years in prison, he suffered beatings, humiliation, and long periods of solitary confinement. According to Amnesty International, on October 20, 2003, he was dragged on the floor of Combinado del Este Prison by his jailers after requesting medical attention. The abuse left his back full of lacerations.

Orlando Zapata Tamayo began a hunger strike on December 3, 2009 to protest abhorrent prison conditions and the arbitrary extensions of his sentences. His hunger strike lasted more than 80 days. During that time, he was deprived of water and ultimately developed pneumonia after being kept naked underneath an air conditioner. He died at the

hands of the Castro regime on February 23, 2010.

Reina Luisa Tamayo, Orlando Zapata Tamayo's mother, declared that the regime murdered her son and loudly condemned the atrocity. As a consequence, Castro's thugs punished her with harassment, barbaric acts of repression, and beatings by hateful mobs in the days and weeks following her son's murder.

Sadly, the two years since Orlando Zapata Tamayo's death have been years of increased repression and more murders by the Castro regime. The number of political arrests doubled between 2010 and 2011. Furthermore, since Orlando Zapata Tamayo's death, the Cuban regime has murdered three other brave prisoners of conscience—Juan Wilfredo Soto Garcia (d. May 8, 2011), Laura Pollan, inspirational leader of the Ladies in White (d. October 14, 2011), and Wilman Willar Mendoza (d. January 19, 2012). They are all heroes, and their deaths were all immeasurable losses.

While we continue to mourn the loss of Orlando Zapata Tamayo, and the senseless deaths of so many other brave activists, his spirit and mission have strengthened Cuba's courageous pro-democracy movement. Immediately following his death, other political prisoners picked up his cause and began hunger strikes of their own. Another great pro-democracy activist, Jorge Luis Garcia Perez (''Antunez''), renamed his pro-democracy organization the ''Orlando Zapata Tamayo National Front for Civic Resistance and Civil Disobedience,'' which continues to organize protests and oppose the Castro dictatorship. On June 30, 2011 in Vilnius, Lithuania, the Parliamentary Forum of the Community of Democracies unanimously passed a resolution honoring that organization and acknowledging its importance to the pro-democracy movement in Cuba.

I remain outraged that the regime in Cuba robbed the world of such a remarkable and courageous leader. But, in many ways, Orlando Zapata Tamayo lives. Within the pro-democracy movement that still honors him, and among the courageous activists that were emboldened by his sacrifice, Orlando Zapata Tamayo has become a symbol of perseverance in the face of crushing totalitarianism. His life will forever be a blessing to Cuba's brave pro-democracy movement, and his memory will outlast the horrors of the dying Castro regime. When the Cuban dictatorship is finally relegated to the ash heap of history, Orlando Zapata Tamayo will be remembered as a hero who helped to lead Cuba into freedom.

INTRODUCTION OF THE BANKRUPTCY EQUITY ACT

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2012

Mr. BLUMENAUER. Mr. Speaker, when nearly one in four homeowners owe more on their mortgage than their home is worth, I am pleased to introduce the Bankruptcy Equity Act. ''Underwater'' mortgages are a tremendous source of financial stress for families. While some are able to continue making their payments, others are so overwhelmed by debt that they lose their home to foreclosure, to a ''short sale,'' or by simply walking away. Bankruptcy should offer a legal means to escape from debt and get a second chance, but ordinary homeowners are denied this opportunity with their mortgages.

Current bankruptcy law prohibits modifying mortgages for people who live in their homes but allows modification for vacation homes or investment properties. For instance, if a speculator whose investment property lost half of its value files for bankruptcy, a judge can modify the loan, including reducing the balance to its fair market value and lowering the interest rates.

The Bankruptcy Equity Act allows a bankruptcy judge to modify a homeowner's mortgage, bringing fairness to ordinary people who cannot afford payments on the inflated value of their homes, but can make payments if their mortgages were fairly valued. It helps keep families in their homes and prevents the foreclosures that are driving down home prices and creating vacant properties that can devastate communities. It will also help prevent the buildup of another housing bubble by encouraging financial institutions to take greater care to ensure they are lending to only responsible borrowers. The securitization of questionable mortgages would not have been possible if homeowners were treated as businesses.

I look forward to working with my colleagues to protect America's homeowners.

PERSONAL EXPLANATION

HON. TOM GRAVES

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2012

Mr. GRAVES of Georgia. Mr. Speaker, on rollcall vote No. 61, the Bishop Amendment to H.R. 3408, I inadvertently voted ''aye,'' when in fact I intended to vote ''no.''

IN HONOR OF THE NEW YORK GIANTS SUPER BOWL XLVI VICTORY

HON. MICHAEL G. GRIMM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2012

Mr. GRIMM. Mr. Speaker, I rise today to honor the New York Giants—the champions of Super Bowl XLVI. I ask that this poem, penned in their honor by Mr. Albert Caswell, be placed into the RECORD.

''THE G FORCES''

In nature there are such forces . . .
As in this sport is!
That which are so hard to withstand!
For in the NFL, there are such Giants who dwell!
Whose strength, size, power, and speed over all others exceed!
The G-Men, of whom I speak have Gotham Hearts you must heed!
As it's all here where a team bonds as one to succeed!
Learning to rely on each other as brothers in arms, their creed!
With such sacrifice and blood, sweat, and tears, all at speed!
As week by week and all throughout the year so grows this seed!
And some will give up their health in future years indeed!
As all in their most Gotham hearts so beats!
A dream to be the best in the NFL . . . the Dream!
To be the Super Bowl Champions of the World!
The one that every player has unfurled!
Perhaps even greater than being in the Hall of Fame
For above all else, this championship means team!
And now this moment of truth has come, sixty minutes and it's done!
To make that dream come true, or so succumb!
And on this night, the G-Men stood strong and defiant!
To become the world champions, they are The New York Giants.
In the battle of two strong guns, two of the Hall's future sons,
As Eli was coming and Brady was hoping for another one . . .
Would E lie down or would Brady's dreams come undone?
The Patriots were favored, but of this the Giants would have none!
Because, G-Forces are so hard to tolerate, my son!
And too much exposure will make your dreams come undone!
All for Myra, the Patriots so wanted this one!
While on the opening drive their defenses came alive,
As one of Weatherford's three great punts put the Pats in a bind!
But, the reversal on the 12 man D left Belichick crying!
Then, Victor put it into Cruz control with a TD flying!
Already nine to zip, it was looking like a G-Man Championship!
Eli was nine for nine,
But, the Pats did the patriotic thing . . . they never gave up, and they never gave in.
As Brady completed ten passes straight, on a 96 yard drive . . .
As Danny Wood used his head on a catch across the line.
At the half, the Pats look like Giant killers, finally this time!
As the Pats got the ball and scored seven on a 79 yard drive,
Even Ochocinco and Brady hooked up, and finally combined.
And then Hernandez was key when he caught a 12 yard TD . . .
While in Bean Town a World Championship was coming to mind!
But little did they know that E would not li down!
And in that Gotham City you could hear the hearts pound!
But the drive died . . . failed, as time was running out . . .
When, the Pats got the ball back they started to drive . . .
Looking like the Giants may be going down for the count this time!
Would Brady take away the G and the I?
Who would play Batman and Robin this time?
And as the ball came down to Wes Welker on that 20 yard line . . .
Surely he'd make that great catch, as he had made a million times!
Turning the G-Forces into P-forces, and to over them preside!
But he dropped it, as you could feel him and the Patriots' hearts die
As the G-Men got the ball back with 3:46!
It was getting close, as time meant the most, do or die!

As Commissioner Gordon put up the bat signal in the sky,
While Archie was up in the box as he was about ready to cry!
And Peyton said ''I wish I was on the sideline!''
''Get me a neck brace; I'm going down there this time!''
As it was Eli's time to shine, or let his team die!
''The mountain top, go get in, failure's not an option, can't stop''
With the play of the game looking like their last Super Bowl fame!
As a dynamic duo, Batman and Robin somehow combined!
To snatch the revolution out of these Patriots' hands, one more time!
With a 38 yard miraculous catch by Manningham . . .
And it was a thing of beauty, a pure work of art . . .
That kind of throw and catch that could stop someone's heart!
With a tap dance and a catch,
Even Gregory Hines and Raymond Berry would make proud!
That, in NFL history will now forever sound!
And then Bradshaw, didn't know if he should score or fall?
With the Pats strategy to give them some time and back the ball!
But his G-Forces carried him into the end zone . . .
As it was now Brady's time to bring it home!
On another key play, for the second time that day . . .
Justin, invoked his own version of the Tuck Rule, to Pound!
With all those hits, Brady must have wondered if?
The G-Men had a contract on him!
As he spent more time lying on the field, than the turf in the ground!
And then the final play by Brady . . . ''in the midnight hour''
But (too bad) his receivers seemed to cower!
As the ball fell to the ground, as there were tears in Bean Town . . .
As Coach Belichiek caught a bad Coughlin!
And as Tom said: ''Beli-chiek-mate!''
Enjoy the off season Bill and Brady in Boston!
For only another Super Bowl ring can this so help erase . . .
But, the game is in New York next year . . .
Where the G-Force is even greater, I hear!
But the MVP was big E . . .
Because in the moment of truth . . . E did not Li down!
Showing us why he has two MVPs and Super Bowl rings now!
In Peyton's Place, will he forgive?
As two great families would so clash . . .
The Mara's and Kraft's, who both stand for class!
As they all should be so proud!
As all the TV records that were broken . . .
The largest crowd ever had so spoken!
And as those World Champions walked off that field . . .
You could feel the vibe, so very real!
In the end the Big Blue,
Would not be so compliant.
For there is no way to curtail,
The heart of a Giant.

LITHUANIAN INDEPENDENCE

HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2012

Mr. BARLETTA. Mr. Speaker, I rise to mark the 94th anniversary of Lithuanian independence.

Lithuania gained its independence from the Russian Empire at the end of World War I. It was the first time in three centuries that the Lithuanian people were free of the czarist regime. Their newfound liberty lasted only until 1940, when Stalinist Russian troops invaded and annexed Lithuania and the other Baltic states. The Lithuanian people suffered greatly under a brutal Soviet regime, but they never gave up their quest for freedom and self-determination. After decades of struggle, Lithuania finally gained its independence from the Soviet Union on March 11, 1990.

Freedom never came easily for the Lithuanian people. The celebration of Lithuanian independence is a reminder to all Lithuanians of their heroic struggle to obtain and maintain that freedom. Lithuanian Independence Day is a remembrance of the many years Lithuania spent under oppressive foreign rule, and of its people's struggle to be free. Americans of Lithuanian descent commemorate the anniversary of Lithuanian independence with celebrations and festivities throughout the country.

The Knights of Lithuania was organized on April 27, 1913. They believe in their members' dedication by having an appreciation of the Lithuanian language, customs, and culture, and by emphasizing the importance of their Roman Catholic beliefs. They strive to live up to their motto, ''For God and Country'' through cultural presentations, lectures, trips, and choral and dance groups. They are tremendous advocates of the Lithuanian people and heritage.

Mr. Speaker, the 94th anniversary of Lithuanian independence is a milestone of that nation's freedom. I commend all those of Lithuanian heritage for their dedication to their heritage, their community, and their country.

RECOGNIZING DR. SULEIMAN ALIBHAI

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2012

Mr. MORAN. Mr. Speaker, I rise today to honor, Dr. Suleiman Alibhai, an outstanding leader committed to helping people in Northern Virginia improve and preserve their sight. Dr. Alibhai is the recipient of this year's Prevention of Blindness Society of Metropolitan Washington's (POB) Professional Service Award.

Dr. Alibhai has spent the past 20 years providing rehabilitative services and support to individuals with low vision in the greater Washington, DC area. He began his career as Director of Low Vision Services at the Retina Group of Washington and now shares his expertise with the National Institutes of Health's National Eye Institute, the Wilmer Eye Institute at the Johns Hopkins University and in his own private practice. Without his work, many individuals would not have access to the help they need to make the most of their sight.

Dr. Alibhai is also a well known author and lecturer who has given numerous presentations to eye care professionals on issues related to low vision. In addition to these endeavors, Dr. Alibhai is committed to sharing his knowledge with the public. He often speaks at educational events and makes presentations to community groups about low vision.

An active member of the community, Dr. Alibhai has served as a board member for several vision organizations, including POB, and was an examiner for the National Board of Examiners in Optometry. Dr. Alibhai is also a member of the Fairfax Hosts Lions Club District 24–A and played an instrumental role in connecting the club with POB to develop POB's Low Vision Learning Center in Alexandria, VA. Since the center opened in 2010, Dr. Alibhai and his team have helped more than 750 individuals make the most of their sight.

Mr. Speaker, on behalf of Virginia's 8th Congressional District, I want to extend my congratulations to Dr. Alibhai, recognizing him for his leadership, passion and most importantly, his commitment to improving the quality of life for people with low vision. We wish him continued success in his work both with POB and throughout Northern Virginia.

RECOGNIZING JUSTINA PICKARD AS THE 2012 WALTON COUNTY, FLORIDA SCHOOL RELATED EMPLOYEE OF THE YEAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2012

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize Justina Pickard as the 2012 Walton County, Florida School District Related Employee of the Year. Justina Pickard is an Instructional Aide at Maude Saunders Elementary, where she has proudly served for thirteen years.

Mrs. Pickard found her calling for teaching later in life than most. When her son began primary school, she volunteered in his classroom and fell in love with helping children. Even though Mrs. Pickard already possessed a Business Degree, her passion for teaching brought her back to school so that she could earn a degree in Early Childhood Education. Her educational background, passion for teaching, and ability to speak three languages make her among Northwest Florida's finest educators. Education is more than just teaching—it is about inspiring. Mrs. Pickard exemplifies this mantra. When she teaches, Mrs. Pickard bestows in her students that anything is attainable and through hard work, success is always within reach.

Mrs. Pickard attributes her excellence in the classroom to multiple factors with most importance accredited to her family and her church. Her dedication to the Northwest Florida Community, her family, and the First Baptist Church is certainly admirable.

Mr. Speaker, on behalf of the United States Congress, I am proud to recognize Justina Pickard on her achievement and contributions in the Walton County School District. My wife Vicki joins me in congratulating Mrs. Pickard, and we wish her all the best.

PROTECTING INVESTMENT IN OIL SHALE THE NEXT GENERATION OF ENVIRONMENTAL, ENERGY, AND RESOURCE SECURITY ACT

SPEECH OF

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2012

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 3408) to set clear rules for the development of United States oil shale resources, to promote shale technology research and development, and for other purposes:

Mr. LEVIN. Mr. Chair, I rise in opposition to the surface transportation bill before the House of Representatives this week and the partisan and contorted process the Republican Leadership is using to ram this bill through the House.

For as long as I have served in the House, transportation bills have always been bipartisan. That's because every one of our states confront unmet transportation needs, and infrastructure investments are critical to jobs, economic growth, and competitiveness.

But this bill throws bipartisanship out the window. Secretary of Transportation LaHood—himself a former Republican House Member from Illinois—recently said that this is, and I quote, ''the most partisan transportation bill that I have ever seen.'' Secretary LaHood also declared that this is ''the worst transportation bill I've seen during 35 years of public service.'' That's quite an indictment coming from a man who is respected on both sides of the aisle.

Some of our constituents may be watching and wondering why Speaker BOEHNER decided to take the transportation package and divide it into three separate bills. The reality is that the bill probably can't pass as a single, stand-alone piece of legislation. So the Leadership has broken the bill into pieces that will move separately through the House. Later, the clerk will be directed to sew all the pieces back into one bill and it will be deemed passed without a single member of the House voting for it.

Today we're considering the portion of the bill that opens up vast swaths of the Atlantic and Pacific Oceans, as well as the Eastern Gulf of Mexico and the pristine Arctic Wildlife Refuge to oil drilling. The bill also approves the controversial Keystone Pipeline and there is not even a guarantee that any of the oil that it transports to the Gulf of Mexico will remain in the country to benefit Americans. What does handing out more goodies to the oil companies have to do with transportation policy? The oil industry made record profits last year. They don't need the special interest provisions contained in this bill.

Although this portion of the transportation package is not before the House today, I want to state my complete opposition to the provision of the larger package that undercuts mass transit. This provision undermines the very structure of the highway trust fund by eliminating guaranteed funding for transit and replacing it with monies from the general fund. The loss of dedicated revenue will make it impossible for public transit systems across the country to plan for long-term investments. I will continue to strongly support efforts to correct this unnecessary and harmful attack on mass transit.

I urge defeat of the bill before the House. We need to go back to the drawing board and craft a bipartisan transportation bill.

TRIBUTE TO JORIE DANIELS STEADMAN

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2012

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a constituent who was a faithful supporter, and tremendous neighbor, and a fantastic elementary school teacher to two of my three daughters. Mrs. Jorie Daniels Steadman passed away on December 4, 2011, but her remarkable spirit lives on in all those whose lives she touched including my own.

Jorie Daniels Steadman was a South Carolina native; the daughter of the late Joe and Louckrisher Daniels. She graduated from Booker T. Washington High School in Columbia, South Carolina and attended Benedict College where she earned a Bachelor of Arts degree in Education, with a minor in Music. She completed a Master's degree in Education from Indiana University. She was awarded a cosmetology teaching certificate from Florida A&M University. Additional studies were conducted at the University of South Carolina and Columbia College.

She began her 40-year teaching career at Crossroads Elementary. She also taught at Florence C. Benson, Hand Middle School, and W.G. Sanders Middle School in Columbia, South Carolina, where she taught my two youngest daughters, Jennifer and Angela. She also inspired students at Lemon Elementary School, in Marietta, Georgia; Washington High School, Atlanta, GA; and Butler School, Barnwell, South Carolina. After retirement, she guided young minds at V.V. Reid School.

Ms. Steadman became a licensed cosmetologist in 1952. She perfected her craft in several salons before opening Jorie's Beauty Salon in 1959. Jorie had hundreds of clients from professional women to pre-school children. Her appointment book was always full and she never turned customers away. Jorie also shared her talents in the cosmetology industry by writing a weekly column, Beauty Tips, in the Palmetto Times to inspire and motivate young women to be beautiful on the inside and the outside.

She was a political activist in the Greenview neighborhood we shared. She served on the House District 73 Development Council, the Farrow Terrace-Farrow Hills Community Organization, and the Greenview Senior Citizens Club. She also was a precinct worker at my home precinct at Greenview Park. Her other memberships included the North Columbia Civic Club, the Eau Claire Community Council, the Booker T. Washington Alumni Club, the South Carolina Legislative Black Caucus Associate, the American Association of University Women, the National Education Association, the South Carolina Education Association, the Richland County Education Association, and the Richland County Education Association-Retired.

After retirement, Jorie devoted time to her alma mater. She was a member of the Benedict College Alumni Club #2, the Benedict College National Alumni Club, the Benedict College Booster Club, and served as the past president of the Benedict College Parent Advisory Council. She could often be found at Benedict College football games encouraging alumni to support her beloved school ''where the golden sunshine falls.''

She was a lifelong member of Bethlehem Baptist Church and was actively involved in the Gethsemane Baptist Association Women's Auxiliary and Young People's Christian Assembly. Jorie served as the past president of the Trustee Wives Ministry, past president of Senior Missionary Society, and past president and secretary of the Jubilee Choir. As an accomplished musician, Jorie also served as organist and choir director in churches throughout the Midlands. She offered faithful service at Zion Benevolent Baptist, Veighle Chapel Baptist Church, Greater St. Luke Baptist Church, Second Nazareth Baptist Church, and Antioch Baptist Church.

In 1969, she married to Lee Vince Steadman, with whom she shared 42 years of marriage. The couple had three children: LaVerne Steadman, Melita Steadman Williams, and Lee Vince Steadman, Jr.

Mr. Speaker, I ask you and our colleagues to join me in celebrating the life of Jorie Daniels Steadman. This ordinary citizen did extraordinary things that impacted so many people in her community. She was an extraordinary example of how one person can make a tremendous difference through their service to others. Jorie will be sorely missed, but her legacy lives on in each of those whose lives she affected in a positive way.

HONORING DAVE WOOD: INDUCTEE TO THE CATTLE FEEDERS HALL OF FAME

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2012

Mr. COSTA. Mr. Speaker, I rise today to recognize Mr. Dave Wood for being inducted in to the Cattle Feeders Hall of Fame. Dave has been a pioneer and true leader for the Cattle Industry for the past 40 years. It is fitting that a man who has dedicated his whole life to bettering an industry be recognized by his peers.

Dave has worked for Harris Ranch since he graduated from Cal Poly-San Luis Obispo in 1970. Originally hired on as a feedyard pen rider, Dave quickly worked his way up to the feedyard manager and then the company's chief operating officer. In 1989, Dave was named chairman of beef operations for Harris Farms and has held that position ever since.

During his time with the company, Dave has helped to build Harris Feed Company into the largest feeder on the West Coast and the 16th largest in the Nation. Annually they finish about 250,000 head of cattle, with a one-time capacity of 120,000 head. Under Dave's leadership, the company has taken great pride in its animal welfare. Harris Feed Company has invested in the installation of shade structures and automated sprinkler systems to control dust and to help keep the cattle cool.

Maintaining his unwavering devotion to excellence, Dave worked to ensure that Harris

Ranch's clients receive only the best quality beef. Dave helped develop the "Partnership for Quality" which was created in response to consumer demand for consistent, high-quality beef. The program now consists of about 70 families, all of whom are dedicated to the highest quality genetics, management practices and calf process and verification strategy. Individuals like Dave Woods have helped make America's beef industry one of the most trusted in the world.

Mr. Speaker, I ask my colleagues to join me in recognizing the hard work and dedication my good friend, Dave Wood, has demonstrated over the past 40 years. His passion and diligence speaks to his character and truly exemplifies the best of what America has to offer. I congratulate Mr. Wood for this great achievement and ask that you join me in wishing him continued success.

HONORING DAVID SPELLICH

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2012

Mr. MCCOTTER. Mr. Speaker, today I rise to honor and acknowledge David Spellich upon his retirement after 14 years of service with the Livonia Public Schools.

After graduating from Belleville High School in 1970, Dave attended Eastern Michigan University. As often happens, he left EMU to pursue gainful employment. In 1987, Dave returned to Henry Ford Community College where he continued his education, transferring to Eastern Michigan to graduate with a Bachelor of Science in 1990.

Dave began his career as an educator by becoming an instructor in Livonia's Adult Education curriculum and went on to teach in Ferndale, Michigan's alternative education program. He encouraged his students, most of whom had a difficult path to education, to become more than they were. He organized a student prepared annual Thanksgiving Day dinner to be shared with their families and educators.

In 1998, Dave became a Social Studies instructor at Livonia Stevenson High School. He took on the roles of sophomore class sponsor and Chair of the Social Studies Department where he launched the AP Government program in the Livonia Public Schools. Dave then moved to Franklin High School in 2008, becoming the Student Activities Director. While serving in this capacity, he developed the freshman orientation/mentoring program. Returning to teach AP Government Stevenson High School in 2010, Mr. Spellich encouraged his students to contact elected officials to better understand the process of governing and legislation.

Mr. Speaker, David Spellich has faithfully served the students of Livonia, Michigan. As he enters the next phase of his life with Linda, his beloved wife of 38 years and his son Jason, perhaps he will continue to avidly travel beyond the 50 states of this great Nation, all of which he has visited. He leaves behind a legacy of dedication, integrity, and excellence. Today, I ask my colleagues to join me in congratulating David Spellich upon his retirement and recognizing his years of loyal service to our community and country.

HONORING DR. AARON SHIRLEY FOR HIS COMMITMENT TO SERVICE TO THE CAUSE OF HEALTH CARE

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise to honor one of the original pioneers of rural and adolescent health care in the state of Mississippi, Dr. Aaron Shirley. Dr. Shirley has always worked to provide quality and accessible health care for the poor and underserved populations in the state of Mississippi.

Dr. Shirley was born in Gluckstadt, Mississippi on January 3, 1933. In 1951, he began his undergraduate studies at Tougaloo College in Tougaloo, Mississippi, where he received his Bachelor of Science degree in 1955. He received his Medical degree from Meharry Medical College in Nashville, Tennessee in 1959 and later interned at Hubbard Hospital before completing his residency in pediatrics in 1967 at the University of Mississippi Medical Center in Jackson, Mississippi.

Dr. Shirley began private practice in 1960, and for 15 years, practiced general medicine in Vicksburg, Mississippi. From 1963 to 1967, he helped to organize the Mississippi Freedom Democratic Party and served as chairman for Warren County. Following this, Dr. Shirley was the director of the Mississippi Action for Progress, an organization which provided health care and education to children. From the beginning of his career, he has been committed to health care in Mississippi and was a pioneer in providing volunteer health services to Head Start centers at a time when Head Start was a budding program.

In 1970, Dr. Shirley, along with others, developed the largest community health center in the state of Mississippi, which now serves more than 40,000 low income patients annually. In 1979, he initiated a comprehensive health clinic within an inner city school to provide comprehensive health and counseling services for teens. He placed special emphasis on reducing teenage pregnancy, sexually transmitted disease, drug abuse, teenage violence, and mental health problems. This program has since served as a model for other school-based clinics nationwide.

Dr. Shirley's commitment to quality health care led him to be active in the development and/or organization of various agencies and projects which shared his dream of quality, affordable health care for all individuals. Some of those agencies included Mississippi Action for Progress, the Mississippi Association of Community Health Care for the Poor, the Medgar Evers Community Health Center, the Tufts Delta Health Center, and G.A. Carmichael Community Health Center.

Dr. Shirley has served as a member of the Southern Regional Council in Atlanta, Georgia, the Select Panel for the Promotion of Child Health, the National Health Insurance Advisory Committee, the Institute of Medicine/National Academy of Sciences in Washington, D.C., the Field Foundation in New York City, New York, and most notably, Dr. Shirley served as a working group member with President Bill Clinton's Health Care Reform Task Force in 1993.

During that same year, Dr. Shirley received the MacArthur Fellows Award which recognizes devotion, dedication, and strides made in one's field. He is the recipient of many outstanding awards both locally and nationally.

Currently, Dr. Shirley serves as Chairman of the Board of Directors for the Jackson Medical Mall Foundation, Director of Community Medical Services, and Associate Professor of Pediatrics at the University of Mississippi. His efforts are focused on developing and implementing innovative measures to access quality healthcare for the uninsured and underinsured residents of Mississippi. Dr. Shirley is working closely with the State Division of Medicaid as well as with hospitals and other not for profit agencies to reduce health disparities for Mississippians.

His model for Hinds County is currently being reviewed for possible statewide and national replication, through the Robert Wood Johnson's Communities in Charge Program. In 2005, Dr. Shirley was honored with the endowment of Chair for the Study of Health Disparities at the University of Mississippi Medical Center, and he was selected to serve as a member of the Citizens Health Care Working Group which was mandated by Congress to hold hearings and community meetings across the country on health care coverage and cost issues, and to produce a "Health Report to the American People."

Mr. Speaker, I ask that my colleagues join me in honoring Dr. Aaron Shirley for his tireless commitment and service to the cause of health care throughout the state of Mississippi and abroad.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2012

Mr. BECERRA. Mr. Speaker, on February 15, 2012 I was unavoidably detained and missed rollcall votes 50, 51, 52, 53, and 54. If present, I would have voted "nay" on rollcall votes 50 and 51, and "yea" on rollcall votes 52, 53, and 54.

125TH ANNIVERSARY OF THE TURLOCK IRRIGATION DISTRICT

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2012

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor the Turlock Irrigation District as it gets ready to celebrate its 125th anniversary this year.

Established in 1887, the Turlock Irrigation District (TID) was the first publicly owned irrigation district in the state. Organized under the Wright Act, the District operated as a special district under the provisions of the California Water Code. In 1893, TID and the neighboring Modesto Irrigation District built La Grange Dam to divert water into their canal systems; and in 1900, Henry Stirring was the first farmer to receive irrigation water from TID canals in Ceres.

Beginning in 1923, TID began a system of expansion to provide electric retail energy, as

new dams and powerhouses were constructed. Since then, TID has been able to provide safe, affordable and reliable electricity to a growing retail customer base, which has expanded to include over 98,000 residential, farm, business, industrial and municipal accounts in portions of Stanislaus, Merced, Tuolumne and Mariposa counties. 2003 was a monumental year for TID, when they purchased a 225-square-mile electric service territory from PG&E and designated it the Westside Service Area. In 2005, the Turlock Irrigation District became certified as an independent control area and opened the Walnut Energy Center, a natural gas-fired plant, in 2006. The most recent development occurred in 2009, when TID purchased the Tuolumne Wind Project, a wind generation facility capable of producing 136.6 megawatts, and began installing SMART Meters in its service area.

Currently, TID provides irrigation water to more than 5,800 growers in a 307-square-mile service area that incorporates 149,500 acres of Central Valley farmland. The Tuolumne River is the District's primary source of water, originating at Mt. Lyell in Yosemite National Park. Water for irrigation and hydroelectric power production is kept at Don Pedro Reservoir—about 50 miles east of Turlock in the Sierra Nevada foothills, near the historic gold rush era town of La Grange.

On February 24, 2012, the Turlock Irrigation District will be hosting a VIP showing of the documentary film they helped to produced entitled, The Irrigationist: The Story of the Turlock Irrigation District. The documentary will serve as an educational tool to inform people of all ages about the District's rich history and is a wonderful way to involve TID customers in celebration of the District's 125th anniversary, which occurs on June 6, 2012.

Mr. Speaker, please join me in honoring the Turlock Irrigation District on the release of the new documentary film and the upcoming 125th anniversary of aathis pioneering institution.

CONGRATULATING COUNCILMEMBER JOE BUSCAINO

HON. JANICE HAHN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2012

Ms. HAHN. Mr. Speaker, I rise to applaud the swearing in of my hometown's newest Los Angeles City Councilmember—Joe Buscaino.

A native son of San Pedro and a first-generation Italian-American, Councilman Buscaino learned at an early age the importance of hard work, family, community and service. His dedication to these values led him to the Los Angeles Police Department, where he protected and served the community he loves so well for almost 15 years.

There he created the LAPD's first Teen Community Police Advisory board, a program breaking down barriers between teens and the police by bringing youth's perspectives on problem solving to the police department. The program has since been expanded to the whole city—and I am confident this will not be the last innovative initiative he has to share with the City of Angels.

Now Councilman Buscaino's commitment to public service has led him to the chambers of the Los Angeles City Council, where I know he will serve the people of my home Council District 15 and the city of Los Angeles with honor and distinction. We are fortunate to have such an advocate.

HONORING WILLIAM H. ''BILL'' GRAY, III FOR HIS COUNTLESS CONTRIBUTIONS TO EDUCATION AND THE BLACK AMERICAN COMMUNITY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2012

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in honor of a true public servant, educator, community activist, spiritual leader, and my dear friend, William H. ''Bill'' Gray, III. For nearly five decades, Bill has served the Philadelphia community, African American community, and the American people as a whole in numerous capacities. From education and the ministry to government and the business world, his influential leadership continues to this day.

Bill was born on August 20, 1941 in Baton Rouge, Louisiana. He is the second child of the late Dr. William H. Gray, Jr. and Hazel Yates Gray, and has an older sister, Marion. Bill attended Franklin and Marshall College, where he earned a B.A. in 1963, and received a master's degree in divinity from Drew Theological Seminary in 1966 and a master's degree in theology from Princeton Theological Seminary in 1970. He has served as a faculty member and professor of history and religion at St. Peter's College, Jersey City State College, Montclair State College, Eastern Baptist Theological Seminary, and Temple University. The heir to a legacy of education leaders, his father served as the president of two Black colleges, Florida A&M University and Florida Memorial College. Furthermore, Bill's mother was a dean of Southern University and his grandfather a professor at another historically Black college.

Hailing from a family of ministers as well as educators, Bill began his service in the ministry in 1964, when he pastored his first church, the Union Baptist Church of Montclair, New Jersey. For 35 years, he was pastor of the 5,000-member Bright Hope Baptist Church in Philadelphia, as were his father and grandfather before him since 1925. In 1970, Bill became a community activist while living in Montclair, after winning a housing discrimination suit against a landlord who denied him an apartment because of his race. He founded the non-profit Union Housing Corporation in Montclair to build affordable homes for low- and moderate-income tenants and co-founded the Philadelphia Mortgage Plan, an organization that helped people in low-income communities obtain mortgages. In 1971, he married Andrea Dash, a marketing consultant. They raised three sons: William IV, Justin, and Andrew.

From 1979 to 1991, Bill served in the U.S. House of Representatives. During his 12 years in Congress, he remained a staunch supporter of education. As the first African American to chair the House Budget Committee in 1985, Bill was a leading advocate for strengthening America's education system. He went on to break further barriers as Chairman of the Democratic Caucus in 1988 and as Majority Whip later that year, becoming the highest-ranking African American ever to serve in Congress. In May 1994, Bill served as the Special Advisor to the President on Haiti. In that role, he assisted the President in developing and carrying out policy to restore democracy to Haiti, and received the Medal of Honor from Haitian President Jean-Bertrand Aristide in 1995.

In 1991, Bill became the president and chief executive officer of the United Negro College Fund (UNCF), America's oldest and most successful Black higher education assistance organization. During his tenure, he led the UNCF to new fund-raising heights while increasing educational assistance to minority students and support of historically Black colleges and universities. In particular, Bill spearheaded a number of bold initiatives to relocate UNCF's headquarters to the Northern Virginia area; develop a new technology center to link UNCF offices and member colleges electronically and thereby facilitate the sharing of scholarship and donor information; and develop the Frederick D. Patterson Research Institute to compile and analyze data on a host of issues affecting African American students from kindergarten through graduate school.

After retiring in 2004, Bill's contributions to public policy were far from over. He went on to serve as Chairman of the Amani Group and, beginning in 2009, Co-Chairman of the consulting and advisory firm GrayLoeffler, LLC. Today, Bill chairs Gray Global Strategies, Inc., a global business consulting and government affairs strategies firm. He also sits on the board of directors for several companies, including Dell, Inc., JPMorgan Chase, Pfizer, and Prudential Financial. Bill's many years of public and community service have earned him numerous awards and distinctions, such as the prestigious Franklin Delano Roosevelt Freedom of Worship Medal. In December 2009, he was listed in Ebony magazine as one of the 100 ''Most Important Blacks in the World in the 20th Century.'' Additionally, Bill has also been awarded more than 65 honorary degrees from America's leading colleges and universities.

Mr. Speaker, as we celebrate Black History Month, it is my distinct honor and privilege to recognize one of our own, former Congressman Bill Gray, for his tireless dedication to advancing education and opportunity in this country. His pioneering efforts have paved the way for future generations of American government, business, and community leaders. Bill's leadership and strength of character are a true inspiration to us all. I am so pleased to pay tribute to my dear friend, and wish him great success for many years to come.

HONORING THE NAI

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2012

Ms. CASTOR of Florida. Mr. Speaker, I rise today to acknowledge the accomplishments of the National Academy of Inventors, NAI. The NAI was founded at the University of South Florida, USF, in 2010, and has since become an institution that recognizes researchers who

translate their findings into inventions that may benefit society. To date there are more than 500 members in the NAI, each being awarded a patent by the United States Patent and Trademark Office.

The NAI provides a valuable role in the translation of science and technology within the university community, and for the benefit of society. It serves to promote creative thinking and originality, encourage the development and utilization of inventions, and offer guidance to new and existing inventor's efforts. Moreover, the NAI has assisted in awarding hundreds of successful patents for universities around the world.

More specifically, USF has progressed into a leading research university with important economic ties to the Tampa Bay community and Florida. The aptitude of the faculty, staff and students are the fundamental components that drive USF's research initiatives. USF lists among 14 universities in the top 300 organizations to receive patents from the U.S. Patent and Trademark Office in 2010 with 83 patents awarded.

Innovation, based on new inventions and technologies, has proven to be a key factor in the industrial and economic development of the world. The support, encouragement and development of technology and innovation are also fundamental to the success of a university, non-profit research organization or federal research institute. Furthermore, in addition to submitting this record, I am honored to introduce a House Joint Resolution recognizing the significance of the NAI.

A TRIBUTE IN HONOR OF THE LIFE OF HOWARD M. DASCHBACH, JR.

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2012

Ms. ESHOO. Mr. Speaker, I rise today to honor the life and work of a good friend and neighbor, and a highly respected member of our community, Howard M. Daschbach, Jr., who died on February 9, 2012, at the age of 87.

Howard was a man of deep and abiding faith. He was installed as a Knight of Malta in 1982, and a member of Saint Raymond's Church in Menlo Park, California, where he was seen daily, attending Mass. He had a special devotion to the Religious of the Sacred Heart who educated his children, and his Faith carried him through good times as well as difficult times.

Howard grew up in Pittsburgh, Pennsylvania, graduated from Duquesne University, and served his country proudly during World War II. He served with the Army in Europe, the Philippines and Japan, and then moved to California to attend Stanford Law School. Upon graduation, Howard embarked upon his lifelong career of serving the legal needs of hundreds of people.

Howard was a member of the Circus Club and the Serra Club. He was an avid tennis player, an ardent Giants fan and a winning dominos player.

Howard and his beloved wife of 59 years, Leonore, who survives him, were the proud and devoted parents of LeeLee and her husband Steve; Rooney and his wife Claire; Lisa and her husband Rory; Laura and her husband Mark; Mark and his wife Elizabeth; and Michele, who died on October 12, 2011, and her husband Patrick. He adored his 18 grandchildren and two great grand-daughters, and is also survived by his sister Jeanne and sister-in-law Joan.

Mr. Speaker, I ask my colleagues to join me in extending our sincere condolences to the family of Howard Daschbach Jr., and to all those who were privileged to know and love him. He was a wise and good man whom I was proud to call my friend and neighbor. Our country was blessed with his service, strengthened by his faith, and bettered by his devotion to his family, his community and his country.

RECOGNIZING RANDELLA LINDSAY AS THE 2013 WALTON COUNTY, FLORIDA SCHOOL TEACHER OF THE YEAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2012

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize Mrs. Randella Lindsay as the 2013 Walton County, Florida School Teacher of the Year. For more than 38 years, Mrs. Lindsay has served the students of Northwest Florida, inspiring them to strive for excellence. I am honored to recognize her achievements.

Teachers are amongst our nation's most valuable public servants. They are responsible for mentoring our students and ensuring that our next generation emerges ready to lead our nation in the future. Mrs. Lindsay's assiduous work and unbridled enthusiasm for her profession exemplify the characteristics of a successful teacher. Today, Mrs. Lindsay approaches the challenge of teaching with the same energy and excitement that she has harnessed since she stepped into the classroom in 1973. Her enthusiasm and dedication to her students fosters an atmosphere of success, where individual students can pursue their education goals at their own pace.

Mrs. Lindsay clearly understands the important position that teachers serve as role models for their students. Being a role model demands an incontrovertible commitment to professionalism in all aspects of life. Mrs. Lindsay treats her students, their parents, faculty, and staff with the utmost respect. She also understands the importance of mentoring young teachers and always seeks to help young people interested in pursuing a career in teaching. By sharing her years of wisdom and experience with all of her fellow colleagues, Mrs. Lindsay improves the quality of her own classroom, as well as the entire school.

Throughout her career, Mrs. Lindsay has been selected to serve in important roles in both her school and her school district. In 1983, while teaching Florida History as part of her 4th grade curriculum in Okaloosa County, Florida, Mrs. Lindsay recognized that the state's Florida studies program did not include any information on Okaloosa County. Over the next two years, she worked with two of her colleagues to research the history of Okaloosa County, and they produced a work book to supplement the Florida History course for future students. Mrs. Lindsay was also chosen to serve as one of three members on a committee responsible for planning the opening of a new elementary school, where she was later selected as their Teacher of the Year.

The importance of teachers is unquantifiable. Each and every teacher should be commended for their commitment to our nation's future. Mrs. Lindsay has proven to be among the many exceptional teachers in our nation. To be selected as Teacher of the Year, chosen from a large pool of extremely qualified applicants, is a reflection of Mrs. Lindsay's tremendous work ethic and steadfast dedication to the students of Northwest Florida.

Mr. Speaker, on behalf of the United States Congress, I am privileged to recognize Randella Lindsay for her accomplishments and her continuing commitment to excellence at Mossy Head Elementary School and in the Walton County School District. My wife Vicki joins me in congratulating Mrs. Lindsay, and we wish her all the best.

ZERO G AND I FEEL FINE

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2012

Mr. RYAN of Ohio. Mr. Speaker, a long time ago in a galaxy far, far away, a world watched as a lone American sat inside a small capsule on top of an Atlas rocket waiting for blast off. Fifty years ago, after several disappointing and discouraging postponements, all systems were "GO" at Cape Canaveral's launch pad 14, the weather clear, and the countdown pounded as the voice of Astronaut Scott Carpenter at Mission Control wished—"Godspeed John Glenn."

Friendship 7 lifted off with 360,000 pounds of thrust on its mission to put a man into Earth orbit, observe his reactions in space and safely return to Earth. It was the third Project Mercury manned mission and the first orbital flight. People around the world stopped and held their breath. Glenn felt six times the force of gravity on lift off and then once in space, we heard his voice crackling over the radio, "Zero-g and I feel fine." "Capsule is turning around. Oh! That view is tremendous!" The space race had begun in 1957 with Sputnik, the sinister Soviet satellite that propelled America into the new space age. Caught from behind, the U.S. scrambled to catch up. The first federal college loans were established under the National Defense Education Act of 1958 and federal support for basic research and development and the space program dramatically increased.

NASA was reorganized from the National Advisory Committee for Aeronautics (NACA) in 1958 and began the manned space program. In 1959, NASA selected 7 military test pilots to fly in space with Project Mercury. In 1961, Soviet Cosmonaut Yuri Gagarin became the first man to orbit the Earth. America was on a mission. The Nation focused in a united cause, identified the challenge, built and organized a plan for that challenge, and rose to meet it. We pulled together. A collection of scientists, soldiers, and contractors, with tremendous public support welded together a national program without an established infrastructure that would later become the Kennedy Space Center and the Johnson Space Center. Flight tests

and training occurred at Langley, Virginia, the space capsule was built by McDonnell Douglas in St. Louis, rocket development at Huntsville, Alabama, medical examinations at the Lovelace Clinic in Albuquerque, New Mexico, and Wright Patterson Air Force Base in Dayton, Ohio, the Altas rocket was built by General Dynamics in San Diego, and rocket launches occurred at Cape Canaveral, Florida.

Tom Wolfe described the astronauts in ''The Right Stuff'' as if they were single combat warriors, our best against their best and they were worshiped as heroes even before the battle for they were sure to die. With a successful splashdown off Gran Turk Island, John Glenn in *Friendship 7* had reached speeds of over 18,000 miles an hour, and in 4 hours 55 minutes and 23 seconds became the first American to orbit the Earth and rocketed the Nation back into the space race and took a vital step on man's journey to the moon. The Post Office issued the first stamp depicting a manned spacecraft. Sales of Tang, the orange flavored powdered soft drink, went through the roof when advertised as first used by Astronaut John Glenn. The number one song was ''Duke of Earl'' by Gene Chandler—West Side Story was playing in theaters. A television situation comedy, ''I Dream of Jeannie'' with Barbara Eden and Astronaut Larry Hagman was soon on the air.

John Glenn's incomparable life of service began as a Marine Corps fighter pilot flying the F4U Corsair in the South Pacific in World War II and the F9F Panther and F–86 Sabrejet in Korea. In 1957, as part of Project Bullet, he made the first supersonic transcontinental flight from California to New York in an F8U Crusader. In 1974 he became a U.S. Senator from Ohio and served for 24 years. In 1997, John Glenn announced his retirement from the Senate stating that there was no cure for the common birthday. Nonetheless, in 1998, he returned to space aboard the Space Shuttle *Discovery* STS–95 at age 77 to study the effects of space flight on seniors. He worked to establish the John Glenn School of Public Affairs at the Ohio State University and he served as Chairman of the National Commission on Math and Science Teaching for the 21st Century. Recently, he and Astronauts Neil Armstrong, Buzz Aldrin, and Michael Collins were awarded the Congressional Gold Medal.

Project Mercury, followed by Projects Gemini and Apollo, were the stepping stones to extraordinary and monumental accomplishment. America began a new age that day 50 years ago and we were all together. John Glenn, a hero in war, a hero in peace, remains an American hero and legend in our hearts. Once upon a time he helped unify a Nation and led us into the future. Congratulations to John and Annie Glenn.

KAHOKS' 2000 WINS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2012

Mr. SHIMKUS. Mr. Speaker, I proudly rise today to honor the achievement of the boys basketball team from my high school and hometown, my Collinsville Kahoks. On January 21st of this year, the Kahoks recorded their 2000th victory, becoming only the second team in Illinois and the third in the country to reach this great milestone.

This achievement is the result of the combined efforts of more than one hundred years of Collinsville players, coaches, and families. These are today's Collinsville Kahoks: Jaris Wellmaker, J'Vaughn Williams, Jacob Shaffer, Falando Wilkinson, Briley Kellison, Jared Blasingame, Chris Mathes, Devonta Crochrell, Daryn Foster, Jason Kusnerick, Travis Dunnette, Tanner Houck, Caleb Johnson, Sean Davis, Kelyn Conner, and Coaches Darin Lee and Eric Anderson.

These players and coaches have proven beyond a doubt that they can uphold our tradition of success, a tradition forged by past players such as Bob Bone, who set the all-time scoring record at the University of Missouri-St. Louis and also coached the Kahoks for twenty years, and other players such as Kevin Stallings, who went on to play at Purdue and now serves as head coach at Vanderbilt University.

But the one man most responsible for our tradition of excellence was the legendary coach of the Kahoks for thirty-three years, the late Vergil Fletcher. In his tenure, Coach Fletcher amassed 747 victories, leading the team to twenty conference championships and two State titles, one of which included an undefeated season. Coach Fletcher was an excellent coach and an exemplary role model, and we can only imagine how proud he would be today. May we all find the same measure of success.

And so once more I congratulate my Collinsville Kahoks, and I extend my gratitude to all those who helped make this achievement possible. I wish them continued good fortune in their future endeavors.

HONORING THE RETIREMENT OF MR. JIM CAVANAUGH

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2012

Ms. BALDWIN. Mr. Speaker, I rise today to honor the career and achievements of Mr. Jim Cavanaugh, President of the South Central Federation of Labor (SCFL), as he retires from his esteemed position after 25 years of service.

For the past three decades, Jim Cavanaugh has guided the local progressive labor movement with an unwavering hand. Jim's tenure is underscored with victories, such as the strike for sick pay against Aramark Laundry in 1999, and his place in labor's history was solidified this month one year ago, when he worked tirelessly to help unite hundreds of thousands of Wisconsinites in solidarity against the repeal of collective bargaining rights. His ability to rise above petty disputes and remain focused on the task at hand resulted in a tremendously successful career.

As President of SCFL, an organization for labor unions in Dane, Dodge, Sauk, Columbia, Jefferson and Iowa counties that represents over 100 labor organizations and more than 45,000 workers, Jim helped bring the struggles of Midwest workers to the forefront of political discussions. Jim recognized the importance of advocating on behalf of all workers and, in 2001, SCFL was recognized as one of the first fourteen central labor councils in the nation to fully achieve the goals of the AFL-CIO Union City program. As a member of the Union City program, SCFL advocates on behalf of both unionized and non-unionized workers to make our community one that provides a living wage and good benefits. Jim also helped expand the role of SCFL by forging new partnerships with existing labor groups like Madison Teachers Inc. (MTI) and reaching out to underserved counties.

Jim cherishes the value of education and understands the need for a highly educated workforce. To help bridge the gap between labor and education, Jim began a vital relationship with the University of Wisconsin-Madison's Student Labor Action Coalition (SLAC). For fifteen years, Jim also served on Madison College's (MATC) board in various capacities and was even nominated for the statewide Board Member of the Year award in 2008. Jim always recognized that a better educated workforce and community was directly correlated to a strong labor movement.

Furthermore, Jim worked to strengthen the local labor community by emphasizing the importance of building labor's diversity. In 1999, Jim began outreach to a plethora of faith-based communities which eventually led to the creation of the Interfaith Coalition for Worker Justice (ICWJ). And as an early and staunch supporter of the immigrant worker movement, Jim successfully organized and fought back after two dozen Latino custodians were fired over questions related to their immigration status, helping to secure a significant settlement for the workers.

From advocating for an increased minimum wage to organizing and mobilizing union voters, it is nearly impossible to mention everything Jim has accomplished in the past 25 years; it is even harder to overstate the positive impact he has had on our community. It is without a doubt that Jim's work has bettered the lives of countless workers in Wisconsin, the Midwest, and across our great nation. Today, we join together in solidarity to honor Mr. Jim Cavanaugh for his 25 years of fearless leadership of the South Central Federation of Labor. May Jim's unwavering dedication, vision, and lifelong commitment to worker's rights serve as an inspiration for all of us.

PROTECTING INVESTMENT IN OIL SHALE THE NEXT GENERATION OF ENVIRONMENTAL, ENERGY, AND RESOURCE SECURITY ACT

SPEECH OF

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2012

The House in Committee of the Whole House on the state of the Union had under consideration in the bill (H.R. 3408) to set clear rules for the development of United States oil shale resources, to promote shale technology research and development, and for other purposes:

Mr. STARK. Mr. Chair, I rise in opposition to H.R. 3408, the so-called ''PIONEERS Act.'' The Republican majority is bringing this bill to the floor under a procedural charade that has us voting on three separate bills that will magically become a transportation bill at some

point in the future when the Speaker is able to twist enough arms to pass the other pieces.

An obvious question to ask about H.R. 3408 is: what does it have to do with transportation? Not much. Although this bill is a grab bag of goodies for the oil and gas industry, it will do virtually nothing to repair our crumbling roads and bridges.

The legislation requires drilling off the coast of Southern California and overrides current law to forbid the State of California from haying any input into where, when, and how the drilling will occur. So much for states' rights. In their drive to hand out drilling leases to oil companies, Republicans are preventing my constituents in California from having any say on an issue that could have profound consequences on our state's economy and environment.

In the unlikely event that this bill becomes law, the Arctic National Wildlife Refuge would be opened to oil drilling and the Keystone XL tar sands pipeline will be approved despite the fact that the President found the pipeline is not in the national interest. This legislation also mandates oil shale production on millions of acres of taxpayer owned lands in the West without environmental review. Producing oil from oil shale is an unproven process that requires massive amounts of water and energy and produces equally massive amounts of waste. That's why the Obama Administration continues to study the process and conduct research and development on the feasibility of oil shale extraction prior to opening up federal lands. Instead of following this reasonable approach, Republicans are ignoring science and pushing ahead.

Republican leaders claim that all of this new drilling might raise some money in the future that can then pay for transportation projects. Instead of relying on fictional revenues, we could simply end the $4 billion in yearly tax subsidies that the big oil companies enjoy. These companies raked in $137 billion in profits last year, yet taxpayers are still forced to subsidize them. Let's end those handouts to pay for transportation projects not provide yet more giveaways to the oil industry.

I urge all my colleagues to vote against this dirty energy bill.

CONGRATULATING NORTHEAST IOWA COMMUNITY COLLEGE

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2012

Mr. BRALEY of Iowa. Mr. Speaker, I rise today to congratulate Northeastern Iowa Community College (NICC) in my district. NICC was recently named one of the top ten community colleges in the country by the Aspen Institute. This recognition is a high honor and speaks well to the education service that NICC provides in Northeast Iowa.

NICC's success stems from the wide array of education opportunities that are offered by the school. The school does an incredible job with identifying the career goals of each of their students. Many of their students will receive a degree then transfer to a four-year college or university, while others will enter the workforce after graduation. NICC offers degree programs in nursing and other technical education programs. The school has also done a tremendous job of offering job-relevant degrees and certificate programs. NICC partners with local businesses to determine what jobs need to be filled. The school then offers certificate programs for the jobs that have the most demand, such as welding. This approach has been a tremendous success that has put many people back to work in Northeast Iowa.

In selecting their top ten finalists, the Aspen Institute looked for community colleges that were meeting the demands of today's workforce while educating and graduating their students in a timely fashion. NICC easily met these criteria. The Aspen Institute, a non-partisan think tank, is highly regarded as a national leader in identifying successful education models around the country and the world.

NICC has and will continue to provide valuable education opportunities for my constituents in Northeast Iowa. I'm proud to have NICC in my district and congratulate them on this important achievement.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 26, 1995, when the last attempt at a balanced budget amendment passed the House by a bipartisan vote of 300–132, the national debt was $4,801,405,175,294.28.

Today, it is $15,391,735,627,010.18. We've added $10,590,330,451,715.90 dollars to our debt in 16 years. This is $10 trillion in debt our Nation, our economy, and our children could have avoided with a balanced budget amendment.

INTRODUCTION OF THE GUNS-FREE NATIONAL PARKS ACT OF 2012

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2012

Mr. McDERMOTT. Mr. Speaker, I rise today to introduce a firearms bill that will restore a common-sense rule in our national parks. Hundreds of millions of people from across the country and abroad have visited our world-famous national parks. Before 2009, visitors could enjoy our national parks knowing that they were free of loaded guns, thanks to a common-sense policy providing that guns were not to be brought into national parks unless they were unloaded and safely stored.

In fact, this common-sense regulation was enacted by the Reagan Administration. But in 2009, Congress passed the Coburn Amendment, allowing people to carry concealed loaded weapons into national parks if it is permissible under state law—and many states allow just that. I believe that the 2009 Coburn Amendment was a huge step in the wrong direction. That is why I am introducing the Guns-Free National Parks Act of 2012—to repeal it.

I have always believed that loaded weapons have absolutely no place in our national parks, which are natural sanctuaries and some of the last sacred spaces in our country. Last month Margaret Anderson, a park ranger in Mount Rainier National Park in Washington, executed a routine traffic stop in an effort to ensure that a driver was driving safely. The mentally unstable driver then shot and killed the park ranger. This brave public servant was a wife and mother of two young children. My heart goes out to her grieving family. We have too many guns in American society, and too many needless gun-related deaths. As Americans we rightly pride ourselves on the progress we have made over the decades in science, in civil liberties, and our standard of living in general. But rolling back sensible and appropriate public-safety rules is not progress. I am proud that this bill is endorsed by several well respected national and state-level groups that have worked for years on ending gun violence: The Brady Campaign to Prevent Gun Violence, Ceasefire Washington, the Coalition to Stop Gun Violence, and the Violence Policy Center.

HONORING THE MONROEVILLE JUNIOR HIGH ROBOTICS TEAM

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2012

Mr. BONNER. Mr. Speaker, I am pleased to shine the spotlight on a talented and dedicated group of young people from Southwest Alabama whose hard work and ingenuity have garnered them much-deserved national recognition.

On February, 7, 2012, students from Monroeville Junior High School's robotics team participated in the second annual White House Presidential Science Fair where they personally demonstrated their robotic creations for President Obama. From all reports, the President was duely impressed.

Monroeville Junior High was the only Alabama school and the only BEST school robotics team to receive an invitation to this prestigious national event.

Monroeville Junior High is one of 24 Alabama schools currently participating in the Boosting Engineering Science and Technology (BEST) program, which introduces students to engineering and technology and teaches the skills needed for today's high-tech workforce.

Monroeville Junior High has also competed in the Great Freight Robotics Challenge bringing home many awards including the 1st Place Five Star Award (overall winner). They also competed in the Jubilee BEST Robotics Competition in Mobile, winning several awards and qualifying to advance to South's BEST Regional Competition hosted by Auburn University. At that event, the team brought home the 3rd Place Engineering Notebook Award out of 50 champion teams from across the eastern half of the country.

After their visit to the White House last week, the students arrived on Capitol Hill where it was my honor to personally welcome them and talk to them about their achievements. These students have proven that age is no limitation to teamwork and success.

A special congratulations goes to each of the Monroeville Junior High robotics team

members: Morgan Ard, Sarah Baker Barnhardt, Andrew Cahill, Laken Cole, Tiara Dean, Jessica Feaster, Lindsay James, Kaitlyn Johnson, Octavia Johnson, Terrance Johnson, Ellissa Kidd, Jadarrius Kidd, Robert Knight, Maggie Ray, Jada Robbins, Desmond Stevens, and Titus Walker.

On behalf of the people of Alabama, a job well done, Monroeville Junior High!

IN HONOR OF TIM KIEDROWSKI WHO FOR DECADES HAS WORKED TO PRESERVE AND CELEBRATE POLISH CULTURE AND HERITAGE

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2012

Ms. KAPTUR. Mr. Speaker, entrepreneur Tim Kiedrowski grew up in Lorain, Ohio and is a proud 1973 graduate of Admiral King High School, named for Fleet Admiral Ernest J. King, a Lorain native and Chief of Naval Operations during WWII. Tim was a drummer in the Admiral King (HS) Admirals band, as well as in numerous local rock-n-roll bands.

Shortly after his high school graduation, in search of employment, Tim was hired by Leonard DeLuca, the owner of DeLuca's Bakery in Downtown Lorain. Len soon entrusted Tim with the responsibility of opening the bakery every morning to start the preparation of baked goods for the day. Tim continued to work at DeLuca's Bakery until 1975 and continued playing drums in area bands.

Tim married his sweetheart, Terri Girz in 1977, and wanting more job security, he became a welder for P.C. Campana, Inc. in 1975 until 1981. A downturn in the local economy caused many layoffs, and Tim was one of the casualties. Terri continued her work as an OB-GYN Registered Nurse at St. Joseph Hospital in Lorain, and Tim became 'Mr. Mom' for their family for the next 2 years.

On Christmas Eve, 1983, Tim was hired as a baker at the Simply Delicious Bakery in Downtown Amherst, Ohio. Tim enjoyed his return to the ''dough business'', but 1 month into the job, the owner of the bakery declared bankruptcy and asked Tim if he wanted to become chief cook and bottlewasher. Never afraid of a challenge, Tim and Terri took out a small business loan to buy the bakery. Proud of their Polish heritage, the name was officially changed to Kiedrowski's Simply Delicious Bakery as of November, 1984. They remained in Downtown Amherst for 11 years.

Accidents can be disastrous in a bakery, but the ''snoogle accident'' was a welcome one for the Kiedrowski's. Late one evening in the bakery, Tim was preparing Ladylocks and Terri was working on a batch of cheese Danish. With leftover ingredients, these two happy bakers set out to create something new. A little of this, a little of that, and voila!, the Snoogle was born. These airy, cheese-filled concoctions have become Kiedrowski's biggest seller, and in April, 2011, they were awarded a patent for the Snoogle®. It is not unusual for the bakery to sell 100 dozen over the course of a weekend.

In 1994, Tim and his crew packed up the mixers, ovens and all of the baking ingredients and moved into their current location at 2267 Cooper Foster Park Road in Amherst.

In 1997, again on Christmas Eve, Tim and Terri started brainstorming about ways to get customers into the bakery during the January ''slow season.'' After much discussion with family and friends, Tim proposed to host an old-fashioned Polish wedding (aka The Paczki Ball) just before Lent. Naysayers told Tim he could never organize this type of feast in 6-weeks time, but he set out to prove them wrong. With a few ads on local radio stations WEOL and WOBL as well as word-of-mouth, Tim and Terri hoped to sell 100 tickets to the first Paczki Ball in 1998, held at the Knights of Columbus Hall in Lorain. Party-goers quickly lined up at the door, and after 150 tickets were sold, the remaining guests had to be turned away. Karol Kiedrowski Peltz was crowned the first Paczki Ball Queen. Joseph Girz, Terri's father and well-known as ''Doughboy Joe'' (and the inspiration for the Kiedrowski logo) was crowned the first Paczki Ball King.

The Paczki Ball was moved to Lorain Catholic High School in 1999, a larger venue, and 375 tickets were sold. In 2002, the event moved to DeLuca's Place in the Park, a large party center owned by Tim's former boss, Leonard DeLuca. In 2003, the production of paczki as well as the Paczki Ball were videotaped by Army Armstrong for a film that would debut the following year. In this same year, new entertainment was added at the ball, the ''Presentation of the Paczkis'', was the hit of the party, and continues to this day. In 2011, Kiedrowski's Bakery sold over 50,000 paczkis during the Lenten season.

Life is never easy as a bakery owner. Tim and Terri had four boys: Matthew, Mark, Michael and Timmy, and there were nights that the boys did their homework and slept at the bakery while their parents did ''prep work'' for the next day's business. Terri became a self-taught cake decorator, working on birthday, graduation and wedding cakes at night after her shift was done at the hospital. Proud of their Catholic upbringing, Tim and Terri sent their boys to St. Anthony's elementary school followed by Lorain Catholic High School. Tim never had the opportunity to go to college, but encouraged his sons to further their education. Each of the boys went on to college to earn their respective degrees.

At the beginning of the Lenten season in 2011, Tim was notified that he was a finalist for the first-ever ''Best Bakery in America'' online contest, sponsored by Baking Buyer Magazine and Dawn Foods. With creative brainstorming over the course of 6 weeks, Kiedrowski's Simply Delicious Bakery was declared the winner, with more than 50 percent of the votes cast. Tim remarked that all of his years of hard work provided him with his honorary ''Degree of Baking'', but the Best Bakery in America Award provided him with the validation.

Kiedrowski's has celebrated its Polish heritage for 28 years through baking, and plans to share their delicious pastries for many years to come as they sweeten America's palate as America's Best Bakery.

TRIBUTE TO PHILIP GIBBS GROSE, JR.

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2012

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a great public servant, author and dear friend. Philip Gibbs Grose lost his three year battle with leukemia on February 3, 2012. This South Carolina native contributed to his beloved State's history through his work in public policy and helped to preserve its history through his writings about the people who influenced the times in which he lived.

Phil was born in Greenville, SC to Philip G. Grose, Sr., and Helen Layne Thompson Grose on April 5, 1938. He was raised in Charlotte and was a 1960 graduate of Washington and Lee University. He did graduate work at the University of South Carolina and received an honorary doctorate of letters from Francis Marion University.

Phil began reporting sports results to the Charlotte Observer in junior high school and went on to write for the Observer during high school and college. He joined the staff fulltime after graduating from Washington and Lee, covering sports and general news. In 1963, after a year in New York as a writer for Broadcasting Magazine, Phil came to Columbia joining the sports staff of The State. He went on to become business editor and governmental affairs editor before leaving his newspaper career to enter the political arena.

In 1968, Phil became a speechwriter for Governor Robert McNair. It was a tumultuous time in South Carolina at the height of the civil rights movement. Phil was greatly affected by the times, and, from his role behind the scenes, began pushing for South Carolina to break the bonds of its Jim Crow past. He continued those efforts when he joined the staff of Governor McNair's successor, John Carl West, as executive assistant for communications and race relations. One of the first actions he persuaded Governor West to take was to hire a young man named JAMES CLYBURN to serve as the first African American advisor to a sitting South Carolina governor. The year was 1971, and since that time Phil and I were fast friends.

Phil went on to hold other positions in state government as deputy director of the Department of Social Services and executive director of the State Reorganization Commission. He was founder and executive director of the Executive Institute that provided leadership training for state government administrators, and I was one of his first recruits and graduated from the Executive Institute when I was serving as South Carolina Human Affairs Commissioner.

After retiring from state government, Phil became a senior fellow at the University of South Carolina's Institute for Southern Studies, where he wrote about subjects he knew well and about which was very passionate—the governorships of Robert McNair and John West. ''South Carolina at the Brink: Robert McNair and the Politics of Civil Rights'' and ''Looking for Utopia: The Life and Times of John C. West'' offered great insights into these complicated men and the their contributions to South Carolina's rich history. He had recently begun work on a history of Francis

Marion University in Florence, South Carolina. Phil and I had also been collaborating on my memoir for several years. He was a member of my inner circle who knew my experiences almost as well as I did myself. His personal insights and his talent for writing were invaluable in helping me with this project.

He was also very active in the community. Phil served on advisory boards of the USC School of Arts and Science, the Journalism School and School of Nursing, and on the board of visitors of Columbia College. He was a president of Workshop Theater and worked in numerous Midlands United Way campaigns. He served four years as the South Carolina representative on the Southern Growth Policies Board and the Council on State Governments. He was a member of the Kosmos Club, a former board member of the Caesar's Head Community Center, a member of Shandon Presbyterian Church and a devotee of the humor of Robert Benchley.

Phil was married for 47 years to Virginia ''Ginny'' Maxwell Grose. They had one daughter, Patricia, a son-in-law, John Williams, and two grandsons, Harrison and David Williams.

Mr. Speaker, I ask that you and my colleagues join me in celebrating the life of Phil G. Grose. He was an individual who helped shape history and preserve it for future generations. In addition, he was a great friend, not only to me, but to all who knew him. He will be sorely missed, but his contributions will remain forever.

A TRIBUTE TO THE NISEI SOLDIERS OF WORLD WAR II

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2012

Mr. COSTA. Mr. Speaker, I am joined by my colleagues Mr. CARDOZA, Mr. DENHAM, Mr. HONDA, Ms. MATSUI and Mr. SCHIFF, to pay tribute to the outstanding military service and patriotism of the Japanese American men and women who served in the United States military during World War II. Over thirty-thousand second-generation Americans of Japanese ancestry, also known as ''Nisei'' served in the various branches of the U.S. military while their families were living in barbed-wire enclosed internment camps scattered throughout remote regions of the country.

On February 19, 1942 President Franklin D. Roosevelt signed Executive Order No. 9066, essentially allowing the forcible relocation and internment of Japanese Americans across the United States; citizens and non-citizens alike. As a result, more than 120,000 Americans of Japanese ancestry, mainly from parts of Washington, Oregon, California and Arizona, were detained for nearly three years without charges or trials and without the basic civil liberties guaranteed to all Americans by the Constitution.

Prior to that, on January 19, 1942, six weeks after the Imperial Japanese Navy's attack on Pearl Harbor, Japanese Americans were reclassified by the Selective Service as enemy aliens, ineligible to be drafted. Subsequently, the U.S. Department of War chose to activate the 100th Battalion, a racially-segregated unit composed of Nisei volunteers from Hawaii who passed loyalty tests to fight in the European Theater. This unit became known as the Purple Heart Battalion due to its high casualty rate. With these Japanese-Americans setting the example, the War Department established the 442nd Regimental Combat Team, a racially-segregated unit composed of Nisei volunteers from confinement sites.

The 442nd Regimental Combat Team, which came to include the 100th Infantry Battalion, spearheaded numerous battles, fought valiantly and courageously and is widely regarded as the most decorated unit in American history for its size and length of service, with seven Presidential Unit Citations, 21 Medals of Honor, 29 Distinguished Service Crosses, 560 Silver Stars, 4,000 Bronze Stars and more than 4,500 Purple Hearts. The 442nd is forever linked to the 36th Texas Division, when it rescued the ''lost battalion'' in the Vosges Mountains of eastern France during the fall of 1944. Japanese American troops were also part of the advance Allied troops that liberated the Dachau concentration camp.

When the war ended and the United States declared victory, President Harry Truman, presented the 442nd Regimental Combat Team with its seventh President Unit Citation on the White House lawn and aptly observed: ''You have fought not only the enemy, but prejudice and you have won.''

Along with the 442nd Regimental Combat Team, another cohort of Japanese-Americans served in the Military Intelligence Service (''MIS''), made up of approximately 6,000 Nisei soldiers attached to combat units in the Pacific Theater. These soldiers intercepted radio transmissions, translated enemy documents, interrogated enemy prisoners of war, volunteered for reconnaissance and covert intelligence missions, and persuaded enemy combatants to surrender. Eventually, some of these MIS soldiers went on to serve during the post-war occupation of Japan, assisting with the country's transition to a democratic form of government, and helping to maintain a stable relationship between Japan and the United States.

On October 5, 2010, the United States Congress unanimously passed Public Law 111–254, the law conferring the Congressional Gold Medal, the nation's highest civilian honor, to members of the 100th Battalion, 442nd Regimental Combat Team and Military Intelligence Service. President Obama signed the law, and on November 2, 2011, Members of Congress presented these medals to a number of Nisei veterans at Emancipation Hall in Washington, DC.

Approximately 500 Nisei soldiers from Merced, Madera, Fresno, Kings and Tulare Counties served in the 100th Infantry Battalion, 442nd Regimental Combat Team, Military Intelligence Service, Counter Intelligence Corps, Women's Army Corp and other military units, including:

S. Sgt. Kazuo Komoto of Sanger (MIS), the first Nisei Purple Heart recipient of World War II; Sgt. Mac Nobuo Nagata of Sanger (MIS), Legion of Merit recipient who led the 1st linguist team to Southwest Pacific Command; S. Sgt. Kazuo Otani of Visalia (442 RCT) and PFC Joe Nishimoto of Caruthers (442 RCT), recipients of the Medal of Honor and among 24 Nisei soldiers from Central California killed in action.

PFC Jay Shiroyama of Laton (442 RCT), one of eight men from I Company that first made contact with the 121 men of the 141st Texas Regiment (Lost Battalion); PFC Tom Uyeoka of Salinas (522nd Field Artillery Battalion), settled in Fresno after the war, and helped liberate Jews at the infamous Dachau Concentration Camp; and S. Sgt. Mikio Uchiyama of Fowler (MIS and CIC), an attorney during the war crimes trials in Japan, who later became the first Asian-American judge in Fresno County.

On February 19, 2012, the Central California District Council of the Japanese American Citizens League, the oldest and largest Asian American civil rights organization in America, with the support of the Clovis Veterans Memorial District, Veterans of Foreign Wars Sierra Nisei Post 8499, Nisei Farmers League and Sun-Maid Growers of California, will host a Day of Remembrance observing the 70th anniversary of Executive Order 9066, and honoring all Nisei veterans of World War II with a local ceremony for the presentation of the Congressional Gold Medal.

Mr. Speaker, we ask our colleagues to join the Central California District Council of the Japanese American Citizens League, to commemorate and pay tribute to all the Nisei soldiers of World War II, who not only fought fascism abroad but prejudice at home, and won.

HONORING MARYCREST MANOR SKILLED NURSING AND REHABILITATION CENTER

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2012

Mr. McCOTTER. Mr. Speaker, today I rise to honor and acknowledge Marycrest Manor Skilled Nursing and Rehabilitation Center, upon its 50th anniversary. Marycrest Manor stands in my hometown of Livonia, Michigan and is the result of the compassionate dream rooted in the Polish-Catholic community of the 1940's Detroit area and brought to fruition through the efforts of the Franciscan Sisters of St. Joseph.

St. Mary's Home, the initial 25 bed facility, was located at 215 West Grand Boulevard in Detroit. Recognizing the need for more space, the Franciscan Sisters looked to Livonia and petitioned Cardinal Edward Mooney for assistance in their charitable endeavor. Cardinal Mooney purchased and donated 10 acres of land on what is now Middlebelt Road just north of Five Mile Road.

Sadly, Cardinal Mooney passed away in 1958. His successor, Archbishop John Dearden selected the name Marycrest Manor. Celebrated during the Feast of the Holy Name of Mary, the state of the art 55 bed facility was dedicated on September 12, 1962. After being granted licensure as an extended care facility, Marycrest Manor is now one of the most recognized in the State of Michigan.

Seeking to meet the needs of the communities they serve, Marycrest Manor recently extended their ministry by opening a 60 unit facility specifically designed for self-sufficient senior citizens who seek a secure faith-based lifestyle. Plans are being made to open an assisted living facility, thus making Marycrest Manor a continuum of care campus.

Mr. Speaker, for 50 years Marycrest Manor has stood as a tribute to the benevolent work

of the Franciscan Sisters of St. Joseph. As the facility celebrates this enormous milestone, it personifies a legacy of excellence, ingenuity and the empathetic spirit of the Franciscan Sisters and the Livonia community. Today, I ask my colleagues to join me in congratulating Marycrest Manor and recognizing their years of loyal service to our community and country.

RECOGNIZING HARRY A. BARTEE, SR., FOR HIS DEDICATION TO SERVICE AND HEALTH CARE

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a longtime Mississippi resident, Vietnam veteran, civil rights activist, dedicated health care professional, and an overall outstanding public servant, Dr. Harry A. Bartee, Sr. Dr. Bartee has devoted his entire life to public health in Mississippi.

Dr. Bartee was born in Ocean Springs, Mississippi, and moved frequently with his family throughout the state until finally settling in Canton, Mississippi, where they have remained for the last half century. His father was a Methodist Minister and his mother a school teacher. Dr. Bartee attended Rogers High School in Canton, where he was president of his senior class and played on the school's football team.

After high school, Dr. Bartee attended North Carolina A&T College in Greensboro, North Carolina from 1961 to 1965, and served in the ROTC. It was during this time he became part of one of the greatest student movements in this country for Civil Rights, the Greensboro, North Carolina Sit-ins. There he met his wife, Frances, who at the time attended nearby Bennett College and together, they marched and were arrested for their involvement in those demonstrations. At North Carolina A&T College, he received a Bachelors of Science degree in Biology and joined Omega Psi Phi Fraternity, Inc.

After graduating from college, Dr. Bartee was commissioned as a Second Lieutenant in the United States Air Force. While waiting to enter active duty, Dr. Bartee returned to Canton, Mississippi, with his wife of two weeks. While showing her around his native city one evening, he entered an establishment which had at one time been a popular spot for black entertainment, and was attacked by an onslaught of white supremacists. They proceeded to beat him beyond recognition, subsequently requiring him to have surgery at the same hospital where he later received his medical degree.

After that experience, he received orders to report to Mather Air Force Base in Sacramento, California. He spent the next five years as a navigator with the KC–135 Refueling Squadron, part of the Strategic Air Command (SAC) during the Vietnam Conflict. He received an honorable discharge after having obtained the rank of Captain, and the Air Medal for Meritorious Achievement Award while participating in aerial flight.

In 1971, he decided to further his studies and entered the University of Mississippi, as a graduate student in Microbiology. After one year he was admitted to the Medical School, where he served as president of Student National Medical Association. He completed his residency in Family Medicine and became the director of Madison-Yazoo-Leake (MYL) Family Health Center in Canton, Mississippi in 1979.

After later establishing a private practice in Canton, Mississippi, Dr. Bartee expanded his operations to the underserved areas of Tchula, Lexington, and Goodman, Mississippi. Dr. Bartee served as a member of the Central Sub-advisory committee of the Mississippi Health Systems Agency and a contract physician with the Madison Yazoo Leake Family Health Center in Yazoo City, Mississippi for three years.

Dr. Bartee served as an emergency room physician throughout the state, from the Gulf Coast to North Mississippi including some eastern and western cities. He served as the Medical Director for the Nurse Mid-Wifery Program at Methodist Hospital of Middle Mississippi in Lexington. Pryor to his decision to enter semi-retirement this past year, Dr. Bartee remains an Emergency Room Physician in Canton, Mississippi.

Dr. Bartee and his wife Frances have four children and nine grandchildren. Frances is a retired public school teacher, his son Harry A. Bartee, Jr., is a physician, in Tennessee and North Mississippi. His daughter Pamela is a nurse anesthetist, while his younger daughters Anne and Candice, followed their mother's footsteps in education.

Dr. Bartee has always empathized with people who were not privileged to have access to quality health care. He has served many poor and impecunious patients, who have always been more than three-fourths Medicaid/Medicare recipients. His greatest consideration has always been with any aspect of inferior treatment of patients based upon racial, cultural or financial status. Even at the age of 68, he is still practicing.

Mr. Speaker, I ask that our colleagues join me in honoring the life and legacy of Dr. Harry A. Bartee, Sr., a global citizen and champion in the health care profession.

COMMEMORATING THE MANY ACCOMPLISHMENTS OF MS. ALICE TREGAY

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2012

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to recognize the enormous impact and the many accomplishments of my dear friend, Alice Tregay. Alice has spent almost five decades pouring her heart and soul into promoting social change. Over these years, her activism has taken on many different forms: she has advocated on behalf of the disadvantaged, registered thousands of new voters, managed high profile political campaigns, and more. As a result of her actions, citizens of Illinois and those across the country are better off.

Ms. Tregay's first leap into activism came in 1964, when she joined the protest against Chicago Public Schools Superintendent Willis and his infamous "Willis Wagons." These wagons perpetuated segregation, and the community was energized in opposition. Marching alongside well-known figures such as Al Raby and Dick Gregory, Alice learned just how much of an impact ordinary people could have. In the end, not only were the Willis Wagons shut down, but Superintendent Willis himself was removed as a result of the community's activities.

This first protest opened a door for Alice, and she leapt through it with her characteristic enthusiasm. She fought housing discrimination in the Chicagoland area, and marched in support of open housing alongside Dr. Martin Luther King, Jr. When Dr. King's Operation Breadbasket began operations in the Chicagoland area, Alice was intimately involved. She worked hand in hand with Rev. Jesse Jackson and Rev. James Bevel to eliminate discrimination and provide jobs for the disadvantaged.

Within Operation Breadbasket, Alice started the Political Education Division. This branch of the organization trained thousands of students over a five-year period, teaching them how to organize citizens and lead political campaigns. After training a future generation of activists, Alice went even farther. She traveled to the southern United States, registering thousands of voters between Chicago and Mississippi.

Later, she served as an essential staff member on many campaigns, including but not limited to such great leaders as Congressmen Abner Mikva and Jesse Jackson, Mayor Harold Washington, and President Jimmy Carter.

In addition to her campaigning, Alice went on to serve as Director and Chief Lobbyist for the Black Illinois Legislative Lobby. In this role, she continued to work tirelessly to protect the civil rights of our citizens, and to promote the economic parity of minorities and the poor.

Alice Tregay has impacted untold numbers of lives as an organizer, educator, and change maker. She gave a voice to those who are too frequently ignored. She provided the tools to engage and equip a new generation of activists. Many of her students continue to fight for her ideals, each and every day. On behalf of myself and the many individuals who have benefited from her activities, I extend my heartfelt thanks and love to Alice Tregay for all that she has done.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S805–S878

Measures Introduced: Eight bills and four resolutions were introduced, as follows: S. 2115–2122, S.J. Res. 36–37, and S. Res. 379–380. **Page S850**

Measures Reported:

S. Res. 379, condemning violence by the Government of Syria against the Syrian people, with a preamble. **Page S850**

Measures Considered:

Moving Ahead for Progress in the 21st Century—Agreement: Senate continued consideration of S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, taking action on the following amendments proposed thereto:

Pages S814–42

Pending:

Reid Amendment No. 1633, of a perfecting nature. **Page S814**

Reid Amendment No. 1634 (to Amendment No. 1633), to change the enactment date. **Page S814**

Reid Motion to recommit the bill to the Committee on Environment and Public Works, with instructions, Reid Amendment No. 1635, to change the enactment date. **Page S814**

Reid Amendment No. 1636 (to (the instructions) Amendment No. 1635), of a perfecting nature. **Page S814**

Reid Amendment No. 1637 (to Amendment No. 1636), of a perfecting nature. **Page S814**

A unanimous-consent-time agreement was reached providing for further consideration of the bill at approximately 11 a.m., on Friday, February 17, 2012, and that at a time to be determined by the Majority Leader, after consultation with the Republican Leader, Senate proceed to the cloture vote with respect to Reid Amendment No. 1633 (listed above); that if cloture is invoked on Reid Amendment No. 1633, the second-degree amendment be withdrawn, Reid Amendment No. 1633 be agreed to, and the bill, as amended, be considered original text for the purposes of further amendment; if cloture is not invoked, the motion to recommit and Reid Amendment No. 1633 be withdrawn; that immediately following the cloture vote and the actions listed above depending on the result of the cloture vote, Senate then proceed to Executive Session and the cloture motion on the nomination of Jesse M. Furman, of New York, to be United States District Judge for the Southern District of New York, be withdrawn; that there be two minutes equally divided, between the Chair and Ranking Members of the Judiciary Committee prior to a vote on confirmation of the nomination; that no further motions be in order; that following the vote on confirmation of the nomination of Jesse M. Furman, of New York, to be United States District Judge for the Southern District of New York, Senate then resume legislative session and the Majority Leader be recognized, provided further, that the filing deadline for second-degree amendments to Reid Amendment No. 1633 to the bill be at 10:30 a.m., on Friday, February 17, 2012. **Page S838**

Nominations Received: Senate received the following nominations:

Jill A. Pryor, of Georgia, to be United States Circuit Judge for the Eleventh Circuit.

Paul William Grimm, of Maryland, to be United States District Judge for the District of Maryland.

Elissa F. Cadish, of Nevada, to be United States District Judge for the District of Nevada.

Mark E. Walker, of Florida, to be United States District Judge for the Northern District of Florida.

35 Air Force nominations in the rank of general.

1 Army nomination in the rank of general.

8 Navy nominations in the rank of admiral.

Routine lists in the Air Force, and Army.

Pages S875–78

Messages from the House: **Page S848**

Measures Referred: **Pages S848–49**

Measures Placed on the Calendar: **Pages S805, S849**

Measures Read the First Time: **Pages S849, S875**

Executive Communications: **Pages S849–50**

Executive Reports of Committees: **Page S850**

Additional Cosponsors: **Pages S850–52**

Adjournment: Senate convened at 10 a.m. and adjourned at 7:57 p.m., until 10 a.m. on Friday, February 17, 2012. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S875.)

Committee Meetings

(Committees not listed did not meet)

U.S. NATIONAL SECURITY THREATS

Committee on Armed Services: Committee concluded a hearing to examine the current and future worldwide threats to the national security of the United States, after receiving testimony from James R. Clapper, Jr., Director of National Intelligence; and Lieutenant General Ronald L. Burgess, Jr., USA, Director, Defense Intelligence Agency, Department of Defense.

EUROPEAN DEBT CRISIS

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the European debt crisis and its implications, after receiving testimony from Lael Brainard, Under Secretary of the Treasury for International Affairs; Robert D. Hormats, Under Secretary of State for Economic, Energy and Agricultural Affairs; and Steven B. Kamin, Director, Division of International Finance, Board of Governors of the Federal Reserve System.

BUDGET

Committee on the Budget: Committee concluded a hearing to examine the President's proposed budget request for fiscal year 2013 and revenue proposals, after receiving testimony from Timothy F. Geithner, Secretary of the Treasury.

DEPARTMENT OF ENERGY BUDGET

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the President's proposed budget request for fiscal year 2013 for the Department of Energy, after receiving testimony from Steven Chu, Secretary of Energy.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported an original resolution condemning violence by the Government of Syria against the Syrian people.

IRAN'S INFLUENCE AND ACTIVITY IN LATIN AMERICA

Committee on Foreign Relations: Subcommittee on Western Hemisphere, Peace Corps and Global Narcotics Affairs concluded a hearing to examine Iran's influence and activity in Latin America, after receiving testimony from Cynthia J. Arnson, Woodrow Wilson International Center for Scholars, Douglas Farah, International Assessment and Strategy Center, Roger F. Noriega, former Assistant Secretary of State for Western Hemisphere Affairs, and Ilan Berman, American Foreign Policy Council, all of Washington, D.C.

IRAN'S INFLUENCE AND ACTIVITY IN LATIN AMERICA

Committee on Foreign Relations: Committee received a closed briefing on Iran's influence and activity in Latin America from Elizabeth Dibble, Deputy Assistant Secretary for European and Eurasian Affairs, Kevin Whitaker, Deputy Assistant Secretary for Western Hemisphere Affairs, and James McElveen, Division Chief, South America, Bureau of Intelligence and Research, all of the Department of State; and Chris Markwood, Deputy National Intelligence Manager, Iran, and Richard May, Senior Analyst, Threat Finance, both of the Office of the Director of National Intelligence.

CYBERSECURITY ACT

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine securing America's future, including S. 2105, to enhance the security and resiliency of the cyber and communications infrastructure of the United States, after receiving testimony from Senators Rockefeller and Feinstein; Janet Napolitano, Secretary of Homeland Security; Tom Ridge, U.S. Chamber of Commerce, Stewart A. Baker, Steptoe and Johnson LLP, and James A. Lewis, Center for Strategic and International Studies, all of Washington, D.C.; and Scott Charney, Microsoft Corporation, Redmond, Washington.

REGIONAL LEVEL WORKFORCE NEEDS

Committee on Health, Education, Labor, and Pensions: Subcommittee on Employment and Workplace Safety concluded a hearing to examine addressing workforce needs at the regional level, focusing on innovative public and private partnerships, after receiving testimony from Andrew Sherrill, Director, Education, Workforce, and Income Security, Government Accountability Office; Marlena Sessions, Workforce Development Council of Seattle-King County,

and Barbara Trehearne, Group Health Cooperative, both of Seattle, Washington; Sandy Harmsen, San Bernardino County Workforce Investment Board, San Bernardino, California; James Watson, CMTC, Torrance, California; David Hunn, Northern Virginia Workforce Investment Board, Vienna; Gerry Hofler, Northern Virginia Community College, Springfield; and Pat Schramm, Workforce Development Board of South Central Wisconsin, and Bettsey Barhorst, Madison College, both of Madison, Wisconsin.

ENERGY DEVELOPMENT OVERSIGHT

Committee on Indian Affairs: Committee concluded an oversight hearing to examine energy development in Indian country, after receiving testimony from Tracey A. LeBeau, Director, Office of Indian Energy Policy and Programs, Department of Energy; Jodi Gillette, Deputy Assistant Secretary for Indian Affairs, and Mike S. Black, Director, Bureau of Indian Affairs, both of the Department of the Interior; Michelle Kauhane, Hawaii Department of Hawaiian Home Lands Deputy Director, Kapolei; Rodney M. Bordeaux, Rosebud Sioux Tribe, Rosebud, South Dakota; Levi Pesata, Jicarilla Apache Nation, Dulce, New Mexico; Thomas Anketell, Assiniboine and Sioux Tribes of the Fort Peck Reservation, Poplar, Montana; and Rex Lee Jim, Navajo Nation, Window Rock, Arizona.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the nominations of John Z. Lee, and John J. Tharp, Jr., both to be a United States District Judge for the Northern District of Illinois, George Levi Russell, III, to be United States District Judge for the District of Maryland, and Kristine Gerhard Baker, to be United States District Judge for the Eastern District of Arkansas.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 23 public bills, H.R. 4048–4070; and 6 resolutions, H.J. Res. 103; H. Con. Res. 102–102; and H. Res. 552–553, 555 were introduced. **Pages H900–02**

Additional Cosponsors: **Page H903**

Reports Filed: Reports were filed today as follows:

Conference report on H.R. 3630, to provide incentives for the creation of jobs, and for other purposes (H. Rept. 112–399) and

H. Res. 554, providing for consideration of the conference report to accompany the bill (H.R. 3630) to provide incentives for the creation of jobs, and for other purposes (H. Rept. 112–400).

Pages H834–80, H894

Speaker: Read a letter from the Speaker wherein he appointed Representative Webster to act as Speaker pro tempore for today. **Page H805**

Recess: The House recessed at 11:30 a.m. and reconvened at 12 noon. **Page H815**

Journal: The House agreed to the Speaker's approval of the Journal by voice vote. **Pages H815, H886**

Recess: The House recessed at 12:37 p.m. and reconvened at 3:16 p.m. **Pages H819–20**

Protecting Investment in Oil Shale the Next Generation of Environmental, Energy, and Resource Security Act: The House passed H.R. 3408, to set clear rules for the development of United States oil shale resources and to promote shale technology research and development, by a recorded vote of 237 ayes to 187 noes, Roll No. 71. Consideration of the measure began yesterday, February 15th.

Pages H820–34, H880–86

Rejected the Castor (FL) motion to recommit the bill to the Committee on Natural Resources with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 176 ayes to 241 noes, Roll No. 70. **Pages H884–85**

Agreed to:

Scalise amendment (No. 20 printed in part A of H. Rept. 112–398) that dedicates Clean Water Act penalties associated with the Deepwater Horizon disaster to the Gulf Coast Restoration Trust Fund;

Pages H830–34

Hastings (WA) amendment (No. 16 printed in part A of H. Rept. 112–398) that streamlines the NEPA process to allow for expedited development of renewable energy projects on Federal lands and waters (by a recorded vote of 250 ayes to 171 noes, Roll No. 66); and **Pages H823–25, H881–82**

Labrador amendment (No. 19 printed in part A of H. Rept. 112–398) that minimizes NEPA requirements for a geothermal exploration test project so a project can quickly move forward if resources are found (by a recorded vote of 244 ayes to 177 noes, Roll No. 69). **Pages H828–30, H883–84**

Rejected:

Thompson (CA) amendment (No. 13 printed in part A of H. Rept. 112–398) that sought to clarify that the legislation does not allow for oil and gas drilling on the northern coast of California (by a recorded vote of 167 ayes to 253 noes, Roll No. 64); **Pages H820–21, H880–81**

Hanabusa amendment (No. 15 printed in part A of H. Rept. 112–398) that sought to require that offshore oil and gas leases contain specific safety requirements (by a recorded vote of 189 ayes to 228 noes, Roll No. 65); **Pages H822–23, H881**

Markey amendment (No. 17 printed in part A of H. Rept. 112–398) that sought to expand on the oil export ban already included in the Arctic drilling subtitle (Sec. 17706) to prohibit export of any natural gas produced pursuant to a lease issued under Title XVII of this Act (by a recorded vote of 168 ayes to 254 noes, Roll No. 67); and **Pages H825–26, H882–83**

Markey amendment (No. 18 printed in part A of H. Rept. 112–398) that sought to require companies holding defective leases which allow them to drill on public lands off-shore without paying a royalty to renegotiate those leases prior to bidding on new leases issued pursuant to Title XVII of this Act (by a recorded vote of 183 ayes to 238 noes, Roll No. 68). **Pages H826–28, H883**

Withdrawn:

Holt amendment (No. 14 printed in part A of H. Rept. 112–398) that was offered and subsequently withdrawn that would have affirmed that nothing in the underlying bill will affect funding for the Land and Water Conservation Fund. **Pages H821–22**

H. Res. 547, the rule providing for consideration of the bill, was agreed to yesterday, February 15th.

Committee Resignation: Read a letter from Representative Speier, wherein she resigned from the Committee on Homeland Security. **Pages H886–87**

Committee Resignation: Read a letter from Representative Tonko, wherein he resigned from the Committee on the Budget. **Page H887**

Committee Election: The House agreed to H. Res. 553, electing Members to certain standing committees of the House of Representatives. **Page H887**

Senate Message: Message received from the Senate by the Clerk and subsequently presented to the House today appears on page H819.

Quorum Calls—Votes: Eight recorded votes developed during the proceedings of today and appear on pages H880–81, H881, H882, H882–83, H883, H884, H885–86, H886. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 8:34 p.m.

Committee Meetings

APPROPRIATIONS—DEPARTMENT OF DEFENSE

Committee on Appropriations: Subcommittee on Defense held a hearing on FY 2013 budget request for the Department of Defense. Testimony was heard from Leon Panetta, Secretary, Department of Defense; General Martin Dempsey, Chairman, Joint Chiefs of Staff; and Robert Hale, Undersecretary of Defense.

APPROPRIATIONS—MILITARY CONSTRUCTION, VETERANS AFFAIRS AND RELATED AGENCIES

Committee on Appropriations: Subcommittee on Military Construction, Veterans Affairs, and Related Agencies held a hearing on Quality of Life in the Military. Testimony was heard from James A. Roy, Chief Master Sergeant, Air Force; Raymond F. Chandler III, Sergeant Major, Army; Michael P. Barrett, Sergeant Major, Marine Corp; and Rick West, Master Chief Petty Officer, Navy.

APPROPRIATIONS—INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

Committee on Appropriations: Subcommittee on Interior, Environment, and Related Agencies held a hearing on FY 2013 budget request for the Department of the Interior. Testimony was heard from the following Department of Interior officials: Ken Salazar, Secretary; David Hayes, Deputy Secretary; and Pamela Haze, Deputy Assistant Secretary, Budget, Finance, Performance and Acquisition.

GOVERNANCE, OVERSIGHT, AND MANAGEMENT OF NUCLEAR SECURITY

Committee on Armed Services: Subcommittee on Strategic Forces held a hearing on governance, oversight, and management of the nuclear security enterprise to ensure high quality science, engineering, and mission effectiveness in an age of austerity. Testimony was heard from Charles Shank, Co-Chair, National Academies Panel on Managing for High Quality Science and Engineering, NNSA National Security Laboratories; Charles B. Curtis, National Academies Panel on Managing for High Quality Science and Engineering at NNSA National Security Laboratories; and public witnesses.

NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST—DEPARTMENT OF THE NAVY

Committee on Armed Services: Full Committee held a hearing on FY 2013 National Defense Authorization

Budget Request from the Department of the Navy. Testimony was heard from Ray Mabus, Secretary of the Navy; Admiral Jonathan W. Greenert, Chief of Naval Operations; and General James F. Amos, Commandant of the Marine Corps.

PRESIDENT'S FISCAL YEAR 2013 REVENUE AND ECONOMIC POLICY PROPOSALS

Committee on the Budget: Full Committee held a hearing entitled ''The President's Fiscal Year 2013 Revenue and Economic Policy Proposals''. Testimony was heard from Timothy Geithner, Secretary, Department of the Treasury.

LEGISLATIVE MEASURES

Committee on Education and the Workforce: Full Committee held a hearing on the following: H.R. 3989, the ''Student Success Act'' and H.R. 3990, the ''Encouraging Innovation and Effective Teachers Act''. Testimony was heard from Tom Luna, Superintendent, Public Instruction, Idaho Department of Education; Bob Schaffer, Chairman, Colorado State Board of Education; Felicia Kazmier, Art Teacher, Otero Elementary School; and public witnesses.

SPENDING OF FEDERAL COMMUNICATIONS COMMISSION

Committee on Energy and Commerce: Subcommittee on Communications and Technology held a hearing entitled ''The Budget and Spending of Federal Communications Commission''. Testimony was heard from Julius Genachowski, Chairman, Federal Communications Commission; David H. Hunt, Inspector General, Federal Communications Commission; and public witnesses.

REGULATORY REFORM SERIES #8— PRIVATE SECTOR VIEWS AFTER ONE YEAR OF EXECUTIVE ORDER 13563

Committee on Energy and Commerce: Subcommittee on Oversight and Investigation held a hearing entitled ''Regulatory Reform Series #8, Private Sector Views of the Regulatory Climate One Year After Executive Order 13563''. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Financial Services: Full Committee held a markup of the following: H.R. 3606, the ''Reopening American Capital Markets to Emerging Growth Companies Act of 2011''; H.R. 2308, the ''SEC Regulatory Accountability Act''; H.R. 1838, to repeal a provision of the Dodd-Frank Wall Street Reform and Consumer Protection Act prohibiting any Federal bailout of swap dealers or participants; and H.R. 4014, to amend the Federal Deposit Insurance Act with respect to information provided to the Bureau of Consumer Financial Protection. H.R. 4014 was ordered reported without amendment. The following were ordered reported, as amended: H.R. 1838, H.R. 2308, and H.R. 3606.

EGYPT AT A CROSSROAD

Committee on Foreign Affairs: Full Committee held a hearing entitled ''Egypt at a Crossroads''. Testimony was heard from public witnesses.

HUMAN RIGHTS VIOLATIONS IN CUBA

Subcommittee on Africa, Global Health, and Human Rights; and Subcommittee on the Western Hemisphere held a joint hearing entitled ''Further Human Rights Violations in Castro's Cuba: The Continued Abuse of Political Prisoners''. Testimony was heard from Representative Burton of Indiana; and public witnesses.

DHS MONITORING OF SOCIAL NETWORKING AND MEDIA

Committee on Homeland Security: Subcommittee on Counterterrorism and Intelligence held a hearing entitled ''DHS Monitoring of Social Networking and Media: Enhancing Intelligence Gathering and Ensuring Privacy''. Testimony was heard from Mary Ellen Callahan, Chief Privacy Officer, Department of Homeland Security; and Richard Chávez, Director, Office of Operations Coordination and Planning, Department of Homeland Security.

SCREENING PARTNERSHIP PROGRAM

Committee on Homeland Security: Subcommittee on Transportation Security held a hearing entitled ''Screening Partnership Program: Why is a Job-Creating, Public-Private Partnership Meeting Resistance at TSA?''. Testimony was heard from John S. Pistole, Administrator, Transportation Security Administration; and public witnesses.

FEDERAL AIR MARSHAL SERVICE 10 YEARS AFTER 9/11

Committee on Homeland Security: Subcommittee on Transportation Security held a hearing entitled ''Last Line of Defense: the Federal Air Marshal Service 10 Years After 9/11''. Testimony was heard from Robert S. Bray, Assistant Administrator for Law Enforcement, Director, Federal Air Marshal Service, Transportation Security Administration; Michael Novak, Assistant Administrator, Training and Workforce Engagement, Transportation Security Administration; Roderick J. Allison, Deputy Assistant Administrator for Law Enforcement, Deputy Director, Federal Air Marshal Service, Transportation Security Administration; and Charles K. Edwards, Acting Inspector General, Office of the Inspector General, Department of Homeland Security.

OFFICE OF VIOLENCE AGAINST WOMEN

Committee on the Judiciary: Subcommittee on Crime, Terrorism and Homeland Security held a hearing entitled "The U.S. Department of Justice and Office on Violence Against Women". Testimony was heard from Susan Carbon, Director, Office of Violence Against Women, Department of Justice.

MISCELLANEOUS MEASURE

Committee on the Judiciary: Full Committee held a markup of H.R. 3541, the "Susan B. Anthony and Frederick Douglass Prenatal Nondiscrimination Act of 2011". The bill was ordered reported, as amended.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Full Committee held a markup of the following: H.R. 1837, the "San Joaquin Valley Water Reliability Act"; and H.R. 4019, the "Federal Forest County Revenue, Schools, and Jobs Act of 2012". Both bills were ordered reported, as amended.

LINES CROSSED: SEPARATION OF CHURCH AND STATE

Committee on Oversight and Government Reform: Full Committee held a hearing entitled "Lines Crossed: Separation of Church and State. Has the Obama Administration Trampled on Freedom of Religion and Freedom of Conscience?". Testimony was heard from public witnesses.

MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2012

Committee on Rules: Full Committee held a hearing on H.R. 3630, the "Middle Class Tax Relief and Job Creation Act of 2012". The Committee granted, by voice vote, a rule waiving all points of order against the conference report and against its consideration. The rule provides that the conference report shall be considered as read. The rule provides that the previous question shall be considered as ordered without intervention of any motion except one hour of debate and one motion to recommit if applicable. Debate on the conference report is divided pursuant to clause 8(d) of rule XXII. Testimony was heard from Representative Brady of Texas; and Representative Levin.

LEGISLATIVE MEASURE

Committee on Small Business: Subcommittee on Economic Growth, Tax and Capital Access held a hearing entitled "Examining the Role of Government Assistance for Disaster Victims: A Review of H.R. 3042". Testimony was heard from Doug Hoell, North Carolina Division of Emergency Management; and public witnesses.

BUDGET REQUEST

Committee on Veterans' Affairs: Subcommittee on Disability Assistance and Memorial Affairs held a hearing on FY 2013 budget request for the Department of Veterans Affairs. Testimony was heard from Diana Rubens, Deputy Under Secretary for Field Operations, Veterans Benefits Administration, Department of Veterans Affairs; Steven Muro, Under Secretary for Memorial Affairs, National Cemetery Administration, Department of Veterans Affairs; Max Cleland, Secretary, American Battle Monuments Commission; and Bruce E. Kasold Chief Judge, U.S. Court of Appeals for Veterans Claims.

ONGOING INTELLIGENCE ACTIVITIES

Select Committee on Intelligence: Full Committee held a hearing on ongoing intelligence activities.

Joint Meetings

MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT

Conferees agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 3630, to extend the payroll tax holiday, unemployment compensation, Medicare physician payment, provide for the consideration of the Keystone XL pipeline.

COMMITTEE MEETINGS FOR FRIDAY, FEBRUARY 17, 2012

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies, hearing on FY 2013 budget request Forest Service, 9:30 a.m., B308–Rayburn.

Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, hearing on FY 2013 budget request Department of Agriculture, 10 a.m., 2362–A Rayburn.

Subcommittee on Homeland Security, hearing on FY 2013 budget request Immigration and Customs Enforcement, 10 a.m., 2359 Rayburn.

Committee on Armed Services, Full Committee, hearing on FY 2013 National Defense Authorization Budget Request from the Department of the Army, 10 a.m., 2118 Rayburn.

Committee on the Judiciary, Subcommittee on Intellectual Property, Competition and the Internet, hearing entitled "Litigation as a Predatory Practice", 9:30 a.m., 2141 Rayburn.

Committee on Natural Resources, Subcommittee on Energy and Mineral Resources, hearing on H.R. 785, to amend

the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payment for certain noncoal reclamation projects, 9 a.m., 1310 Longworth.

Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs, hearing entitled ''Fish and Wildlife Service's Proposed Comprehensive Conservation Plan and it Potential Devastating Impact on the Economy of the Town of Chincoteague, Virginia'', 9:30 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, Subcommittee on Technology, Information Policy, Intergovernmental Relations and Procurement Reform, hearing entitled ''How Much is Too Much? Examining Duplicative IT Investments at DOD and DOE'', 9:30 a.m., 2154 Rayburn.

Committee on Science, Space, and Technology, Full Committee, hearing entitled ''An Overview of the Administration's Federal Research and Development Budget for Fiscal Year 2013'', 9:30 a.m., 2318 Rayburn.

Next Meeting of the **SENATE**

10 a.m., Friday, February 17

Senate Chamber

Program for Friday: After the transaction of any morning business (not to extend beyond 11 a.m.), Senate will continue consideration of S. 1813, Moving Ahead for Progress in the 21st Century, with a vote on the motion to invoke cloture on Reid Amendment No. 1633, and Senate will vote on confirmation of the nomination of Jesse M. Furman, of New York, to be United States District Judge for the Southern District of New York. Also, Senate expects to begin consideration of the conference report to accompany H.R. 3630, Middle Class Tax Relief and Job Creation Act.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

9 a.m., Friday, February 17

House Chamber

Program for Friday: Consideration of the Conference Report on H.R. 3630—Temporary Payroll Tax Cut Continuation Act.

Extensions of Remarks, as inserted in this issue

HOUSE

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